



# Town of Raymond

## Board of Selectmen ePacket

### March 8, 2016

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# Agenda

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## **BOARD OF SELECTMEN Agenda**

March 8, 2016

6:00pm – Workshop – Classification &  
Compensation Study

7:00pm – Regular Meeting

Broadcast Studio  
423 Webbs Mills Road

*Resolution: We, the Raymond Board of Selectmen, recognize our individual and collective responsibilities as leaders and representatives of our community. To this end, we pledge to conduct ourselves in a manner befitting these roles and duties. We pledge and encourage others to "Be the Influence" and to recognize that decisions matter.*

- 1) **Call Workshop to order at 6:00pm**
- 2) **Classification & Compensation Study Workshop**
- 3) **Call Regular Meeting to order at 7:00pm**
- 4) **Minutes of previous meeting**
- 5) **New Business**
  - a) **CMP – Proposal to Acquire a Portion of the Town Owned Parcel Located at Map 5 Lot 19 (Patricia Avenue Site) – Peggy Dwyer for Central Maine Power Real Estate Services**
  - b) **Executive Session**
    - Pursuant to **1 MRSA §405 (6)(C)** – hear and discuss CMP's offer
  - c) **Annual Appointment – Voter Registrar – Sue Look, Town Clerk/Voter Registrar**
  - d) **Proposed Ordinance Amendments for Town Meeting Warrant – Chris Hanson, Code Enforcement Officer**
- 6) **Public Comment**
- 7) **Selectman Comment**
- 8) **Town Manager's Report and Communications**
  - a) **Confirm Dates for Upcoming Regular Meetings**
  - b) **Reminder of Upcoming Budget Meetings**
  - c) **Reminder of Upcoming Election Schedule**
- 9) **Treasurer's Warrant – March 8, 2016**
- 10) **Executive Session**
  - a) **Pursuant to 1 MRSA §405 (6)(A) – discuss Town Manager's annual review**
- 11) **Adjournment**

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*Selectman's Meeting Agenda (Page 1 of 1) March 8, 2016*

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# Summary

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## BOARD OF SELECTMEN Agenda Summary

March 8, 2016

6:00pm – Workshop – Classification &  
Compensation Study

7:00pm – Regular Meeting

Broadcast Studio  
423 Webbs Mills Road

*Resolution: We, the Raymond Board of Selectmen, recognize our individual and collective responsibilities as leaders and representatives of our community. To this end, we pledge to conduct ourselves in a manner befitting these roles and duties. We pledge and encourage others to "Be the Influence" and to recognize that decisions matter.*

**1) Call Workshop to order at 6:00pm**

**2) Classification & Compensation Study Workshop** - Donald H. Tyler, Jr., Principal & Executive Vice President, Human Resource Partners, LLC, Harpswell, Maine

Mr Tyler will present the draft results of the Classification and Compensation Study for the Town of Raymond. Specifically, his firm was asked to:

- a) Compile and analyze market salary data and develop a salary structure for the Town, taking into consideration rates paid for comparable positions in other similar organizations.
- b) Compile and analyze market data on fringe benefits practices and prepare a report comparing the prevailing survey practices to the Town's practices.
- c) Provide a written report of the study, including recommended policies and procedures to integrate the study results with the Town's existing salary administration program.

**3) Call Regular Meeting to order at 7:00pm**

**4) Minutes of previous meeting** – February 9, 2016

**5) New Business**

**a) CMP – Proposal to Acquire a Portion of the Town Owned Parcel Located at Map 5 Lot 19 (Patricia Avenue Site)** – Peggy Dwyer for Central Maine Power Real Estate Services

Central Maine Power Company (CMP) is planning the development of a new transmission line extending from New Gloucester to Raymond. It is proposed to be built in a new 100' wide corridor purchased from abutting landowners. CMP would like to buy an option to acquire a strip of land from the Town, along the former sludge site parcel's northeasterly line (Map 5, Lot 19), extending from the Raymond-Gray town line to land of Phyllis D. Burnham (Map 5, Lot 17)

**b) Executive Session**

- Pursuant to **1 MRSA §405 (6)(C)** – consider CMP's offer

**c) Annual Appointment – Voter Registrar** – Sue Look, Town Clerk/Voter Registrar

Upon further investigation it was found that the Registrar is appointed biennially, not

annually. No action necessary.

- d) **Proposed Ordinance Amendments for Town Meeting Warrant** – Chris Hanson, Code Enforcement Officer  
In the Selectmen's ePacket are all of the Ordinance amendments proposed by the Planning Board.

**6) Public Comment**

**7) Selectman Comment**

**8) Town Manager's Report and Communications**

a) **Confirm Dates for Upcoming Regular Meetings**

- April 12, 2016
- May 10, 2016
- June 21, 2016 (3<sup>rd</sup> Tuesday of June due to June 14<sup>th</sup> being Election Day)

b) **Reminder of Upcoming Budget Meetings**

- March 29, 2016 – Final joint meeting with the Budget-Finance Committee
- April 5, 2016 – Selectmen meet to vote on the budget
- April 11, 2016 – Budget-Finance Committee meets to vote on the budget

c) **Reminder of Upcoming Election Schedule**

- March 21, 2016 (Monday) – Nomination Papers available
- May 2, 2016 (Monday) – Nomination Papers due back to Town Clerk by 4pm
- May 25, 2016 – RSU #14 Budget Vote at Windham High School
- June 7, 2016 – Annual Open Town Meeting
- June 14, 2016 – Primary & Municipal Elections

- d) **Upcoming Holiday** – Monday, April 18, 2016 in observance of Patriot's Day

**9) Treasurer's Warrant – March 8, 2016**

**10) Executive Session**

- a) **Pursuant to 1 MRSA §405 (6)(A)** – discuss Town Manager's annual review

**11) Adjournment**

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# Previous Meeting(s) Minutes

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## BOARD OF SELECTMEN Minutes

February 9, 2016  
7:00pm

Broadcast Studio  
423 Webbs Mills Road

*Resolution: We, the Raymond Board of Selectmen, recognize our individual and collective responsibilities as leaders and representatives of our community. To this end, we pledge to conduct ourselves in a manner befitting these roles and duties. We pledge and encourage others to "Be the Influence" and to recognize that decisions matter.*

Selectmen in attendance: Mike Reynolds, Joe Bruno, Teresa Sadak, and Samuel Gifford

Selectmen absent: Lawrence Taylor

Town Staff in attendance:

Don Willard – Town Manager  
Sue Look – Town Clerk

1) **Called to order** at 7:00pm by Chairman Reynolds.

2) **Minutes of previous meeting**

a) January 12, 2016

**Motion** to approve as presented by Selectman Sadak. Seconded by Selectman Bruno.  
**Unanimously approved.**

3) **New Business**

a) **CMP New Transmission Line from New Gloucester to Raymond** – Peggy Dwyer for Central Maine Power Real Estate Services

Central Maine Power Company (CMP) is planning the development of a new transmission line extending from New Gloucester to Raymond. It is proposed to be built in a new 100' wide corridor purchased from abutting landowners. This new proposal was first received on February 1, 2016. CMP would like to buy an option to acquire a strip of land from the Town, along the former sludge site (located off Patricia Avenue) parcel's northeasterly line (Map 5, Lot 19), extending from the Raymond-Gray town line to land of Phyllis D. Burnham (Map 5, Lot 17). Town Staff recommend that the Selectmen do not accept this proposal until an investigation is completed that assesses property impacts and evaluates the purchase offer comparable to other such right of way acquisitions.

**Motion** to table by Selectman Bruno. Seconded by Selectman Sadak.  
**Unanimously approved.**

b) **Request Permission to hold Annual Sebago Lake Rotary Ice Fishing Derby** – Ingo Hartig, Sebago Lake Rotary Club

The Sebago Lake Rotary Club is requesting permission to hold an ice fishing derby on

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*Selectman's Meeting Minutes (Page 1 of 5) February 9, 2016*

February 27/28. This is a new date suggested by the Maine Department of Inland Fisheries and Wildlife (Warden Service).

Mr Hartig – We appologize that our application was late and we respectfully request that the Selectmen consider our application. We would fish the ponds and smaller lakes if Sebago is not frozen.

**Motion** to approve as presented by Selectman Gifford. Seconded by Selectman Taylor.

George Bartlett - The Polar Dip can be held no matter what the ice conditions are. This benefits Maine Children's Cancer. Last year they raised over \$50,000. We were told by the Wardens that it is not illegal to fish from a boat this time of year.

Selectman Taylor – did you have prior year issues that have been solved?

Mr Hartig – the only issue would be if we were serving alcohol and we are not.

Town Manager Willard – The only issue we have is to know who calls the event if there is little ice.

Deb McPhail – Last year we closed on Sunday due to blizzard conditions.

Town Manager Willard – the town's authority is to close the site if there are unsafe conditions.

**Approved 4 yea, 1 nay**

Chairman Reynolds – in good conscience I can not vote for this simply on procedure. The application should have been received by the town early the fall previous to the event.

**c) Raymond Community Forest Update and Funding Request** – John Rand, Chair of Raymond Conservation Commission

- Project update – LMF (Lands for Maine's Future) funds have been released, Trail Grant application has been sent in, and there are over 200 private donors to-date.
- Budget – The \$50,000 already approved by voters at the 2014 Town Meeting (\$30,000 from Open Space Fund and \$20,000 from Timber Harvest Funds) is needed. The RCC would also like to request the Selectmen consider approving \$10,000 from the Selectmen's Contingency Fund that was previously discussed as being possibly needed a year ago. With these funds the gap to close the project is ~\$25,000 which they are on track to complete by 6/30/16 (with one more fund raising push).
- The RCC also wants to talk about the final ownership of the property – LEIT (Loon Echo Land Trust) or Town of Raymond. They believe a non-binding vote at Town Meeting would be the best way to inform the final ownership decision. Key aspects of each ownership model will be presented at this BOS meeting.

Mr Rand – Sheila Bourque is here and will go through a presentation. We have come a long way from our first visit with you in 2012. Last year there was a warrant article at Town Meeting and we had positive support from the community survey. We marched in the July 4<sup>th</sup> parade on Main St. We had a jazz event on the farm property that raised \$4,500. We have had private fund raising that has

been successful. We have had walks around the property.

Ms Bourque – I have been involved since 2013 and am now holding a position on the Loon Echo board. There is still \$32,183 left to be raised. We have received an extension to the deadline to purchase the property, it is now June 30, 2016. I have been working with Chris Hanson to determine how to best deal with wet areas (streams, etc) in relation to trails.

Mr Rand – I would like to discuss with the Board the Town of Raymond taking ownership. If the Town owned the property we would need to put together an easement specifying what can and can not be done on the property. Loon Echo would hold the easement. It will take 2-3 years to put this together. Loon Echo would close on the property initially and then the Town would take ownership after creating a conservation easement and Loon Echo would gift it back to the Town. We have discussed having some sort of a straw vote at the Town Meeting which would include details for each ownership model.

Selectman Taylor – I am on the fence about the Town owning the property. I love the area. The expenses put forth are about half of what the expenses really would be. I am not sure that the Town should have the liability of owning. I am not comfortable with the additional \$10,000.

Selectman Bruno – the property is in my backyard. If we are going to own it what is the benefit to the town? How much money has Loon Echo put in? I am not comfortable with the additional \$10,000.

Ms Bourque – Loon Echo does not add money, they apply for grants and have brought in the lion's share.

Mr Rand – If we owned it we would get the timber revenue. We would have a better ability to agree on a conservation easement that was a bit broader than Loon Echo may choose. For example possibility of rec fields, horse trails, etc. We would want to maintain the historical use of hunting. I recall that we had a discussion about possibly needing \$10,000 to bridge the gap. We saw the \$10,000 for the Town to close the gap as we get to the finish line. How would we request an additional \$10,000?

Chairman Reynolds – It would need to go to the Selectmen and the Budget-Finance Committee to go to Town Meeting.

Mr Rand – I have not checked with Finance Director Nancy Yates to see what monies have come in for Tree Growth. The property is currently in Tree Growth and Loon Echo would have it remain in Tree Growth.

Ms Bourque – I feel that we are going to make it happen. The ownership issues mentioned aside, Loon Echo is fine with owning the property. There is still a definite plan to make this a destination point and bring people into the Rt 302 corridor. Raymond will have something to brag about. The \$32,000 outstanding only gets us to ownership – legal fees, surveys, etc. We will need to continue to fund raise to get signage, trails, etc. Thank you for your time. All of the ideas discussed tonight should remain on the table for discussion.

Chairman Reynolds – If the town owned it could there be a management contract at no cost to the town? A committee who would continue to fund raise for the costs. The town has no interest in managing this.

Mr Rand – I am still looking for a way to get the public to weigh in on it.

Selectman Bruno – We are elected officials of the Town and the financial, risk, benefit, etc questions are decided here.

Chairman Reynolds – We could call a public hearing if there was a more defined plan.

**d) Raymond Village Library Presentation of Certificates to Supporters/Donors** – Emily Allen, Chair of the Raymond Village Library Board of Trustees – Sam Gifford, Selectman Sponsor

The Raymond Village Library will present certificates of appreciation to donors.

Ms Allen – I would like to thank the Selectmen for the opportunity to use this forum to thank our donors. We would like to honor 3 individuals:

Lonnie Taylor of IDS  
Kim Donnelley from Gorham Savings Bank  
Tim Davison of Engineered Construction Services.

Elisa Gifford – We have had some amazing donors who have come forward this year. 1 first time donor from Florida has given enough to heat the building as well as provide electricity for the year.

Jessica Fay – The appeal is still going on.

Selectman Taylor – The Raymond Village Library is fantastic. It has great support for the Town and it has a great vibe when you enter the building.

**4) Public Comment**

Jessica Fay – Today is the last Selectboard meeting before the caucus – Rep on March 5<sup>th</sup> and Dem on March 6<sup>th</sup>.

Greg Mayer – I am here to find out about the recreational park as discussed at the last meeting.

Town Manager Willard – the opportunity discussed at the last meeting is not now going to go forward. We are continuing the search.

**5) Selectman Comment**

**6) Town Manager's Report and Communications**

**a) Confirm Dates for Upcoming Regular Meetings**

- March 8, 2016
- April 12, 2016
- May 10, 2016



**b) Reminder of Upcoming Budget Meetings, Annual Town Meeting, & Elections**

- Monday, February 29, 2016 – Budget Meeting with department heads
- Saturday, March 5, 2016 – Republican Caucus – time & place TBD
- Sunday, March 6, 2016 – Democratic Caucus – 2pm – Raymond Elementary School
- Monday, March 7, 2016 – Budget Meeting with department heads
- Monday, March 21, 2016 – Nomination Papers Available
- Tuesday, March 29, 2016 – Budget Meeting final joint meeting
- Tuesday, April 5, 2016 – Selectmen's Budget Vote
- Monday, April 11, 2016 – Budget Finance Committee's Budget Vote
- Monday, May 2, 2016 – Nomination Papers due back to Town Clerk
- Tuesday, June 7, 2016 – Annual Town Meeting
- Tuesday, June 14, 2016 – State Primary & Municipal Elections

**c) Upcoming Holiday Schedule**

- Monday, February 15, 2016 – Presidents' Day

**7) Treasurer's Warrant – February 9, 2016**

**Motion** to approve as presented for a total of \$162,188.24 by Selectman Taylor. Seconded by Selectman Sadak.

**Unanimously approved.**

**8) Executive Session(s)**

- a) Pursuant to 1 MRSA §405 (6)(A) – discuss Town Manager's annual review

**Motion** to enter Executive Session listed above at 8pm by Selectman Bruno. Seconded by Selectman Taylor.

**Unanimously approved.**

**Motion** to leave Executive Session at 8:45pm by Selectman Bruno. Seconded by Selectman Taylor.

**Unanimously approved.**

**9) Adjournment**

**Motion** to adjourn at 8:46pm by Selectman Taylor. Seconded by Selectman Bruno.

**Unanimously approved.**

Respectfully submitted,

Susan L Look  
Town Clerk

# CMP's Planned New Transmission Line

## Board of Selectmen – Agenda Item Request Form – Public

401 Webbs Mills Road  
Raymond, Maine 04071  
207-655-4742 fax 207-655-3024  
sue.look@raymondmaine.org

Requested Meeting Date: 2/9/2016

Request Date: 2/1/2016

Requested By: Peggy Dwyer, Central Maine Power Company Real Estate Services

Address: 83 Edison Dr, Augusta ME

eMail: peggy.dwyer@cmpco.com

Phone #: 207 897 5730

### Category of Business (please check one):

- ☐ Information Only ☐ Public Hearing ☐ Report ☒ Action Item  
☐ Other - Describe

Agenda Item Subject: Proposed Option Agreement for acquisition of a parcel of land

Agenda Item Summary: Central Maine Power Company (CMP) is planning the development of a new transmission line extending from New Gloucester to Raymond. It is proposed to be built in a new 100' wide corridor purchased from abutting landowners. CMP would like to buy an option to acquire a strip of land from the Town, along the sludge site parcel's northeasterly line (Map 5, Lot 19), extending from the Raymond-Gray town line to land of Phyllis D. Burnham (Map 5, Lot 17)

Action Requested: Authorize town manager to execute an option agreement with Central Maine Power Company.

