2018

Town of Acton Ordinances

Acton, Me.

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Acton Fire-Rescue Ordinance

The purpose of this Ordinance is to establish the “Acton Fire-Rescue Department” as a municipal department of the Town of Acton, pursuant to the home rule authority granted in Title 30-A M.R.S.A § 3001.

ARTICLE 1 - NAME

1.1. The organization shall be known as the “Acton Fire-Rescue Department” (the “Department”).

ARTICLE 2 - PURPOSE

2.1. **Town of Acton Protection:** The primary purpose of the Department shall be to prevent and extinguish fires within the Town of Acton, to handle emergencies affecting the health, safety and welfare, and to provide rescue, and medical transport services for all persons within the Town of Acton, and elsewhere by prior agreement.

2.2. **Cooperation with Other Communities:** The Department may also assist other municipalities as its resources are available and may be needed in a cooperative effort for all of these purposes, and will comply with any written agreements signed by the Selectmen. The Selectmen shall have authority to enter into written agreements with other municipalities on a recommendation of the Fire Chief.

ARTICLE 3 - ORGANIZATION

3.1. **The Department** shall be a “Municipal Fire-Rescue Department” established pursuant to Title 30-A M.R.S.A. §3151(1) and (1-A) as amended to prevent and extinguish fires, and to provide emergency medical services as authorized by this ordinance through the operation of a municipal rescue and ambulance service as an integral function of the Department. It shall be a department within the Town of Acton.

ARTICLE 4 - MEMBERSHIP

4.1. **Members:** The membership shall include individual residents and non-residents of the Town of Acton, who are at least 18 years old, and who have been accepted as members of the Department.

4.2. **Number of Members:** The Fire Chief shall determine the number of members necessary for the effective operations of the Department.

4.3. **Application for Membership:** All applications for membership in the Department must be approved by the Fire Chief. Members must meet all membership standards described in the Acton Fire-Rescue Department Member Qualifications and Expectations document which may be amended by the Fire Chief. All new memberships will be probationary for a twelve month period, followed by a review of their performance by the Fire Chief or his designate before full membership status is achieved. Full membership shall be considered for approval only after successful completion of the probationary period.
4.4. **Junior Fire-Rescue Members**: Any resident or non-resident of Acton, of the age 14 to 17, may be accepted as a Junior Fire-Rescue Member in accordance with section 4.3, after meeting the membership standards described in the Member Qualifications and Expectations and all requirements of Maine law. EMS requirements require a minimum age of 16.

4.5. **Compensation**: Members may be compensated consistent with the Department’s appropriation provided through the Town budget process and the applicable provisions of the Department’s Position Classification and Pay Scale. (Quarterly for stipends and weekly for on-shift crew members.) (See Acton Fire-Rescue Positions Pay Plan)

4.6. **Department Roster**: The Department shall maintain an Active Roster

**ARTICLE 5 - RULES AND REGULATIONS/STANDARD OPERATING GUIDELINES**

5.1. **The Acton Fire-Rescue Rules and Regulations/Standard Operating Guidelines ("SOG Documents")**: The SOG document will include information from current departmental Job Descriptions, Employee Handbooks and SOG’s. The SOG Document provides a detailed description of operating rules for emergency situations, member qualifications and training standards, and officer responsibilities.

5.2. **Amendments**: The SOG Documents may be amended by the Fire Chief. All amendments must be consistent with this Ordinance, Maine state law, and other applicable laws, ordinances and regulations.

**ARTICLE 6 - DISCIPLINE, SUSPENSION AND DISMISSAL**

6.1. **Causes for Discipline or Suspension**: Causes for discipline, suspension and/or dismissal include those matters described in applicable provisions of the Town and Department’s Personnel Policy.

6.2. **Grievance Procedure**: All grievances will be handled in accordance with applicable provisions of the Town and the Department’s Personnel Policy as it may be amended. All members will be treated as employees under that policy for the purposes of grievances only.

6.3. **Disciplinary Procedure**: All discipline, suspensions, and dismissals shall be handled in accordance with applicable provisions of the Town and the Department’s Personnel Policy as it may be amended.

6.4. **Town Personnel Policy**: The Town Personnel Policy shall supersede the Fire Rescue Personnel Policy in the event of any conflict.

**ARTICLE 7 - APPOINTMENT OF OFFICERS**

7.1. **Appointments**: The Fire Chief (3 years), 2 Deputy Chief’s (1 year each) shall be recommended to the selectmen for appointment by a seven (7) member Fire-Rescue Commission, consisting of the following:

7.1.1. Three (3) active Department members elected/appointed by the Department.
7.1.2. Selectmen’s Liaison with the Department.

7.1.3. Warrant and Finance Committee’s Liaison with the Department.

7.1.4. A retired or active member of a municipal fire and rescue department appointed by the selectmen.

7.1.5. A member of the public, to be selected by the other six members of the Commission.

7.1.6. Members of the F-R Commission shall be appointed upon the adoption of this ordinance and a new commission appointed at the start of every fiscal year.

7.2. Appointment of other Officers and Officials: The Department shall create and fill any additional officer positions.

7.3. Nominating: The Department will maintain a “Nominating Committee” and prepare a list of qualified candidates for consideration of the commission described in section 7.1 prior to the expiration of their terms of appointment. The Nominating Committee shall also maintain a list of members qualified to fill additional officer positions created by the Department.

7.4. Qualifications for Officers: See the Member Qualifications and Expectations for the qualifications for all Officer Positions.

ARTICLE 8 - POWERS AND DUTIES OF FIRE CHIEF, OFFICERS AND OFFICIALS

8.1. Chain of Command: The Chain of Command shall be in Accordance with the Fire-Rescue organizational chart. All other officers and officials shall follow the chain of command. The Fire Chief shall determine who has the higher rank between officers with the same rank.

8.2. Fire Chief: The Fire Chief shall exercise the duties and powers described in Title 30-A M.R.S.A. §3153 (see sections below), as it may be amended from time to time, except as described in this Ordinance, and as follows:

8.2.1. Generally, direct and control all officers and members of the Department in the performance of their duties.

8.2.2. Provide a training program for fire-rescue personnel within the municipality in cooperation with appropriate governmental agencies.

8.2.3. Provide for the maintenance of all fire and rescue equipment owned by the municipality and buildings used by the municipal Fire-Rescue Department.

8.2.4. Prepare and submit annually to the Board of Selectmen a line item budget related to fire protection and rescue activities. The budget will be reviewed by the officers for input prior to presentation to the Board of Selectmen.
8.2.5. Suppress disorder and tumult at all department activities and, generally, to direct all operations to prevent further destruction and damage.

8.2.6. Exercise the powers relating to municipal fire protection and rescue as described in Article 5.

8.2.7. Obtain assistance from persons at the scene of a fire to extinguish the fire and protect persons and property from injury.

8.2.8. Pull down and demolish structures and outbuildings if the Fire Chief judges it necessary to prevent the spread of fire.

8.2.9. Exercise the power of the fire inspector with respect to dangerous buildings described in 25 M.R.S.A §2360, as it may be amended from time to time.

8.2.10. Exercise the power to bring civil actions, with the approval of the Board of Selectmen, described in 25 M.R.S.A §2361, as it may be amended from time to time.

8.2.11. Issue fire permits as the Fire Warden in accordance with Maine Department of Conservation rules and regulations.

8.2.12. Exercise any other powers and duties described in this Ordinance and powers of fire chief, officers and fire wardens generally as described in Maine State, Maine EMS and/or federal laws and regulations.

8.3. Officers Duties: See the Member Qualifications and Expectations for the duties of all officers and other officials.

ARTICLE 9 - DEPARTMENT ASSETS AND FUNDS

9.1. Municipal Appropriation: All funds raised or appropriated for the Department at town meeting shall be treated as municipal funds under Title 30-A M.R.S.A. §5652 et seq, as amended.

9.2. Other Funding: All funds raised or donated to the Department in the Town of Acton’s or the Acton Fire-Rescue Department’s name, by Department personnel or any Auxiliary Association, which are held or deposited in an account bearing the Town’s tax identification number for department equipment or other purposes, shall be treated as municipal funds pursuant to Title 30-A M.R.S.A. §5652 et seq, as amended. The Selectmen may authorize or approve expenditure of these funds in accordance with its Policy on Purchases regarding Donated Funds, as it may be amended from time to time. Funds raised or donated in the name of any association or auxiliary to the department and held in an account bearing a tax identification number other than that of the Town of Acton’s are not subject to the requirements regarding municipal funds pursuant to the provisions of Title 30-A M.R.S.A. §5652 et seq as amended.

