

TOWN OF RAYMOND
2021 PROPOSED LAND USE AMENDMENTS

1. Road/Street Definitions

LAND USE ORDINANCE ARTICLE 12 – APPLICABILITY AND DEFINITION OF TERMS USED IN THIS ORDINANCE
SHORELAND ZONING PROVISIONS SECTION 17 – DEFINITIONS
STREET ORDINANCE SECTION 14 – DEFINITIONS
SUBDIVISION REGULATIONS ARTICLE 3 - DEFINITIONS

2. Backlot Driveway Private Road Turnaround Terminus Design

STREET ORDINANCE - APPENDICES

3. Dead Ends and Grade Waivers

STREET ORDINANCE SECTION 5.5 – STREET DESIGN STANDARDS
STREET ORDINANCE SECTION 5.7A – DEAD END STREETS
STREET ORDINANCE SECTION 10 – WAIVERS

4. Clearing of Vegetation Allowance and Permitting

LAND USE ORDINANCE ARTICLE 9 – MINIMUM STANDARDS

5. Mixed Building Use in The Commercial District

LAND USE ORDINANCE ARTICLE 4 – DISTRICT REGULATIONS

6. Septic Waste Disposal Sizing

SHORELAND ZONING PROVISIONS SECTION 15 – LAND USE STANDARDS

7. ZBA Findings

LAND USE ORDINANCE ARTICLE 6 – BOARD OF APPEALS

8. Junkyard Regulation Update

LAND USE ORDINANCE ARTICLE 9 – MINIMUM STANDARDS

9. Amendments to the Fire Protection Ordinance

FIRE PROTECTION ORDINANCE ARTICLE IV – NFPA LIFE SAFETY CODE 101 AND NFPA FIRE CODE (NFPA 1)
FIRE PROTECTION ORDINANCE ARTICLE VIII – NEW CONSTRUCTION
FIRE PROTECTION ORDINANCE ARTICLE IX – BUILDING ADDITIONS

10. Tiny Homes Definition

LAND USE ORDINANCE ARTICLE 12 – APPLICABILITY AND DEFINITION OF TERMS USED IN THIS ORDINANCE
SHORELAND ZONING PROVISIONS SECTION 17 - DEFINITIONS

SUMMARY OF CHANGES

This proposed amendment would clean up similar definitions across multiple ordinances specific to roads/streets, removing any inconsistencies. The proposed text is shown in red with an underline and revised or removed language is shown in ~~red with a strikethrough~~.

LUO Article 12 – Applicability and Definitions of Terms Used in this Ordinance

Back Lot Driveway - A driveway within a defined location serving access and frontage purposes for no more than two back lots and which originates from a street constructed in accordance with the Town of Raymond Street Ordinance standards for a Town accepted, proposed public, or private street, ~~Town accepted street or from a road~~ constructed in accordance with the Town of Raymond Street Ordinance standards for a private street.

~~**Road** – A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing materials constructed for or created by the repeated passage of motor vehicles.~~

Street - A public way which affords the principal means of access to abutting properties, or a proposed way that is intended to be accepted by the Town as a public way in accordance with the Town of Raymond Street Ordinance, or a private street as defined in this ordinance. The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets, and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc.

- **Minor Street** - A street designed to serve as primary residential access, and which meets the design standards for Public Streets as outlined in Section 5.5 of the Town of Raymond Street Ordinance.
- **Private Street** - A street designed to serve as the primary access to two or more residential lots, which is built to standards as outlined in Section 5.5 Street Design Standards of the Town of Raymond Street Ordinance. Private Streets are to be maintained by an owner, or ownership such as a homeowners association, and shall not be accepted as a public street unless the street is proven to meet the public road standards as determined by the Public Works Director and a State of Maine Professional Engineer.
- **Road** - A term commonly used to describe a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing materials constructed for or created by the repeated passage of motorized vehicles. The term shall also include undedicated roads that are described in a recorded document. The term "road" shall not include those ways that have been discontinued or abandoned. For the purposes of the Town of Raymond Land Use Ordinances, a road must comply with the standards set forth under the definition of "Street" to be utilized for acceptable lot frontage or street front.

SZP Section 17 – Definitions

Road – A term commonly used to describe a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing materials constructed for or created by the repeated passage of motorized vehicles. The term shall also include undedicated roads that are described in a recorded document. The term "road" shall not include those ways that have been discontinued or abandoned. For the purposes of the Town of Raymond

Shoreland Zoning Ordinances, a road must comply with the standards set forth under the definition of "Street" to be utilized for acceptable lot frontage or street front. A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing materials constructed for or created by the repeated passage of motor vehicles, excluding a driveway as defined.