Attachments to Support Request: Exhibit A-1 depicting the proposed acquisition parcel.

### For Selectmen's Office Use Only

Date Received: \_\_\_\_\_

Approved for inclusion: ☐ Yes ☐ No

Date Notification Sent: \_\_\_\_\_

Meeting Date: \_\_\_\_\_

Date: Tue, 15 Dec 2015 21:27:04 +0000  
From: Dwyer, Peggy <Peggy.Dwyer@iberdrolausa.com>  
To: don.willard@raymondmaine.org <don.willard@raymondmaine.org>

Hello, Mr. Willard,

My name is Peggy Dwyer, and I am a licensed real estate broker with Dirigo Partners, LTD. Dirigo Partners is Central Maine Power Company's contract Real Estate Services provider. I stopped in last week, and promised to send you more information about CMP's upcoming transmission line project and CMP's interest in acquiring a small portion of town property.

Central Maine Power Company (CMP) is planning the development of a new transmission line extending from New Gloucester to Raymond. If approved, the "Section 154" route would originate at a new substation to be built on Mayall Road in New Gloucester. It will run in a generally westerly direction along an existing transmission corridor (Section 208) and then branch off the corridor in northern Gray and run southerly in a new 100' wide corridor, purchased from abutting landowners, for a total of about 6 miles to a proposed new substation near where another existing CMP transmission line (Section 189) crosses Webb's Mills Road in Raymond. The new line will carry 34.5kV, CMP's lowest capacity transmission line design.

According to CMP's Lakes Region Area Study, "Additional transmission [capacity] is needed in the area to mitigate the susceptibility of low voltages", especially during scheduled maintenance or other outages. This need is generated primarily by changing demographics and anticipated electricity usage trends in the foreseeable future.

I have enclosed an exhibit showing the alignment as currently proposed. In keeping with CMP's acquisition protocols, I have also included a form published by the Maine Real Estate Commission regarding real estate brokerage relationships, and a document entitled "Your Property Rights", which contains important information for your sellers regarding landowner rights in the eminent domain process. All landowners are provided with this information at the first face to face opportunity, even though CMP does not have eminent domain authority at this time and CMP has given clear instruction to its acquisition agents to assure landowners that they will work hard in good faith towards mutually beneficial agreements.

The portion that CMP would like to acquire from the town is a tiny triangle, located at the northernmost tip of the sludge site lot, abutting (Mblu005/ 019/ 000/ 000) By scaling off the town tax maps, I estimate the parcel to contain approximately 2,680 square feet, or six one-hundredths of an acre. Municipal records indicate that the town's deed is recorded in Book 3780 on Page 198, but I was unable to find the document at the Cumberland County Registry of Deeds. Would you be able to provide me with a copy of the deed, and a survey, if there is one in your files? CMP's preference is to buy the land outright, but they would consider an easement if the town prefers to maintain ownership of the underlying fee.

This is a high priority project for Central Maine Power Company. As soon as I have a copy of the town's deed, I will prepare a draft option agreement for your consideration, with the hopes that you and I can work out the details between now and January 16, and the Selectmen can take it up at their next meeting and authorize you to execute the document at that time. Is that a reasonable time frame, from your perspective? Please feel free to contact me if you have any unanswered questions at this time.

You may call or text me at 207) 897-5730, or email me at [peggy.dwyer@cmpco.com](mailto:peggy.dwyer@cmpco.com). I hope to speak to you soon.

Thank you,

Peggy Dwyer, Central Maine Power Company Real Estate Services  
83 Edison Drive  
Augusta, ME 04336  
Cell: 207 897 5730,  
[Peggy.Dwyer@cmpco.com](mailto:Peggy.Dwyer@cmpco.com)

Location - 77 PATRICIA AVE

Mblu - 005/ 019/ 000/ 000/

Acct#T1501R

Owner TOWN OF RAYMOND

Assessment - \$188,100

Appraisal - \$188,100

PID281

Building Count1

Owner of Record

Owner - TOWN OF RAYMOND

Co-Owner - SLUDGE SITE

Address

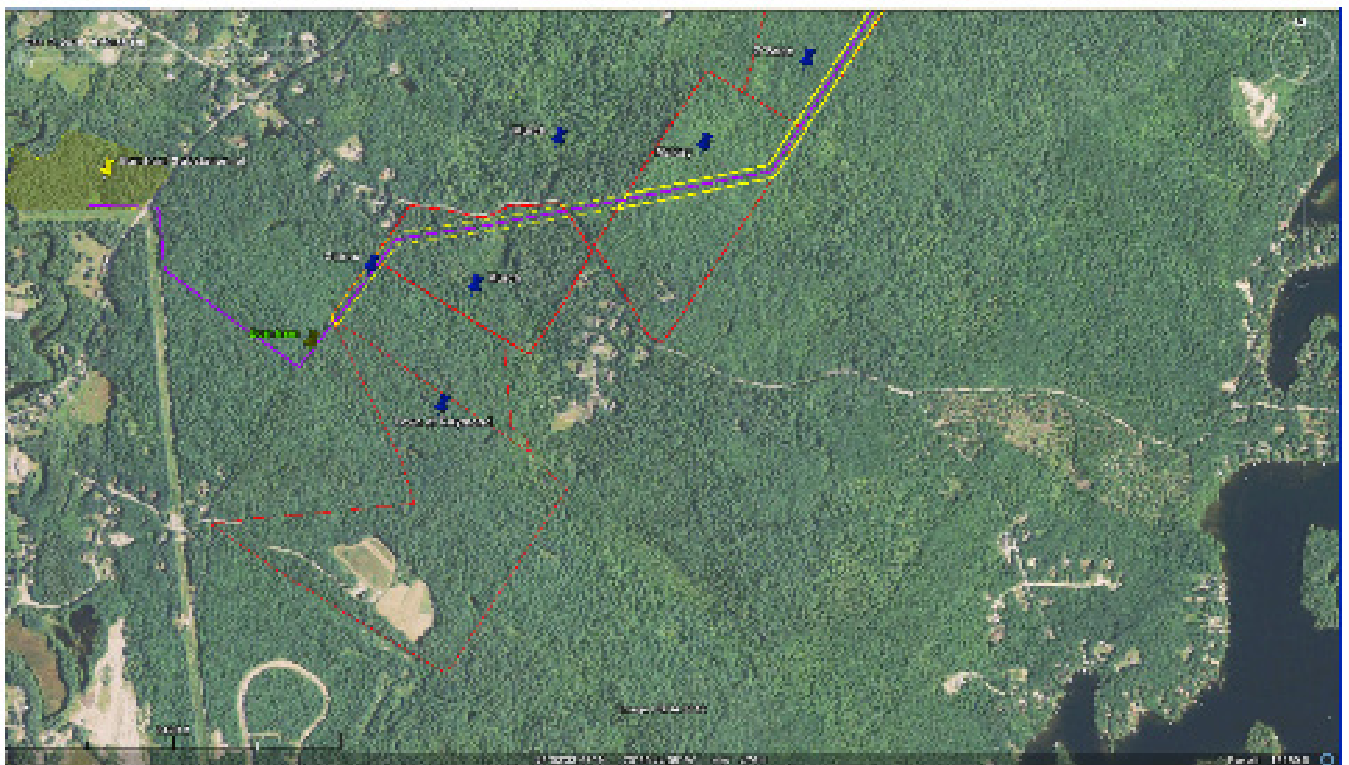
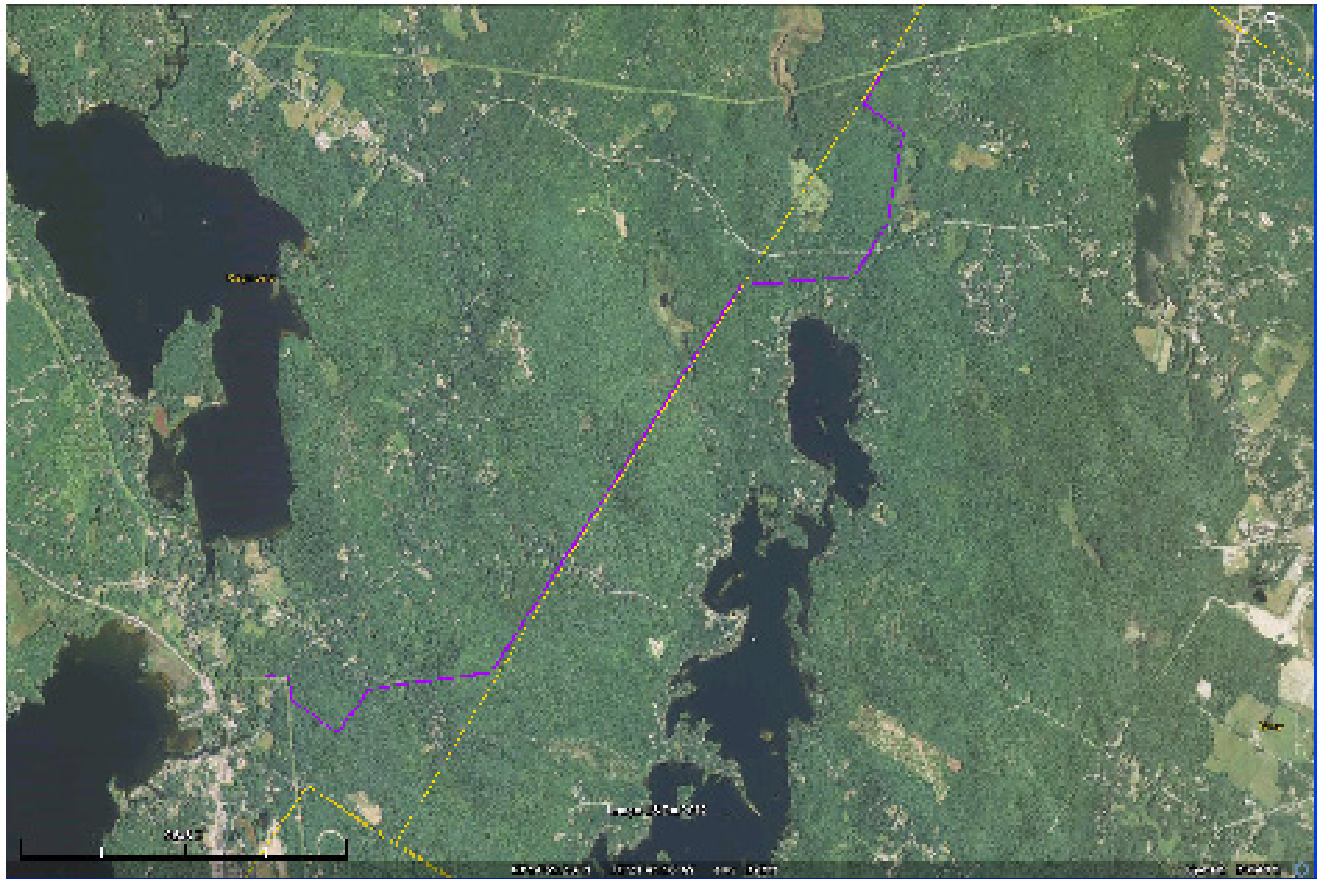
401 WEBBS MILLS RD  
RAYMOND, ME 04071

Sale Price - \$0

Certificate

Book & Page - 3780/ 198

Sale Date





Dept. of Professional & Financial Regulation  
Office of Licensing & Registration  
**MAINE REAL ESTATE COMMISSION**  
35 State House Station Augusta ME 04333-0035



## REAL ESTATE BROKERAGE RELATIONSHIPS FORM

### Right Now You Are A Customer

Are you interested in buying or selling real estate in Maine? Before you begin working with a real estate licensee it is important for you to understand that Maine Law provides for different levels of brokerage services to buyers and sellers. You should decide whether you want to be represented in

a transaction (as a client) or not (as a customer). To assist you in deciding which option is in your best interest, please review the following information about real estate brokerage relationships:

Maine law requires all real estate brokerage companies and their affiliated licensees ("licensees") to perform certain basic duties when dealing with a buyer or seller. You can expect a real estate licensee you deal with to provide the following customer-level services:

- ✓ To disclose all material defects pertaining to the physical condition of the real estate that are known by the licensee;
- ✓ To treat both the buyer and seller honestly and not knowingly give false information;
- ✓ To account for all money and property received from or on behalf of the buyer or seller; and
- ✓ To comply with all state and federal laws related to real estate brokerage activity.

Until you enter into a written brokerage agreement with the licensee for client-level representation, you are considered a "customer" and the licensee may not act as your agent. As a customer, you should not expect the licensee to promote your best interest, or to keep any information you give to the licensee confidential, including your bargaining position.

### You May Become A Client

If you want a licensee to represent you, you will need to enter into a written listing agreement or a written buyer representation agreement. These agreements create a client-agent relationship between you and the licensee. As a client you can expect the licensee to provide the

following services, in addition to the basic services required of all licensees listed above:

- ✓ To perform the terms of the written agreement with skill and care;
- ✓ To promote your best interests;
  - For a seller client this means the agent will put the seller's interests first and negotiate the best price and terms for the seller;
  - For buyer clients this means the agent will put the buyer's interests first and negotiate for the best price and terms for the buyer; and
- ✓ To maintain the confidentiality of specific client information, including bargaining information.

### COMPANY POLICY ON CLIENT-LEVEL SERVICES — WHAT YOU NEED TO KNOW

The real estate brokerage company's policy on client-level services determines which of the three types of agent-client relationships permitted in Maine may be offered to you. The agent-client relationships permitted in Maine are as follows:

- ✓ The company and all of its affiliated licensees represent you as a client (called "single agency");
- ✓ The company appoints, with your written consent, one or more of the affiliated licensees to represent you as an agent(s) (called "appointed agency"); or
- ✓ The company may offer limited agent level services as a disclosed dual agent.

### WHAT IS A DISCLOSED DUAL AGENT?

In certain situations, a licensee may act as an agent for and represent both the buyer and the seller in the same transaction. This is called **disclosed dual agency**. The possibilities and consequences of dual agency representation must be explained to you by the licensee. Both the buyer and the seller must consent to this type of representation in writing.

Working with a dual agent is not the same as having your own exclusive agent as a single or appointed agent. For instance, when representing both a buyer and a seller, the dual agent must not disclose to one party any confidential information obtained from the other party. Also, a dual agent may not be the advocate for either party and cannot negotiate for nor advise as to the price or terms of the transaction.

### THIS IS NOT A CONTRACT

#### Remember!

*Unless you enter into a written agreement for agency representation, a licensee is not allowed to represent you!*

It is important for you to know that this form is not a contract. The licensee's completion of the statement below acknowledges that you have been given the information required by Maine law regarding brokerage relationships so that you may make an informed decision as to the relationship you wish to establish with the licensee/company.

To Be Completed By Licensee

This form was presented on (date) \_\_\_\_\_  
To \_\_\_\_\_  
Name of Buyer(s) or Seller(s)  
by \_\_\_\_\_  
Licensee's Name  
on behalf of \_\_\_\_\_  
Company/Agency

MREC Form 1206

To check on the license status of the real estate brokerage company or affiliated licensee go to [www.maine.gov/professionals/real-estate](http://www.maine.gov/professionals/real-estate). Inactive licensees may not practice real estate brokerage.



# Your Property Rights

## In The Eminent Domain Process



**T**his brochure for landowners describes how public agencies and utilities may use eminent domain to meet their public responsibilities. It also is intended to help landowners understand Maine's eminent domain laws and their rights to (1) participate in the associated review processes and (2) receive just compensation in the event eminent domain is granted.

### **Public benefit and eminent domain authority**

Maine's laws govern the authority by which state and local government agencies and public utility operators can require the sale of private property when the public interest requires it for public uses such as roads, schools, drinking water reservoirs, electric utilities, etc. This authority is called the right of eminent domain. Unlike government agencies, public utilities such as Central Maine Power Company (CMP) may use their eminent domain authority only in certain circumstances and only with the approval of the Maine Public Utilities Commission (MPUC).

The state Constitution balances this authority with protections for the rights of private landowners, including a requirement that landowners must receive just compensation in any eminent domain action.

### **Maine Public Utilities Commission approval required**

Before it permits any utility the use of eminent domain, the MPUC must first be

***Central Maine Power  
must seek and obtain  
separate approval from the  
Maine Public Utilities Commission  
in order to exercise  
eminent domain.***

convinced that a particular project is necessary. For example, the MPUC must find no available and reasonable alternative better serves the public interest in having access to safe, reliable and economical electric energy.