9.3. Other Assets and Equipment: Other assets and equipment of the Department shall be considered property of the Town of Acton.
9.4. **Acceptance of Gifts:** If any funds or other assets and equipment are given to the Town or Department as conditional gifts, then the Selectmen at town meeting shall comply with all conditions of Title 30-A M.R.S.A. §5654, as amended. All unconditional gifts shall be considered at town meeting in accordance with Title 30-A M.R.S.A. §5655, as amended.

**ARTICLE 10 – PRIVILEGES AND IMMUNITIES**

10.1. Members of the Acton Fire-Rescue Department shall be entitled to the privileges and immunities provided by the Maine Tort Claims Act, Title 14, M.R.S.A. §8101 et. seq.

10.2. When assisting other municipalities, members of the Acton Fire-Rescue Department shall have the same privileges and immunities as when acting in their own municipality.

**ARTICLE 11 - VALIDITY / SEVERABILITY / CONFLICT**

11.1 The invalidity of any provision of this ordinance shall not invalidate any other part or provision of this ordinance. If any of the provisions of this Ordinance are inconsistent with the provisions of other Ordinances of the Town of Acton, or any of the provisions of this Ordinance are inconsistent with the provisions of State of Federal law or regulation, the more stringent requirements shall be applicable and controlling. If any inconsistencies exist between the provisions of this Ordinance and the provisions of the By-Laws, Rules and Regulations of Acton Fire-Rescue Department, the provisions of this Ordinance shall govern.

**ARTICLE 12 - AMENDMENTS**

12.1. This Ordinance may only be amended at any Acton Town Meeting.

**ARTICLE 13 – EFFECTIVE DATE**

13.1. This ordinance shall take effect upon adoption by the Acton Town Meeting and the proper transfer of assets from the Acton Ambulance Association to the Town of Acton.

Adopted at a Special Town Meeting 11/10/2015

True Attested Copy - Jennifer Roux
Ordinance and Limiting Home Cultivation of Marijuana for Personal Adult Use

WHEREAS, the Town of Acton deems it in the best interest of its citizens to limit the cultivation of marijuana for personal adult use within the Town, without affecting cultivation, use, or distribution of Medical Marijuana as allowed by 22 M.R.S.A. Chapter 558-C;

NOW THEREFORE the Town of Acton does ordain as follows:

Section 1. Legislative authority.

This ordinance is enacted pursuant to the Marijuana Legalization Act, 28-B M.R.S.A. § 1502, Municipal Home Rule Authority, Maine Constitution, Article VIII, Part 2, and 30-A M.R.S.A. § 3001.

Section 2. Limitation of Home Cultivation.

Home cultivation of marijuana for personal adult use by a person 21 years of age or older is limited to cultivation of three (3) mature marijuana plants, twelve (12) immature marijuana plants, and an unlimited number of seedlings by each person 21 years of age or older who is domiciled on a parcel or tract of land, pursuant to 28-B M.R.S.A. § 1502. No person shall be permitted to cultivate marijuana plants or seedlings on a parcel or tract of land on which he or she is not domiciled. Nothing in this ordinance is intended to prohibit the lawful cultivation, use, possession, or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. §§ 2421-2430-B.

Section 3. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the Town of Acton unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 4. Enforcement; violations and penalties.

This ordinance shall be enforced by the municipal officers or their designee. Violation of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A § 4452.

July 17, 2018 Adopted by the Town of Acton Voters

248 Ballots Cast

169 YES

79 NO

0 BLANKS

Jennifer Roux - Town Clerk
MUNICIPALITY OF ACTON

MORATUORIUM ORDINANACE REGARDING RETAIL RECREATIONAL MARIJUANA

WHEREAS, the legislative body of the Municipality of Acton (the "Municipality") makes the following findings:

1. The Marijuana Legalization Act (the "Act") was approved by Maine voters in November 2016 and has been codified in the Maine Revised Statutes in Title 7, chapter 417; and

2. The unregulated location and operation of "Retail Marijuana Establishments" and "Retail Marijuana Social Clubs," as defined in 7 M.R.S.A. chapter 417, as well as other types of retail recreational marijuana activity within the Municipality raises legitimate and substantial questions about the impact of such activity, establishments and social clubs on the Municipality, including questions as to compatibility with existing land uses and developments in the municipality; potential adverse health and safety effects on the community; the possibility of illicit sale and use of marijuana and marijuana products; and

3. As a result of the foregoing issues, retail recreational marijuana activity, and the location and operation of Retail Marijuana Establishments and Retail Marijuana Social Clubs within the Municipality, have potentially serious implications for the health, safety, and welfare of the Municipality and its residents; and

4. The Municipality currently has no regulations governing retail recreational marijuana activities, Retail Marijuana Establishments and Retail Marijuana Social Clubs and existing ordinances are insufficient to prevent serious public harm that could result from the unregulated development of Retail Marijuana Establishments and Retail Marijuana Social Clubs and from other types of retail recreational marijuana activity; and

5. An overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of Retail Marijuana Establishments and Retail Marijuana Social Clubs locating the Municipality and/or other types of retail recreational marijuana activity in the Municipality; and

6. The state's regulatory structure is unknown at this time as the Maine Legislature and state agencies have not developed final legislation or regulation governing Retail Marijuana Establishments and Retail Marijuana Social Clubs, and legislation amending the Act is pending; and

7. In the judgment of the legislative body of the Municipality, the foregoing findings and conclusions constitute an emergency within the meaning of 30-A M.R.S.A. § 4356 requiring immediate legislative action.

NOW THEREFORE, pursuant to 30- A MRSA § 4356, be it ordained by the Municipality as follows:

Section 1. Moratorium. The Municipality does hereby declare a moratorium on all retail recreational marijuana activity, and the location, operation or licensing of any and all "Retail Marijuana Social Clubs" and "Retail Marijuana Establishments," as defined in 7 M.R.S.A. chapter 41, including but not limited to, retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities within the municipality.
No person or organization shall engage in any retail recreational marijuana activity or develop or operate a retail Marijuana Establishment or Retail Marijuana Social Club within the Municipality on or after the effective date of this Ordinance. During the time this moratorium ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Municipality shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, any other type of land use approval or permit and/or in any other way act upon any application for a license, building permit, any other type of land use approval or permit and/or any other permits of licenses related to a Retail Marijuana Establishment, Retail Marijuana Social Club or retail recreational marijuana activities.

Section 2. Pending Proceedings. Notwithstanding 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance shall govern any proposed retail recreational marijuana activity and Retail Marijuana Establishments or Retail Marijuana Social Clubs for which an application for a building permit, certificate of occupancy, site plan or any other required approval has been submitted to the Municipality, whether or not a pending proceeding, prior to the enactment of this Ordinance.

Section 3. Medical Marijuana Act. This Ordinance will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M. R.S.A. §§ 2421-2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications.

Section 4. Conflicts/Savings Clause. Any provisions of the Municipality's ordinances that are inconsistent or conflicting with the provisions of this Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Section 5. Violations. If any retail recreational marijuana activity is conducted, or Retail Marijuana Establishment or Retail Marijuana Social Club is established, in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance and the Municipality shall be entitled to all rights available to it pursuant to 30-A.M.R.S.A. § 4452, including but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 180 days thereafter, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Municipality, whichever shall first occur.

183 BALLOTS CAST
108 YES VOTES
75 NO VOTES
0 BLANKS

ADOPTED BY WRITTEN SECRET BALLOT ON NOVEMBER 28, 2017

JENNIFER ROUX - TOWN CLERK
Originally adopted at annual Town meeting:

March 9, 1974

Revised and printed May, 1985
Revised and printed April, 1989
Revised and printed September, 1990
Revised and printed October, 1991
Revised and printed December, 1992
Revised and printed March, 1996
Revised and printed June, 1997
Revised and printed November, 1999
Revised and printed June, 2001
Revised and printed January, 2002
Revised and printed June, 2003
Correction and printed December, 2003
Revised and printed June, 2004
Revised and printed June, 2005
Revised and printed June, 2007
Revised and printed June, 2008
Revised and Printed November, 2009
Revised and printed September, 2011
Revised and printed February, 2012
Revised and printed June, 2015
Revised and printed November, 2015
Revised and printed June 18, 2016
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**Shoreland Map 1 of 2** dated September 29, 2011

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This Table of Contents was added for reference only and was not adopted by the Annual Town Meeting of June 18, 2016 approving the Acton Zoning Ordinance.
ZONING ORDINANCE OF THE TOWN OF ACTON, MAINE

Consisting of the following Districts:

1. **Resource Protection District**: This District is specifically designed to protect fragile or ecologically important areas such as swamps, bogs or wetlands. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values.

2. **Shoreland District**: This District is designed for the use of the municipality to protect its undeveloped or relatively undeveloped shoreline areas from development which would adversely affect water quality.