Street - A public way which affords the principal means of access to abutting properties, or a proposed way that is intended to be accepted by the Town as a public way in accordance with the Town of Raymond Street Ordinance, or a private street as defined in this ordinance. The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets, and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc.

• **Minor Street-** A street designed to serve as primary residential access, and which meets the design standards for Public Streets as outlined in Section 5.5 of the Town of Raymond Street Ordinance.

• **Private Street-** A street designed to serve as the primary access to two or more residential lots, which is built to standards as outlined in Section 5.5 Street Design Standards of the Town of Raymond Street Ordinance. Private Streets are to be maintained by an owner, or ownership such as a homeowners association, and shall not be accepted as a public street unless the street is proven to meet the public road standards as determined by the Public Works Director and a State of Maine Professional Engineer.

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.

Street Ordinance Section 14 – Definitions

Arterial Street. A major roadway serving long distance traffic through and between municipalities and carrying traffic to major centers of activity.

Collector Street. A principal roadway that conveys traffic between arterial streets.

Back Lot Driveway. A driveway within a defined location serving access and frontage purposes for no more than two back lots and which originates from a street constructed in accordance with the Town of Raymond Street Ordinance standards for a Town accepted, proposed public, or private street constructed in accordance with the Town of Raymond Street Ordinance standards for a private street ~~public or private street~~.

Street. A public way which affords the principal means of access to abutting properties, or a proposed way that is intended to be accepted by the Town as a public way in accordance with this Ordinance, or a private street as defined in this Ordinance. The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets, and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc.

Minor Street. A street designed to serve as primary residential access, and which meets the design standards for public streets in Section 5.5 of this Ordinance.

Private Street- A street designed to serve as the primary access to two or more residential lots, which meets the design standards for private streets in Section 5.5 of this Ordinance. Private streets are to be maintained by an owner, or ownership such as a homeowners association, and shall not be accepted as a public street unless the street is proven to meet the public road standards as determined by the Public Works Director and a State of Maine Professional Engineer.

Road – A term commonly used to describe a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing materials constructed for or created by the repeated passage of motorized vehicles. The term shall also include undedicated roads that are described in a recorded document. The term “road” shall not include those ways that have been discontinued or abandoned. For the purposes of the Town of Raymond Land Use Ordinances, a road must comply with the standards set forth under the definition of “Street” to be utilized for acceptable lot frontage or street front.

Subdivision Regulations Article 3 – Definitions

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.

Easement – The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Street - A public way which affords the principal means of access to abutting properties, or a proposed way that is intended to be accepted by the Town as a public way in accordance with the Street Ordinance, or a private street as defined in this ordinance. The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets, and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc.

- **Minor Street-** A street designed to serve as primary residential access, and which meets the design standards for Public Streets as outlined in Section 5.5 of the Town of Raymond Street Ordinance.
- **Private Street** - A street designed to serve as the primary access to two or more residential lots, which is built to standards as outlined in Section 5.5 Street Design Standards of the Town of Raymond Street Ordinance. Private Street are to be maintained by an owner, or ownership such as a homeowners' association, and shall not be accepted as a public street unless the street is proven to meet the public Street standards as determined by the Public Works Director and a State of Maine Professional Engineer.

Road – A term commonly used to describe a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing materials constructed for or created by the repeated passage of motorized vehicles. The term shall also include undedicated roads that are described in a recorded document. The term “road” shall not include those ways that have been discontinued or abandoned.

For the purposes of the Town of Raymond Land Use Ordinances, a road must comply with the standards set forth under the definition of “Street” to be utilized for acceptable lot frontage or street front.

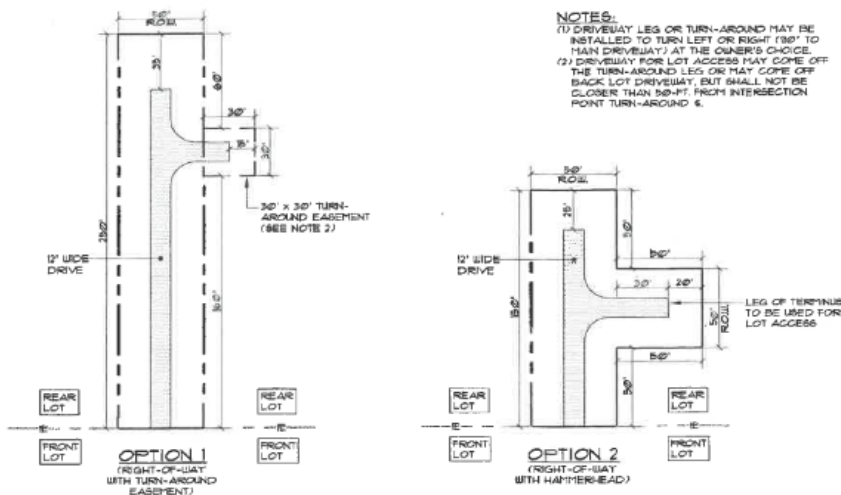
SUMMARY OF CHANGES

The proposed amendment to the Raymond Street Ordinance appendices has been added to provide design information for Street and Backlot Driveway termini turnaround design requirements. The details include revised dimensions to address emergency vehicle maneuvers and safety at the Street terminus and turnarounds.