Utility projects often require additional approvals from local, state, and federal land use regulators. The public is encouraged to participate in the project-review process.



### **Landowner rights in the eminent domain process**

CMP strongly prefers to negotiate acceptable terms of sale with landowners, and we are successful in the vast majority of cases. In instances where CMP and the landowner cannot agree on a price, or a landowner rejects any offer for the land in question, the company must seek and obtain separate approval from the MPUC in order to exercise eminent domain.

In such an instance, the MPUC will notify the landowner. The landowner will have the right to participate fully in a public hearing before the MPUC, and the landowner may appeal the MPUC decision to the Maine Supreme Court.

A landowner has the right to refuse access to his or her land by CMP employees or agents if the company has not received approval from the MPUC to acquire the land by eminent domain. Of course, it may be in the landowner's interest to allow CMP onto his or her property for limited purposes such as surveying, environmental assessments, or a valuation appraisal. That information may help CMP decide if a particular location is suitable for siting its transmission facilities.

### **Special protections for certain property**

State laws provide special protection for property near inhabited dwellings and for a few other special circumstances. For example, CMP does not have the right to use eminent domain for acquiring ownership or easements over land within 300 feet of an inhabited dwelling.

Real Estate Department  
Central Maine Power Company  
83 Edison Drive  
Augusta, Maine 04336  
(207) 626-9817  
Alice.Richards@cmpco.com

Consumer Assistance Division  
Maine Public Utilities  
Commission  
State House Station 18  
Augusta, Maine 04333  
1-800-452-4699

Maine Public Advocate  
State House Station 112  
Augusta, Maine 04333  
(207) 289-2445

#### **Transfer of property rights through eminent domain**

Upon approval by the MPUC to acquire a property by eminent domain, CMP has the right to enter the property only for the purpose of preparing a survey of the land to be acquired.

CMP must file a detailed description of the land with the presiding County Commission, and the County Commissioners must endorse the transfer of the land rights before CMP may enter on the property for any other purpose.

#### **Compensation to landowners**

Following the transfer of land rights, CMP must pay the former owner fair market value for the property or easement rights, plus an amount that compensates the owner for any reduction in the market value of the remaining portion of the property.

Fair market value means the price a landowner would be likely to receive in a

market transaction between a willing buyer and willing seller.

If CMP and the former owner cannot agree on the amount of compensation, either party may, within three years, petition the County Commissioners to determine the compensation. The County Commissioners must hold a public hearing before determining the amount.

Either party may appeal the County Commissioners' decision on compensation within 30 days to Superior Court. A Superior Court decision may be further appealed to the Maine Supreme Court.

#### **Questions and comments**

Central Maine Power Company has prepared this flyer in cooperation with the Maine Public Utilities Commission and the Maine Office of Public Advocate.

For further information or assistance regarding your property rights and the eminent domain process, contact any of the following individuals or agencies:

*Real Estate Department  
Central Maine Power Company  
83 Edison Drive  
Augusta, Maine 04336  
(207) 626-9817  
Alice.Richards@cmpco.com*

*Consumer Assistance Division  
Maine Public Utilities  
Commission  
State House Station 18  
Augusta, Maine 04333  
1-800-452-4699*

*Maine Public Advocate  
State House Station 112  
Augusta, Maine 04333  
(207) 289-2445*



**CENTRAL MAINE  
POWER**

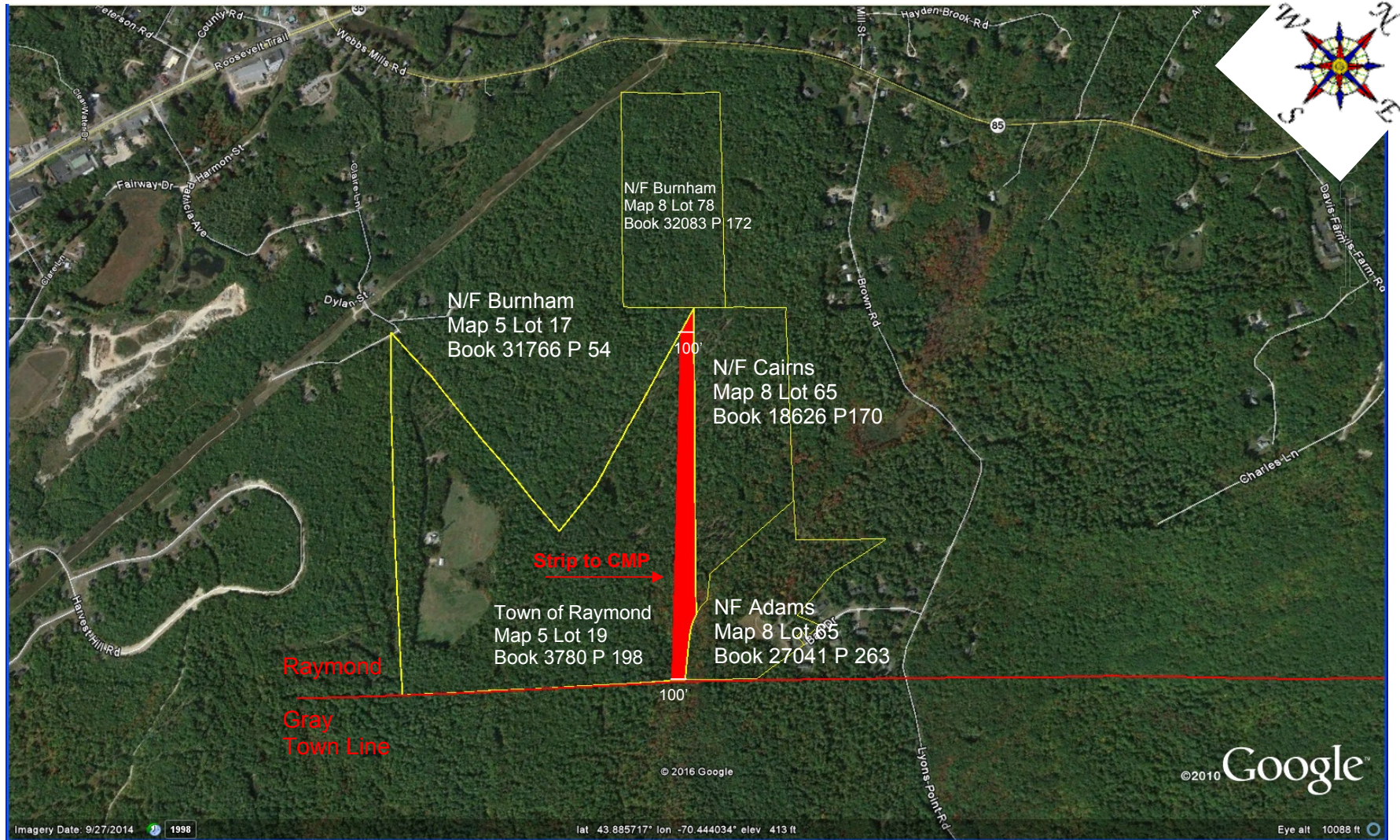




**EXHIBIT A-1**

**Town of Raymond, Maine to Central Maine Power Company**

**Property Location: Raymond, Maine, east of but not adjacent to the Webbs Mills Road**



Seller's Initials \_\_\_\_\_

**Vision ID: 281**

**Account #T1501R**

MAP ID: 005/ 019/ 000/ 000/

Bldg Name:

State Use: 903V

Print Date: 01/07/2016 15:34

**Bldg #:** 1 of 1

Sec #: 1 of 1 Card 1 of 1

CURRENT OWNER				TOPO.		UTILITIES		STRT./ROAD		LOCATION		CURRENT ASSESSMENT				3218 Raymond, ME		VISION					
TOWN OF RAYMOND SLUDGE SITE 401 WEBBS MILLS RD  RAYMOND, ME 04071 Additional Owners:				4 Rolling				1 Paved		3 Rural		Description		Code	Appraised Value					Assessed Value			
												EXM LAND		9035	188,100					188,100			
SUPPLEMENTAL DATA														Total		188,100	188,100						
Other ID: 005019000000				SEND VALU																			
TIF CODE				TAP																			
USE PROGRAM				Field 8																			
TG ENROLL Y				Field 9																			
TG PLAN YR				Field 10																			
LD1 TYPE																							
GIS ID: 005019000000				ASSOC PID#																			
RECORD OF OWNERSHIP				BK-VOL/PAGE		SALE DATE		q/u	w/i	SALE PRICE V.C.		PREVIOUS ASSESSMENTS (HISTORY)											
TOWN OF RAYMOND				3780/ 198								Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value			
												2015	9035	188,100	2014	9035	188,100	2013	9035	188,100			
												Total:	188,100	Total:	188,100	Total:	188,100	Total:	188,100				
EXEMPTIONS				OTHER ASSESSMENTS																			
Year	Type	Description		Amount		Code	Description		Number	Amount		Comm. Int.		This signature acknowledges a visit by a Data Collector or Assessor									
	20	town property		0.00																			
Total:				0.00																			
ASSESSING NEIGHBORHOOD																							
NBHD/ SUB		NBHD Name		Street Index Name		Tracing		Batch															
0001/A																							
NOTES																							
SLUDGE SITE																							
9/2005 MAP 5/LOT 18																							
MERGED INTO THIS LOT																							
														Appraised Bldg. Value (Card)				0					
														Appraised XF (B) Value (Bldg)				0					
														Appraised OB (L) Value (Bldg)				0					
														Appraised Land Value (Bldg)				188,100					
														Special Land Value				0					
														Total Appraised Parcel Value				188,100					
														Valuation Method:				C					
														Exemptions				0					
														Adjustment:				0					
														Net Total Appraised Parcel Value				188,100					
BUILDING PERMIT RECORD																		VISIT/ CHANGE HISTORY					
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments	Date	Type	IS	ID	Cd.	Purpose/Result									
									09/26/2005			KL	41	Change Source Info									
									10/18/2004			PM	00	Measur+Listed									
LAND LINE VALUATION SECTION																							
B #	Use Code	Use Description	Zone	D	Front	Depth	Units	Unit Price	I. Factor	S.A.	Acre Disc	C. Factor	ST. Idx	Adj.	Notes- Adj	Special Pricing	S Adj Fact	Adj. Unit Price	Land Value				
1	903V	Town of Raymond 00	VR1				60,000 SF	0.67	1.0000	5	1.0000	0.95		0.00	ROW			1.00	0.64	38,400			
1	903V	Town of Raymond 00	VR1				138.62 AC	1,500.00	1.0000	0	0.7200	1.00		0.00				1.00	1,080.00	149,700			
Total Card Land Units:							140.00 AC	Parcel Total Land Area: 140 AC							Total Land Value:				188,100				



## OPTION TO PURCHASE LAND

This OPTION TO PURCHASE is granted this \_\_\_\_\_th day of February, 2016, by The Town of Raymond, Maine, a body corporate and politic with a mailing address of 401 Webbs Mills Road, Raymond, Maine, 04071 (hereinafter the "Seller") to Central Maine Power Company, a Maine corporation with a mailing address of 83 Edison Drive, Augusta, Kennebec County, Maine 04336 (hereinafter the "Buyer").

1. **GRANT OF OPTION.** Seller hereby grants to Buyer the exclusive and irrevocable right and option until 11:59 P.M. on February 28, 2018 (hereinafter the "Initial Option Term") to purchase a portion of the Seller's land situated east of but not adjacent to the Webbs Mills Road so-called, in the Town of Raymond, Cumberland County, Maine, as described in attached **EXHIBIT A** and depicted on attached **EXHIBIT A-1** (hereinafter the "Premises") for the purchase price of Twelve Thousand Dollars (\$12,000.00) (hereinafter the "Purchase Price").

Additional Option conditions, if any, are set forth in attached **EXHIBIT B** and additional conditions, surviving closing, if any, are set forth in attached **EXHIBIT C**. All above-referenced EXHIBITS are made a part hereof (collectively the "Option Agreement" or the "Option").

2. **CONSIDERATION FOR OPTION.** The consideration for this Option is One Thousand Two Hundred Dollars (\$1,200.00), payable by Buyer within Thirty (30) days after receipt of this agreement signed by Seller and accepted by Buyer (the "Option Consideration"). Buyer may extend the Option for another Twelve (12) months by giving Seller written notice prior to expiration of the Initial Option Term of its intention to extend the Option and by paying an option extension payment of Six Hundred Dollars (\$600.00). The Option shall be deemed extended upon providing the notice and making the payment in the same manner permitted under paragraph 3 hereof with respect to the Notice of Exercise. **The consideration paid for this Option and paid for any extension hereof shall be applied toward the Purchase Price.**

3. **NOTICE OF EXERCISE.** Written notice of the exercise of this Option by Buyer shall be given to Seller by mailing (including express mail services) or delivering the same in person to Seller to the above-referenced mailing address on or before the expiration date of this Option or any extension thereof. If notice of the exercise of this Option is given by mail, this Option shall be deemed validly and effectively exercised when such notice is deposited in the mail. Seller is hereby obligated to notify Buyer within 10 days of any mailing address changes.

4. **RESTRICTIONS DURING OPTION TERM.** During the term of this Option, any extension thereof, and prior to closing, Seller agrees not to sell, offer to sell, mortgage, encumber, transfer, dispose of, or alter; all or any portion of the Premises, including the cutting of trees by or at the direction of Seller, without prior written consent of Buyer.

5. **RIGHT TO INSPECT, SURVEY AND TEST.** After Seller's execution of this Option, Buyer, and its employees, agents, contractors, subcontractors, assigns and invitees shall have the right to go onto the Premises (including the right to cross over other property of Seller to reach the Premises) for the purpose of preparing and making all plans and studies necessary or

Seller's Initials \_\_\_\_\_

Page 1 of 6

appropriate for or in connection with the application process for all permits from any and all governmental bodies deemed necessary or advisable by Buyer and for and in connection with Buyer's proposed use of the Premises. Such activities may include, but shall not be limited to, surveying, soil testing, water monitoring and testing and engineering studies. All such testing activities shall be reasonably conducted and shall not unreasonably waste the land. Buyer shall have the right to cut small trees and brush for surveying sight lines.

In the event Buyer does not exercise this Option within the option term or any extension thereof, or terminates this transaction as provided herein, Buyer shall remove any and all structures Buyer placed or had placed on the Premises, and shall fill in any and all excavations made. Buyer shall otherwise be permitted to maintain such structures and excavations.

Seller acknowledges that if Buyer acquires the Premises, Buyer intends to use the Premises for overhead electrical, intelligence and communication transmission lines, and/or electrical substations and related facilities. Seller hereby agrees to cooperate, facilitate and assist Buyer with Buyer's efforts to obtain permits with respect to the Premises for those purposes, including, without limitation, executing any necessary documents acknowledging Buyer's interest in the Premises as a result of this Option. Seller shall not, by action or inaction, directly or indirectly, undermine, oppose or hinder Buyer's efforts to obtain such permits. Provided, however, that nothing in this paragraph shall require Seller to make out-of-pocket expenditures.

6. **CLOSING.** In the event Buyer exercises this Option, the closing shall take place within **90 days of notice of the exercise** of this Option at a time and place convenient to the parties hereto and payment of the Purchase Price shall be made at that time. The deed(s) and all closing documents shall be prepared by a closing agent designated by Buyer to handle the closing. Except as may otherwise be provided herein, Buyer shall be responsible for all expenses and fees incurred in closing this transaction, except for Sellers' expenses for legal and consultant services (if any) arranged for and obtained by Sellers. If applicable, property taxes with respect to the Premises will be prorated as of the closing, based on the most recently available tax bill, and Buyer shall be responsible for 100% of the transfer taxes due with respect to the Premises.

7. **CONDITIONS PRECEDENT TO CLOSING.** In the event Buyer exercises this Option, Buyer's obligation to purchase the Premises shall be subject to satisfaction of the following conditions, which conditions are for the exclusive benefit of Buyer and which Buyer shall have the right to waive, singly or collectively, in its sole discretion:

- A. Seller shall convey the Premises to Buyer, or Buyer's agent, assignee or other designee, by warranty deed, free and clear of any liens, claims, encumbrances, rights-of-way, other easements, leases, reservations, covenants, restrictions and any other title defects except for utility easements of record. Buyer shall notify Seller in writing of any such defect promptly after discovery thereof. If Seller fails or refuses to cure such defect within the specified 90 calendar days, or any extension consented to by Buyer, Buyer shall have the right to (i) terminate this transaction, in which event this Option agreement shall be void and of no further force or effect and the Option Consideration shall be returned to the Buyer, (ii) waive such defect as provided herein, or (iii) undertake to cure such defect, in which event costs incurred by Buyer in undertaking such cure shall be applied as a credit to the purchase price at closing. In the event Buyer undertakes to cure such defect, but such defect is incapable of being cured, as determined by Buyer

in its sole discretion, Buyer shall have the right to terminate this transaction and such termination shall have the effect stated in clause (i) above or to waive such defect as provided herein. The closing date shall be extended 60 days if Seller undertakes to cure defects in title upon notice by Buyer plus an additional number of days equal to the number of days of any extension of the time to cure consented to by Buyer, and shall be extended a sufficient period of time to permit Buyer to cure or attempt to cure such defects if Buyer elects to undertake such cure, as provided herein. To the extent the Premises are encumbered by a mortgage or mortgages, Seller agrees to use good faith efforts to assist Buyer to obtain discharges or partial releases with respect to said mortgage or mortgages. Seller acknowledges that Seller may be obligated to pay, and agrees to pay to such mortgages, up to the full Purchase Price in order to obtain such discharges or partial releases.