3. **Little Ossipee River District**: This District is similar to the Shoreland District except that it has been modified to meet the criteria of the Saco River Corridor Commission.

4. **Commercial A District (Service Business)**: This District is designed to allow service, tourist oriented, and small commercial businesses.

5. **Commercial B District (Low Water Impact)**: This District is designed to service the lakes and numerous summer residents. This District will also be protected with additional environmental safeguards related to water usage, impervious surfaces, and phosphorous control measures.

6. **Commercial C District (Limited Industrial)**: This District is designed to allow commercial/light industrial uses.

7. **Village District**: This District is designed to allow mixed uses, greater density, and unlimited growth.

8. **Transition District**: This District is designed as a transition zone to accommodate growth between the Village District and the Rural District, but at a lower density than the Village District.

9. **Rural District**: This District is designed for larger residential lot sizes and limited growth in a manner which preserves the rural character of the community.

10. **Critical Rural District**: This District is designed to preserve important natural resources within watershed boundaries and large undeveloped areas surrounding undeveloped great ponds.

11. **Mixed Use District**: This District is designed to preserve the existing New England Village character to include a mixture of commercial and residential uses.

12. **Aquifer Protection District**: This District is designed to preserve the significant sand and gravel aquifer.
ARTICLE 1 - GENERAL

1.1 Short Title: This Ordinance shall be known and cited as the “Zoning Ordinance of the Town of Acton, Maine,” and will be referred to herein as this “Ordinance.”

1.2 Purpose: To further the maintenance of safe and healthful conditions and the general welfare, prevent and control water pollution, protect spawning grounds, fish, aquatic life, bird and other wildlife habitat, control building sites, placement of structures and land uses to protect buildings and lands from flooding and accelerated erosion, conserve shore cover, and visual as well as actual points of access to waters, to conserve natural beauty and open space, protect archeological and historic resources, to protect wetlands, and to anticipate and respond to the impacts of development in shoreland areas.

This Ordinance does not grant any property rights; it does not authorize any person to trespass, infringe upon or injure the property of another; it does not excuse any person of the necessity of complying with other applicable laws and regulations.

1.3 Basic Requirements: All buildings or structures hereinafter erected, reconstructed, altered, enlarged or moved, and uses of premises in the Town of Acton shall be in conformity with the provisions of this Ordinance. No building, structure, land or water area shall be used for any purpose or in any manner except as permitted within the district in which such building, structure, land, or water area is located. No lot shall be created which is not in conformance with this Ordinance. Permitted and conditional uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A plumbing permit and building permit (in that order) shall be required for all buildings, uses and sanitary facilities, according to the provisions of Article 6 of this Ordinance.

1.4 Non-Conformities:

1.4.1 Purpose: It is the intent of this Ordinance and specifically this Article to promote land use conformities. All buildings, whether being erected, demolished, altered, or repaired, all parcels of land, and the uses of all buildings and land in the Town must be in conformance with the provisions of this Ordinance, except those which by the provisions of this Article become non-conforming. All buildings, parcels of land, and the uses thereof which are not in conformance with the provisions of this Article are prohibited, unless a variance is granted. However, non-conforming conditions and situations that legally existed before the effective date of the Ordinance or any amendment are allowed to continue, subject to the regulations set forth in Section 1.4 except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

1.4.2 Definition: Non-conformities are those buildings, parcels of land, and the uses thereof which fail to meet the current requirements of this Ordinance but which were lawful at the time of the original adoption or subsequent amendment of this Ordinance and which are allowed to continue as lawful pursuant to the provisions of this Article. Specifically:

1.4.3 Repair and Maintenance: This Ordinance allows the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

1.4.4 Non-Conforming Lot: A non-conforming lot is a single lot of record which, at the time of adoption or amendment of this Ordinance, does not meet the minimum net lot area, net lot area per dwelling unit, maximum lot coverage, minimum lot width, or other similar lot requirements of the District in which it is located. It is allowed solely because it was in lawful existence as of March 9, 1974, or as of the date a subsequent amendment rendering the lot non-conforming was adopted, as evidenced by a deed on record on or before that date in the York County Registry of Deeds.
1.4.5 **Non-Conforming Building or Structure:** A non-conforming building or structure is one that does not meet one or more of the following dimensional requirements; minimum setback, maximum height, maximum lot coverage, or similar building requirements of the District in which it is located. It is allowed solely because it was in lawful existence as of March 9, 1974, or as of the date a subsequent amendment rendering the building non-conforming took effect.

1.4.6 **Non-Conforming Use:** A non-conforming use is a use of premises, buildings, structures, land, or parts thereof that is not an allowed use in the District in which it is located, but which is allowed to remain solely because it was in lawful existence as of March 9, 1974, or as of the date a subsequent amendment rendering the use non-conforming took effect.

1.4.7 **Non-Conforming Vacant Lot –**

1.4.7.1 – A vacant non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership and can meet all provisions of this Ordinance except lot size, road and shore frontage, and lot width in the Resource Protection and Shoreland Districts, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and Subsurface Waste Disposal Rules are complied with.

In case of absence of road frontage, a driveway that accesses from a road that meets the Acton Road Standards (Level A, B, or C), and which is a deeded right of way at least 30 ft. wide, shall lead to the proposed buildings, and the building lot shall have at least one lot line of 250 ft. Variances relating to setback or other requirements not involving lot size, lot width, or road and shore frontage shall be obtained by action of the Acton Board of Appeals.

1.4.7.2 – If two or more contiguous lots are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements.

In the Shoreland Zone, this provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and the following:

a) Each lot contains at least one hundred (100) feet of shore frontage and at least 20,000 square feet of lot area; or

b) Any lots that do not meet the frontage and lot size requirements of 1.4.7.2 (a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

1.4.8 **Non-Conforming Lots with Buildings –**

1.4.8.1 – If two or more contiguous lots are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and Subsurface Wastewater Disposal Rules are complied with.
If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the Subsurface Wastewater Disposal Rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

1.4.8.2 – A structure built on a non-conforming lot may be repaired, replaced, maintained or improved, may be enlarged, and an accessory building may be built upon the lot in conformity with the applicable dimensional requirements.

1.4.9 Division of Non-Conforming Lot – No division of any lot may be made which violates any minimum space or bulk requirements of this Ordinance or which makes worse an existing non-conforming situation.

1.4.10 Non-Conforming Uses –

1.4.10.1 Continuance – The use of land, building, or structure, lawful at the time of adoption or subsequent amendment of this Ordinance, may continue although such use does not conform to the provisions of this Ordinance.

1.4.10.2 Resumption – Whenever a non-conforming use is superseded by a permitted use of a structure, or structure and land in combination, such structure or combination of land and structure shall thereafter conform to the provisions of this Ordinance and the non-conforming use may not thereafter be resumed.

In the Resource Protection and Shoreland Districts, a lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding Twelve (12) months, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board 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.

1.4.10.3 Discontinuance – non-conforming use which is discontinued for a period of two years, without regard to intent to abandon, may not be resumed. The uses of the land, building or structure shall thereafter conform to the provisions of this Ordinance.

1.4.10.4 Expansion of Use – A non-conforming building, or structure may be repaired, replaced, maintained, or improved, but the area in non-conforming use may not be extended or expanded except in conformity with the provisions of this Ordinance. In the Shoreland District, expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 1.4.11.2.b. Expansions of non-conforming uses in the Resource Protection District are prohibited.

1.4.10.5 Change of Use – An existing non-conforming use may be changed to another non-conforming 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 Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 1.4.11.5.

1.4.10.6 Transfer or Ownership – Ownership of land, structures, and uses which remain lawful but become non-conforming by the adoption or amendment of this Ordinance may be transferred and
the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

1.4.11 Non-Conforming Buildings or Structures – Maintenance or Enlargement: A non-conforming structure may be repaired, replaced, maintained, or improved provided the repair, replacement, maintenance, or improvement does not increase the nonconformity of the structure by encroaching any further on any of the setbacks and all required permits are obtained.

1.4.11.1 Expansion in Shoreland District or Resource Protection District within the Shoreland Zone

a) 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 and is in accordance with subparagraphs (b) and (c) below.

b) After January 1, 1989, if any portion of a structure in the Shoreland District is less than the required setback from the normal high water line of a water body or tributary stream or upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by more than thirty (30) percent during the lifetime of the structure.

If a replacement structure conforms with the requirements of Section 1.4.11.3, 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 thirty (30) percent in floor area or volume since that date.

c) 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, basing its decision on the criteria specified in subsection 1.4.11.4 below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 1.4.11.2.b 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.

d) No structure which is less than the required setback from the normal high water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream or wetland.