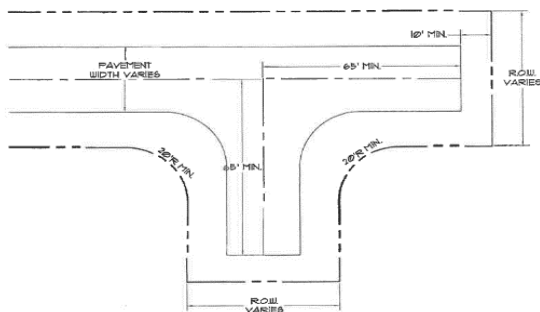
Appendix A has been revised to provide details for the actual layout options for a street dead-end terminus for both Streets and backlot driveways.

Appendix B provides the designer-specific Fire Department requirements to be addressed in preparing a street terminus design for safe fire access. The proposed text is shown in red with an underline and revised or removed language is shown in ~~red with a strikethrough~~. (Both old details will be replaced and updated in proposed Appendix A)

Below are the existing Backlot Driveway and Street Terminus Dead end details:



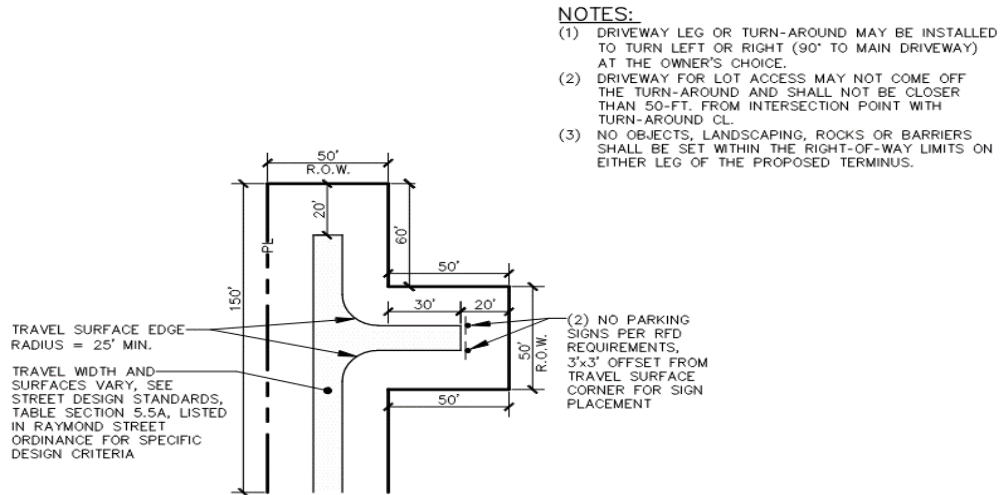
BACKLOT DRIVEWAY TERMINUS
 NOT TO SCALE



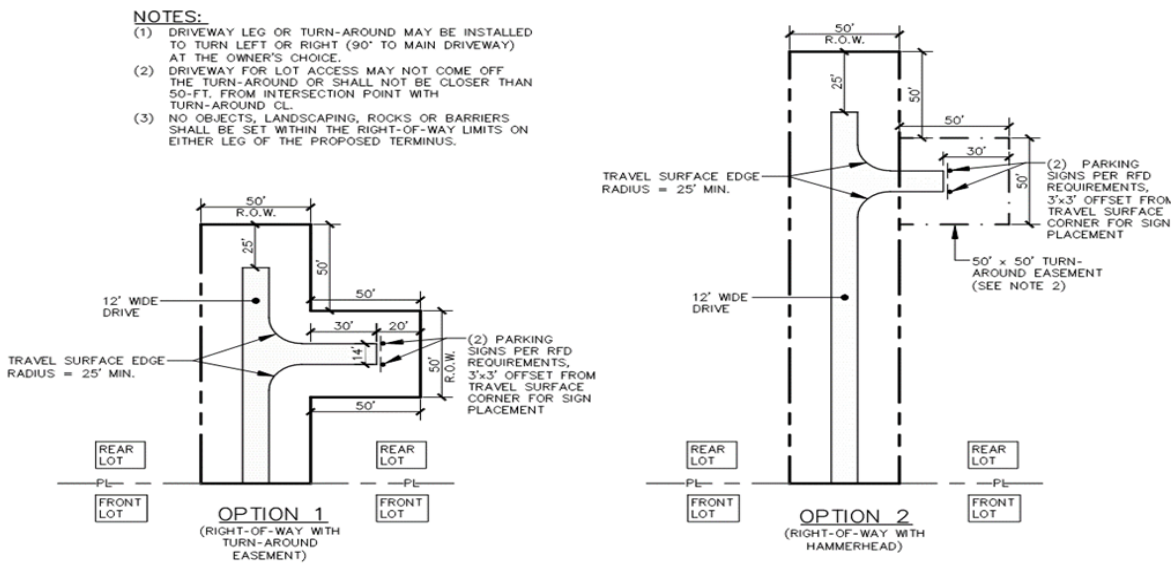
This is the proposed New Appendices addressing revised Details and added Fire Department Requirements for Terminus/Turnarounds:

