To: Raymond BOS
Fr: Kevin Fay (141 Spiller Hill Rd. / 11 Spiderweb Way)
Date: May 28, 2013
Re: Proposed Revisions to Present Shoreland Zoning Ordinances

Background

In 2012 when Frye Island first formally proposed constructing a mainland parking facility on Raymond Cape, I was surprised that stand-alone parking facilities are deemed an acceptable use in the Shoreland Zone (see attached; Table 1, page 13 Land Uses in the Shoreland Area, Item 27 in *Raymond Shoreland Zoning Provisions).*

As I understand it, Raymond's current ordinances for the Zone are a set of broad provisions drafted by the Maine DEP to serve as guidelines that can be adopted by any Maine municipality. In examining these present ordinances, they appear quite general and non-specific, making them unable to account for very unique situations such as the Frye Island parking lot proposal. It is my belief that the current language which allows for these parking facilities in the Shoreland Zone lacks the specificity to appropriately protect the character of Raymond's rural neighborhoods and our vital water resources, as well as remain consistent with the Town's Comprehensive Plan.

I appeared before the BOS in March (during public comment) to briefly inform members of my feelings about the ordinances and that I would be exploring options for addressing what I felt were limitations with the current language. I followed-up with a more in-depth email to Board members the following day.

Having met twice with Town staff since then and subsequently having completed a review of zoning ordinances in other communities across Maine (per the suggestion of a contact at Maine DEP), I found no language which differs from the current wording of the ordinances for the Shoreland Zone and which would offer the greater protections I am seeking. Given that, we set out on our own to work with a professional land use Planner to improve the language of the current regulations in place in Raymond.

The attached document prepared by the Planner presents a brief situation analysis of the Frye Island parking lot proposal for Raymond Cape and a discussion of those issues.

Suggested revisions to appropriate ordinances for the Shoreland Zone in Raymond are also presented, with the aim of offering more specific and protective language concerning the construction of "Parking" in the Zone.

The attached document has been reviewed by Town contract planning staff in Raymond (see attached commentary).

Overview & Summary Observations Concerning Shoreland Zoning Ordinances

Of the two sets of ordinances under consideration (*Land Use Ordinances for the Town of Raymond* and *Raymond Shoreland Zoning Provisions*), the Planner focuses attention largely on the regulations covering the Shoreland Zone.

The necessity of offering parking in the Shoreland Zone is discussed, with the assumption that municipal or commercial parking in the Zone typically exists for the explicit purpose of offering direct water access (i.e. Tassel Top and Raymond Beach).

Unlike the proposed Frye Island project, however, those existing parking lots in the Zone are not stand-alone uses and serve a purpose on the property in which they have been constructed.

Further, unlike Tassel Top and Raymond Beach, the Frye Island facility has been presented as a stand-alone facility that is not an ultimate destination.

As such, the Planner speaks of *principal* and *accessory* uses. Other than parking, there is no *principal* use on the proposed Frye Island site and the parking is, in fact, not *accessory* to anything on the site.

Because parking is most typically an accessory – not a principal – use, the magnitude of a parking area is often determined by the use to which it is accessory. For instance, if Frye Island wished to construct a town office or other such facility on the mainland site, the parking would then be accessory to an actual principal use, but should be reviewed by the Planning Board within the use category for that intended principal use. In other words, if a town office were proposed, the volume of spaces on the site should be reviewed for appropriateness to their designated purpose.

However, without a principal use on site that might dictate the volume of parking, the current ordinances cannot manage the extent of the parking currently proposed or regulate any growth of the proposed Frye Island facility, should it be approved. Indeed, a review of historical documents of Frye Island's plans dating to 2007 suggests a goal of upwards of 200 spaces, boat trailer storage, contractor parking, golf cart parking, storage facilities for drop-offs of deliveries for Frye Island's retail facilities, overhead motion-sensitive flood lighting, etc. on a 20+ acre site (see attached engineering document of proposed expansion of facility currently under review by the Planning Board). This type of sprawling development in the Zone is antithetical to one of the principal goals in Raymond's Comprehensive Plan (see attached; Section 12, page 16 *Goals, Policies, and Strategies*). It is my belief that a change in ordinance language is required to prevent such inappropriate development in the Shoreland Zone and in Raymond's rural neighborhoods in general, as given current language, this type of development would be allowed adjacent to any and all of the significant bodies of water in Raymond: Sebago Lake, Panther Pond, Crescent Lake, and others.

In response, the Planner proposes adding language prohibiting stand-alone parking without a principal use on site, specifically by adding a statement that parking areas are not permitted unless accessory to a permitted principal use located on the same or contiguous property, such as with the existing Shoreland Zone parking in Raymond at Tassel Top and at Raymond Beach.

Further, the Planner also suggests clarification of the notion of "municipal" use, specifying it be made clear that the intended municipal uses should be those of the Town of Raymond only, not any other municipality. It is the Planner's professional opinion that the broad category of "municipal use" would actually override any other restrictions on specific uses that are being suggested here, thereby necessitating greater specificity around the word "municipal." It is my understanding that in the world of land use planning, the category of "municipal use" in the development of regulations has generally been intended to allow a municipality to go beyond the provisions of other use categories, presumably in the public interest. When another municipality that is not Raymond becomes involved in creating a "municipal use," it becomes somewhat murky, as in this case Frye Island has some fairly non-traditional/non-essential municipal uses (e.g. a golf course, tennis courts, etc.), so that community's particular vision of reasonable municipal uses for the site could be quite broad and even extend well beyond this proposed parking lot. Again, the general nature of the existing ordinance language is such that it could not foresee and account for such a unique situation as Frye Island seeking to site a large parking facility in another town.