1.4.11.2 Expansion of Structures Existing Prior to September 29, 2011 in the Resource Protection District Outside of the Shoreland Zone

a) 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 and is in accordance with subparagraphs (b) and (c) below.

b) If any portion of a structure in the Resource Protection District outside of the Shoreland Zone is less than the required setback from a tributary stream or upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by more than thirty percent (30) during the lifetime of the structure.
If a replacement structure conforms with the requirements of Section 1.4.11.3, and is less than the required setback from a tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on September 29, 2011 had been expanded by thirty percent (30%) in floor area or volume since that date.

c) 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, basing its decision on the criteria specified in subsection 1.4.11.4 below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 1.4.11.2.b 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.

d) No structure which is less than the required setback from a tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream or wetland.

1.4.11.3 Reconstruction or Replacement – Any non-conforming structure which does not meet one or more of the required setbacks, including the required setbacks from a water body, tributary stream, or wetland in the Resource Protection District within the Shoreland Zone and Shoreland District and which is removed, or damaged, or destroyed, regardless of the cause, by more than fifty (50) percent of the market value of the structure over a five (5) year period before such damage, destruction, or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with all required setbacks, and the water body, tributary stream or wetland setback requirements in the Resource Protection District within the Shoreland Zone and the Shoreland Districts, to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. 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 1.4.11.2 above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume 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 1.4.11.4 below.

An “Historical Structure” as defined in Section 3.2 of this ordinance, which is not located in the Shoreland Zone, shall be exempt from the setback requirements of the preceding paragraph provided that:

a) The use of the structure after reconstruction and replacement is the same as the use of the structure prior to reconstruction or replacement;

b) The architecture and general appearance of the structure are not altered;

c) The dimensions of the structure are not increased;

d) The structure is reconstructed or replaced in its original location.
In the event that a reconstructed or replacement structure has not previously been designated an Historical Structure under the ordinance, the Planning Board shall apply the criteria set forth in the definition of “Historical Structure” in Section 3.2 to determine whether the reconstructed or replacement structure qualifies for the exemption from setback requirements provided herein.

Any non-conforming structure which is damaged or destroyed by fifty (50) percent or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Code Enforcement Officer.

In the Resource Protection District within the Shoreland Zone and the Shoreland District any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by fifty (50) percent or less of the market value, or damaged or destroyed by fifty percent (50%) or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one (1) year of such damage, destruction, or removal. In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board shall consider, in addition to the criteria in Section 1.4.11.4 below, the physical condition and type of foundation present, if any.

1.4.11.4 Relocation – A non-conforming structure shall 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 Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State Law and the State of Maine Subsurface Wastewater Disposal Rules or that a new system can be installed in compliance with the law and said Rules. 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 Planning Board 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. The Planning Board shall not consider any improvements to the property that have occurred within the preceding five (5) years. A building permit must be obtained within eighteen (18) months of Planning Board approval.

In the Resource Protection and Shoreland Districts, when it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. 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 fifty (50) percent 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.

1.4.11.5 Change of Use of a Non-Conforming Structure – The use of a non-conforming structure may not be changed to another use unless the Planning Board, 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 Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, 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, and archeological and historic resources.

1.5 Validity and Severability – Should any section or provision of this Ordinance be declared by the courts to be invalid, such decisions shall not invalidate any other section or provision of this Ordinance.

1.6 Conflict with Other Ordinances – This Ordinance shall not repeal, annul, or in any way impair or remove any other rule, regulation, by-law, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures the more restrictive provisions of this Ordinance shall control. Whenever a Resource Protection District or Shoreland District provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other Ordinance, regulation, or statute administered by the municipality, the more restrictive provision shall control.

1.7 Amendment – Any amendment to this Ordinance may only be adopted by a majority vote at a special or regular town meeting. A proposal for an amendment to this Ordinance may be-initiated by:

a) Majority vote of the Planning Board.

b) The Board of Selectmen.

c) An individual, through a request to the Planning board who then may initiate only by a majority vote; or

d) A written petition of a number of the voters equal to at least ten (10) percent of the vote cast in the last gubernatorial election.

In any case(s), the Planning Board shall hold a public hearing at least thirty (30) days prior to the meeting of the governing body. Pursuant to M.R.S.A. 30A Section 4352, notice of the hearing shall be posted in the town office at least fourteen (14) days before the hearing, and at least two (2) times in a newspaper of general circulation in the area. The date of the first publication must be at least twelve (12) days before the hearing, and the date of the second publication must be at least seven (7) days prior to the hearing. If the amendment constitutes a change in zoning district boundaries or other amendment which would permit commercial, industrial or retail uses where previously prohibited, or prohibits all such uses where previously permitted, notice of the hearing shall be mailed to all owners of all property that is within or abutting an area affected by the proposed amendment. The Planning Board must maintain a list of the names and addresses of the persons to whom notice was sent. Notice of the hearing shall be mailed at least fourteen (14) days before the hearing to all owners of property in and abutting the area to be rezoned. The notice shall contain a map indicating the property to be rezoned.

In the Resource Protection District within the Shoreland Zone and the Shoreland Districts, copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not
be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

1.8 Restoration of Unsafe Property – Nothing in this Ordinance shall prevent the strengthening or restoring to safe condition any part of any building or structure declared unsafe by the Code Enforcement Officer.

1.9 Pending Application for Building Permits – Nothing in this Ordinance shall require any change in the plans, construction, size, or designated use for any building, structure, or part thereof for which application for building permit has been made or a building permit has been issued or upon which construction shall start within 60 days after issuance of such permit.

1.10 Repetitive Petitions – No proposed change in this Ordinance which has been unfavorably acted upon by the governing body shall be considered on its merits by the governing body within one (1) year after the date of such unfavorable action unless adoption of the proposed change is recommended by unanimous vote of the Planning Board, or requested by a petition signed by a number of required voters in the town at least ten (10) percent the number of votes cast in the last gubernatorial election.

1.11 Effective Date –

a) This Ordinance was originally adopted by the municipal legislative body on March 9, 1974 and amended most recently on June 17, 2017. Except as provided, amendments shall take effect upon adoption by the Town Meeting.

b) Amendments to any provision affecting the Shoreland District or Resource Protection District shall not be effective unless approved by the Commissioner of the Department of Environmental Protection (Commissioner). A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on the amendment within forty-five (45) days of his/her receipt of the amendment, it shall be automatically approved.

c) Notwithstanding the provision of Section 1.4, any application for a permit within the Shoreland District or Resource Protection District submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if the amendment is approved by the Commissioner of the Department of Environmental Protection.

1.12 Availability – A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.
ARTICLE 2 - ESTABLISHMENT OF DISTRICTS

2.1 Zoning Districts and Official Zoning Map(s) – Districts are located and bounded as shown on the Official Zoning Map which is a made a part of this Ordinance. There may, for purpose of clarity, necessitated by reasons of scale on the map, be more than one Official Zoning Map. The Shoreland District, Resource Protection District, and Little Ossipee District, boundaries are determined by the terms of the sections creating those districts, and any delineation of them on the Official Zoning Map shall be for reference only and shall not supersede or modify such boundaries as created in those sections.

2.1.1 Resource Protection District within the shoreland zone (see definition of Shoreland Zone in section 3.2).

A map showing the Resource Protection District shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map. These Districts may be shown on the same map as the other Zoning Districts.

2.1.2 Resource Protection District outside the Shoreland Zone (see definition of Shoreland Zone in section 3.2).

2.1.3 Shoreland District – A map showing the Shoreland District shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map. These Districts may be shown on the same map as the other Zoning Districts.

2.1.4 Little Ossipee District – extends to all land areas within five hundred (500) feet from the normal high water mark of Balch Pond and the Little Ossipee River.

2.1.5 Commercial A District (Service Business)

2.1.6 Commercial B District (Low Water Impact)

2.1.7 Commercial C District (Limited Industrial)

2.1.8 Village District

2.1.9 Transition District

2.1.10 Rural District

2.1.11 Critical Rural District

2.1.12 Mixed Use District

2.1.13 Aquifer Protection District

2.2 Certification of and Changes to Official Zoning Map(s) – The Official Zoning Map(s) shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map. If amendments, in accordance with Section 1.7, are made to the Resource Protection and Shoreland District boundaries or other matter portrayed regarding these Districts on the Official Zoning Map, such changes shall be made on the Official Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.
2.3 Location of Districts – All Districts, with the exception of the Resource Protection, Shoreland, Little Ossipee and Aquifer Protection Districts, are located and bounded as shown on the Official Zoning Map, entitled "Zoning Map of Acton, Maine," dated June 10, 2008 and on file in the office of the Municipal Clerk. This Official Map shall be signed by the Municipal Clerk and Chairman of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment. Additional copies of this Map may be seen in the Office of the Selectmen, or Code Enforcement Office.

