**ARTICLE __: Shall Article 9T and Article 12 of the Raymond Land Use Ordinance, as adopted May 21, 1994 and amended through June 5, 2012, and Article 3 of the Town of Raymond Subdivision 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 5/18/02]***

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

Reviewing Authority. The Reviewing Authority is defined as the Code Enforcement Officer (CEO) or Planning Board. The CEO may grant permit approval under the provisions of this section, however Planning Board permit approval shall be required for any application seeking a waiver of any submission requirements or any criteria of this section which are allowed to be waived. The CEO may require that any application be reviewed for approval by the Planning Board if, in the opinion of the CEO, the staff review is unable to adequately resolve all relevant issues raised by the Back Lot Driveway application.

1. The back lot driveway must be located within a right-of-way with a minimum width of 50 feet. The Planning Board 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.

2. 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.

3. A back lot right-of-way shall be created only over a front lot that ~~is conforming to~~ meets ~~public road~~ street frontage requirements along a street that is ~~and lot size~~ consistent with Town construction and design standards for a public or private street. Lot dimensional size requirements shall be consistent with the Town of Raymond Land Use Ordinance 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. The back lot right- of- way shall be considered the front of the lot for the purposes of determining the front setbacks for both the existing and newly created lot(s). 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 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.

4. A back lot driveway shall originate from a street ~~at a public road~~ constructed in accordance with the Town of Raymond Street Ordinance standards for a public or private street. The back lot driveway design shall include a turnaround layout that meets the design standards in the Town of Raymond Street Ordinance and that will accommodate safe emergency vehicle access to the lot ~~and shall provide any back lots on the back lot driveway with direct access to a public road~~. A private street shall meet the minimum private street standards for the section of road 300 feet on both sides of the intersection where the back lot driveway originates. The Planning Board may waive this requirement to no less than 200 feet, if deemed adequate to maintain a safe site distance.

5. If the front lot is already developed, the existing driveway shall be relocated to the back lot right of way unless there exists a minimum of 100 feet between the existing driveway and the newly proposed right of way, or the Planning Board determines that ~~it~~ such relocation is prohibited by site conditions or the orientation of existing buildings.

6. 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~~. In the event the creation of both back lots are not part of the same approved plan, 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.

7. 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.

8. 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~~ existing 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.

9. ~~Each dwelling constructed on a back lot shall be set back at least 200 feet from public roads.~~

~~10. A back lot driveway must conform to the minimum sight distance of Section 5.8 of the Raymond Street Ordinance.~~

11. 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 Town of Raymond Land Use Ordinance.

12. 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, with a maximum grade of 3 percent for the first 50 feet. The minimum grade shall be 0.5%. The roadway crown shall be ¼" per one foot, except that the roadway crown shall be ½ " 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.

13. All applications for a back lot 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 and a statement regarding any waivers requested 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 a locus map with 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 may require that such~~ All drainage structures shall be designed and sized in accordance with a stormwater management plan prepared by a registered professional engineer in conformance with the requirements of Article 9, Section U.5 of the Town of Raymond Land Use Ordinance. If deemed appropriate by the Planning Board, an applicant may meet the requirements of the Point System by allowing the use of land on abutting lots with proof of easement and a legally binding agreement assigning specific maintenance duties and responsibilities.

        vi. ~~A phosphorous impact plan in conformance with the requirements of Section U. 5.~~ A phosphorous impact plan must be included in the application package in conformance with the requirements of Article 9, Section U. 5. of

the Raymond Land Use Regulations for a back lot driveway entirely or partially located within 600 feet (horizontal distance) of the normal high water line of a great pond or river, 250 feet (horizontal distance) of the upland edge of a freshwater wetland, or 100 feet (horizontal distance) of the normal highwater line of a stream, unless otherwise triggered by State or Federal law.

vii. A soil erosion and sedimentation control plan in conformance with the requirements of Article 9 Section U.6., of the Raymond Land Use Ordinance.

14. If the ~~Board~~ Reviewing Authority determines that due to site conditions, proximity of nearby uses, traffic conditions or similar circumstances that a public hearing is advisable, the CEO may refer the application to the Planning Board, which may schedule a public hearing at its next regularly scheduled meeting. The applicant shall submit plans and design information within at least twenty-one (21) days prior to a scheduled Planning Board hearing. 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.

15. The ~~Board~~ Reviewing Authority shall review the application 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 of good cause shown.

14. For front lots that are vacant on the effective date of this ordinance, access to future buildings on the front lot shall be from the back lot driveway 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.

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

Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is always mandatory. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The word "lot" includes the word "plot" or "parcel". The words "used" or "occupied" as applied to any land or building, shall be construed to include the words, "intended, arranged, or designed to be used or occupied."

Except as specifically defined herein, all words in this Ordinance shall carry their customary dictionary meanings. For the purposes of this Ordinance, certain words or terms used herein are to be construed or defined as follows:

**Back Lot Driveway** - A driveway within a defined location serving access and frontage purposes for no more than two back lots and which originates ~~at a~~ from a street constructed in accordance with the Town of Raymond Street Ordinance standards for a public or private street.~~public road~~ Town accepted street or from a road constructed in accordance with the Town of Raymond Street Ordinance standards for a private street.

**Street** – ~~Any public way or thoroughfare for the conveyance of motor vehicles whether in existence as an accepted Town street or road used as a public way or set aside for such use in a platform, etc.~~ A public way which affords the principal means of access to abutting properties, or a proposed way that is intended to be accepted by the Town as a public way in accordance with the Town of Raymond Street Ordinance, or a private street as defined in this ordinance. The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc.

**Minor Street**- A street designed to serve as primary residential access, and which meets the design standards for Public Streets as outlined in Section 5.5 of the Town of Raymond Street Ordinance.

**Private Street-** A street designed to serve as primary access to two or more residential lots, which is built to standards as outlined in Section 5.5 Street Design Standards of the Town of Raymond Street Ordinance. Private Streets are to be maintained by an owner, or ownership such as a homeowners association, and shall not be accepted as a public street unless the street is proven to meet the public road standards as determined by the Public Works Director and a State of Maine Professional Engineer.

**Town of Raymond Subdivision Ordinance**

**ARTICLE 3 – DEFINITIONS**

In general, words and terms used in these Standards shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

**Street** - ~~The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc.~~ A public way which affords the principal means of access to abutting properties, or a proposed way that is intended to be accepted by the Town as a public way in accordance with the Street Ordinance, or a private street as defined in this ordinance. The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc.

**Minor Street**- A street designed to serve as primary residential access, and which meets the design standards for Public Streets as outlined in Section 5.5 of the Town of Raymond Street Ordinance.

**Private Street** - A street designed to serve as primary access to two or more residential lots, which is built to standards as outlined in Section 5.5 Street Design Standards of the Town of Raymond Street Ordinance. Private Street are to be maintained by an owner, or ownership such

as a homeowners association, and shall not be accepted as a public street unless the street is proven to meet the public Street standards as determined by the Public Works Director and a State of Maine Professional Engineer.