Interestingly, the Planner also makes some observations about the apparent inadequacy of Frye Island's infrastructure/ferry system and what she sees as the likely results of an approved Phase I facility which is currently under review by the Planning Board in Raymond (safety, crossing traffic, circling car traffic, etc.) that are actually quite similar to concerns also voiced by the Planning Board's about the current proposal.

Concluding Remarks

Thank you for your consideration of these suggested revisions.

It is my position (and that of the professional Planner who assisted in their development), that these modifications will offer appropriate safeguards against further large scale development of stand-alone parking lots in the Shoreland Zone. I believe the Town's contract planner who advises on ordinances has also endorsed these revisions.

I believe the revisions, if implemented, will offer important protections to our valued rural residential neighborhoods, be more consistent with the Town's Comprehensive Plan regarding the preservation of rural character, and also limit the extent of runoff and pollution affecting our water resources that are often exacerbated by the construction of large parking lots near our lakes and streams.

I look forward to hearing the Board's thoughts.

The Town now uses a capital improvement program which is prepared by the Town Manager and Finance Director and is reviewed by the Budget/Finance Committee.

4. **Evaluate the use of** specific reserve funds which would be added to annually to meet future needs.

   a. Establish reserve funds **where appropriate** for **capital** equipment, and purchase of land for **natural resources protection and** expansion of Town facilities.

   b. **Create and continue mechanisms for the Town** to receive charitable contributions for general or specific use by the Town.

5. Investigate the applicability and feasibility of charging impact fees.

   a. Investigate the experience of other communities in the use of impact fees and determine the applicability to Raymond.

   b. Develop and adopt an impact fee program, if an ordinance requiring impact fees appears feasible in Raymond.

   Impact fees were evaluated in the mid-1990s but never implemented. It's probably a good idea to explore the issue again.

LAND USE

GOAL: MAINTAIN THE RURAL CHARACTER OF RAYMOND

1. Take steps to slow Raymond's rate of growth and ensure that the majority of growth over the next 10 years occurs in Raymond's growth Districts (the Commercial, Industrial and Village I Districts)

   a. **Implement a growth cap in the town's rural areas.**

   b. Reduce the lot size requirement in the Village I District from 60,000 square feet to 1 acre, and reduce the frontage requirement on town roads from 225 feet to 100 feet.

   c. Maintain the existing boundaries of the Commercial District.

   d. Change the Village Residential II District to mostly Rural Residential and change the remainder of the Village II District to Village Residential I, as shown on the Future Land Use Map.

   e. Change the lot size requirement in the LRRI District from 2 acres to 3 acres, but maintain an overall density requirement of 2 acres/dwelling for open space subdivisions.

LAND USES contd.	RP	SP	LRR1 LRR2
10. Mineral extraction including sand and gravel	CEO[3]	no	CEO
11. Surveying and resource analysis	yes	yes	yes
12. Emergency operations	yes	yes	yes
13. Agriculture*	PB	yes	yes
14. Aquaculture	PB	PB	PB
15. Principal structures and uses	.	.	.
15. A. Single family residential	no	no	CEO
15. B. Two family residential	no	no	CEO
15. C. Multi-family residential	no	no	no
15. D. Small non-residential facilities for education, scientific, or nature interpretation purposes	PB	PB	CEO
15. E. Municipal [Adopted 3/18/00]	no	no	PB
15 F. Elderly Housing [Added 5/21/05]	no	no	yes
16. Structure accessory to allowed uses	PB	PB	CEO
17. Piers, docks, wharves, bridges and other structures and uses extending over or below the normal high water line or within a wetland	.	.	.
17. A. Temporary	CEO[7]	CEO	CEO[7]
17. B. Permanent	PB	PB	PB
18. Conversions of seasonal residences to year-round residences	no	no	CEO
19. Home occupations**	no	no	yes
20. Private sewage disposal systems for allowed uses	no	no	CEO
21. Essential services	PB[4]	PB[4]	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB
24. Personal campsites	CEO	CEO	CEO
25. Campgrounds	no[5]	no	PB
26. Road and driveway construction*	no[6]	PB	CEO
27. Parking facilities	no[5]	no	PB
28. Marinas	no	PB	PB
29. Filling and earthmoving of less than 10 cubic yards	CEO	CEO	yes
30. Filling and earthmoving of more than 10 cubic yards	PB	PB	CEO
31. Signs*	yes	yes	yes
32. Uses similar to allowed uses	CEO	CEO	CEO
33. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO
34. Uses similar to uses requiring a PB permit	PB	PB	PB

* There may be additional performance standards in Article 9 of the Raymond Land Use Ordinance beyond those in Section 15 of these shoreland zoning provisions.

** Home occupations are those land uses that conform with the requirements of Article 9. A home occupation that conforms to Article 9 and that is specifically permitted by

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