The Official Map showing the Resource Protection and Shoreland Districts, dated September 29, 2011 shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office.

2.4 Uncertainty of Boundary Location – Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning Map(s), the following rules shall apply:

2.4.1 – Boundaries indicated as approximately following the center lines of street, highways, alleys, or streams shall be construed to follow such center lines.

2.4.2 – Boundaries indicated as approximately following well-established lot lines shall be construed as following such lot lines.

2.4.3 – Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits.

2.4.4 – Boundaries indicated as following shorelines shall be construed to follow such shorelines; and in the event of natural change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center line.

2.4.5 – Boundaries indicated as being parallel to or extensions of features indicated in subsections (1) through (4) above shall be so construed. Distances not specifically indicated on the Official Zoning Map(s) shall be determined by the scale of the Map(s).

2.4.6 - Sources for the exact delineation of the Special Flood Hazard areas shall be the Acton Flood Insurance Rate Map dated April 1, 1987 by FEMA or the most recent duly adopted amendment.

2.4.7 – Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map(s), or in other circumstances not covered by subsections (1) through (6) above, the Board of Appeals shall interpret the district boundaries.

2.5 Division of Lots by District Boundaries –

2.5.1 Where a zoning district boundary line, other than a boundary line of the Resource Protection District, Little Ossipee River District, or Shoreland District, divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended not more than fifty (50) feet into the more restricted portion of the lot. Extension of use shall be considered a conditional use, subject to approval of the Planning Board and in accordance with the criteria set forth in Section 6.6.3.

2.6 General Lot Standards –

2.6.1 All corner lots shall be kept free from visual obstructions for a distance of twenty-five (25) feet measured along with intersecting street lines.
2.6.2 No portion of a building shall exceed thirty-five (35) feet in height except chimneys. Features of detached accessory buildings may exceed thirty-five (35) feet in height, but shall be set back from the nearest lot line a distance not less than the height of such structure, unless a greater setback is required by other provisions of this Ordinance.

2.6.3 Any new lot shall meet minimum road frontage requirements for the district in which the frontage is located, and the road frontage must be based on the horizontal distance between the intersections of the side lot lines with the front lot line along a road that meets the Town of Acton Road Standards (Level A, B, or C).

2.6.4 Minimum Lot Standards –

a) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

b) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

c) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

If more than one (1) residential dwelling unit, principal governmental, institutional, commercial or industrial structure or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

2.7 Land Use Chart

ANY USE NOT LISTED HEREIN IS PROHIBITED

C = Conditional Use Review
LPI = Licensed Plumbing Inspector
N = Not Permitted (use not allowed)
P = Permitted (use allowed without a permit, must comply with all applicable land use standards)
R = CEO Review (use must be reviewed by CEO and a permit may be required)
S = Site Plan Review
SD = Subdivision Review
NA = Not applicable
<table>
<thead>
<tr>
<th>RURAL USES</th>
<th>Village Area</th>
<th>Transition Area (2-acre)</th>
<th>Rural Area (2-acre)</th>
<th>Critical Rural Area (5-acre)</th>
<th>Commercial A</th>
<th>Commercial B</th>
<th>Commercial C</th>
<th>Mixed Use</th>
<th>Resource Protection</th>
<th>Shoreland</th>
<th>Little Ossipee</th>
<th>Aquifer Protection District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space Use (non-intensive recreational uses not requiring structures such as hunting, fishing, hiking)</td>
<td>P</td>
<td>P</td>
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<td>P</td>
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<td>P</td>
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</tr>
<tr>
<td>Agriculture (commercial)</td>
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<td>P</td>
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<td>P</td>
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<td>N</td>
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<tr>
<td>Application and/or storage of sludge/residuals</td>
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<td>C</td>
<td>C</td>
<td>N</td>
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<td>Gardening</td>
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<td>Forest Management Activities (silviculture, which does not include commercial timber harvesting and land management roads)</td>
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<td>Timber Harvesting for Commercial</td>
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<td>P</td>
<td>R4</td>
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<td>Sale of produce and plants raised on the premises, or seasonal sales of produce and plants not raised on the premises.</td>
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<td>Public or private recreation facilities including parks, playgrounds, golf courses, driving ranges, and swimming pools (does not include residential uses)</td>
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<td>Commercial C</td>
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### RESIDENTIAL STRUCTURES AND USES

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<tr>
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<td>Two single family residential dwellings on one lot</td>
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### COMMERCIAL AND INDUSTRIAL

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<th>Critical Rural Area (5-acre)</th>
<th>Commercial A</th>
<th>Commercial B</th>
<th>Commercial C</th>
<th>Mixed Use</th>
<th>Resource Protection</th>
<th>Shoreland</th>
<th>Little Ossipee</th>
<th>Aquifer Protection District</th>
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<tbody>
<tr>
<td>Planned Unit Development or Cluster Development</td>
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<td>Auto repair garages</td>
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<td>Kennels and animal care facility</td>
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<td>Medical treatment facility or rehabilitation facility</td>
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<tr>
<td>Nursing facility, residential care facility, or congregate care facility</td>
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<td>Professional and business services having less than 2,500 square feet of gross floor area</td>
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<td>Professional and business services having 2,500 square feet or more of gross floor area (does not include home occupation)</td>
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<td>Child day care (as a home occupation)</td>
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<td>Child care facility</td>
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<td>Facilities not listed above having less than 2,500 square feet of gross floor area (not including home occupation)</td>
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<td>Facilities, which by the nature of their operation require a shorefront location, such as boatyards, marinas, and commercial fishing facilities</td>
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</table>

**PUBLIC, SEMI-PUBLIC, AND INSTITUTIONAL**

<p>| Church or other places of worship, parish house, convent, and other religious institutions | S | S | S | N | S | S | S | S | N | N | N | S |
| Public buildings such as libraries, museums, or civic centers | S | S | S | N | S | S | S | S | N | N | N | S |
| Public, private, and parochial school | S | S | S | N | N | N | N | S | N | N | N | S |</p>
<table>
<thead>
<tr>
<th>Other Uses</th>
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<tr>
<td>Piers, docks, wharfs, bridges, and other structures and uses extending</td>
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<td>over or below the normal high water line or within a wetland</td>
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<td>a. Temporary</td>
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<td>b. Permanent</td>
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<td>Signs</td>
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<td>Filling, grading, or other earth moving activity 500 to 9,999 cubic</td>
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<td>yards per year</td>
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<td>Filling, grading, or other earth moving activity 100 to 499 cubic</td>
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<td>yards per year</td>
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<td>Filling, grading, or other earth moving activity less than 99 cubic</td>
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<td>yards per year</td>
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<td>Filling, grading, or other earth moving activity more than 10,000 cubic</td>
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<td>yards per year</td>
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<td>(Mineral Extraction Industrial)</td>
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<tr>
<th>Village Area</th>
<th>Transition Area (2-acre)</th>
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<td>Village Area</td>
<td>Transition Area (2-acre)</td>
<td>Rural Area (2-acre)</td>
<td>Critical Rural Area (5-acre)</td>
<td>Commercial A</td>
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<td>Mixed Use</td>
<td>Resource Protection</td>
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<td>Uses which are similar to conditional uses</td>
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<td>Uses and structures which are similar to permitted uses</td>
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<td>Boat yard (non-shorefront)</td>
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<td>Motorized vehicular traffic on existing roads and trails</td>
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<td>Clearing or removal of vegetation for activities other than timber harvesting</td>
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<td>Wildlife management practices</td>
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<td>Small non-residential facilities for educational, scientific, or nature interpretation purposes</td>
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<td>Conversions of seasonal residences to year-round residences</td>
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<td>Private sewage disposal systems for allowed uses</td>
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<td>Individual, private campsites</td>
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<tr>
<td>ESSENTIAL SERVICES</td>
<td>Village Area</td>
<td>Transition Area (2-acre)</td>
<td>Rural Area (2-acre)</td>
<td>Critical Rural Area (5-acre)</td>
<td>Commercial A</td>
<td>Commercial B</td>
<td>Commercial C</td>
<td>Mixed Use</td>
<td>Resource Protection</td>
<td>Shoreland</td>
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<td>Road construction</td>
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<td>Land management roads</td>
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<td>Parking facilities</td>
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<td>a. Roadside distribution lines (75) 34.5kV and lower</td>
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<td>P</td>
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<td>P</td>
<td>R3</td>
<td>R</td>
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<tr>
<td>b. Non-roadside or cross-country distribution lines involving poles in the shoreland zone</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>c. Other essential services</td>
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<td>P</td>
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<td>Service drops, as defined, to allowed uses</td>
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<tr>
<td>Renewable energy installed on an existing structure</td>
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<tr>
<td>Renewable energy installed on a non-existing structure</td>
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Foot Notes:

1. In Resource Protection within seventy-five (75) feet, horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

2. Not allowed within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland.

3. The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall
be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

4. If the applicant has retained a forester to manage ALL AREAS to be harvested in the cut (not just in the Shoreland District and Resource Protection), no Planning Board review (i.e. Conditional Use Permit) shall be required. However, the State’s Intent to Cut Form must be submitted to the Code Enforcement Officer for review in the Shoreland Districts and Resource Protection District prior to any cutting taking place.