Appendix A

Street & Backlot Driveway - Terminus Turnaround Details



STREET TURN-AROUND TERMINUS DETAIL
NOT TO SCALE



BACKLOT DRIVEWAY TERMINUS
NOT TO SCALE

Appendix B

Fire Department Requirements

1. The application should address Fire Rescue Department access in accordance with NFPA 1, Chapter 18.
 - a. The 180 degree "hammer-head" turn-around should be designated as a "Fire Lane".
 - b. The designated "Fire Lane" areas shall be marked with approved "Fire Lane" signs that read; "Fire Lane", "No Parking", "Vehicles Towed at the Owners Expense" (see example of the sign below). The location of the signs shall be approved by the Raymond Fire Rescue Department (RFRD) and Raymond Public Works.



- c. The street and "hammer-head" turn-around shall be designed and maintained with an all-weather driving surface capable of supporting fire department apparatus with a Gross Vehicle Weight Rating (GVWR) of 75,000 lbs.
- d. The street shall be designed with an unobstructed vertical clearance of 13' 6".
- e. The street grades shall be designed according to the limitations of fire department apparatus regarding approach/departure/break-over angles as follows:
 - i. An angle of approach no greater than 8 degrees.
 - ii. Departure angles no greater than 9 degrees.
 - iii. Break-over angles no greater than 13 degrees.
 - iv. Street Grade shall not exceed 10 degrees along its entire length.

2. Provide an Auto-Turn (or equivalent) design for a 40-foot fire apparatus with a commercial cab, a tandem rear axle, and a 214-inch wheelbase. This design shall demonstrate that the above noted fire apparatus can maneuver onto and back out of the new proposed driveway and turn-around via the "hammer head" turn-around. All proposed designs shall be approved by the Raymond Fire Rescue Department.
3. The street address assigned by the Town of Raymond E911 Coordinator shall incorporate a street address sign visible from both approach directions on North Raymond Road, and also incorporate a street address sign at the new driveway entrance that is clearly visible on approach from the existing driveway (from within the fire apparatus cab). The street address lettering shall be no less than 4" in height, shall be of a contrasting color to the sign background, and preferably the letters should be reflective for night or reduced light conditions. The placement and street address signs shall be approved by the Raymond Fire Rescue Department and E911 Coordinator.
4. All proposed designs to address Fire Rescue Department access shall be approved by the Raymond Fire Rescue Department.
5. Any current or future residential development on this street should address the issue of fire protection water supply in accordance with the town subdivision ordinance (Article 5, Section 24). There is no fire protection water supply currently available on this street.

