

**Town of Raymond**  
**Town Meeting Warrant – June \_\_, 2012**

**ARTICLE \_\_:** Shall Article 9, Section T and Article 12 of the Town of Raymond Land Use Ordinance, as adopted May 21, 1994 and amended through June 7, 2011, be further amended by adding the underscored language and deleting the language in strikeover type as shown below?

*[Note: The use of the word "Article" within the ordinance does not indicate a separate warrant article.]*

**Town of Raymond Land Use Ordinance**

**ARTICLE 9 - MINIMUM STANDARDS**

**T. Back Lots and Back Lot Driveways** *[Adopted 6/7/11]*

Back lots may be developed for single-family residential use if they are served by a back lot driveway approved by the Reviewing Authority ~~Planning Board~~ (hereinafter the "Board") pursuant to the following provisions:

1. Reviewing Authority. Code Enforcement Officer permit approval under the provisions of this section shall be required for back lot and back lot driveway applications not subject to Planning Board review. Planning Board permit approval under the provisions of this section shall be required for back lot and back lot driveway applications that seek a waiver of any submission requirements or any criteria of this section, or that do not meet the minimum width of 50 feet pursuant to paragraph 2, or do not propose relocating any existing driveway to the back lot right of way pursuant to paragraph 6, or that will have a public hearing pursuant to paragraph 15. The Code Enforcement Officer may require that any back lot and back lot driveway application be reviewed by the Planning Board if, in the opinion of the Code Officer, the staff review process is unable to adequately resolve all relevant issues raised by the sign application review process.
2. The back lot driveway must be located within a right-of-way with a minimum width of 50 feet. The ~~Planning Board~~ Reviewing Authority may approve a back lot driveway right-of-way with a minimum width of 40 feet if it determines that no alternative exists. The right of way must be conveyed by deed recorded in the Cumberland County Registry of Deeds to the owner of the back lot.
3. A legal description of the back lot right-of-way by metes and bounds shall be attached to any building permit application for construction on the back lot.
4. A back lot right-of-way shall be created only over a front lot that is conforming to public road frontage and lot size at the time of creation of the right of way. That portion of the front lot within the right of way shall be considered part of the front lot for purposes of space and bulk regulations. Existing buildings on the front lot need only be set back from the right-of-way by a distance equivalent to the minimum side setback in the applicable zoning district. For front lots that are

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vacant on the effective date of this ordinance, access to future buildings on the front lot shall be from the right of way. For the purposes of this section, the portion of the back lot driveway within the back lot may not be used to satisfy the back lot's minimum lot area requirement, and the applicable frontage requirement for the back lot shall be met by the portion of the back lot driveway within the back lot.

5. A back lot driveway shall originate at a public road and shall provide any back lots on the back lot driveway with direct access to a public road and convenient and safe emergency vehicle access.
6. If the front lot is already developed, the existing driveway shall be relocated to the back lot right of way unless the Board Reviewing Authority determines that it is prohibited by site conditions or the orientation of existing buildings.
7. A back lot driveway shall serve no more than two back lots unless it is improved to meet the standards for private streets in Section 5.5 of the Raymond Street Ordinance. No more than one back lot served by the same back lot driveway shall be created during any 5-year period. Prior to the creation of a second back lot, the applicant shall submit for review and approval a proposed revision of the back lot driveway plan previously approved by the Board Reviewing Authority and a plan for driveway maintenance as described in paragraph 7.
8. If more than one residence is to have access to the back lot driveway, the application shall include a plan setting forth how the street and associated drainage structures and required buffers and stormwater management facilities are to be maintained. Responsibility may be assigned to a lot owners association or to lot owners in common through provisions included in the deeds for all lots that will utilize the back lot driveway for access. The applicant shall submit appropriate legal documentation such as proposed homeowners association documents or proposed deed covenants for Board Reviewing Authority review. This documentation must address specific maintenance activities such as summer and winter maintenance, long-term improvements and emergency repairs and include a mechanism to generate funds to pay for such work.
9. No more than one back lot right-of-way may be created out of a single front lot unless each subsequent right-of-way is created out of at least an additional amount of frontage as required in the applicable zoning district. The entrances of such rights of way onto the public road shall be separated by a distance equivalent to at least the required frontage in the zoning district plus half the right of way width.
10. Each dwelling constructed on a back lot shall be set back at least 200 feet from public roads.
11. A back lot driveway must conform to the minimum sight distance of Section 5.8 of the Raymond Street Ordinance.