5. Except that a storage structure less than or equal to eighty (80) square feet in area and eight (8) feet in height that are accessory to an existing single family residential dwelling located on the same lot is allowed with CEO review.

6. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District, the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

7. Requires a permit from the CEO if more than one hundred (100) square feet of surface area is disturbed.

8. New trails or changes to existing trails shall conform with the footpath standards set forth in section 5.20.2.a.

9. The lot size per residential dwelling unit shall meet or exceed the minimum lot size requirement for this district, except that on a lot of 200,000 square feet or more with at least 350 feet of frontage, two single family residences may be built providing: only one driveway entrance onto the road is constructed; the lot shall never be divided; and the owner(s) of the lot resides on the property. Prior to receiving a building or occupancy permit, the owner of the proposed multiple dwelling lot shall provide the CEO with a copy of the recorded deed from the York County Registry of Deeds, which includes a deed restriction prohibiting subdivision of the lot.
ARTICLE 3 – CONSTRUCTION OF LANGUAGE AND DEFINITIONS –

3.1 Construction of Language – In this Ordinance, certain terms or words shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as any individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied;" the word "building" includes the word "structure," and the word "dwelling" includes the word "residence;" the word "lot" includes the words "plot" or "parcel." In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control. Terms not defined shall have the customary dictionary meaning.

3.2 Definitions – In this Ordinance, the following terms shall have the following meanings unless a contrary meaning is required by the content or is specifically prescribed.

Abutting Property – Any lot which is physically contiguous with the subject lot even if only at a point, and any lot which is located directly across a street or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

Accessory Use or Structure – A use or structure of a nature customarily incidental and subordinate to those of the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Aggrieved Party – An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture – The production, keeping, or maintenance for sale or lease, of plants and/or animals, including but not limited to, forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

Alteration – Any change, addition, or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders.

Animal Care Facility – A veterinarian service establishments which primarily diagnoses animal diseases and injuries; dispenses medications, and performs surgery.

Aquaculture – The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Aquifer – A water-bearing geologic formation capable of yielding a usable amount of groundwater to a well.

Arterial – A controlled access road or a street or road with traffic signals at important intersections and/or stop signs on side streets or which is functionally classified by the Maine Department of Transportation as an arterial.

Auto Service Station – A place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil; and lubricants or grease (for operation of motor vehicles); are retailed directly to the public on the premises; including the sale of minor accessories and the servicing
and minor repair of automobiles, not including storage of unlicensed vehicles and not including body, frame, or fender straightening and repair.

**Auto Repair Garage** – A business where the following services may be performed: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; and collision services, such as body or frame repair overall painting, and undercoating of automobiles. The sale of engine fuels is excluded.

**Automobile Graveyard** – A yard, field, or other area used as a place of storage for three (3) or more unserviceable, discarded, worn out, or junked motor vehicles.

**Basal Area** – The area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

**Baseline** – Any portion of a structure with a floor-to-ceiling height of six (6) feet or more and having more than fifty (50) percent of its volume below the exiting ground level.

**Boat Launching Facility** – A facility designed primarily for the launching and landing of watercraft, and what may include an access ramp, docking area, and parking spaces for vehicles and trailers.

**Boatyard** – A commercial operation for the sales, service, repair, and storage for all types of watercraft.

**Boathouse** – A non-residential structure designed for the purpose of storing boats for non-commercial purposes.

**Building** – A structure, having one or more floors and a roof, which is built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind. When any portion thereof is separated by a division wall without opening, then each such portion shall be deemed a separate building.

**Building Footprint** – The area covered by a building measured from the exterior surface of the exterior walls at grade level exclusive of cantilevered portions of the building. Where the building is elevated above grade level on posts or similar devices, the building footprint is the area the building would cover if it were located at ground level.

**Bureau** – State of Maine Department of Conservation’s Bureau of Forestry

**Business Services** – A place of business where activities such as general management, bookkeeping, accounting, telephone sales, and telecommunications take place, advertising, credit reporting and collection, mailing and reproduction, care of buildings, personnel supply, computer and data processing, market research, and management and public relations, real estate sales and management, insurance sales, but where no consumer retail services are performed and do not involving the sale of physical products on the premises.

**Campground** – Any premises established for overnight use for the purpose of temporary camping, and for which a fee is charged.

**Canopy** – The more or less continuous cover formed by tree crowns in a wooded area.

**Cellar** – A portion of the building partly underground, but having half or more of its clear height below the average grade of the adjoining ground.

**Channel** – A natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is water flowing within the limits of the defined channel.

**Child Care Facility** – A commercial enterprise registered by the State of Maine Department of Health and Human Services for the care of children by the day.
Child Day Care – A private home registered with the State of Maine Health and Human Services to provide child care by the day.

Cluster Subdivision – A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space.

Code Enforcement Officer – A person appointed by the Municipal Officers to administer and enforce this Ordinance. Reference to the Code Enforcement Officer shall be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like where applicable.

Collector Street – A street that collects traffic from local streets and connects with arterials, or a street or road functionally classified as a collector by the Maine Department of Transportation.

Commercial or Industrial Groundwater Extraction – Removal of groundwater from the subsurface by pumping or other means, for commercial or industrial use.

Commercial Use – The use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Conditional Use – A use permitted only after review and approval by the Planning Board. A conditional use is a use that would not be appropriate without restriction but which, if controlled under the provisions of this Ordinance, would promote the purposes of this Ordinance. Such uses may be permitted if specific provision for such conditional uses is made in this Ordinance.

Conditional Use Permit – A permit issued by the Planning Board for a use with conditions. A conditional use permit may be issued only after the applicant has followed the procedures of this Ordinance.

Conforming Use – A use of buildings, structures, or land which complies with all applicable provisions of this Ordinance.

Congregate Care Facility – A building or group of buildings containing private apartments and central dining facilities, and within such supportive services, including medical or social services, are provided to the residents. Such facilities include only those certified by the State of Maine Department of Health and Human Services.

Constructed – Includes built, erected, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of construction.

Convey – To sell, lease, rent, give, or allow occupancy of a dwelling unit.

Cross-sectional Area – The cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

DBH – The diameter of a standing tree measured 4.5 feet from ground level.
**Development (Outside Shoreland and Resource Protection District)** – A change in land use involving alteration of the land, water, or vegetation, or the addition or alteration of structures, or other construction not naturally occurring.

**Dimensional Requirements** – Numerical standards relating to spatial relationships including, but not limited to, set back, lot area, shore frontage, and height.

**Disability** – Any disability, infirmity, malformation, disfigurement, congenital defect, or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions, or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation, or related services.

**Disruption of Shoreline Integrity** – The alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified, and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

**District** – A specified portion of the municipality, delineated on the Official Zoning Map within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**Driveway** – Outside of the Shoreland and Resource Protection Districts, this term shall mean a vehicular access-way serving two dwelling units or less. Within the Shoreland and Resource Protection Districts, this term shall mean a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

**Dwelling** – A fixed structure, containing one or more dwelling units.

**Dwelling Unit, Residential** – A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time and containing cooking, sleeping, and toilet facilities. The term shall include manufactured homes, rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented, single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums, but shall not include recreational vehicles.

**Dwelling, Multi-family** – A residential structure containing three (3) or more residential dwelling units.

**Earth** – Topsoil, sand, gravel, clay, peat, rock, or other minerals.

**Emergency Operations** – Operations conducted for the public health, safety, or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

**Essential Services** – The construction, alteration, or maintenance of gas, electrical, or communication facilities; steam, fuel, electric power, or water transmission or distribution lines; collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

**Eutrophication** – The process of nutrient enrichment of water bodies.
Excavation – Any removal of earth or earth material from its original position.

Expansion or Enlargement of a Structure – an increase in the floor area, volume, building footprint or height of a structure, including all extensions such as, but not limited to attached decks, garages, porches, and greenhouses.

NOTE: Outside of the Shoreland and Resource Protection Districts (Within The Shoreland And Resource Protection Districts See Variance Appeals Section 6.6.2.C.(2) – alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or State Fire Code.

Expansion or enlargement of Use – the addition of days, weeks or months to a uses' operating season; additional hours of operation; or the use of more floor area, or ground area, footprint or height devoted to a particular use.

