**ARTICLE __: Shall the Town of Raymond Street Ordinance, as adopted May 18, 2002 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 Street Ordinance**

**4.6Application Review**

The schedule for review of a proposed public or private street or lengthening of an existing public or private street proposed as part of a subdivision shall be as described in the Subdivision Regulations. For all other proposed streets or lengthening of existing streets, the following shall apply.

**4.8 Back Lot Driveways**

A. 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.

~~A.~~ B. A back lot driveway shall not be constructed without prior ~~Board~~ approval from the Reviewing Authority. The applicant shall submit plans to the ~~Board~~ Reviewing Authority at least 21 days prior to a scheduled meeting of the Board if the application is referred by the Code Enforcement Officer for Planning Board approval. The fee schedule for review of plans for a back lot driveway shall be established by the Board of Selectmen. The Reviewing Authority must ensure that the Back Lot Driveway application submission requirements and criteria in Article 9, Section T of the Town of Raymond Land Use Ordinance are satisfied before approving any application. ~~The application shall include the following information:~~

~~1. Names of applicants and owners of land for the location of the proposed back lot driveway.~~

~~2. A statement of any legal encumbrances on the land for the location of the back lot driveway.~~

~~3. The anticipated starting and completion dates.~~

~~4. The 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. The plans shall also include the following:~~

~~i. Date, scale and magnetic or true north point.~~

~~ii. 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. Such 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 14 of the Subdivision Regulations.~~

~~iii. 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.~~

~~iv. A soil erosion and sedimentation control plan in conformance with the requirements of Article 5, section 2.B.17 of the Subdivision Regulations.~~

~~v. For a back lot driveway to be located within the watershed of a great pond, a phosphorous impact plan as further described in Article 9, section 14 of the Subdivision Regulations.~~

~~vi. 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 Article 9, sections U of the Land Use Ordinance and include lot bearings, distances and proposed monumentation.~~

~~vii. 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 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.~~

~~B.~~ C. Upon receipt of plans for a proposed back lot driveway, the Code Enforcement Officer shall determine whether the application is complete. If the application is determined to be complete, the Code Enforcement Officer shall decide either to review the application for approval or schedule it for review by the Board at the next regularly scheduled meeting.

~~C.~~ D. The ~~Board~~ Reviewing Authority shall review the application and determine whether it complies with the requirements of Sections 4.8 and 5.5 of this Ordinance as well as all other applicable ordinances of the Town of Raymond. 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, which shall be recorded within 30 days of approval in the Cumberland County Registry of Deeds.

~~D.~~ E. Public Hearing. If the Board is acting as the Reviewing Authority and determines that due to site conditions, proximity of nearby uses, traffic conditions or similar circumstances that a public hearing is advisable, the 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 street 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.

~~E.~~ F. Should an applicant propose that a back lot driveway serve more than two back lots, such driveway must be improved to fully comply with the requirements for a private street.

5.5 Street Design Standards (amended 5-17-03)

A. The following standards apply to new public and private streets, as well as back lot driveways (see Appendix A for illustration of typical street sections by type of street):

| **Description** | **Type of Street** | | | | |
|---|---|---|---|---|---|
| | Arterial | Collector | Minor Street | Private Street [1] | Back Lot Driveway |
| Minimum Right-of way Width | 80' | 60' | 50' | 50' | 50'[3] |
| Minimum Travel Way Width | 44' | 22' | 20' | 18' | 12' |
| Sidewalk Width | N/A | N/A | N/A | N/A | N/A |
| Minimum Grade | .5% | .5% | .5% | .5% | N/A |
| Maximum Grade | 5% | 6% | 8% | 10% | 12% |
| Minimum Centerline Radius | 500' | 230' | 150' | 150' | N/A |
| Minimum Tangent between Curves of reverse alignment | 200' | 100' | 50' | N/A | N/A |
| Roadway Crown | ¼"/ft | ¼"/ft | ¼"/ft | ¼"/ft | N/A |
| Minimum Angle of Street Intersections[2] | 90º | 90º | 75º | 75º | 75º |
| Maximum Grade within 75 ft. of Intersection | 2% | 2% | 2% | 2% | N/A |
| Minimum Curb Radii at Intersections | 30' | 20' | 15' | 15' | N/A |
| Minimum ROW Radii at Intersections | 20' | 10' | 10' | 10' | 10' |
| Minimum Width of Shoulders (each side) | 5' | 5' | 5' | 3' | 1' |

1. A private street which will serve fewer than 4 residences shall have a minimum travel way of 12 feet with two-2 foot shoulders and a maximum grade of 12% (3% for the first 50 ft). A private street which will serve 4-10 residences will have a minimum travel way of 16 feet with two 3-foot shoulders and a maximum road grade of 12%.

2. Street intersection angles shall be as close to 90º as feasible but no less than the listed angle.

3. Unless a right-of-way of lesser width is approved by the ~~Code Enforcement Officer~~ Reviewing Authority pursuant to ~~Section IX.T.1~~ Article 9, Section T.1 of the Land Use Ordinance

5.9 Sidewalks

If sidewalks exist on the project site or adjacent properties or if significant pedestrian traffic is present or anticipated in the future, the Planning Board may require the installation of sidewalks that meet the following minimum requirements:

B. Portland Cement Concrete Sidewalks. The ~~sand~~ aggregate base shall be at least 6 inches thick. The Portland cement concrete shall be 4 inches thick and be reinforced with 6-inch square, no. 10 wire mesh.