- B. There are no hazardous or toxic substances, underground storage tanks, or asbestos on the Premises as these terms are defined in Federal, State or local ordinances and regulations.
- C. There are no claims, demands, liabilities or actions pending or threatened against Seller or the Premises (including, without limitation, condemnation proceedings) which constitute or might ripen into a lien or claim against the real estate or which could prevent, prohibit, delay or interfere with Buyer's proposed use of the real estate or which could deprive Buyer of any portion thereof.
- D. There are no existing violations of zoning ordinances or other laws, ordinances or restrictions applicable to the Premises.
- E. The parties agree that this Option shall not be recorded. Instead, the parties agree to execute and record in the Cumberland County Registry of Deeds, at Buyer's expense, a "Memorandum of Option" attached hereto.
- F. To the best of Seller's knowledge, the larger parcel of which the Premises is a part, is not the result of a division of land occurring during the past five years, and there has not been division of said larger parcel or the Premises, within the past five years. Seller covenants and agrees that, during the term of this Option, Seller shall not divide the larger parcel of which the Premises is a part in a manner that would require Buyer to obtain subdivision approval with respect to the Premises in order to lawfully acquire the Premises in accordance with this Option.
- G. The definition and description of the Premises presented herewith (see EXHIBITS A & A-1) are for option purposes only and are based on a current conceptual design of the Buyer's proposed transmission line corridor. Seller and Buyer hereby agree that upon completion of final engineering and prior to Closing, Buyer will prepare a final description that will definitively locate and describe the Premises, and that this final description will be used for the deed.

8. **FAILURE TO EXERCISE OPTION.** If Buyer does not exercise this Option within the period provided for herein, including any extension, then this Option shall be void and of no

Seller's Initials \_\_\_\_\_

Page 3 of 6

further force or effect, and the consideration for the Option and any extension shall be retained by Seller as full payment and settlement for the Option and extension granted by this instrument.

9. **SUCCESSORS.** This Option Agreement shall inure to the benefit of and be binding upon the heirs, administrators, executors, successors, personal representatives and assigns of the respective parties hereto.

10. **MISCELLANEOUS.**

- A. This Option Agreement shall not be modified or amended except by an Instrument in writing executed by Seller and Buyer.
- B. This Option Agreement may be executed in any number of counterparts, each of which when so executed shall be an original; but such counterparts shall constitute but one and the same instrument.
- C. The obligations of Seller under this Option Agreement shall be joint and several.
- D. This Option Agreement shall be construed and enforced in accordance with the laws of the State of Maine.
- E. All section headings in this Option Agreement are for convenience only and are of no independent legal significance.
- F. In the event either party shall default on any of its obligations herein, the non-defaulting party may seek to employ any and all available legal and equitable remedies. If either party seeks specific performance, that claim shall be brought in the Maine Superior Court. Claims for any other remedy for a default under this contract shall be decided by binding arbitration before a single arbitrator selected by the parties. In the event that the parties are unable to agree on an arbitrator within 30 days of a request for appointment of an arbitrator by one party, the party seeking arbitration may submit the arbitration demand to the American Arbitration Association ("AAA") for resolution by a single arbitrator. If court proceedings or arbitration are initiated by either party with respect to this Option, the reasonable attorney's fees of the prevailing party, and all costs of arbitration, if applicable, shall be paid by the non-prevailing party.

11. **SIGNING.** The terms and conditions of this Option Agreement are subject to the review and approval of Buyer. This Option Agreement is valid only when executed by both Seller and Buyer. This Option may be executed in counterparts, each of which shall be deemed an original and all of which, when taken together, shall constitute one and the same instrument, binding on the parties. This Option Agreement shall not be valid unless executed by Seller on or before February 12, 2016.

**IN WITNESS WHEREOF**, the undersigned have executed this Option to Purchase Agreement as of this \_\_\_\_ day of \_\_\_\_\_, 2016

**SELLER:** Town of Raymond, Maine

\_\_\_\_\_  
By: Don Willard  
Its: Duly Authorized Town Manager

State of Maine

County of Cumberland

The above-named Don Willard, Duly Authorized Town Manager of the Town of Raymond, Maine, personally appeared before me and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said Seller.

Before me,

Date: \_\_\_\_\_

\_\_\_\_\_  
Printed Name: Attorney/Notary Public  
My Commission expires: \_\_\_\_\_

**BUYER (GRANTEE): CENTRAL MAINE POWER COMPANY**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Its: \_\_\_\_\_

State of \_\_\_\_\_  
County of \_\_\_\_\_

Personally appeared the above-named \_\_\_\_\_,  
\_\_\_\_\_, in said capacity and acknowledged the foregoing  
instrument to be free act and deed and the free act and deed of CENTRAL MAINE POWER  
COMPANY.

Before me,

Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Printed Name: \_\_\_\_\_

My Commission expires: \_\_\_\_\_



## **EXHIBIT A**

### **Town of Raymond, Maine to Central Maine Power Company**

Property in the Town of Raymond, Cumberland County, Maine, located east of but not adjacent to the Webb's Mills Road, being a strip of land of varying width, but not less than 100' wide in any location, (hereinafter the "Parcel");

beginning at a point on the Raymond-Gray town line, at the southerly corner of land now or formerly of Steven Adams, described in a deed recorded in Book 27041 on Page 263, and depicted on the Town Tax Map 8 as lot 65A;

thence traveling in a northwesterly direction along said Adam's southwesterly bound to land now or formerly of Janet Cairns, described in a deed recorded in Book 18626 on Page 270, and depicted on the Town Tax Map 8 as lot 6;

thence traveling northwesterly along said Cairns southwesterly bound to a point on the easterly bound of land now or formerly of Phyllis D. Burnham, described in a deed recorded in said county Registry of Deeds on Book 32083 on Page 172, depicted on the Town of Raymond Tax Map 8 as lot 78;

thence southerly along the northeasterly line of land now or formerly of Phyllis D. Burnham, described in a deed recorded in Book 31766 on Page 54, depicted on the Town Tax Map 5 as lot 17 to a point that is 100', more or less, as measured at a right angle, from said Cairns southwesterly line;

thence southeast across remaining land of the Town of Raymond, Maine to a point on the Raymond-Gray town line that is 100', more or less, along said Raymond-Gray town line from said southerly corner of said Steven Adams;

thence northeast along the Raymond-Gray town line 100', more or less, to the point of beginning.

The Parcel is a portion of the Grantor's land described in a deed recorded in the Cumberland County Registry of Deeds in Book 3780 on Page 198.

The Parcel is a portion of the land depicted on the Town of Raymond Tax Map 005, as Lot 019 and is also depicted on EXHIBIT A-1, attached to the Option Agreement, and retained in the Buyer's files. Parcel contains 8.5 acres, more or less.

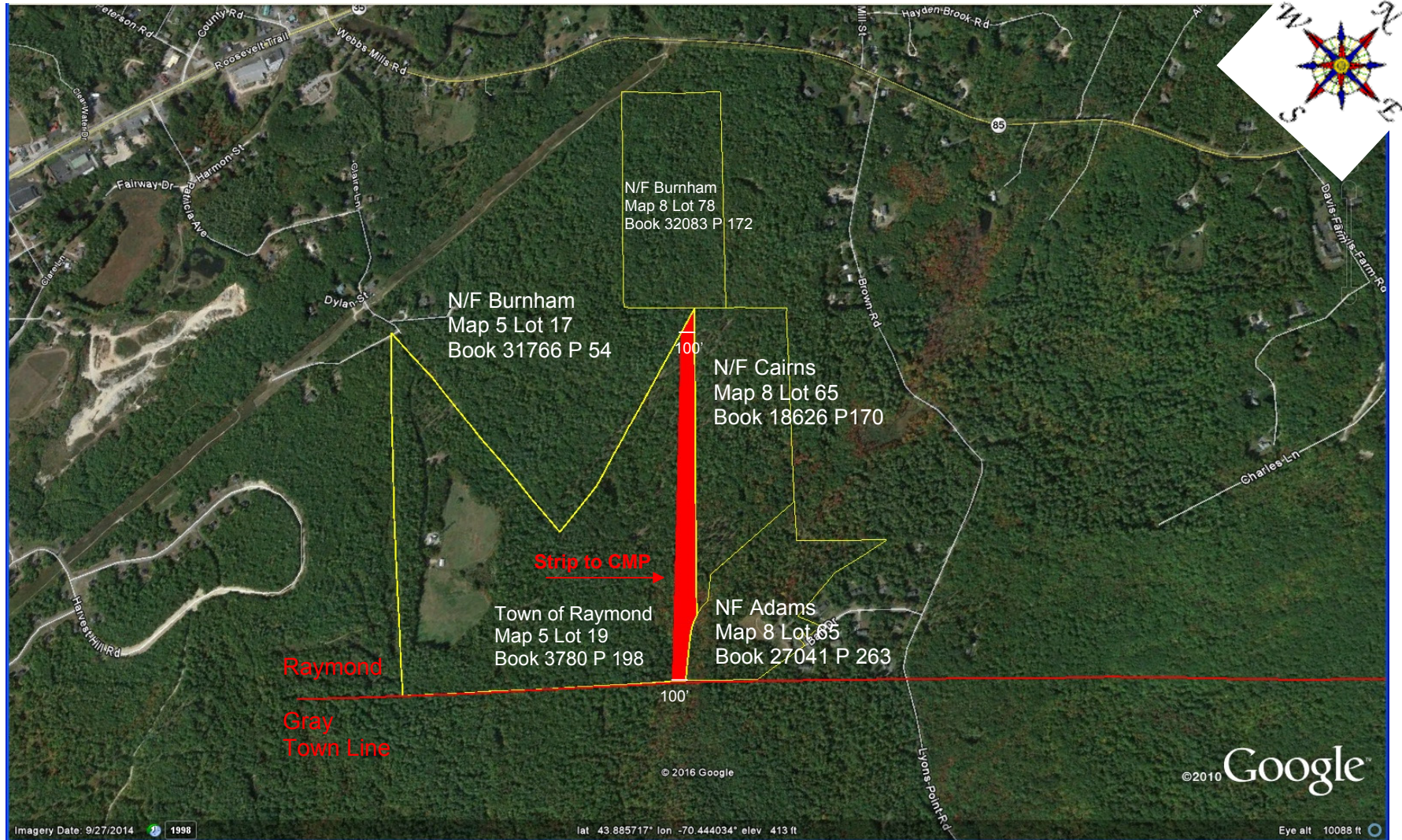
The description of the property presented herein is for option purposes only. Seller and Buyer agree that upon completion of due diligence and prior to Closing, Buyer will prepare a final description that will definitively locate and describe the Parcel, and that this final description will be used for the deed of conveyance.

Seller's Initials \_\_\_\_\_

## EXHIBIT A-1

### Town of Raymond, Maine to Central Maine Power Company

Property Location: Raymond, Maine, east of but not adjacent to the Webb's Mills Road



Seller's Initials \_\_\_\_\_

**EXHIBIT B**

**Town of Raymond, Maine to Central Maine Power Company**

The attached Option Agreement is subject to the following additional conditions:

None.

Seller's Initials \_\_\_\_\_



**EXHIBIT C**

**Town of Raymond, Maine to Central Maine Power Company**

The attached Option Agreement is subject to the following conditions surviving Closing:

None.

Seller's Initials \_\_\_\_\_

## MEMORANDUM OF OPTION

1. Date of Option \_\_\_\_\_
2. Name and Address of Seller: Town of Raymond, Maine  
401 Webbs Mills Road, Raymond, Maine 04071
3. Name and Address of Buyer: Central Maine Power Company  
83 Edison Drive Augusta, Maine 04336
4. Description of Option Property: See attached Exhibit A.
5. Term of Option: The Option runs until January 31, 2018
6. Condition of Option During the term of the Option, Seller shall not sell, offer to sell, mortgage, encumber, or otherwise transfer or dispose of, or alter; the option property, including the cutting of trees by or at the direction of Seller, without prior written consent of Buyer.

IN WITNESS WHEREOF, the undersigned have executed this Memorandum as of this \_\_\_\_\_ day of January, 2016

**SELLER:** Town of Raymond, Maine

\_\_\_\_\_  
By: Don Willard  
Its: Duly Authorized Town Manager

State of Maine

County of Cumberland

The above-named Don Willard, Duly Authorized Town Manager of the Town of Raymond, Maine, personally appeared before me and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said Seller.

Before me,

Date: \_\_\_\_\_

\_\_\_\_\_  
Printed Name: Attorney/Notary Public  
My Commission expires: \_\_\_\_\_

**BUYER (GRANTEE): Central Maine Power Company**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Its: \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

Personally appeared the above-named \_\_\_\_\_,  
\_\_\_\_\_, in \_\_\_\_\_ said capacity and acknowledged the foregoing  
instrument to be free act and deed and the free act and deed of (Buyer).

Before me,

Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Printed Name: \_\_\_\_\_

My Commission expires: \_\_\_\_\_

## **EXHIBIT A**

### **Town of Raymond, Maine to Central Maine Power Company**

Property in the Town of Raymond, Cumberland County, Maine, located east of but not adjacent to the Webb's Mills Road, being a strip of land of varying width, but not less than 100' wide in any location, (hereinafter the "Parcel");

beginning at a point on the Raymond-Gray town line, at the southerly corner of land now or formerly of Steven Adams, described in a deed recorded in Book 27041 on Page 263;

thence traveling in a northwesterly direction along said Adam's southwesterly bound to land now or formerly of Janet Cairns, described in a deed recorded in Book 18626 on Page 270;

thence traveling northwesterly along said Cairns southwesterly bound to a point on the easterly bound of land now or formerly of Phyllis D. Burnham, described in a deed recorded in said county Registry of Deeds on Book 32083 on Page 172;

thence southerly along the northeasterly line of land now or formerly of Phyllis D. Burnham, described in a deed recorded in Book 31766 on Page 54, to a point that is 100', more or less, as measured at a right angle, from said Cairns southwesterly line;

thence southeast across remaining land of the Town of Raymond, Maine to a point on the Raymond-Gray town line that is 100', more or less, along said Raymond-Gray town line from said southerly corner of said Steven Adams;

thence northeast along the Raymond-Gray town line 100', more or less, to the point of beginning.

The Parcel is a portion of the Grantor's land described in a deed recorded in the Cumberland County Registry of Deeds in Book 3780 on Page 198.

The Parcel also depicted on EXHIBIT A-1, attached to the Option Agreement, and retained in the Buyer's files.

The description of the property presented herein is for option purposes only. Seller and Buyer agree that upon completion of due diligence and prior to Closing, Buyer will prepare a final description that will definitively locate and describe the Parcel, and that this final description will be used for the deed of conveyance.

Sellers Initials: \_\_\_\_\_

Page 3 of 3

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## CEO's Response to CMP's Proposal

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### MEMORANDUM

TO: Don Willard, Town Manager

FROM: Chris Hanson, Code Enforcement Officer

RE: Proposed sale and option to C.M.P.

DATE: March 3, 2016

In response to Central Maine Power Co.'s purchase offer and option on approximately 8 acres of land owned by the town of Raymond, depicted on the Town Tax Map 5, Lot 19 with an address of 77 Patricia Ave., I have reviewed the Town's deed and see no issue on the proposed sale. They propose to purchase a 100 (one hundred) foot strip on the northeast sideline abutting the properties of Cairns and Adams. From a Land Use standpoint, transmission lines are an allowed use. Therefore, I see no issue, but, transmission lines from a visual aspect may have some effect on the property's future use of value. This would probably not affect the use of the property as a recreation site but may have some effect from a development standpoint such as house lots or multiunit development.

