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2016

# Town of Raymond Town Meeting Minutes June 7, 2016

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**Town of Raymond**  
June 7, 2016  
**ANNUAL TOWN MEETING WARRANT**

TO: Nathan White, a resident of the Town of Raymond, in the County of Cumberland and State of Maine.

**GREETINGS:**

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Raymond, qualified by law to vote in Town affairs, to meet at the Jordan-Small Middle School gymnasium in said town on Tuesday, June 7, 2016 at 6:00 P.M., then and there to act on Articles 1 through 42 as set out below.

The continuation of said meeting will be held at the Jordan-Small Middle School gymnasium in said town on Tuesday, the 14<sup>th</sup> day of June, A.D. 2016, at seven o'clock in the forenoon, then and there to act upon by secret ballot on Article 43 as set out below, the polling hours thereof to be from seven o'clock in the forenoon until eight o'clock in the evening.

**ARTICLE 1:** To elect a moderator to preside at said meeting.

Charles Cragin was nominated as moderator by Teresa Sadak. It was moved and seconded that the nominations close by Joe Bruno. Vote Carried. By way of secret ballot, Charles Cragin was voted as Moderator (4-0). Charles Cragin was sworn in as Moderator by Susan L Look, Town Clerk, at 6:05 p.m.

Moderator Cragin swore Suzanne Carr in as Deputy Moderator.

Due to the time of the meeting being advertised as both 6:00pm and 6:30pm, the **motion** was made by Selectman Sadak to recess the meeting until 6:30pm. Seconded by Selectman Bruno. **Vote Carried.**

Meeting reconvened at 6:30pm by Moderator Cragin, who then proceeded to explain how the meeting would be conducted – to-the-point and brevity are admirable, while wandering from the topic at hand is not.

Moderator Cragin ordered that non-residents be allowed to speak, but not vote.

**BEGINNING OF ORDINANCE CHANGES**

**ARTICLE 2:** 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 2

The Selectmen Recommend Article 2

**Motioned** and seconded to approve as presented. **Vote Carried**

*DESCRIPTION:*

*As of January 2015, the Maine DEP 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.*

*[Note: The use of the word "Article" within the ordinance does not indicate a separate warrant article.]*

## **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 nonconforming 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.
- ~~4-2.~~ 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 ~~40~~ 25 year frequency water flows or with a cross-sectional area at least equal to ~~2½~~ 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.

<b>Tree at 4« feet Above Ground Level (diameter in inches)</b>	<b>Points</b>
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 <i>[Adopted 3/18/00]</i>

- 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.

**ARTICLE 3:** 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 3

The Selectmen Recommend Article 3

**Motioned** and seconded to approve as presented. **Vote Carried**

*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.

*[Note: The use of the word "Article" within the ordinance does not indicate a separate warrant article.]*

## **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 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) ~~40~~ 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) ~~40-5~~ 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.

**ARTICLE 4:** 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 4

The Selectmen Recommend Article 4

**Motioned** and seconded to approve as presented. **Vote Carried**

**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.*

*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.*

*[Note: The use of the word “Article” within the ordinance does not indicate a separate warrant article.]*

**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.

**ARTICLE 5:** 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 5

The Selectmen Recommend Article 5

**Motioned** and seconded to approve as presented. **Vote Carried**

*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.*

*[Note: The use of the word "Article" within the ordinance does not indicate a separate warrant article.]*

## **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 ~~ed~~ 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*]

**ARTICLE 6:** 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 6

The Selectmen Recommend Article 6

**Motioned** and seconded to approve as presented. **Vote Carried**

*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.*

*[Note: The use of the word "Article" within the ordinance does not indicate a separate warrant article.]*

### **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.

**ARTICLE 7:** 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 7

The Selectmen Recommend Article 7

**Motioned** and seconded to approve as presented. **Vote Carried**

*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.*

*[Note: The use of the word "Article" within the ordinance does not indicate a separate warrant article.]*

## 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.

**ARTICLE 8:** 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 8

The Selectmen Recommend Article 8

**Motioned** and seconded to approve as presented. **Vote Carried**

*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.*

*[Note: The use of the word "Article" within the ordinance does not indicate a separate warrant article.]*

## 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 Webbs 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 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 XIII

*\*No other changes to this section.*

**END OF ORDINANCE CHANGES**

**ARTICLE 9:** To see if the Town will vote, pursuant to 23 M.R.S.A. §2953, that orders of the municipal officers with respect to the closing of roads to winter maintenance shall be a final determination.