NOTE: Outside of the Shoreland and Resource Protection Districts (Within The Shoreland And Resource Protection Districts See Variance Appeals Section 6.6.2.C.(2) – increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use.

Family – One or more persons occupying premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, related by blood or marriage.

Filling – Depositing or dumping any matter on or into the ground or water.

Flood – A temporary rise in stream flow or tidal surge that results in water overtopping its banks and inundating adjacent areas.


Floodway – The channel of a river, or other watercourse, and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Flood Proofing – A combination of structural provisions, changes, or adjustments to properties subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings.

Floor Area – The sum, in square feet, 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.

Forest Management Activities – Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation, or maintenance of roads.

Forested Wetlands – A wetland dominated by wooded vegetation that is 20 feet tall or taller.

Forest Stand - A contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.
**Foundation** – Any substructure that meets the Building Code.

**Freestanding Stairs** – An open, low impact stairway used to gain access to the shoreline or a residence, exempt from the road and water setbacks and following other criteria set forth in Section 5.1.2 of this Ordinance.

**Frontage, Shore** – The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

**Frontage, Street/Road** – The horizontal distance between the intersections of the side lot lines with the front lot line along the road or street.

**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 which cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boatbuilding facilities, marinas, navigation aids, basins and channels, retaining walls, 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.

**Generator** – Any person whose act or process produces a solid waste or whose act first causes a solid waste to be subject to regulation.

**Grade, in Relation to Buildings** – The average of the finished ground level at the center of all walls of a building.

**Great Pond** – Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres, except for the purposes of these regulations, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

**Ground Cover** – Small plants, fallen leaves, needles, and twigs, and the partially decayed organic matter of the forest floor.

**Groundwater** – The subsurface water that occurs beneath the water table in soils and geologic formations that are fully saturated. For purposes of aquifer protection, this term refers to the subsurface water present in aquifers and recharge areas.

**Growth Permit Application** – An application designed to collect information about proposed residences, to be used as a basis for rating them for approval.

**Harvest Area** – The area where timber harvesting and related activities, including the cutting of trees, skidding, yarning, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than ten (10) acres within the area affected by a harvest.

**Height of a Structure** – The vertical distance between the average grade of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area. Building height shall not exceed thirty-five (35) feet.
Historic or Archaeological Resources – Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality’s comprehensive plan.

Historical Structure - A structure which has been designated as an historical structure or landmark by a governmental agency such as the Maine Historic Preservation Commission or other comparable state or federal entity or which appears in the National Register of Historical Places or has been designated an historical structure by a majority vote of the Town Meeting or by a majority vote of the Planning Board in a proceeding under Section 1.4.11.3 of this Ordinance based upon a determination that the structure meets any one of the following criteria:

a) it is a significant example of the cultural, historic, architectural or related aspect of the heritage of the Town of Acton, State of Maine, New England region or the United States; or

b) it is the site of a significant historic event or activity; or

c) it is identified with a person or persons who significantly contributed to the cultural, historic, architectural or related aspect of the development of the Town of Acton, State of Maine, New England region or the United States; or

d) it exemplifies a significant architectural type, style or design; or

e) it is identified as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the Town of Acton, State of Maine, New England region or the United States; or

f) it represents a significant cultural, historic, architectural or related theme.

Home Occupation – This term shall mean an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two persons other than family members residing in the home.

Impervious Surface – The area covered by buildings and associated constructed facilities, areas which have been or will be covered by a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

Increase in Non-Conformity of a Structure – Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in non-conformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing non-conforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.
**Individual Private Campsite** – An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include, but are not limited to, a gravel pads, parking areas, fire places, or tent platforms.

**Industrial** – The assembling, fabrication, finishing, manufacturing, packaging, or processing of goods, or the extraction of minerals.

**Institutional** – A non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure, or land used for public purposes.

**Land Management Road** – A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

**Licensed Forester** – A forester licensed under 32 M.R.S.A. Chapter 76.

**Junkyard** – A yard, field, or other area used as a place of storage for –

a) Discarded, worn-out, or junked plumbing, heating supplies, household appliances, and furniture;

b) Discarded, scrap and junked lumber;

c) Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous materials; and

d) Garbage dumps, waste dumps, and sanitary fills.

**Kennel** – Any place, building, tract of land, abode, enclosure, or vehicle which for compensation, provides food and shelter or other services for six (6) or more domestic animals for purposes not primarily related to medical care where more than three (3) dogs more than six (6) months old are kept for sale, training, boarding, and/or breeding.

**Lagoon** – An artificial enlargement of a waterbody, primarily by means of dredging and excavation.

**Level of Service (LOS)** – A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, 2000 Edition, published by the National Research Council, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays, to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

**Local Street** – A public street or road which is not identified as an arterial or collector. A local street includes a proposed street shown on an approved and recorded subdivision.

**Lot** – A parcel of land described on a deed, plot, or similar legal document.

**Lot Area** – The total horizontal area enclosed within the boundary lines of a lot, minus land below the normal high water line of a water body or upland edge of a wetland, and minus areas beneath roads serving more than two lots.

**Lot, Corner** – A lot with at least two contiguous sides, each abutting upon a street. All corner lots must meet all highway and street setbacks.
Lot, Coverage – The percentage of the plot or lot covered by all structures, parking lots, and other non-vegetated surfaces.

Lot, Interior – Any lot other than a corner lot.

Lot Lines – The lines bounding a lot as defined below.

Lot Line, Front – On an interior lot, the line separating the lot from the street. On a corner or through lot, the lines separating the lot from both streets.

Lot Line, Rear – The lot line opposite the front lot line. On a lot point at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot lines, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

Lot Line, Side – Any lot line other than the front lot line or rear lot line.

Lot Width – The horizontal distance between the side lot lines, measured at the setback line.

Lot Width, Minimum – The closest distance between the side lot lines of a lot. When only two lot lines extend into the Shoreland and Resource Protection District, both lot lines shall be considered to be side lot lines.

Lot of Record – A parcel of land, the dimensions of which is shown on a document or map on file with the County Registrar of Deeds, or in common use by City or County Officials.

Lot, Shorefront – Any lot abutting a waterbody or wetland.

Lot, Through – Any interior lot having frontages on two more or less parallel streets, or between a street and a waterbody, or between two waterbodies, as distinguished from a corner lot. All sides of through lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Manufactured Home Park – Any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate two or more manufactured homes, in accordance with MRSA Title 10, Chapter 953.

Manufactured Housing Unit – A structural unit or units designed for occupancy, and constructed in a manufacturing facility, and transported by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, two types of manufactured housing are included. Those two types are:

1) Those units constructed after June 15, 1976, commonly called "newer mobile homes," that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are fourteen (14) body feet or more in width and are seven hundred fifty (750) or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning, or electrical systems contained in the unit.
a) This term also includes any structure that meets all the requirements of this subparagraph except the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development, and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and

2) Those units commonly called "modular homes", that the manufacturer certifies are constructed in compliance with Title 10, chapter 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning, or electrical systems contained in the unit.

Marina – A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops, and marine fuel service facilities.

Market Value – The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mineral Exploration – Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral Extraction – Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other similar material from its natural location; and to transport the product removed, away from the extraction site.

Native – Indigenous to the local forests.

Natural Areas and Natural Communities – Areas identified by a governmental agency such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area, and any areas identified in the municipality's comprehensive plan.

Net Residential Acreage – The gross acreage available for development, excluding the area for streets or access, and the areas which are unsuitable for development, which includes wetland soils, and soils classified as being very poorly drained.

Net Residential Density – The number of dwelling units per net residential acre.

Non-Conforming Lot – A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet one or more of the dimensional requirements.

Non-Conforming Structure – A structure which does not meet any one or more of the following dimensional requirements – setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-Conforming Use – The use of buildings, structure, premises, land, or parts thereof which is not allowed in the district in which it is situated, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.
Normal High Waterline – That line which is apparent from visible markings, changes in character of soils due to prolonged action of the water, or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils, and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water, are considered part of the river or great pond.

Nursing Care Facility – A facility, licensed by the State, which provides skilled nursing care and medical supervision to persons who are unable to care for themselves.

Open Space Use – A use not involving a structure; earth-moving activity; or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird, and other wildlife habitat.

Parking Space – A minimum area of two hundred (200) square feet, exclusive of drives, aisles, or entrances, fully accessible for the storage or parking of vehicles.

Person – An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharves, bridges, and other structures and uses extending over or beyond the normal high-water line or within a wetland.

Temporary – Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent – Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Planned Unit Development – Land under unified management, planned and developed as a whole according to comprehensive and detailed plans, including street, utilities, lots, or building sites, site plans, and design principles for all buildings intended to be located, constructed, used and related to each other, and for other uses and improvements on the land. Development may be a single operation or a programmed series of operations including all lands and buildings, with provision for operation and maintenance of such areas, and improvements and facilities necessary for common use by the occupants of the development.