Sincerely

Chris Hanson  
Code Enforcement Officer



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# Assessor's Response to CMP's Proposal

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## TOWN OF RAYMOND      Assessing Office

401 Webbs Mills Road   Raymond, Maine 04071  
Phone 207.655.4742 x51   Fax 207.655.3024  
[assessor@raymondmaine.org](mailto:assessor@raymondmaine.org)

---

### INTEROFFICE MEMORANDUM

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**TO:** DONALD WILLARD, TOWN MANAGER  
**FROM:** CURT LEBEL, ASSESSORS AGENT  
**SUBJECT:** CENTRAL MAINE POWER OPTION  
**DATE:** 3/4/2016  
**CC:**

**CONFIDENTIAL**

Dear Don,

In response to Central Maine Power Co's purchase offer and option on an approximately 8 acre parcel of land owned by the Town of Raymond, I have spent a limited amount of time looking for relevant sales between CMP and private land owners. I was able to identify some purchases made over the past 14 months in the Standish/Gorham and Bridgton/Harrison areas. All of these sales appear to be along existing powerline rights of way. The present offer from CMP is \$12,000 (\$1,500 per acre). This offers is similar to the Town's current assessment methodology for residual, residential land. (The value which we apply after the first 2-3 acre house site value). This value may be appropriate for abutting property owners purchasing excess land from another, but it is of question whether it is appropriate for a new parcel creation, which will be put to income producing use by the power company. Looking to area sales, the price paid by CMP per acre seems to vary greatly, however, \$12,000 for such a significant purchase appears low, at least to me.

#### RECENT SALES

Date	Parcel ID	Acres	Purchase Price	Price per Acre	
	GORHAM				
Jun-15	081-030	4.82	325000	\$	28,755.00
Dec-14	081-032	6.24	195000	\$	31,250.00
	STANDISH				
May-15	014-093-B	4.6	18000	\$	3,913.00

HOUSE VALUE OF  
\$186,400 EXTRACTED  
FROM SALE PRICE

Dec-14	014-071	EST 3+_	12811	\$	4,270.00
Dec-14	014-070	2	7200	\$	3,600.00
BRIDGTON					
May-15	021-047	0.92	1900	\$	2,065.00
Jan-15	025-064-007	1.67	93000	\$	55,688.00

Excluding the very high value purchases made, I appears that a range of 4,000-5000 may be a more appropriate starting point from which the Town may begin its negotiations. This is not an attempt to provide an appraisal of the property, but merely advise the Town of purchases made by CMP which it may wish to consider in decision.

Sincerely,

Curt Lebel

Assessors Agent, Town of Raymond

# Request to Review Proposed Ordinance Amendments

## Board of Selectmen – Agenda Item Request Form – Public

401 Webbs Mills Road  
Raymond, Maine 04071  
207-655-4742 fax 207-655-3024  
sue.look@raymondmaine.org

Requested Meeting Date:	3-8-16	Request Date:	2-23-16
Requested By:	Chris Hanson		
Address:			
eMail:			
Phone #:			

### Category of Business (please check one):

<input type="checkbox"/> Information Only	<input checked="" type="checkbox"/> Public Hearing	<input type="checkbox"/> Report	<input type="checkbox"/> Action Item
<input type="checkbox"/> Other - Describe	Proposed Amendments to The ordinance		

Agenda Item Subject:	Warrant for Town Mtg.
Agenda Item Summary:	

Action Requested:	
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Attachments to Support Request:	off website
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### For Selectmen's Office Use Only

Date Received: _____	Approved for inclusion: <input type="checkbox"/> Yes <input type="checkbox"/> No
Date Notification Sent: _____	Meeting Date: _____

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## Proposed Ordinance Amendments - Item 1 - Removed

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### **Proposed Raymond Planning Board Warrant Articles** To be voted on at Raymond Town Meeting- June 7, 2016

At Town Meeting to be held this June 7, 2016 the citizens of Raymond will be asked to vote on (xx) Warrant articles pertaining to proposed amendments to the Land Use Ordinance, Shoreland Zoning Ordinance, and Miscellaneous Ordinances. Set out below is the text of the question for each article followed by a brief description of the proposed amendment. The questions include a reference to the ordinance provision proposed for amendment.

➤ **ITEM 1 (ARTICLE 2 ON THE WARRANT)**

DESCRIPTION:

**\*\*This item is reserved for additional consideration.\*\***

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# Proposed Ordinance Amendments - Item 2 - Shoreland Zone

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➤ **ITEM 2 (ARTICLE 3 ON THE WARRANT)**

DESCRIPTION:

As of January 2015, the MaineDEP completed its rulemaking process to introduce new reforms to the Chapter 1000 Guidelines for Municipal Shoreland Zoning Ordinances. The proposed amendments to the Town of Raymond Shoreland Zoning Provisions are intended to make the language in this document more consistent with the Maine Department of Environmental Protection's Chapter 1000 Guidelines for Municipal Shoreland Zoning Ordinances.

Specifically, the proposed amendments include updating and revising definitions, changing the criteria for the expansion of nonconforming structures based on footprint and height, rather than floor area and volume as previously dictated, clearing of vegetation and revegetation, removal of hazard, storm-damaged and dead trees, allowing the CEO to grant variances related to ADA issues, and adjustment of required culvert sizing. Additionally, several new definitions are proposed, and reformatting throughout the document associated with these proposed changes.

Key Changes:

- Revised definitions and updates to formatting of definitions
- Changes in the calculation methods used to assess expansion of nonconforming structures
- Adjustments in culvert sizing
- Changes to language outlining the requirements associated with clearing and revegetation requirements, and removal of hazard, storm damaged, and dead trees.
- New and revised definitions.

WARRANT LANGUAGE:

**ARTICLE 3:**

Shall Sections 12 (Non Conformance), Section 13 (Establishment of Shoreland Districts), Section 15 (Land Use Standards), Section 16 (Administration), and Section 17 (Definitions) of the Shoreland Zoning Provisions of the Town of Raymond as adopted May 21, 1994 and amended through June 3, 2015, be further amended by adding the underscored language and deleting the strikethrough type as shown?

The Planning Board recommends Article 3.

The Selectmen Recommend Article 3

*Description of proposed Changes to the Shoreland Zoning Provisions: As of January 2015, the MaineDEP completed its rulemaking process to introduce new reforms to the Chapter 1000 Guidelines for Municipal Shoreland Zoning Ordinances. The proposed amendments to the Town of Raymond Shoreland Zoning*



*Provisions are intended to make the language in this document more consistent with the Maine Department of Environmental Protection's Chapter 1000 Guidelines for Municipal Shoreland Zoning Ordinances.*

*Specifically, the proposed amendments include updating and revising definitions, assessing the expansion of nonconforming structures based on footprint and height, rather than floor area and volume as previously dictated, adjustment of required culvert sizing, clearing of vegetation and revegetation, removal of hazard, storm-damaged and dead trees, and allowing the CEO to grant variances related to ADA issues. Additionally, several new definitions are proposed, and general reformatting throughout the document associated with these proposed changes.*

## **SECTION 12. NON-CONFORMANCE**

### **C. Non-conforming Structures**

1. Expansions: All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 15(B)(1). A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure. A conforming situation cannot be made nonconforming and a nonconforming situation cannot be made more nonconforming.  
*[Amended 5/18/02]*
  - a) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase the nonconformity with the water body, tributary stream, or wetland setback requirement.
  - b) Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1).

- (i) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
- c) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirement may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1) or Section 12 (C)(1)(a) above.
  - (i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
  - (ii) For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i), and Section 12(C)(1)(c)(i) above.
  - (iii) In addition to the limitations in subparagraphs (i) and (ii) for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a

water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

- d) An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the Registry of Deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the CEO.

**Further Limitations:**

- a. ~~After January 1, 1989, if any portion of a structure is less than the required setback from the normal high water line of a water body, tributary stream or upland edge of a wetland, including after relocation, that portion of the structure shall not be expanded in floor area or volume by 30% or more during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date. [Amended 5/18/02]~~

2. Foundations. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(23) Relocation, below. ~~. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.~~

23. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Code Enforcement Officer, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law, the State of Maine Subsurface Wastewater Disposal Rules (Rules), and the Town's standards, or that a new system can be installed in compliance with the law, said Rules and local standards. In no case shall a structure be relocated in a manner that causes the structure to be more non- conforming. In determining whether the building relocation meets the setback to the greatest practical extent, the Code Enforcement Officer shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or

wetland setback area in order to relocate a structure, the Code Enforcement Officer shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 15(S). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.
- b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

~~3.4.~~ Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Code Enforcement Officer in accordance with the purposes of these ordinance provisions. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming ~~floor area and volume~~ footprint of the reconstructed or replaced structure at its new location. If the total ~~amount of floor area and volume~~ footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(~~23~~) above.

Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Code Enforcement Officer within one year of such damage, destruction, or removal. In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Code Enforcement Officer shall consider, in

addition to the criteria in paragraph 3 above, the physical condition and type of foundation present, if any.

- 4 5. Change of Use of a Non-conforming Structure: The use of a non-conforming structure may not be changed to another use unless the Board of Appeals after receiving a written application determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use. In determining that no greater adverse impact will occur, the Board of Appeals shall require written documentation from the applicant, regarding the probable effects on public health and, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

**D. Non-conforming Uses**

1. Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Code Enforcement Officer, be expanded within existing residential structures or within expansions of such structures as allowed by Article 3 of the Raymond Land Use Ordinance and by Section 12(C)(1) ~~above~~ Subsection C.1.a above.
2. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Board of Appeals may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five- (5) year period.
3. Change of Use: An existing non-conforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Board of Appeals. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(5) ~~Subsection C.4~~ above.

*Description of Proposed changes to Section 12 of the Shoreland Zoning Provisions: The proposed changes to Section 12 consist of regulating the expansion of nonconforming structures based on footprint and height, rather than floor area and volume, as previously dictated.*



## SECTION 13. ESTABLISHMENT OF SHORELAND DISTRICTS

### A. Resource Protection District (RP)

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, except that areas that are currently developed need not be included in the Resource Protection District:

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by ~~either MDIF&W or the Department as of December 31, 2008.~~ For purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

*Description of the changes proposed to Section 13 of the Shoreland Zoning Provisions: The changes in this section eliminate Maine DEP as a source for waterfowl and wading bird habitat data.*

## SECTION 15 LAND USE STANDARDS

### B. Principal and Accessory Structures

1. All new permitted principal and accessory structures shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of any lakes, ponds, other water bodies, tributary streams, or the upland edge of a wetland.

In addition the water body, tributary stream, or wetland setback provision shall apply to neither structure that require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

2. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be

located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

3. Principal or accessory structures and expansions of existing structures that are permitted in the Resource Protection, Stream Protection, Limited Residential/Recreational I, and Limited Residential/Recreational II Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, cupolas, and similar structures having no floor area.
4. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood level as defined by soil types identified as recent flood plain soils. Any new construction, including prefabricated buildings, shall be anchored to prevent flotation and lateral movement and shall be constructed with flood-resistant materials and methods. All new and replacement water supply and sewage disposal facilities shall be so located and designed as to minimize infiltration, contamination or other impairment by flooding.
5. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed fifteen (15) percent of the lot or a portion thereof located within the shoreland zone, including land area previously developed. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.
6. For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.
- ~~6-7.~~ Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

**C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal high-water Line of a Water Body or Within a Wetland**

1. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 15(A), a second structure may be allowed and may remain as long as the lot is not further divided.

- ~~1-2.~~ Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- ~~2-3.~~ The location shall not interfere with existing developed or natural beach areas.
- ~~3-4.~~ The facility shall be located so as to minimize adverse effects on fisheries.
- 4-5. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
- ~~5-6.~~ All temporary structures must be removed to beyond the normal high water line by December first of each year, or a penalty of \$100.00 per day beyond December first shall be imposed.
- ~~6-7.~~ No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
8. A structure constructed on a float or floats is prohibited unless it is designed to function as, and is registered with the Maine Department of Inland Fisheries and Wildlife as a watercraft.
- ~~7-9.~~ No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- ~~8-10.~~ Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
- ~~9-11~~ Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resource Protection Act, Title 38 M.R.S.A., Section 480-C.
12. Vegetation may be removed in excess of the standards in Section 15(Q) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.
- a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment access way must be restored.
- b) Revegetation must occur in accordance with Section 15(S)

#### **E. Personal Campsites\***

Any premise providing temporary accommodation for campers in a recreational vehicle, trailer or tent and used exclusively by the owner of the property and his/her immediate family shall be permitted, provided the following conditions are met:

1. Such private campgrounds shall be limited to no more than one (1) campsite and may not be utilized for more than 90 calendar days per calendar year, beginning from the date of first use, including storage of a recreational unit, excepting that, the owner of a lot/parcel used as his/her primary residence may store the recreational vehicle(s) or camper(s) owned and registered to him/her. All structures must be removed at the end of the 90 days.
2. If two recreational vehicles or trailers are sited on one lot/parcel located in the shoreland district, each shall contain at least 30,000 square feet, and in all other zones each campsite shall contain at least 30,000 square feet.
3. In no case shall two campsites comprise more than fifty (50) percent of any lot/parcel, and in no case shall the campsite(s) comprise more than fifty (50) percent of any lot/parcel which also has a seasonal or year round structure on the lot/parcel.

4. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.

4.5. All setback requirements must be met, which shall apply to any part of tent or recreational unit, including awnings.

5.6. A permit must be obtained before the first day of use.

6.7. Size of a tent or recreational unit on an individual campsite shall be limited to 280 square feet of floor area, measured from the overall outside dimensions.

7.8. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet.

8.9. All waste must be disposed of according to all State and local regulations.

9.10. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.

## N. Agriculture

1. All spreading or disposal of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond, or a river flowing to a great pond, or within one hundred (100) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. *[Amended 5/18/02]*
3. Agricultural activities involving tillage of soil in a Resource Protection District, or the tillage of soil greater than twenty thousand (20,000) square feet in surface area within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of these ordinance provisions.
4. There shall be no new disturbance of soil within one hundred (100) feet, horizontal distance, of the normal high-water line of any lake, pond, or other water bodies; nor within twenty-five feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of these ordinance provisions and not in conformance with these provisions may be maintained.
5. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of any lake, pond, or other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the Planning Board.

## P-1. Timber Harvesting – Statewide Standards

...



6. Crossings of waterbodies. Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.

...

- g. Bridge and Culvert Sizing. For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:

1. Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate ~~10~~ 25 year frequency water flows or with a cross-sectional area at least equal to ~~2 1/2~~ 3 times the cross-sectional area of the river, stream, or tributary stream channel.

#### 7. Slope Table

Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Section 15(O-1), but in no case shall be less than shown in the following table.

Average slope of land between exposed mineral soil and the shoreline (percent)	Width of strip between exposed mineral soil and shoreline (feet along surface of the ground)
<b>0</b>	<b>25</b>
<b>10</b>	<b>45</b>
<b>20</b>	<b>65</b>
<b>30</b>	<b>85</b>
<b>40</b>	<b>105</b>
<b>50</b>	<b>125</b>
<b>60</b>	<b>145</b>
<b>70</b>	<b>165</b>

8. Definitions. Unless otherwise provided herein, this Section P-1 incorporates by reference the definitions contained in the Maine Forest Service Rules Chapter 20, "Forest Regeneration and Clearcutting Standards", and Chapter 21, "Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas."

#### **Q . Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting**

1. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line, except to remove ~~safety hazards~~ hazard trees as described in Section (Q).

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

2. Except in areas as described in Paragraph 1, above, ~~and except to allow for the development of permitted uses,~~ within a strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond or a river flowing to a great pond, ~~and or~~ within a strip extending one hundred (100) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
  - a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/ or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.
  - b. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of this section a "well-distributed stand of trees " adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25 foot by 50 foot rectangular (1250 square feet) area as determined by the following rating system.

Tree at 4« feet Above Ground Level (diameter in inches)		Points
	2 - <4 inches	1
	4 - <8 inches	2
	8 - < 12 inches	4
	12 inches or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50 foot rectangular area. Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4«1/2 feet above ground level may be removed in any ten (10) year period.

The following shall govern in applying this point system:

- 1) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- 2) Each successive plot must be adjacent to, but not overlap a previous plot;

- 3) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- 4) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
- 5) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(PQ)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

- c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and forest duff layer, shall not be cut, covered or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2),(a) above. *[Amended 5/20/02]*
- d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, ~~diseased, dead, unsafe~~ dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section R below, unless existing new tree growth is present. A determination about the condition of any such storm damage, ~~disease unsafe dead~~ dead or hazard trees shall be made by a certified forester or the CEO, prior to the removal of said trees.
- f. In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15P(2).

Section 15(Q) (2) above does not apply to those portions of public recreational facilities adjacent to public swimming areas As long as cleared areas are limited to the minimum area necessary.

3. At distances greater than one hundred (100) feet, horizontal distance, from the normal high-water line of any lake, pond, river flowing to a great pond, and any other water body, tributary

stream, or the upland edge of a wetland, , there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4« feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty- (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area. In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously developed or cleared. This provision applies to the portion of a lot within the shoreland zone, including the buffer area.