The Selectmen recommend Article 9

**Motioned** and seconded to approve as presented. **Vote Carried**

\*\*\*\*\* **Budget Warrant Begins** \*\*\*\*\*

**ARTICLE 10:** To see if the Town will vote to authorize the Selectmen on behalf of the Town to sell and dispose of any property acquired by the Town for nonpayment of taxes pursuant to the policy adopted by the Selectmen, as may be amended from time to time, the policy to remain consistent with State statutes and laws. In all cases conveyance to be made by municipal quitclaim deed.

The Selectmen recommend Article 10.

The Budget-Finance Committee recommends Article 10.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 11:** To see what date taxes will be due and to set an interest rate for unpaid amounts.

The Selectmen recommend 1<sup>st</sup> half to be due October 31, 2016 and 2<sup>nd</sup> half to be due April 30, 2017 with interest at seven percent (7%) on any unpaid balances.

The Selectmen recommend Article 11.

The Budget-Finance Committee recommends Article 11.

**Motioned** and seconded to approve as recommended by the Selectmen. **Vote Carried**

**ARTICLE 12:** To see if the Town will vote to set the interest rate to be paid by the Town on abated taxes at seven percent (7%) for the fiscal year.

The Selectmen recommend Article 12.

The Budget-Finance Committee recommends Article 12.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 13:** To see if the Town will vote to authorize the Board of Selectmen to dispose of Town owned personal property with value not to exceed \$35,000.

The Selectmen recommend Article 13.

The Budget-Finance Committee recommends Article 13.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 14:** To see if the Town will vote to authorize the Selectmen to borrow from or appropriate from undesignated fund balance (surplus) as they deem advisable to meet the unanticipated needs of the community that occur during the fiscal year with amount not to exceed \$75,000.

The Selectmen recommend Article 14.

The Budget-Finance Committee recommends Article 14.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 15:** To see if the Town will authorize the Selectmen, for the fiscal year 2016 - 2017, to transfer funds between appropriation accounts as long as the grand total of all appropriations is not exceeded. Any such transfers to be approved only at a properly called public meeting of the Selectmen.

The Selectmen recommend Article 15.

The Budget-Finance Committee recommends Article 15.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 16:** To see if the Town will vote to authorize the use of Town employees and/or Town owned equipment or independent contractor(s) hired by the Town for maintenance on private roads in special and certain circumstances where in the public's interest.

Note of explanation – Three examples of when the use of Town employees and equipment may be necessary:

- A. Tying in work done on a public road that intersects a private road;
- B. Plowing snow on a private road to clear the way for emergency response apparatus; and
- C. In rare or emergency situations, maintaining private roads for school bus access to special education students as deemed necessary.

The Selectmen recommend Article 16.  
The Budget-Finance Committee recommends Article 16.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 17:** To see if the Town will vote to authorize the Tax Collector or Treasurer to accept prepayments of taxes not yet committed pursuant to 36 M.R.S.A. § 506.

The Selectmen recommend Article 17.  
The Budget-Finance Committee recommends Article 17.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 18:** To see if the Town will vote to appropriate \$196,312 from the tax increment of the Pipeline/RT 302 Tax Increment Financing District for FY 2016 - 2017 projects proposed in the Tax Increment Financing District Development Program.

Note: Included in this item are:	Raymond-Casco Historical Society	\$ 1,800
	RWPA Milfoil Program	\$ 20,000
	GPCOG Annual Dues	\$ 4,436

The Selectmen recommend Article 18.  
The Budget-Finance Committee recommends Article 18.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 19:** To see if the Town will vote to raise and appropriate \$458,426 for the Administration account.

The Selectmen recommend Article 19.  
The Budget-Finance Committee recommends Article 19.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 20:** To see if the Town will vote to raise and appropriate \$56,261 for the Assessing account.

