

Town of Raymond Building Permit Application Checklist
Excerpt Section 12D from Shoreland Zoning Provisions as amended June, 2011

A. Non-conforming Structures

1. Expansions: 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]*

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. *[Amended 5/18/02]*
- b. The replacement of wooden posts by concrete tubes or piers without raising the structure shall not be considered an expansion and shall not require the structure to be moved. However, the construction of a slab foundation would require the structure to be relocated. Construction or enlargement of a basement beneath the existing structure shall not be considered an expansion of the structure provided: *[Amended 5/18/02]*
 - 1) that the structure and new basement are placed such that the setback requirement is met to the greatest practical extent as determined by the Code Enforcement Officer, basing its decision on the criteria specified in subsection 2. Relocation, below; *[Amended 5/18/02]*
 - 2) that the completed basement does not extend beyond the exterior dimensions of the structure; *[Amended 5/18/02]*
 - 3) that the basement has a floor to ceiling height of six (6) feet or more, has more than 50% of its volume below the existing ground level and is not finished or used as living area; *[Amended 5/18/02]* and
 - 4) that the basement does not cause the structure to be elevated by more than three (3) additional feet above the original or new location's ground elevation. *[Amended 5/18/02]*
- c. No structure, which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, shall be expanded toward the water body, tributary stream, or wetland. Notwithstanding any other language in Section 12, Subsection C.1 or any other sections of the Ordinance, no portion of a porch, deck or patio that has no existing roof structure, and that is closer to the normal high-waterline than

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the existing enclosed area of the structure may be roofed over or enclosed. Only a porch, deck or patio that is attached to the main structure and that has a legally existing roof structure that is attached to or is an integral part of the main structure, and that is closer to the normal high-waterline than the existing enclosed area of the main structure may be enclosed to the extent of the footprint established by the legally existing roof structure. *[Amended 5/18/02]*

2. 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.
3. 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 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 one year 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. Any non-conforming structure 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. 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 2 above, the physical condition and type of foundation present, if any.
4. 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 or wetland, or on the subject or adjacent

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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.