#### **R. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal**

1. Hazard trees in the shoreland zone may be removed without a permit after consultation with the CEO if the following requirements are met:
  - a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.
  - b) Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.
  - c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those that contain no foliage during the growing season.

- d) The CEO may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
  - e) The CEO may require more than one for one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.
- (2) Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
- (a) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
    - (i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
    - (ii) Stumps from the storm-damaged trees may not be removed;
    - (iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
    - (iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.
  - (b) Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

#### **S. Exemptions to Clearing and Vegetation Removal Requirements**

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

- (1) The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;



- (2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;
- (3) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
- (4) The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;
- (5) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:
  - (a) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
- (6) The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
  - (a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
  - (b) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
  - (c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.
- (7) The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

#### **T. Revegetation Requirements.**

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation

standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

- (1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
- (2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:
- (3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
- (4) Revegetation activities must meet the following requirements for trees and saplings:
  - (a) All trees and saplings removed must be replaced with native noninvasive species;
  - (b) Replacement vegetation must at a minimum consist of saplings;
  - (c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
  - (d) No one species shall make up 50% or more of the number of trees and saplings planted;
  - (e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
  - (f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.
- (5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:
  - (a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;

- (b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
  - (c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
  - (d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and
  - (e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years
- (6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:
- (a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
  - (b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
  - (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

**RU. Erosion and Sedimentation Control**

1. Filling, grading, lagooning, dredging, earth moving and other land use activities shall be conducted in such a manner to prevent erosion and sedimentation of surface waters to the maximum extent practical. All activities, which result in unstabilized soil conditions and which require a permit shall be developed in accordance with an Erosion and Sedimentation Control Plan prepared in conformance with the requirements of “*Maine Erosion Control BMPS, Bureau of Land and Water Quality Maine Department of Environmental Protection*”, March 2003, and subsequent revisions thereof. *[Amended 12/02/08]*
2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
  - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
  - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
  - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
  - d. Additional winter construction requirements as prescribed by "*Maine Erosion and Sediment Control Best Management Practices*", latest revision, prepared by the Maine Department of Environmental Protection, shall be adhered to as appropriate.
5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

#### **S-V. Soils\***

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water

elevation, presence of ledge, drainage conditions, and other pertinent data, which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

#### **T. W. Water Quality\***

No activity shall store, deposit on or into the ground, discharge, or permit the discharge into the waters of the State of any treated, untreated or inadequately treated liquid, gaseous, solid material, or pollutant of such nature, quantity, obnoxiousness, toxicity, or temperature, such that, by itself or in combination with other activities or substances, it will run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, harm, or impair designated uses or the water classification of such water bodies, tributary stream or wetland, or cause nuisance, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

#### **U. X. Archaeological Sites**

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

#### **V. Y. Public Boat Launch Facility and Associated Parking Areas *[Adopted 06/03/14]***

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
2. The Public Boat Launching Facility shall be located so as to minimize adverse effects on fisheries.
3. Boat launch width shall be minimized to the greatest extent possible and the applicant shall provide evidence or information supporting the design width. This provision is not intended to prohibit multiple launching ramps at a single facility.
4. Applicants for the construction of a Public Boat Launching Facility and associated structures shall obtain all necessary permits from the Maine Department of Environmental Protection (Maine DEP).
5. One Public Boat Launching Facility shall be allowed at any Great Pond. Planning Board approval is required for any applications proposing a second launch to any Great Pond. The Planning Board shall also be responsible for determining the appropriate separation between a proposed Public Boat Launching Facility and any existing boat launch facilities.

6. The site plan design shall include a signage plan for the posting of rules and regulations regarding usage, invasive species, circulation of vehicles, and parking on the site.
7. The design shall include a boat launch inspection and cleaning area designed for inspecting and cleaning of watercraft and trailers, and include facilities for the proper disposal of aquatic invasive species.
8. The owner of the facility shall provide a maintenance and operations plan subject to review annually by the CEO.
9. The Public Boat Launching Facility shall include sanitary facilities and trash receptacles.
10. Public Boat Launching Facilities shall be designed to provide adequate security or public visibility to access and ramp areas to discourage loitering, trespassing, or vagrancy of individuals, or groups, and insure safety of the site following normal hours of usage.
11. No routine maintenance or repairs of watercraft shall be allowed at the boat launch facilities.
12. The boat launch access entrance from any road having regular vehicular traffic shall be designed to address safe sight distance and promote safe traffic and pedestrian movements.
13. The property shall maintain at least a 25 foot natural buffer strip of vegetation from any adjacent residentially zoned properties. When a natural buffer strip of vegetation does not exist, a landscaped buffer strip shall be planted with approval of a planting plan by the Planning Board.
14. The boat launch ramp shall be constructed of a low permeable inert material such as, but not limited to concrete, asphalt, or other solid construction material to discourage soil erosion or vehicle tracking. Materials shall be installed that will not degrade water quality, will promote protection from erosion or sedimentation, and will not leach, weep or cause contamination from preservatives, treatments, or other chemical pollutants due to their composition or by applied treatments placed on their surfaces. Gravel, crushed stone, or other compacted soil aggregate materials shall not be used for construction of the portion of the launch ramp subject to contact by a towing vehicle, trailer, or other device to transport watercraft to and from the access road the ramp's lowest submerged depth.



## SECTION 16. ADMINISTRATION

### C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
2. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.
5. When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

### G. Appeals

Appeals from decisions under the Shoreland Zoning provisions and variances from the Shoreland Zoning provisions are governed by the appeals and variance procedures contained in the Shoreland Zoning provisions and are not governed by Article 6 of the Land Use Ordinance.

1. Powers and Duties of the Board of Appeals - The Board of Appeals shall have the following powers:

- a. Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the enforcement or administration of these ordinance provisions.
- b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in these ordinance provisions.

2. Variance Appeals - Variances may be granted only under the following conditions:

- a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- b. Variances shall not be granted for establishment of any uses otherwise prohibited by these ordinance provisions.
- c. The Board shall not grant a variance unless it finds that:
  - 1) The proposed structure or use would meet the provisions of Section 15 after for the specific provision which has created the non-conformity and from which relief is sought; and
  - 2) The strict application of the terms of these ordinance provisions would result in undue hardship. The term "undue hardship" shall mean:
    - i. that the land in question cannot yield a reasonable return unless a variance is granted;
    - ii. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
    - iii. that the granting of a variance will not alter the essential character of the locality; and
    - iv. that the hardship is not the result of action taken by the applicant or a prior owner.

- d. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of these ordinance provisions to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- e. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
- f. The Board of Appeals may grant reductions from the minimum setback requirements set forth in Section 15 (A) of these provisions according to all of the following criteria:
  - 1) Setback reduction appeals are only available to reduce the minimum requirements for setbacks of structures from lot boundary lines. Setback reduction appeals shall not be used, and are not available from bodies of water as provided in these provisions.
  - 2) Setback reduction appeals may only be granted and are only available for lots with a residential dwelling as the principal structure.
  - 3) The Board of Appeals may grant a setback reduction appeal if the Board finds that granting the setback reduction will not result in unreasonable interference with the privacy interests of the abutting landowners.
  - 4) In granting a setback reduction the Board of Appeals may attach reasonable conditions, which it may deem necessary to serve the purposes of these provisions.
  - 5) A setback reduction appeal shall not be granted to enable construction or renovation that will create additional dwelling units.
  - 6) A setback reduction appeal shall not be granted to enable construction or renovation that will result in more than one garage on the lot that is the subject of the appeal.

- 7) No setback reduction appeal may be granted that will result in impervious surface lot coverage of greater than 15%.
- 8) Setback reduction appeals may only be granted the minimum extent necessary to accomplish the purpose of the appeal. Setbacks may not be reduced by setback reduction appeal to less than the following absolute minimum setbacks:

Front yard	15 feet
Side yard	10 feet
Rear yard	15 feet [Adopted 3/18/00]

- g. The Code Enforcement Officer may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The CEO shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The CEO may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

## H. Enforcement

### 11. Code Enforcement Officer

- b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of these ordinance provisions. ~~On a biennial basis beginning in 1992, a summary of this record shall be submitted by March 1 to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection~~

*Description of the changes to Section 16 of the Shoreland Zoning Provisions: The proposed changes to this section are:*

- *Language is proposed requiring the person responsible for management of erosion and sedimentation control practices at a site to be certified in erosion control practices by the Maine Department of Environmental Protection.*

- *Language is proposed to allow the CEO the power to grant a variance to the owner of a residential dwelling to make that dwelling more accessible to a person residing in the resident with a disability.*

## SECTION 17. DEFINITIONS

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 these Shoreland Zoning provisions shall carry their customary dictionary meanings, unless specifically defined in these Shoreland Zoning provisions or in other provisions of the Raymond Land Use Ordinance. If there are conflicting definitions in these Shoreland Zoning provisions and in other provisions of the Raymond Land Use Ordinance the definition in these Shoreland Zoning provisions shall be used when defining terms in the Shoreland Zoning provisions. When defining terms in other provisions of the Land Use Ordinance, the definitions in these Shoreland Zoning provisions shall not apply.

**Bureau of Forestry**— State of Maine Department of ~~Conservation's~~ Agriculture, Conservation, and Forestry's Bureau of Forestry

**Cupola**—a non-habitable building feature mounted on a building roof for observation purposes, with a floor area of 53 square feet or less, and does not increase the existing height of the structure by more than 7 feet.

**Expansion of a structure** - an increase in the ~~floor area or volume~~ footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

**Expansion of use** - the addition of one or more months to a use's operating season; or the use of more ~~floor area~~ footprint of a structure or ground area devoted to a particular use.

**Floor area** - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls. ~~plus the horizontal area of any unenclosed portions of a structure such as porches and decks.~~

**Footprint** - the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

**Forested wetland** – a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

**Freshwater wetland** – freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. ~~Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and~~
2. ~~Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.~~

~~Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.~~

**Functionally water-dependent uses** - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

**Hazard tree** - a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

**Non-native invasive species of vegetation** - species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.



**Principal structure** - a ~~building structure~~ other than one which is used for purposes wholly incidental or accessory to the use of another ~~building structure~~ or use on the same ~~premises lot~~.

**Principal use** - a use other than one which is wholly incidental or accessory to another use on the same ~~premises lot~~.

~~**Riprap** - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.~~  
(Relocate to alphabetical order)

**Riprap** - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

**Sapling** - a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

**Seedling** - a young tree species that is less than four and one half (4.5) feet in height above ground level.

**Shoreland Buffer Strip** - a preserved vegetative strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond or river flowing to a great pond or within a strip extending one hundred (100) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland.

**Storm-damaged tree** - a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

**Stream** - A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the ~~edition of a~~ United States Geological Survey, 7.5 minute series topographic map, or if not available, a 15 minute series topographic map to the point where the ~~body of water~~ stream becomes a river or ~~flows to where a stream meets the shoreland zone of another water body or wetland. Within the shoreland area.~~ When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream. [Amended 6/01/10]

**Outlet stream** - any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

**Tributary stream** – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

**Structure** - anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, together ~~with or~~ anything constructed or erected ~~with a fixed location~~ on or in the ground ~~exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors.~~ The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and their aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

**Timber harvesting** - the cutting and removal of timber for the primary purpose of selling or processing forest products. "Timber harvesting" does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

**Tree** - a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

~~**Tributary stream** — means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.~~

~~This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.~~

NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

**Upland edge of a wetland** - the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

**Wetland** - A freshwater wetland. A forested wetland shall not be considered to be a wetland for the purposes of these shoreland zoning ordinance provisions.

**Forested wetland** - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

**Freshwater wetland** - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

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## Proposed Ordinance Amendments - Item 3 - Stormwater

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➤ **ITEM 3 (ARTICLE 4 OF THE WARRANT)**

DESCRIPTION:

Town staff is recommending changes regarding how stormwater calculations are determined for smaller projects and the level of review they will receive among town staff.

Key Changes:

- Revisions to language related to the level of staff review.
- Language referencing Best Management Practice Guidelines (BMPs) has been added to the ordinance.
- Additional language related to stormwater calculations and techniques have been added to satisfy to Stormwater and Phosphorus Management Control Permit Points System.
- Requires a professional engineer to certify that a proposed alternative treatment meets the performance standards of those techniques identified in the ordinance.

WARRANT LANGUAGE:

**ARTICLE 4:**

Shall Articles 9.X.1 (Stormwater Quality and Phosphorous Control- Applicability), 9.X.2. (Application Review), 9.X.2.a. (Point System) of the Raymond land Use Ordinance, as adopted May 21, 1994 and amended through June 3, 2015 be further amended by adding the underscored language and deleting the language in strikethrough type as shown below?

The Planning Board recommends Article 4.

The Selectmen Recommend Article 4

*Description of Changes to Article 9.X (Stormwater Quality and Phosphorous Control) of the Land Use Ordinance: Town staff is recommending changes regarding how Stormwater Calculations are determined for smaller projects and the level of review they will receive.*

**X. Stormwater Quality and Phosphorous Control:**

The direct discharge of stormwater from ditches, swales and developed sites to streams and lakes can contribute to water pollution as stormwater can contain sediment, nutrients(such as phosphorus), hydrocarbons and other harmful substances. These impacts can contribute to degraded water quality or promote algae blooms further depleting necessary components to maintain a s safe and effective

ecosystem. Increased stormwater runoff flows can also damage roads, ditches, culverts and other drainage structures that are not designed to accommodate storm flows. These problems can worsen when an undeveloped woody or well vegetated site is cleared for development since stormwater that was previously intercepted by vegetation and absorbed into the ground is allowed to flow more freely across and ultimately off the site. The closer proposed stormwater flows are kept to original undeveloped conditions in terms of volume, rate, timing and pollutant load for the area encompassed by a project, the less likely that stormwater flows will damage the site, or public or private property, or cause harm to water bodies.

The introduction of excessive amounts of phosphorus from developed areas into lakes and ponds has been identified as a significant threat to water quality. The introduction of stormwater quality treatment Best Management Practices (BMPs) can minimize impacts to receiving wetlands and water bodies. The preferred stormwater treatment BMP for residential lots is the incorporation of naturally vegetated buffers whenever site conditions are suitable. Alternative stormwater treatment BMPs for residential lots, such as but not limited to infiltration, bio-retention measures, soil filter swales, and wetponds which should be used when site conditions on the lot prevent the effective use of buffers.

The purpose of this standard is to maintain the water quality of the area's lakes, ponds and streams by preventing the introduction of excessive amounts of pollutants to water bodies.

1. Applicability:

This section shall apply to all development, construction, alteration or building on lots, where any portion of the lot is within 600' of a great pond, as measured from the normal high water mark, or 100' of a perennial stream, as identified on a USGS map. Projects that must meet this standard include, but are not limited to;

- a. All lots subject to Site Plan Review including any additions, modifications, or new commercial, retail, industrial, institutional and/or recreational structures and uses that have not received prior approval by the Planning Board that included a Phosphorus Export Analysis or a Stormwater Plan that meets the applicable requirements of the State of Maine Chapter 500 Stormwater Rules, Stormwater Standards, as amended.

- 1) All such lots subject to Article 10 Site Plan Review shall conform to the requirements of Article 10, Sections D, 14 and E,1,e in addition to the provisions of this section.

- 2) Except for Minor Developments and Minor Modifications, for which Planning Board approval is not required and the Planning Staff may approve , all projects subject to Site Plan Review shall submit a phosphorus export analysis and calculations based on "*Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development*" (latest edition), issued by Maine DEP. Minor Developments and Minor Modifications subject to ~~Reviewing~~ Planning Authority review only shall use the point system in Section 2, a.

- b. New residential structures and uses that have not received prior approval by the Planning Board that included a Phosphorus Export Analysis, or a Stormwater Plan that meets the requirements of the State of Maine Chapter 500 Stormwater Rules, Stormwater Standards, as amended.

c. Expansions of existing single family structures and duplexes, new accessory structures associated with single family structures and duplexes, or extensions of more than 150 feet of existing driveways, any of which individually or cumulatively increase the impervious area on the lot by 1,500 square feet or more.

## 2. Application Review

The applicant shall submit a site plan that demonstrates to the satisfaction of the applicable ~~Reviewing~~ Planning Authority ~~of (either the Planning Board or the Planning Staff (Code Enforcement Officer and Planner))~~ that the project will comply with this standard. Such plans shall be completed by the applicant, or qualified designer, or design professional, with stormwater design and management expertise. The ~~Reviewing~~ Planning Authority shall review the Stormwater and Phosphorus Management Plan and approve a permit based on one of the following methods. If the ~~Reviewing~~ Planning Authority determines, because of particular circumstances of the property, that a third party review of the storm water and phosphorous management control plans would help achieve the purposes of this ordinance, the ~~reviewing authority~~ Planning Authority may require review and endorsement of such plans by ~~the Cumberland County Soil and Water Conservation District, or some other third party qualified to conduct such review~~ a third party qualified in stormwater design and management, or State of Maine Professional Engineer to conduct such review, the cost of which shall be borne by the Applicant.