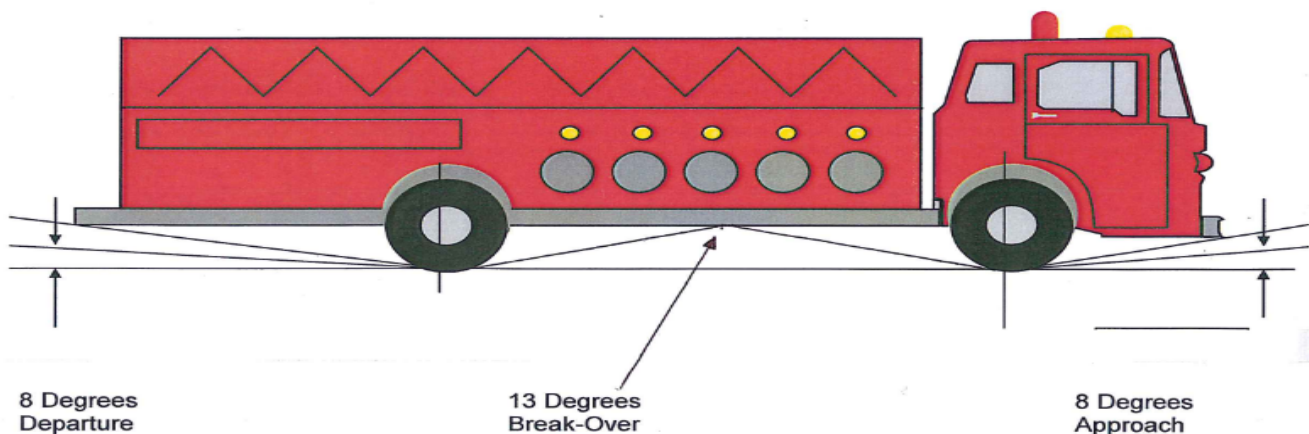
ANGLE OF APPROACH & DEPARTURE FIRE APPARATUS

The angle of approach or departure affects the road clearance of vehicle when going over short steep grades such as found in a driveway entrance, crossing a high crowned road at right angles, or in off-road service. Too low an angle of approach or departure will result in scraping the apparatus body. In those cases where equipment is stored below the body, the angle of approach or departure must be measured to a line below the equipment.

Angle of approach - The smallest angle made between the road surface and a line drawn from the front point of ground contact of the front tire to any projection of the apparatus in front of the front axle.

The angle of approach of at least 8 degrees and the angle of departure of at least 8 degrees shall be maintained at the front and rear of the vehicle when it is normally loaded.

The angle of departure and angle of approach of a fire access roadway shall not exceed 8 Degrees, or as approved by the Raymond Fire Rescue Department.



SUMMARY OF CHANGES

This proposed amendment to the Street Ordinance would allow waivers to be granted to the maximum grade requirements of a Private Road and Backlot Driveway. Also included are additional standards for the maximum length of a Private Road. The proposed text is shown in red with an underline and revised or removed language is shown in ~~red with a strikethrough~~.

SO Section 5.5 - Street Design Standards (amended ~~5-17-032021~~)

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

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

1. A private street which will serve fewer than 4 residences shall have a minimum travel way of 12 feet with two-2 foot shoulders and a maximum grade of 12% (3% for the first 50 ft).. A private street which will serve 4-10 residences will have a minimum travel way of 16 feet with two 3- foot shoulders and a maximum road grade of 12%.
2. Street intersection angles shall be as close to 90° as feasible but no less than the listed angle.
3. Unless a right-of-way of lesser width is approved by the Reviewing Authority pursuant to Article 9, Section T.1 of the Land Use Ordinance

SO Section 5.7 – Dead End Streets

In addition to the design standards above, the design of the turn-around for dead end streets proposed as public ways shall be approved by the Director of Public Works. The Board may require the reservation of a 20-foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a 50-foot easement in line with the street to provide continuation of the road where future subdivision is possible.

A. For proposed private streets or backlot driveways in excess of 1,000 Linear Feet (LF), the Planning Board may require a street/backlot driveway design with a second hammerhead turnaround, or added bypass lane, at the discretion of the Fire Department to provide emergency turnaround locations. The objective is to provide necessary maneuverability and spacing for multiple emergency vehicle response to residential emergency calls accessed over the proposed street or way. Such added locations for turnarounds or bypass lanes shall be strategically located for each proposed increment of 1,000 feet of

road (i.e., a 2,100 LF road could require 3 turnarounds or by-pass lane combinations). All non-subdivision reviewed private streets, and backlot driveways in excess of 1,000 LF shall have all terminuses, intermediate turnarounds, and/or bypass lane locations reviewed by the Raymond Fire Department, prior to any final street plan approval. The Planning Board shall be provided a written acceptance of the street or backlot driveway design from the Fire Department. Any private street approved by the Planning Board after June 15, 2021, that exceeds 1,000 LF, is not exempt from future subdivision standards for street design, should such a future subdivision use the private street for primary lot frontages and access.

SO Section 10 – Waivers

- A. Where the Board makes written findings of fact that there are special circumstances, it may waive portions of the submission requirements, the standards, or other requirements, to permit a more practical and economic development provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, the Zoning Ordinance, or this ordinance.
- B. Where the Board makes written findings of fact that, due to special circumstances, the provision of certain required improvements is inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed road, it may waive or modify the requirement for such improvements, subject to appropriate conditions.
- C. In granting waivers to any of these standards, the Board shall require such conditions as will assure the objectives of this ordinance are met.
- D. When the Board grants a waiver to any of the standards of this ordinance, the Final Plan shall indicate the waivers granted and the date on which they were granted.