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12. The back lot must comply with all space and bulk regulations in the applicable zoning district as well as the lot standards of Article 9, Section U of the Land Use Ordinance.
13. The minimum travel way width of a back lot driveway shall be 12 feet with 1 foot shoulders. The maximum grade shall be 12 percent. The minimum grade shall be 0.5%. The roadway crown shall be 1/4" per one foot, except that the roadway crown shall be 1/2" per one foot for unpaved or gravel road surfaces. The minimum angle of the intersection of the back lot driveway with the roadway shall be 75 degrees.
14. All applications for a backlot driveway to be submitted for review by the ~~Planning Board~~ Reviewing Authority shall include the following information:
  - a. Names of applicants and owners of land for the location of the proposed back lot driveway.
  - b. A statement of any legal encumbrances on the land for the location of the back lot driveway.
  - c. The anticipated starting and completion dates.
  - d. The plans shall be prepared by a registered land surveyor or engineer and shall include the following:
    - i. Date, scale and magnetic or true north point.
    - ii. Locations of all existing and proposed overhead and underground utilities including, but not limited to, water, sewer, electricity, telephone, fuel storage, lighting and cable television.
    - iii. The plan shall include any back lots that are to be accessed by the proposed back lot driveway. Such lots shall conform to the requirements of Section U. and the plan shall include lot bearings, distances and proposed monumentation.
    - iv. Plans shall include a plan view and typical cross-section of the proposed back lot driveway including the locations of any streets or driveways located within 300 feet.
    - v. Kind, size, location and material of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways. The ~~Board~~ Reviewing Authority may require that such structures be designed and sized in accordance with a stormwater management plan prepared by a registered professional engineer in conformance with the requirements of Section U. 5.

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- vi. A phosphorous impact plan in conformance with the requirements of Section U. 5.
  - vii. A soil erosion and sedimentation control plan in conformance with the requirements of Section U. 6.
15. If the ~~Board~~ Reviewing Authority determines that due to site conditions, proximity of nearby uses, traffic conditions or similar circumstances, or relevant comments received, that a public hearing is advisable, the Planning Board may schedule a public hearing at its next regularly scheduled meeting. The Board shall cause notice of the date, time and place of such hearing to be given to the applicant and all property owners abutting the proposed back lot driveway and lots that are to be accessed by the back lot driveway, to be published in a newspaper of general circulation in the Town of Raymond at least 7 days prior to the hearing.
16. If the reviewing authority determines that a public hearing is not required, the reviewing authority shall cause notice to be given to the applicant and all property owners abutting the proposed back lot driveway and lots that are to be accessed by the back lot driveway. The notice shall state the time location and manner in which the application may be reviewed and the manner in which comments may be submitted for the reviewing authority's consideration prior to its review and determination.
17. The ~~Board~~ Reviewing Authority shall review the application, consider relevant comments received, and determine whether it complies with the requirements of this Section. The ~~Board~~ Reviewing Authority shall grant or deny approval on such terms and conditions, as it may deem advisable to satisfy all applicable ordinances. In all instances, the burden of proof shall rest upon the applicant. In issuing its decision, the ~~Board~~ Reviewing Authority shall make a written finding of fact establishing that the application does or does not meet the provisions of applicable ordinances. The ~~Board~~ Reviewing Authority shall sign the approved plan. The applicant must record the approval in the Cumberland County Registry of Deeds within 30 days of approval. If the applicant does not record the approval within 30 days of approval, then the approval becomes void unless the recording period is extended by the ~~Board~~ Reviewing Authority for ~~of~~ good cause shown.

**ARTICLE 12 - APPLICABILITY AND DEFINITION OF TERMS USED IN THIS ORDINANCE**

**Back Lots** - A lot that does not have street frontage directly on a public or private road. Direct access to a public road, and frontage requirements, are met for back lots through an application for a back lot driveway plan approved by the ~~Planning Board~~ Reviewing Authority under Article 9, Section T of the ordinance.