The Selectmen recommend Article 20.  
The Budget-Finance Committee recommends Article 20.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 21:** To see if the Town will vote to raise and appropriate \$102,900 for the Code Enforcement Department account.

The Selectmen recommend Article 21.  
The Budget-Finance Committee recommends Article 21.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 22:** To see if the Town will vote to raise and appropriate \$23,615 for the Town Hall account.

The Selectmen recommend Article 22.  
The Budget-Finance Committee recommends Article 22.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 23:** To see if the Town will vote to raise and appropriate \$515,480 for the Insurance account.

The Selectmen recommend Article 23.  
The Budget-Finance Committee recommends Article 23.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 24:** To see if the Town will vote to raise and appropriate \$6,000 for the General Assistance account.

The Selectmen recommend Article 24.  
The Budget-Finance Committee recommends Article 24.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 25:** To see if the Town will vote to raise and appropriate \$184,271 for the Technology Department account.

The Selectmen recommend Article 25.  
The Budget-Finance Committee recommends Article 25.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 26:** To see if the Town will vote to raise and appropriate \$41,488 for the Community Development account.

The Selectmen recommend Article 26.  
The Budget-Finance Committee recommends Article 26.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 27:** To see if the Town will vote to raise and appropriate \$684,221 for the Fire/Rescue Department account.

The Selectmen recommend Article 27.  
The Budget-Finance Committee recommends Article 27.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 28:** To see if the Town will vote to raise and appropriate \$16,222 for the Animal Control account.

The Selectmen recommend Article 28.  
The Budget-Finance Committee recommends Article 28.

**Motioned** and seconded to approve as presented. **Vote Carried**



**ARTICLE 29:** To see if the Town will vote to raise and appropriate \$21,816 for the Infrastructure account.

The Selectmen recommend Article 29.  
The Budget-Finance Committee recommends Article 29.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 30:** To see if the Town will vote to raise and appropriate \$690,790 for the Public Works account.

The Selectmen recommend Article 30.  
The Budget-Finance Committee recommends Article 30.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 31:** To see if the Town will vote to raise and appropriate \$316,262 for the Solid Waste account.

The Selectmen recommend Article 31.  
The Budget-Finance Committee recommends Article 31.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 32:** To see if the Town will vote to raise and appropriate \$15,841 for the Employee Compensation and Training account.

The Selectmen recommend Article 32.  
The Budget-Finance Committee recommends Article 32.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 33:** To see if the Town will vote to raise and appropriate \$27,164 for the Cemeteries account.

The Selectmen recommend Article 33.  
The Budget-Finance Committee recommends Article 33.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 34:** To see if the Town will vote to raise and appropriate \$15,788 for the Parks & Recreation account.

Included are:

Materials, maintenance, equipment	\$ 2,500
Contract Services	\$ 8,688
Raymond Rattlers Snowmobile	\$ 1,600
Raymond Baseball/Softball	\$ 1,000
Agawam mowing/soccer	\$ 2,000

The Selectmen recommend Article 34.

The Budget-Finance Committee recommends Article 34.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 35:** To see if the Town will vote to raise and appropriate \$56,500 for the Raymond Village Library.

The Selectmen recommend Article 35.

The Budget-Finance Committee recommends Article 35.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 36:** To see whether the Town will vote to carry forward any existing fund balance in the Capital Improvement Program (C.I.P.) account.

The Selectmen recommend Article 36.

The Budget-Finance Committee recommends Article 36.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 37:** To see if the Town will vote to raise and appropriate \$986,772 for the Capital Improvement account.

Included are:

Public Works Equipment Reserve	\$ 85,000
2013 Public Works Road Construction Bond Payment	\$ 236,000
Public Works Paving/Road Reserve	\$ 275,000
Municipal Facilities Maintenance/Improvements	\$ 25,000
2002 PSB Bond Payment	\$ 110,772
Fire Department Equipment/Facilities	\$ 150,000
Bond Payment for Fire Truck/Sand-Salt Shed	\$ 105,000

The Selectmen recommend Article 37.

The Budget-Finance Committee recommends Article 37.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 38:** To see if the Town will vote to raise and appropriate \$676,263 for the County Tax account.