E. Private Road and Backlot Driveway Grade Waivers:

The applicant shall clearly demonstrate to the Planning Board, that because of the nature of the project site, that the maximum allowed surface grades of the proposed Backlot Driveway or Private Street cannot be attained due to extreme existing conditions. Items or conditions leading to this conclusion:

- a. include excessively steep topography,
- b. inability to access the property site from other locations,
- c. or can designed by longer routing, to comply with the slope requirement,
- d. or the proposed design; to meet the requirement creates excessive soil, vegetation, ledge, or rock removal and disturbed areas.

The Planning Board shall have the power to approve a Private Street or Backlot Driveway site plan that does not meet the maximum slope requirements, provided the applicant requests a waiver in writing of the performance standard for the specific street classification they cannot meet, and clearly address the waiver criteria as follows:

- 1 The need to alter the standard is due to existing physical property limitations, due to geometric lot configurations, topography, and presence of a dominant land feature in existence prior to June 15, 2021.
- 2 The approval of the waiver request will be based on the extent that the private street or backlot driveway slope can be minimized in length. The waiver request for street design must not exceed the maximum grade allowed for more than 100 feet in segmented length, without transitioning back to an allowed slope under the Street Design Standards per type of street classification as listed in the Raymond Street Ordinance. There must be 200 feet of grade meeting Raymond Street Standards, between vertical curves exceeding the maximum allowed street grade.
- 3 The approval of the waiver includes provisions for added width of street shoulders adjacent to travel portions of street surface exceeding the maximum grade to be increased by two (2) feet in width from what the road classification requires (as listed in the Street Design Standards with the Raymond Street Ordinance). Where shoulders are not feasible, or where road sideslopes are excessively steep and create general travel way safety concerns, other provisions such as guardrail, or protected barriers shall be provided in lieu of the shoulder width increase.
- 4 The approval of the waiver requested will not result in any harm to the environment, create adverse drainage conditions (especially in winter conditions), have a direct impact to adjoining waterbody, streams, flood plain, significant wetlands, vernal pools, or endangered or threatened habitat.
- 5 The approval of the waiver will not result in an unsafe condition to immediate neighbors, the public, and will achieve safe passage of all Town Fire Department and Emergency Vehicles. The Design shall provide a designed K value of 20, over all vertical curves within the proposed design for the street or backlot driveway. The applicant shall acquire a letter from the Raymond Fire Department in support of the street or backlot slope design, and proposed safety measures considered in their design as part of the waiver request.
- 6 The approval to alter the standard is based on evidence of need provided by the applicant, and through documented proof that no feasible alternative with design, or by means of access through abutting property via easement or right of way, is available to accomplish the applicant's design criteria for property or lot access. It is the applicant's burden of proof to provide reasonable evidence that these alternatives have been explored.

SUMMARY OF CHANGES

The proposed amendment to the Land Use Ordinance has been created to address permit requirements if landowners or proposed developments consider clearing or cutting more than the current zoning standards limitation of 25% of the lot area. The amendment considers notification and site plan requirements and also exempts tree cutting and clearing for agricultural practices, installation of personal utilities, or private solar generation equipment and/or panels. The proposed text is shown in red with an underline and revised or removed language is shown in ~~red with a strikethrough~~.

LUO Article 9 – Minimum Standards

Y. Clearing of Vegetation for Development

In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways, and sewage disposal areas, exceed in the aggregate, 25% of the lot area or fifteen thousand (15,000) square feet, whichever is greater, including land previously developed, ~~[Adopted 3/21/98] without Site Plan approval from the Planning Board for any clearing, removal of vegetation, stumps, or regrading above this threshold.~~

If the development wishes only to cut or harvest trees, in excess of the threshold then a permit must be obtained from the Code Enforcement Officer for cutting trees, or vegetation.

1. When proposing to cut or harvest trees in excess of two (2) acres, a copy of a Maine Forest Service - Forest Operations Notification (FON) form shall be provided to the Town Code Enforcement Officer.
2. When proposing cutting or tree harvesting areas under two (2) acres, a written notification shall be provided to the Town Code Enforcement Officer indicating the proposed area(s) to be cut or harvested, along with the parties undertaking the tree cutting operation, a listing of the equipment used, schedule for the operation to be completed, with dated signatures of the landowner and tree removal operations supervisor responsible.