### a. Point System

#### 1) Point Credits

The ~~CEO~~ Planning Staff or Authority shall issue a Stormwater and Phosphorus Management Control Permit if the applicant meets or exceeds fifty (50) points based on the following point schedule. The applicant shall submit a Sketch Plan of the lot showing how each of the following point credits, or deductions apply to the proposed development. The Sketch Plan shall show approximate locations and dimensions of each stormwater BMP, or other measure.

a) 10 Points for correcting an existing erosion problem on the project site, as approved by the CEO.

b) 10 Points for a building footprint less than 1,500 square feet

c) 10 Points for a clearing limitation of less than 20% of the lot, or 15,000 square feet, whichever is less; or

20 Points for a clearing limitation of less than 15% of the lot, or 10,000 square feet, whichever is less

d) 15 Points for the installation of rock-lined drip edges or other soil filtration system to serve no less than 50% of the new impervious building area on the site. Test pit information certified by a Licensed Site Evaluator, or a Professional Engineer must show that three feet of separation exists between the Seasonal High Groundwater Table and the bottom of any proposed



infiltration structure. Infiltration systems must be sized to accommodate one inch of runoff from contributing impervious areas within the structure (this will include an assumption of 30% void space in washed stone) and designed in accordance with the details ~~provided in Appendix A of section U;~~ or following approved engineering practices and techniques as published by the Maine Department of Environmental Best Management Practices (BMPs); or

25 Points for the installation of rock-lined drip edges or other soil filtration system to serve no less than 75% of the new impervious building area on the site. Test pit information certified by a Licensed Site Evaluator, or a Professional Engineer must show that three feet of separation exists between the Seasonal High Groundwater Table and the bottom of any proposed infiltration structure. Soil filtration or infiltration systems must be sized to accommodate one inch of runoff from contributing impervious areas within the structure (this will include an assumption of 30% void space in washed stone) and designed in accordance with the details provided in Appendix A of section U following approved engineering practices and techniques as published by the Maine Department of Environmental Best Management Practices (BMPs).

e) ~~20-25~~ Points for the installation of rain gardens soil filtration system, or wetpond design to serve no less than 50% of the total new impervious area on the site. Rain gardens, soil filter, and wetpond systems shall be sized to accommodate one inch of runoff from contributing impervious areas within the six –inch ponding area, and designed in accordance with the ~~detail provided in Appendix A of section U~~ details following approved engineering practices and techniques as published by the Maine Department of Environmental Best Management Practices (BMPs); or

~~30-40~~ Points for the installation of rain gardens, soil filtration system, or wetpond design to serve no less than 75% of the new impervious area on the site. Rain gardens soil filter, and wetpond systems shall be sized to accommodate one inch of runoff from contributing impervious areas within the six –inch ponding area, and designed in accordance with the ~~detail provided in Appendix A of section U.~~ details following approved engineering practices and techniques as published by the Maine Department of Environmental Best Management Practices (BMPs) .

f) 30 Points for a 50 foot wide (no greater than 15% slope) wooded buffer strip, or a 75 foot wide vegetated buffer (no greater than 8% slope) strip located down gradient and adjacent to the developed area, provided there is no channelization within the buffer; or

35 Points for a 75 foot wide (no greater than 15% slope) wooded buffer strip, or a 100 foot wide vegetated buffer (no greater than 15% slope) strip located down gradient and adjacent to the developed area, provided there is no channelization within the buffer; or

40 Points for a 100 foot wide (no greater than 15% slope) wooded buffer strip, or a 150 foot wide vegetated buffer (no greater than 15% slope) strip located down gradient and adjacent to the developed area, provided there is no channelization within the buffer.

## **2) Point Deductions**

### **The Reviewing Authority will deduct points based on the following point schedule:**

The CEO will deduct points based on the following point schedule:

- a) ~~10~~ 5 Points deducted for a new structure footprint exceeding 2000 square feet, and an additional 5 points deducted for each additional 500 square feet of structure footprint.
- b) ~~10~~ 5 Points deducted for over 20,000 square feet of disturbance, and an additional 5 points deducted for each additional 5,000 square feet of disturbance.

### **b. Alternate Means of Calculation:**

In those cases where the ~~Code Enforcement Officer~~ Planning Authority determines that use of the points system is inadequate to achieve the purposes of storm water and phosphorous management control or is otherwise inappropriate because of particular circumstances of the property, the ~~Reviewing~~ Planning Authority may assess conformance with this standard based on the following:

- 1) Phosphorus export calculations based on "Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development", issued by Maine DEP. Any such design must be certified by a Licensed Professional Engineer.
- 2) A Stormwater Management Plan designed in accordance with Section 4B of the State of Maine Chapter 500 Stormwater Regulations, General Standards (June 6, 2006, and as amended). Any such design must be certified by a Licensed State of Maine Professional Engineer.
- 3.) A licensed State of Maine Professional Engineer certifies that the proposed treatment measure matches or exceeds the performance of the treatment measure under the specific point system allowance. It shall be the engineers responsibility to provide evidence that the measure has been approved by the Maine Department of Environmental Protection or provides other certification into comparable treatment by professional testing results.

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# Proposed Ordinance Amendments - Item 4 - Driveways

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➤ **ITEM 4 (ARTICLE 5 OF THE WARRANT)**

DESCRIPTION:

The similar terms “Driveway” and “Driveway Entrance” have been refined and clarified in both the Shoreland Provisions and Land Use Ordinance to be more consistent with one another.

Key Changes:

- Definitions for “Driveway” and “Driveway Entrance” have been amended to provide a clearer understanding of terms related to parking uses.

WARRANT LANGUAGE:

**ARTICLE 5:**

Shall Article 12 (APPLICABILITY AND DEFINITION OF TERMS USED IN THIS ORDINANCE) of the Raymond Land Use Ordinance and Section 17 (DEFINITIONS) of the Shoreland Zoning Provisions be further amended by adding the underscored language and deleting the language in strikethrough type as shown below?

The Planning Board recommends Article 5.

The Selectmen Recommend Article 5

*Description:*

*In 2014, the Town of Raymond proposed additions to their definitions which provide clearer understanding for terms used for the Parking uses. Those terms included Off-Street parking, Off-Site Parking, and Independent Facility. Similarly, the definition of “Driveway,” has led to some confusion and thus definitions in both the Shoreland Provisions and Land use Ordinance have been amended to be consistent. New Definitions for the term “Driveway” and “Secondary Access” are proposed to both the Land Use Ordinance and Shoreland Zoning Provisions.*

**ARTICLE 12. APPLICABILITY AND DEFINITION OF TERMS USED IN THIS ORDINANCE (LAND USE ORDINANCE)**

~~**Driveway** – Access route or right-of-way to any single-family dwelling or to a duplex, triplex, or fourplex building except where such buildings are developed as part of a larger subdivision.~~

**Driveway** – Access route or right-of-way to any single family dwelling, duplex, or multifamily building if so allowed in a zone, except where such buildings are developed as part of a larger subdivision. For other allowed non-residential uses, the term shall mean any primary access route used for vehicular ingress, or egress from a location off a public or private right-of-way. All non-residential and multifamily

dwelling driveways shall conform to the applicable design requirements as provided in **Article 10-Site Plan Review, F. Performance Standards.**

**Secondary Access-** Access routes, paths, or ways whose function is to serve a permitted use on a lot for the purpose of emergency response, or maintenance service, or any other non-primary function to serve the lot. Such secondary access shall not meet the requirements or definition of a driveway.

## **SECTION 15. LAND USE STANDARDS (LAND USE ORDINANCE)**

### **G. Parking Areas**

6. Off-Site Parking Lots shall be allowed if they are within 300 feet of the lot containing the associated permitted use as measured from the centerline of that lot's driveway ~~entrance~~ to the centerline of the driveway ~~entrance~~ of the Off-Site Parking Lot. All Off-Site Parking Lots shall meet the following additional requirements:

## **SECTION 17 DEFINITIONS (SHORELAND PROVISIONS)**

~~**Driveway**—a vehicular access way less than (500) feet in length serving two single family dwellings or one two family dwelling, or less.~~

**Driveway** – Access route or right-of-way to any single family dwelling, duplex, or multifamily building if so allowed in a zone, except where such buildings are developed as part of a larger subdivision. For other allowed non-residential uses, the term shall mean any primary access route used for vehicular ingress, or egress from a location off a public or private right-of-way. All non-residential and multifamily dwelling driveways shall conform to the applicable design requirements as provided in **Article 10-Site Plan Review, F. Performance Standards.**

**Secondary Access-** Access routes, paths, or ways whose function is to serve a permitted use on a lot for the purpose of emergency response, or maintenance service, or any other non-primary function to serve the lot. Such secondary access shall not meet the requirements or definition of a driveway.

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## Proposed Ordinance Amendments - Item 5 - Appeals

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➤ **ITEM 5 (ARTICLE 6 OF THE WARRANT)**

**DESCRIPTION:**

The following amendments are proposed to Section 16 of the Shoreland Zoning Provisions and Article 6 of the Town of Raymond Land Use Ordinance. These amendments state that decisions of the Planning Board will not be reviewed by the Board of Appeals, but rather go directly to Superior Court, and they also clarify that the Board of Appeals shall review a decision of the Code Enforcement Officer in a “de novo” hearing, meaning they will reconsider the application independent of the CEO’s decision. The proposed language also corrects the time period for appeals to Superior Court to 45 days to be consistent with state statute.

**Key Changes:**

- These amendments state that decisions of the Planning Board will not be reviewed by the Board of Appeals, but rather go directly to Superior Court
- Board of Appeals shall review a decision of the Code Enforcement Officer in a de novo hearing.
- Amends the time period for appeals to Superior Court to 45 days to be consistent with state statute.

**WARRANT LANGUAGE:**

**ARTICLE 6:**

Shall Section 16.G ADMINISTRATION-Appeals of the Shoreland Zoning Provisions as adopted May 21, 1994 and amended through June 3, 2015 and Article 6 (Board of Appeals) of the Land Use Ordinance be further Amended by adding the underscored language and deleting the language in strikethrough type as shown below?

The Planning Board recommends Article 6.

The Selectmen Recommend Article 6

*Description:*

*The following amendments are proposed to Section 16 of the Shoreland Zoning Provisions and Article 6 of the Town of Raymond Land Use Ordinance. These amendments state that decisions of the Planning Board will not be reviewed by the Board of Appeals, but rather go directly to Superior Court, and they also clarify that the Board of Appeals shall review a decision of the Code Enforcement Officer in a de novo hearing. The proposed language also corrects the time period for appeals to Superior Court to 45 days to be consistent with state statute.*

## SECTION 16. ADMINISTRATION

### G. Appeals

Appeals from decisions under the Shoreland Zoning provisions and variances from the Shoreland Zoning provisions are governed by the appeals and variance procedures contained in the Shoreland Zoning provisions and are not governed by Article 6 of the Land Use Ordinance.

1. Powers and Duties of the Board of Appeals - The Board of Appeals shall have the following powers:
  - a. Administrative Appeals: To hear and decide appeals, on a de novo basis, where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer ~~or Planning Board~~ in the enforcement or administration of these ordinance provisions.
  - b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in these ordinance provisions.
  - c. The Board of Appeals shall not have the authority to review decisions of the Planning Board. Decisions by the Planning Board shall be appealed directly to Superior Court.
2. Variance Appeals - Variances may be granted only under the following conditions:
  - a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
  - b. Variances shall not be granted for establishment of any uses otherwise prohibited by these ordinance provisions.
  - c. The Board shall not grant a variance unless it finds that:
    - 1) The proposed structure or use would meet the provisions of Section 15 after for the specific provision which has created the non-conformity and from which relief is sought; and
    - 2) The strict application of the terms of these ordinance provisions would result in undue hardship. The term "undue hardship" shall mean:
      - i. that the land in question cannot yield a reasonable return unless a variance is granted;
      - ii. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

- iii. that the granting of a variance will not alter the essential character of the locality; and
  - iv. that the hardship is not the result of action taken by the applicant or a prior owner.
- d. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of these ordinance provisions to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- e. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
- f. The Board of Appeals may grant reductions from the minimum setback requirements set forth in Section 15 (A) of these provisions according to all of the following criteria:
- 1) Setback reduction appeals are only available to reduce the minimum requirements for setbacks of structures from lot boundary lines. Setback reduction appeals shall not be used, and are not available from bodies of water as provided in these provisions.
  - 2) Setback reduction appeals may only be granted and are only available for lots with a residential dwelling as the principal structure.
  - 3) The Board of Appeals may grant a setback reduction appeal if the Board finds that granting the setback reduction will not result in unreasonable interference with the privacy interests of the abutting landowners.
  - 4) In granting a setback reduction the Board of Appeals may attach reasonable conditions, which it may deem necessary to serve the purposes of these provisions.
  - 5) A setback reduction appeal shall not be granted to enable construction or renovation that will create additional dwelling units.
  - 6) A setback reduction appeal shall not be granted to enable construction or renovation that will result in more than one garage on the lot that is the subject of the appeal.
  - 7) No setback reduction appeal may be granted that will result in impervious surface lot coverage of greater than 15%.



- 8) Setback reduction appeals may only be granted the minimum extent necessary to accomplish the purpose of the appeal. Setbacks may not be reduced by setback reduction appeal to less than the following absolute minimum setbacks:

Front yard	15 feet
Side yard	10 feet
Rear yard	15 feet <i>[Adopted 3/18/00]</i>

### 3. Appeal Procedure

#### a. Making an Appeal

- 1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer ~~Or the Planning Board.~~ Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty- (30) day requirement.
- 2) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal, which includes:
  - i. A concise written statement indicating what relief is requested and why it should be granted.
  - ii. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- 3) Upon being notified of an appeal, the Code Enforcement Officer ~~or Planning Board, as appropriate,~~ shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- 4) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

#### b. Decision by Board of Appeals

- 1) A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- 2) When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At that time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity, the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

- ~~2-3)~~ The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer ~~or Planning Board~~ to decide in favor of the applicant on any matter on which it is required to decide under these ordinance provisions, or to affect any variation in the application of these ordinance provisions from its stated terms. ~~The Board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of these ordinance provisions.~~
- ~~3-4)~~ The person filing the appeal shall have the burden of proof.
- ~~4-5)~~ The Board shall decide all appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
- ~~5-6)~~ All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.
4. Appeal to Superior Court - Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within ~~thirty~~ forty-five (45) days from the date of the vote on the original decision ~~any decision of the Board of Appeals~~.
5. Reconsideration - The Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision ~~thirty (30) days of its prior decision~~. The Board may conduct additional hearings and receive additional evidence and testimony.

## ARTICLE 6 - BOARD OF APPEALS

### B. Powers and Duties

1. ~~In addition to the power granted by 30 M.R.S.A., Section 4963(2),~~ The Board of Appeals shall have the following authority:
- a. Subject to the provisions of this Ordinance, to hear and decide appeals, on a de novo basis, from orders, decisions, determinations or interpretations made by the Code Enforcement Officer or the Building Inspector. [*Amended 8/7/07*]

- b. Subject to the provisions of this Ordinance, to hear and grant or deny applications for variances from the terms of the Land Use Ordinance. A variance may be granted for lot areas, lot coverage by structure, and setbacks. A variance shall not be granted to permit a use or structure otherwise prohibited, except for non-conforming uses, structures and lots as described in Subsection e~~d~~. below. A variance can only be granted where undue hardship is proven. Undue hardship is defined to mean:

- 1) That the land in question cannot yield a reasonable return unless the variance is granted;
- 2) That the need for a variance is because of unique circumstances of the property (such as location of existing structures, topographical features, etc.) and not to the general conditions of the neighborhood;
- 3) That the granting of a variance will not change the essential character of the locality;
- 4) That the hardship is not the result of action taken by the applicant or a prior owner;
- 5) Permitted variances run with the land and thus pass from one owner of a property to the next.