The Selectmen recommend Article 38.

The Budget-Finance Committee recommends Article 38.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 39:** To see if the Town will vote to appropriate the total sum of \$1,625,579 from estimated non-property tax revenues to reduce the property tax commitment, together with all categories of funds, which may be available from the federal government, and any other sources.

The Selectmen recommend Article 39.

The Budget-Finance Committee recommends Article 39.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 40:** To see if the Town will vote to authorize the Selectmen to accept or reject grants, donations and/or gifts of money to the Town of Raymond and to expend monies donated for specific purposes.

The Selectmen recommend Article 40.

The Budget-Finance Committee recommends Article 40.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 41:** To see if the Town will vote to accept certain State Funds as provided by the Maine State Legislature during the fiscal year beginning July 1, 2016 and any other funds provided by any other entity included but not limited to:

- Municipal Revenue Sharing
- Local Road Assistance
- Emergency Management Assistance
- Snowmobile Registration Money
- Tree Growth Reimbursement
- General Assistance Reimbursement
- Veteran's Exemption Reimbursement
- State Grant or Other Funds

The Selectmen recommend Article 41.

The Budget-Finance Committee recommends Article 41.

**Motioned** and seconded to approve as presented. **Vote Carried**

**ARTICLE 42:** To see if the Town will vote to appropriate \$6,800 from the Open Space Reserve Fund to be used for the purchase of property for the Raymond Community Forest by the Loon Echo Land Trust.

The Selectmen make no recommendation for Article 42.

The Budget-Finance Committee recommends Article 42.

**Motioned** and seconded to approve as presented. **Vote Carried**

**Motion** to adjourn the meeting at 7:30pm to reconvene on June 14, 2016, at 7:00am to act upon Article 43 by a citizen. Seconded by Selectman Bruno. **Vote Carried**

**Reconvened** by Deputy Moderator Sue Carr at 7:00am, June 14, 2016.

**ARTICLE 43:** To elect two (2) Selectmen, for three year terms; three (3) members for the Budget-Finance Committee, for three year terms; and one (1) member for the RSU School Board of Directors, for a three-year term.

331 Voters Cast Ballots

SELECTMAN - vote for 2

257	Rolf A Olsen Jr
253	Teresa Sadak
21	Write-ins *
131	Blank

BUDGET-FINANCE COMMITTEE - vote for 3

225	Diana F Picavet
246	Brian W Walker
20	Barry P Moores
1	Susan Accardi
2	Len Adams
1	Suzanne Brockelbank
1	Suzanne Carr
1	Dennis Cole
2	Steve Crockett
3	Dana Desjardins
1	Gary Dodge
1	Dana Duchain
1	Peter Dunn
1	Greg Foster
1	Russell Hutchinson
1	Robert King
1	Katlin LaCasse
1	Coleen Laprise
1	Charles Leavitte
2	Peter Leavitt
1	Bonnie Lewis
1	Denis Morse
1	Craig Oldershaw
1	Rolf Olsen
1	Richard Pierpoint
1	Michael Reynolds
1	Jillian Tolman
1	Kathleen Tolman
1	Marlee Turner
1	Doug Vance
1	Robert Wallace
461	Blank

RSU 14 BOARD MEMBER

277	Janis E Cummings
11	Write-ins *
43	Blank

RSU #14 BUDGET VALIDATION


209 Yes  
112 No  
7 Blank

RSU #14 BUDGET VALIDATION CONTINUATION

220 Yes  
99 No  
9 Blank

\* We no longer need to count write-ins in races where the number of write-ins is less than the votes cast for the candidates.

Given under our hands this 5<sup>th</sup> day of April AD 2016.

  
\_\_\_\_\_  
Michael Reynolds, Chairman

\_\_\_\_\_  
Lawrence Taylor, Vice Chair

  
\_\_\_\_\_  
Joseph Bruno, Parliamentarian

  
\_\_\_\_\_  
Samuel Gifford

  
\_\_\_\_\_  
Teresa Sadak

I attest that this is a true copy.

\_\_\_\_\_  
Susan L Look  
Town Clerk