This standard shall not supersede any restrictions or conditions of approval for development previously required for residential subdivision lots, or commercial site plans, nor apply to property in Shoreland Zones. Exemptions from this standard shall be granted for agricultural purposes, personal utility equipment, and for private solar power generation or panel installations. [Amended 2021]

SUMMARY OF CHANGES

This proposed amendment to the Land Use Ordinance would correct what we believe was an error made in 2009. As written the ordinance allows mixed uses in the commercial zone if the commercial use is on the upper floor. the proposed text is shown in red with an underline and revised or removed language is shown in ~~red with a strikethrough~~.

LUO Article 4 – District Regulations

F.2.G. Permitted Uses

Mixed-use buildings provided the ~~upper~~lower floor contains only commercial uses. The upper floors may contain dwelling units or commercial uses. As used in this subparagraph (h), the term “commercial uses” means any of the uses listed in subparagraphs (a) through (f) above. [Amended 06/02/09, 2020]

SUMMARY OF CHANGES

The proposed text is shown in red with an underline and revised or removed language is shown in ~~red with a strikethrough~~.

SZP Section 15 – Land Use Standards

K. Septic Waste Disposal*

1. All plumbing shall be connected to public collection and treatment facilities when such facilities are available.
2. All subsurface sewage disposal systems shall be installed in conformance with the "State of Maine Subsurface Wastewater Disposal Rules" (Rules), Town regulations, and the following:
 - a. clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland, and
 - b. a holding tank is not allowed for a first-time residential use in the shoreland zone.

Note: The State's Rules require that the minimum setback for new subsurface sewage disposal systems, shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body.

3. Where daily sewage flow exceeds 2,000 gallons, the minimum setback for new subsurface sewage disposal systems shall be 300 feet from the normal highwater line of a perennial water body.
4. The minimum setback distances from water bodies for all new subsurface sewage disposal systems shall not be reduced by variance.
5. Privies shall not be permitted in the Resource Protection, Stream Protection, Limited Residential/Recreation I, and Limited Residential/Recreation II Districts.
6. All development or construction within 250 horizontal feet of normal high water line of a ~~perennial water body~~Great Pond shall meet the requirements of the Portland Water District Wastewater Disposal System Permit Protocol. ~~regulations adopted by the Portland Water District on June 3, 1988; t~~These regulations are to be enforced by the Town of Raymond.

SUMMARY OF CHANGES

This proposed amendment to the Land Use Ordinance would require a recording in the registry confirming variance approval. The proposed text is shown in red with an underline and revised or removed language is shown in ~~red with a strikethrough~~.

LUO Article 6 – Board of Appeals

C. Appeals Procedure

1. The Board of Appeals shall meet as needed and as routinely scheduled following the Schedules and Deadlines as established by the Board of Appeals annually prior to the effective calendar year. 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 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. [Amended 6/7/16]

4. 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.

5. 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 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 forty-five (45) days of the date of the vote on the original decision. [Amended 6/7/16]

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. [Amended 6/7/16]

7. 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 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. [Amended 6/7/16]

8. 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 as 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]

9. A Certificate of Variance or Setback Reduction must be recorded at the expense of the applicant in the Cumberland County Registry of Deeds within 90 days of the Board's decision or the variance shall be null and void. A building permit must be obtained after the variance is properly recorded and before work is started.

SUMMARY OF CHANGES

The proposed text is shown in red with an underline and revised or removed language is shown in ~~red with a strikethrough~~.

LUO Article 9 – Minimum Standards

F. Waste Material Accumulation

Junk Yards as defined in 30 M.R.S.A., Section 2451-B, Title 30-A, Section 3752 shall not be made or maintained in any district except at a dumping place or places designated as such by the Board of Selectmen.

SUMMARY OF CHANGES

The Fire Protection Ordinance, Articles VIII & XI are presented in their entirety below. The remaining sections of the Fire Protection Ordinance (including other sections dealing with sprinklers) are not included document. Only the Articles with proposed changes in language have been included. For ease of reference, the proposed new language is shown in red with an underline, and the proposed deleted language is shown as ~~red with a strike-through~~. This proposed amendment would require a residential sprinkler system for dwelling units 4,800 square feet and larger, and would also update the adopted version of NFPA 101 to 2018.

FPO Article IV – NFPA Life Safety Code 101 and NFPA Fire Code (NFPA 1)

The Town of Raymond adopts the NFPA Life Safety Code ~~101~~ and NFPA Fire Code 2018 edition by reference as the basis for inspection and plans review for buildings as defined by this ordinance.

FPO 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)~~ forty-eight hundred square feet in gross floor area, structures sharing a common foundation, roof, or walls totaling ~~10,000~~ 4,800 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.
- E. Any building required to have sprinklers, larger than one dwelling unit, shall have sprinkler coverage in the truss loft.
- F. Any new or renovated Residential building consisting of One-and Two-Family buildings or structures of 4,800 square feet or more in total/gross floor area shall install an approved automatic fire sprinkler system throughout.