**9. Inspection**

C. Modification during Construction: If at any time before or during construction of the ~~road~~ Street or back lot driveway it is demonstrated to the satisfaction of the appointed inspector that unforeseen conditions make it necessary or preferable to modify the location or design of the ~~road~~ Street, the appointed inspector may authorize modifications provided such modifications are within the spirit and intent of the Board's approval. The appointed inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Board as its next regular meeting.

**14. Definitions**

Back Lot Driveway. A driveway ~~that provides access to a back lot created on or after May 18, 2002 and that:~~within a defined location serving access and frontage purposes for no more than two back lots and which originates from a street constructed in accordance with the Town of Raymond Street Ordinance standards for a public or private Street.

1. ~~Originates at a public or private road.~~
2. ~~Is developed within a 50-foot right of way.~~
3. ~~Serves no more than two back lots.~~
4. ~~Conforms to requirements of Section 4.8 and 5.5 of the Raymond Street Ordinance.~~

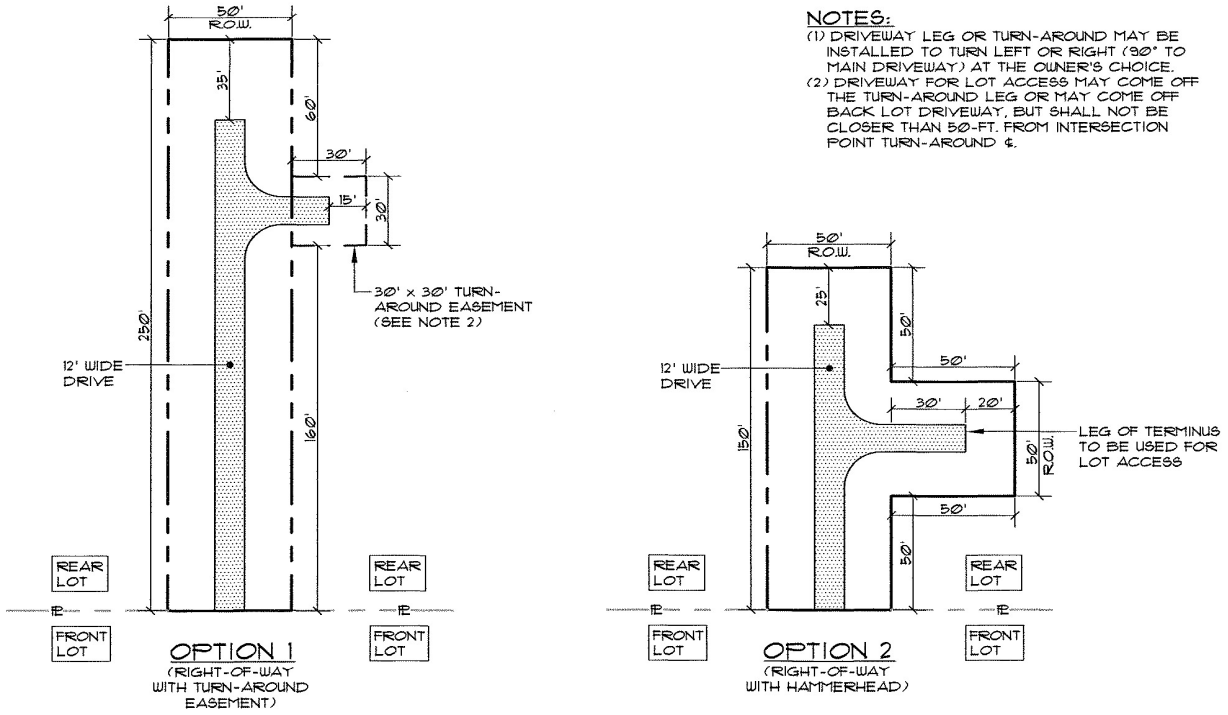
~~Minor Street. A street that primarily serves for access to abutting properties.~~

Street. 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 this Ordinance, or a private street as defined in this Ordinance. The word "~~S~~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 in Section 5.5 of this Ordinance.

Private Street- A street designed to serve as primary access to two or more residential lots, which meets the design standards for private streets in Section 5.5 of this 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.

## Appendix


NOTES:
(1) DRIVEWAY LEG OR TURN-AROUND MAY BE INSTALLED TO TURN LEFT OR RIGHT (90° TO MAIN DRIVEWAY) AT THE OWNER'S CHOICE.
(2) DRIVEWAY FOR LOT ACCESS MAY COME OFF THE TURN-AROUND LEG OR MAY COME OFF BACK LOT DRIVEWAY, BUT SHALL NOT BE CLOSER THAN 50-FT. FROM INTERSECTION POINT TURN-AROUND ℄.
50' R.O.W.
35'
60'
30'
15'
30'
30' x 30' TURN-AROUND EASEMENT (SEE NOTE 2)
250'
12' WIDE DRIVE
160'
REAR LOT
FRONT LOT
OPTION 1
(RIGHT-OF-WAY WITH TURN-AROUND EASEMENT)
50' R.O.W.
25'
50'
50'
30'
20'
150'
50' R.O.W.
LEG OF TERMINUS TO BE USED FOR LOT ACCESS
50'
50'
12' WIDE DRIVE
REAR LOT
FRONT LOT
OPTION 2
(RIGHT-OF-WAY WITH HAMMERHEAD)
BACKLOT DRIVEWAY TERMINUS
NOT TO SCALE