- c. To grant a set-back variance for a single family dwelling only when strict application of the ~~Zoning~~ Land Use Ordinance to the applicant and the applicant's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

- 1) The need for the variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
- 2) The granting of the variance will not alter the essential character of the locality;
- 3) The hardship is not the result of action taken by the applicant or a prior owner;
- 4) The granting of the variance will not substantially reduce or impair the use of abutting property;
- 5) That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

A variance under this subsection may be permitted only from the setback requirements for a single family dwelling that is the primary year round residence of the applicant. A variance under this subsection may not exceed 20% of a setback requirement and may not be granted if the variance would cause the combined area of the dwelling and any other structures to exceed the maximum permissible lot coverage. [Adopted 5/15/93]

- d. To hear and grant or deny applications for conditional use permits as specified within this Ordinance. In granting permits under this section, the Board of Appeals may impose such conditions, as it deems necessary in furtherance of the intent and purpose of this Ordinance. Conditional use permits run with the land and thus pass from one owner of a property to the next;
  - e. To vary the provisions of non-conforming lots, non-conforming structures and non-conforming uses of structures and non-conforming uses of land, but only in accordance with the provisions specified in Article 3 of this Ordinance.
  - ~~f. To allow a five (5) percent increase in lot coverage in all non-commercial districts, subject to the undue hardship criteria of subsection c above.~~
  - ~~g.f. The Board of Appeals shall not have the authority to review decisions of the Planning Board. Decisions by the Planning Board shall be appealed directly to Superior Court.~~
2. In hearing appeals under this section, the Board of Appeals shall require that attention be given to the following, wherever applicable:
- a. Location, character and natural features;
  - b. Fencing and screening;
  - c. Landscaping, topography and natural drainage;
  - d. Vehicular access, circulation and parking;
  - e. Pedestrian circulation;
  - f. Signs and lighting;

- g. All factors which affect health, welfare and safety;
- h. Such conditions as it deems necessary in furtherance of the intent and purpose of this Ordinance.

- 3. Appeals from decisions under the Shoreland Zoning provisions and variances from the Shoreland Zoning provisions are governed by the appeals and variance procedures contained in the Shoreland Zoning provisions and are not governed by Article 6 of the Land Use Ordinance.

**C. Appeals Procedure**

- 1. The Board of Appeals shall meet once each month and at other times as called by the chairman. A quorum of the Board is necessary to conduct an official Board meeting shall consist of at least three (3) members. A majority vote of the quorum is required for the passage or denial of any appeal.

- 2. The secretary shall record a permanent record of all Board meetings. All meeting minutes, and all correspondence of the Board shall be maintained in the Town Office.

The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, upon all the material issued of fact, law or discretion presented and the appropriate order, relief or denial thereof. Notice of ~~any~~all decisions shall be mailed or hand-delivered to the applicant, or his or her representative or agent.

- 3. When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At that time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity, the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

- ~~34.~~ For all appeals, the Board shall hold a public hearing as prescribed herein. At least seven (7) days before the hearing, the Code Enforcement Officer shall notify, by mail, the owners of properties

abutting the property for which the appeal or application is made. Failure to receive this notice shall not invalidate the proceedings herein prescribed. The owners of properties shall be considered to be the parties listed by the Assessor as those against whom those taxes are assessed. Notice of the hearing shall also be placed at least twice in a newspaper of general circulation at least seven (7) days prior to the hearing.

The Code Enforcement Officer shall attend all hearings and shall present to the Board all plans, photographs, or other factual materials, which are appropriate to an understanding of the case.

45. Any person and any municipal official or board of officials aggrieved by a decision of the Code Enforcement Officer or who wishes to request a variance from the Land Use Ordinance or who wishes a Conditional Use Permit may file an application with the Board of Appeals. An appeal of a decision made by the Code Enforcement Officer must be filed within thirty (30) days of the date of the decision.

Application materials submitted to the Board must include a completed application form, including a location and site plan if appropriate, and the following fees: *[Amended 06/03/2014]*

- (1) Application fees as established by the Board of Selectmen and listed in the Town Fee Schedule.
- (2) Escrow fees as established by the Board of Selectmen and listed in the Town Fee Schedule. The fees shall be submitted and deposited in an escrow account established by the Town, which monies may be used by the Town to pay for professional legal and technical reviews and advice related to the appeal, variance, or conditional use permit application as deemed necessary by the Town. Said fees for professional reviews and advice shall include, but shall not be limited to engineering or other professional consulting fees, attorney fees, recording fees and appraisal fees.

The total escrow fees required shall be an amount estimated by the consultants and the Town as sufficient to pay for the professional review of the application. If the Town expends more than fifty percent (50%) of the escrow account prior to completing its review, the applicant shall replenish the escrow account to an

amount estimated by the consultants as sufficient to complete the review. Those monies deposited by the applicant and not spent by the Town in the course of its review shall be returned to the applicant within sixty (60) days after the Appeals Board renders its final decision on the application.

All application materials must be submitted for the Board's review at least thirty (30) days prior to the Board meeting at which the applicant wishes to be heard. All meetings of the Board of Appeals are public hearings. At the public hearing, the applicant or the applicant's representative must appear before the board to present the appeal or proposal and to answer questions. Other interested parties, such as adjacent property owners, will also be permitted to speak for or against the appeal. Written notice of the decision of the Board shall be sent to the appellant within sixteen (16) days of the date of the decision. Any aggrieved party may appeal from the decision of the Board to the Superior Court within ~~thirty~~ forty-five (30-45) days of the ~~decision date~~ of the vote on the original decision.

6. The Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision.. The Board may conduct additional hearings and receive additional evidence and testimony.
- ~~57.~~ After a decision has been made by the Board of Appeals, a new appeal of similar import shall not be entertained by the Board until one (1) year ~~shall have~~ has elapsed from the date of said decision, except that the Board may entertain a new appeal if the Board believes that, owing to a mistake of law or misunderstanding of fact, an injustice was done, or it finds that a change has taken place in some essential aspect of the case sufficient to warrant a reconsideration of the appeal.
- ~~68.~~ The right of any variance from the terms of this Ordinance granted by the Board of Appeals shall expire if the work or change permitted under the variance is not begun within six (6) months or substantially completed within one (1) year ~~shall have~~ has of the date of the vote by the Board. For the purposes of this subsection, substantial completion means the outside of the structure must be complete. [Amended 5/18/91]





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## Proposed Ordinance Amendments - Item 6 - Fees

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➤ **ITEM 6 (ARTICLE 7 ON THE WARRANT)**

**DESCRIPTION:**

Town staff is proposing that any reference to specific fees be removed from the Land Use Ordinance, Subdivision Regulations, and the Fire Protection Ordinance and replaced with language referring to the fee schedule.

**Key Changes:**

- Changes in ordinance language replace specific fee language with a reference to fee schedule.

**WARRANT LANGUAGE:**

**ARTICLE 7:**

*Shall locations throughout the Land Use Ordinance, Subdivision Regulations, and the Fire Protection Ordinance where fees are identified be changed to read "as found in the Town of Raymond Planning Board and Zoning Board of Appeals Fee Schedule?" Additionally, shall the Fees and Penalties Ordinance, adopted October, 1986 and amended through June 3, 2015 be further amended by adding the underscored language and deleting the language in strikethrough type as shown below?*

The Planning Board recommends Article 7.

The Selectmen Recommend Article 7

*Description: Town staff is proposing that any reference to specific fees be removed from the Land Use Ordinance, Subdivision Regulations, and the Fire Protection Ordinance and replaced with language referring to the fee schedule.*

**FEES AND PENALTIES (Miscellaneous Ordinances)**

Authorize the Board of Selectmen to revise from time to time, all fees and penalties for building permits, subdivision and site plan review, and Appeals Board cases. All fees shall be included in a Town Fee Schedule. Any fee in the fee schedule shall supersede those found in the ordinances.

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# Proposed Ordinance Amendments - Item 7 - Lot Structural Coverage

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➤ **ITEM 7 (ARTICLE 8 ON THE WARRANT)**

DESCRIPTION:

The language is amended from “Lot Coverage” to “Lot Structural Coverage” to better describe the intent of the term which is to describe the portion of a lot actually covered by structures.

Key Changes:

- Changes definition from Lot Coverage to Lot Structural Coverage.

Description: The recommended modifications and changes to the current Town of Raymond Fire Protection Ordinance include adding fee costs, code references, reformatting and deleting repetitive text, and changing the town’s Fire Department address and are primarily administrative in nature. However, a few notable changes include the added criteria requiring the review of fire alarm system installation or alteration, and the requirement of smoke detectors and carbon monoxide detectors with the installation of a solid fuel burning device.

Key Changes:

- Amendments to fees, code references, and general reformatting of the ordinance.
- New criteria requiring the review of fire alarm system installation or alteration, and the requirement of smoke detectors and Carbon Monoxide detectors with the installation of a solid fuel burning device

WARRANT LANGUAGE:

**ARTICLE 8:**

Shall the Land Use Ordinance Article 9 Section Q (Lot Coverage) and Article 12 (Definitions) be amended by adding the underscored language and deleting the language in strikethrough type as shown below?

The Planning Board recommends Article 8.

The Selectmen Recommend Article 8

*Description: The language is amended from “Lot Coverage” to “Lot Structural Coverage” to better describe the intent of the term which is to describe the portion of a lot actually covered by structures.*

**ARTICLE 9 MINIMUM STANDARDS**

Q. Lot Structural Coverage

In all districts except the Commercial District, lot coverage by structure(s) shall not exceed fifteen (15) percent of the lot. There shall be no lot coverage requirement in the Commercial District.

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

Lot Structural Coverage - The portion of a lot that is covered by structures, generally expressed as a percentage of the total lot area.

### ➤ ITEM 8 (ARTICLE 9 ON THE WARRANT)

#### DESCRIPTION:

The recommended modifications and changes to the current Town of Raymond Fire Protection Ordinance include adding fee costs, code references, reformatting and deleting repetitive text, and changing the town's Fire Department address and are primarily administrative in nature. However, a few notable changes include the added criteria requiring the review of fire alarm system installation or alteration, and the requirement of smoke detectors and Carbon Monoxide detectors with the installation of a solid fuel burning device.

#### WARRANT LANGUAGE:

### **ARTICLE 9:**

Shall the Fire Protection Ordinance of the Town of Raymond (Miscellaneous Ordinances) be amended by adding the underscored language and deleting the language in strikethrough type as shown below?

The Planning Board recommends Article 9.

The Selectmen Recommend Article 9

*Description: The recommended modifications and changes to the current Town of Raymond Fire Protection Ordinance include adding fee costs, code references, reformatting and deleting repetitive text, and changing the town's Fire Department address and are primarily administrative in nature. However, a few notable changes include the added criteria requiring the review of fire alarm system installation or alteration, and the requirement of smoke detectors and Carbon Monoxide detectors with the installation of a solid fuel burning device.*

#### ARTICLE IV NFPA LIFE SAFETY CODE 101

The Town of Raymond adopts the NFPA Life Safety Code 101 by reference ~~the most current edition~~ as the basis for inspection and plans review for buildings as defined in this ordinance ~~other than single family homes.~~

#### ARTICLE V ALARM SYSTEM REQUIREMENTS

Section 1. A monitored fire alarm system is required in any business, manufacturing facility, school, day care, church, and apartment house with more than 3 units, or other public assembly occupancy of more

than 1,000 square feet. Spaces of less than 1,000 square feet housed in one building or sharing common walls, roofs, or foundations are not exempted. This requirement must be implemented by December 31, 2001.

- A. Proof of yearly alarm system testing must be forwarded to: The Raymond Fire Department, Attn: Chief's Office, ~~403 Webb's Mills Road~~ 1443 Roosevelt Trail, Raymond Maine 04071 by January 1<sup>st</sup> of each year.
- B. All structures that are required to have an alarm or sprinkler system shall also have a secure key box, approved by the Fire Department, containing keys to the entire building, contact information and a map of the building.
- C. A permit shall be obtained from the Fire Chief, or his or her appointee, before the start of construction or alteration of any fire alarm system. A set of plans showing all devices and a one-line diagram of the intended system shall be submitted for review prior to a permit being issued.

#### ARTICLE VI

Section 1. All trash and construction dumpsters shall be placed no closer than 10 feet from a structure, overhang, overhead wires, or be protected by an automatic suppression system if placed closer than 10 feet.

The storage of any flammable items, other than items approved by the Fire Department, and Code Enforcement, in compliance with NFPA Life Safety Code, or BOCA Maine Uniform Building Code, within 10 feet of any business, manufacturing facility, apartment house, school, daycare, or public assembly occupancy is prohibited.

#### Section 2: Solid Fuel Burning Stove Permit (Adopted June 7, 2011)

A permit is required for the installation or alteration of any solid fuel burning device in the Town of Raymond. As used in this section, the term "solid fuel burning device" includes any wood or pellet stove or any other stove which burns a solid fuel as described in the National Fire Protection Association's Standard No. 211, Standards for Chimney's, Fireplaces, Vents and Solid Fuel-Burning Appliances, and the term "alteration" means any change to the device other than routine, periodic maintenance or repair or replacement of damaged or worn components with equivalent components. Before a solid fuel burning device is utilized, the owner of the property on which it is located must contact the Raymond Fire/Rescue Department and arrange to have the device inspected. The fee for such inspection shall be \$25.00. If the Fire/rescue Department finds that the device and it's installation comply with all applicable codes and regulations, the fire/Rescue Department shall issue a permit. Permits may be obtained at either the Fire/Rescue Department or Code Enforcement Office and copies of the permits will be kept by both departments.

A. A Solid Fuel Burning Device Permit shall be issued only when the occupancy where the device is installed complies with the following requirements:

1. Smoke Detectors shall be installed, in accordance with the manufacturer's requirements at the time of the installation, within any bedroom or within 21 feet of the access door to any bedroom and one detector per 500 square feet of floor area of other living areas on each floor of the occupancy.

2. Carbon Monoxide Detector(s) shall be installed in accordance with the manufacturer's requirements at the time of installation, in the room where the solid fuel burning device is installed and in each area within, or giving access to, bedrooms.

~~ARTICLE VI~~ ARTICLE VII DEFINITIONS AND REQUIREMENTS

Section 5.

A. Single-family dwelling, unless specifically included by local ordinance or state law.

B. Two-family dwelling of two stories or less in height.

C. Barn or stable used exclusively for agricultural purposes.

D. Shelters having roofs supported by columns or walls and intended for storage, housing use or enclosure of persons, animals, or chattels, but not excepting any garage, out building, or any accessory buildings used for any commercial or industrial purpose.

~~The building also includes any garage, out buildings or any accessory building used for any commercial or industrial purpose.~~

~~ARTICLE VII~~ ARTICLE VIII NEW BUILDING CONSTRUCTION

Section 1. An approved automatic sprinkler system shall be installed in all areas of new buildings meeting any or all of the following criteria:

A. Three (3) or more stories in height;

B. Thirty-five (35) or more feet in height, one hundred thousand (100,000) cubic feet in volume or ten thousand (10,000) square feet in floor area, structures sharing a common foundation, roof, or walls totaling 10,000 square feet;

C. Multiple family or multiple occupant dwelling and/or all lodging units of two (2) stories in height.

D. Any single-family dwelling attached units – such as town houses, garden apartments, with three (3) or more units attached together and/or any grouping of 3 unit style buildings.

~~In those instances where a proposed addition or additives will exceed twenty five percent (25%) or the area and/or volume of the existing building or when the cost of the renovation of the existing building meet criteria of Article 5 or Article 6 – Section 1 in equal to or greater than fifty percent (50%) of the current building value as shown on the assessment records to the Tax Collector of the Town of Raymond, Maine and when the resulting building, including the addition or additions, meet the criteria in Article 5 or Article 6 – Section 1 above, the existing building and addition shall have an approved automatic sprinkler system.~~

E. Any building required to have sprinklers, larger than one dwelling unit, shall have sprinkler coverage in the truss loft.

~~ARTICLE VIII~~ ARTICLE IX BUILDING ADDITIONS

Section 1. An approved automatic sprinkler system shall be installed in addition to existing buildings when the cumulative area or volume of the total buildings, including the addition, equals or exceeds one hundred thousand (100,000) cubic feet in volume or ten thousand (10,000) square feet in area.

Section 2. In those instances where a proposed addition or additions will exceed twenty-five percent (25%) of the area and/or volume of the existing building and/or when the cost of the renovations of the existing building meeting the ~~above~~ criteria in Article VIII New Building Construction Section 1A, B, or C, is equal to or greater than fifty percent (50%) of the then current building value as shown on the assessment records of the tax Collector of the Town of Raymond, Maine, and when the resulting buildings including the addition or additions meets the criteria listed above, the existing building and addition or additions shall have an approved automatic sprinkler system.

~~ARTICLE IX~~ ARTICLE X EXISTING COMMERCIAL/INDUSTRIAL BUILDINGS

*No other changes to this section.*

~~ARTICLE X~~ ARTICLE XI AUTHORITY

Section 1. The Fire Department shall have the authority to inspect any building greater than a 2-family residence, public assembly occupancy, 3 family or greater, business, or manufacturing facility on a yearly basis.

Section 2. Liquor licenses will not be granted without full compliance with ~~Fire Code~~ this ordinance.

~~ARTICLE XI~~ ARTICLE XII FINES

*\*No other changes to this section.*

~~ARTICLE XII~~ ARTICLE XIV

*\*No other changes to this section.*