Exceptions for One-and Two-Family buildings or structures:

1. An engineered on-site fire protection water supply is provided that meets or exceeds the requirements of NFPA 1; Chapter 18, for fire flow and total water supply. These systems shall be designed and stamped by a State of Maine registered engineer, with plans and construction approved by the Fire Chief or his/her designee.
2. An engineered compartmentalization of One-and Two-Family residential buildings or

structures with 2-hour fire-rated separation wall(s) and components, with no openings or penetrations; and provides an engineered on-site fire protection water supply that meets or exceeds the requirements of NFPA 1; Chapter 18, for fire flows and total water supply required to protect the largest 2-hour rated compartment in the building/structure. These systems shall be designed and stamped by a State of Maine registered engineer, with plans and construction approved by the Fire Chief or his/her designee.

3. The Raymond Fire Rescue Department may approve alternative methods and means of fire suppression when requested by a property owner, provided that the Raymond Fire Rescue Department finds that the requested alternative method and means meets the intent of this section, and serves to preserve and promote life, health, and safety.

Section 2. For purposes of this Article, the gross square footage of a building or structure shall include the sum total of the combined floor areas for all floor levels, basements, sub-basements, and additions, in the aggregate, measured from the outside walls, irrespective of the existence of interior fire-resistive walls, floors, and ceilings.

FPO 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)~~ forty-eight hundred (4,800) gross 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 criteria in Article VIII New Building Construction Section 1; A, B, ~~or C~~, D, or F 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.

Section 3. Any building or structure of 4,800 square feet or more in total/gross floor area; any repair, reconstruction, rehabilitation, alteration, or other improvement of a building or structure which equals or exceeds 50 percent of the existing building, shall require the entire building to be installed with an automatic fire sprinkler system.

Section 4. A fire sprinkler system is required throughout in any existing residential One- and Two-Family building of 4,800 square feet or more in total/gross floor area; when any repair, reconstruction, rehabilitation, alteration, or other improvement of the building or structure which equals or exceeds 50 percent of the existing gross square footage of the building or structure. Where renovations occur that would require a building permit, and the total area of the ceiling and/or wall covering removed or exposed exceeds 50% or greater of the total gross floor area of the building/structure, an approved fire sprinkler system is required to be installed throughout.

Section 5. For the purposes of Section 3 and 4 of this Article, the Raymond Fire Rescue Department may

consider the installation of a partial fire sprinkler system with the following conditions;

1. When a building is partially retrofitted with an approved automatic fire sprinkler extinguishing system pursuant to this section, the fire sprinkler extinguishing system retrofit shall be completed throughout the unprotected building interior areas within two (2) years from completion of the initial partial retrofit.
2. When a property owner or responsible party of a residential building chooses to partially retrofit a building as noted in the section above, the property owner shall file a deed restriction with Cumberland County Register of Deeds and obtain a performance bond with the Town of Raymond, Maine to ensure compliance with this ordinance.

Section 6. For purposes of this Article, the gross square footage of a building or structure shall include the sum total of the combined floor areas for all floor levels, basements, sub-basements, and additions, in the aggregate, measured from the outside walls, irrespective of the existence of interior fire-resistive walls, floors, and ceilings.

SUMMARY OF CHANGES

This proposed amendment to the Land Use Ordinance and Shoreland Zoning Provisions would add a definition for the term Tiny Home. The proposed text is shown in red with an underline and revised or removed language is shown in ~~red with a strikethrough~~.

LUO Article 12 – Applicability and Definition of Terms Used in this Ordinance

Tiny Home – A structure that does not exceed 400 square feet, excluding lofts, that has one (1) or more habitable rooms designed, intended, or used for living quarters by one (1) or more persons living together as a family, with living, sleeping, sanitary, and cooking facilities, including within the meaning of cooking facilities a stove, hot plate, microwave oven, or other devices for heating or cooking food. The term shall include manufactured houses and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not to be used as a Tiny Home or dwelling unit. A Tiny Home must meet all of the minimum requirements of a dwelling unit.

SZP Section 17 – Definitions

Tiny Home – A structure that does not exceed 400 square feet, excluding lofts, that has one (1) or more habitable rooms designed, intended, or used for living quarters by one (1) or more persons living together as a family, with living, sleeping, sanitary, and cooking facilities, including within the meaning of cooking facilities a stove, hot plate, microwave oven, or other devices for heating or cooking food. The term shall include manufactured houses and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not to be used as a Tiny Home or dwelling unit. A Tiny Home must meet all of the minimum requirements of a dwelling unit.