Premises – One or more lots which are in the same ownership and are contiguous or separated only by a road or waterbody, including all buildings, structures, and improvements.

Principal Structure – The building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal Use – The use other than one which is wholly incidental or accessory to another use on the same premises.

Private Right-of-Way – An area over which a legal right of passage exists for one or more individuals.

Professional Services – The office(s) of a person(s) engaged in architecture, engineering, law, medicine, dentistry, or other activity in which specialized services to clients are performed by persons possessing a degree from a recognized institution of higher learning, demonstrating successful completion of a prolonged course of specialized intellectual instruction and study, or its equivalency, and also possessing evidence of professional capability, such as membership in a professional society.
**Public Facility** – Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

**Public Utility** – Any person, firm, corporation, municipal department, board, or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation, or water to the public.

**Recent Flood Plain Soils** – The following soil series as described and identified by the National Cooperative Soil Survey:

- Alluvial
- Charles
- Cornish
- Fryeburg
- Hadley
- Limerick
- Lovewell
- Medomak
- Ondawa
- Podunk
- Rumney
- Saco
- Suncook
- Sunday
- Winooski

**Recharge Area** – Area composed of permeable, porous material through which precipitation and surface water infiltrate and directly replenishes groundwater in aquifers.

**Recreational Facility** – A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

**Recreational Vehicle** – A vehicle or an attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground and must be registered with a State Division of Motor Vehicles.

**Rehabilitation Facility** – An establishment where persons stay temporarily to restore their condition to good health.

**Replacement Septic System** – A system intended to replace:

- a) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
- b) any existing overboard wastewater discharge.

**Residential Care Facility** – A boarding and care facility, providing room and meals and assistance for personal needs.

**Residual** – Solid wastes generated from municipal, commercial, or industrial facilities that may be suitable for agronomic utilization. These materials may include; food, fiber, vegetable, and fish processing wastes; dredge material, sludges; dewatered seepage; and ash from wood or sludge fired boilers.

**Residual Basal Area** – The average of the basal area of trees remaining on a harvested site.

**Residual Stand** – A stand of trees remaining in the forest following timber harvesting and related activities

**Resource Protection District** – The land areas meeting the definition of Resource Protection District set forth in Sections 4.1 and 4.2 of this Ordinance.

**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) vertical, or less.
**River** – A free-flowing body of water including its associated flood-plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth, which include the Salmon Falls River.

**Road** – A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material, constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

**Seasonal Use** – The occupancy, habitation, or use of a structure for less than seven months in a calendar year.

**Service Drop** – Any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service
   a) the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
   b) the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone service,
   a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
   b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

**Setback** – The nearest horizontal distance from a lot line, normal high-water line of a waterbody or tributary stream, or upland edge of a wetland to the nearest part of a structure, road, or other regulated object.

**Setback Front** – Road or street side of the structure, measured from the centerline of the right of way to the nearest point of the structure.

**Shoreland Zone** – The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high water line of any great pond or river; within two hundred (250) feet, horizontal distance, of the upland edge of a wetland; or within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream.

**Shoreline** – The normal high-water line or upland edge of a wetland.

**Sign** – A name, identification, description, display, or illustration which is affixed to, painted, or represented, directly or indirectly upon a building, structure, parcel, or lot, and which relates to an object, product, place, activity, person, institution, organization, or business on the premises.

**Signs, Freestanding** – A free-standing sign which is been attached to one or more permanent post

**Signs Name** – A sign depicting the name of the residents or property.
**Skid Road or Skid Trail** – A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

**Slash** – The residue, e.g., treetops and branches, left on the ground after a timber harvest.

**Sludge** – Solid, semi-solid, or liquid residual generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant or wet process air pollution control facility; or any other such waste having similar characteristics and effect. The term does not include industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Act as amended.

**Spring Water Extraction** – Removal for commercial use of groundwater that comes to the surface under natural hydraulic pressure for at least six months of the year.

**Stream** – A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted by a blue line on the most recent edition of a United States Geological Survey 7.5 minutes series topographic map to the point where the body of water becomes a river or flows to another water body or wetland.

**Street/Road** – Public and private ways such alleys, avenues, highways, roads, and other rights of way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

**Structure** – Anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind, together with 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.

**Subdivision** – The division of a tract or parcel of land into three (3) or more lots, in a five (5) year period, for the purpose, immediate or future, of lease, sale, development, or building, whether this division is accomplished by platting of the land or by sale of the land by metes and bounds. The term subdivision shall include the subdivision of land for non-residential purposes, mobile home parks, and the re-subdivision of land.

**Subdivision, Minor** – Any subdivision containing three (3) divisions or fewer.

**Subdivision, Major** – Any subdivision containing four (4) or more divisions.

**Substantial Start** - Within the Shoreland and/or Resource Protection Districts completion of thirty percent (30) of a permitted structure or use measured as a percentage of estimated total cost.

**Substantially Commenced; Substantially Completed** – Outside the Shoreland and/or Resource Protection Districts, construction shall be considered to be substantially commenced when any work beyond the state of excavation, including but not limited to, the pouring of a slab or footings, the installation of piles, the construction of columns, or the placement of a manufactured home on a foundation has begun. Construction shall be considered to be substantially completed when it has been completed to the point where normal functioning, use, or occupancy can occur without concern for the general health, safety, and welfare of the occupant and the general public. At a minimum it shall include the completion of no less than seventy (70) percent of the costs of the proposed improvements within a development and shall include permanent stabilization and/or revegetation of areas of the site that were disturbed during construction. For areas within the Shoreland and/or Resource Protection Districts, see definition for “Substantial Start.”
Subsurface Sewage Disposal System – Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to – septic tanks; disposal fields; grandfathered cesspools; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes. It does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Sustained Slope – A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber Harvesting – The cutting and removal of timber for the primary purpose of selling or processing forest products. In areas outside of the Shoreland and/or Resource Protection District, this term shall not include the harvesting of ten (10) cords or less per year, or up to ten thousand (10,000) board feet of lumber per year. In areas within the Shoreland and/or Resource Protection Districts, this term shall not include the cutting or removal of trees on a lot that has less than two (2) acres within the Shoreland or Resource Protection District. Such cutting or removal of trees within the Shoreland or Resource Protection Districts shall be regulated pursuant to Section 5.20 Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

Timber Harvesting and Related Activities – Timber harvesting, the construction and maintenance of roads used primarily for timber harvesting, and other activities conducted to facilitate timber harvesting.

Trailer, Utility – A vehicle without motive power, designed to be towed by a motor vehicle but not designed for human occupancy, and which may include a utility trailer, boat trailer, horse trailer, or snowmobile trailer.

Tributary Stream – 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. This term 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.

Unserviceable Motor Vehicle – An automobile which is not registered, insured, and inspected for legal use on public streets.

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.

Use – The purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is, or may be occupied.

Variance – A relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest, and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of a variance are undue hardship, and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case. As used in this Ordinance, a variance is authorized only for height, area, and size of structures, or size of yards or open spaces. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district, or uses in adjoining zoning districts.
Vegetation – All live trees, shrubs, ground cover, and other plants.

Volume of a Structure – The volume of all portions of a structure enclosed by roof and fixed exterior walls, as measured from the exterior faces of these walls and roof.

Water Body – Any great pond, river, or stream.

Water Crossing – Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland, whether under, through or over the water or wetland. Such projects include, but are not limited to, roads, fords, bridges, culverts, water lines, sewer lines, and cables, as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland (Freshwater) – Swamps, marshes, bogs, and similar areas, which are:

a) Of two (2) or more contiguous acres; or of less than two (2) 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 two (2) acres; and

b) Inundated or saturated by surface or ground water at a frequency and for duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

Wildlife Habitat; Significant Wildlife Habitat – Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals or any areas identified in the municipality's comprehensive plan.

Windfirm – The ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

Woody Vegetation – Live trees or woody, non-herbaceous shrubs.

Yard – The area of land on a lot not occupied by the principal building.

Yard, Front – The area of land between the front lot line and the nearest part of the principal building. Both through and corner lots shall be considered as having two front lot lines and two front yards.

Yard, Rear – The area of land between the rear lot line and the nearest part of the principal building.

Yard, Side – The area of land between the side lot line and the nearest part of the principal building.

Year-Round Use – The occupancy, habitation, or use of a structure for seven months or more in a calendar year.
ARTICLE 4 – LAND USE DISTRICT REQUIREMENTS –

4.1 Resource Protection and Shoreland Districts

4.1.1 Authority: All regulations throughout this Ordinance have been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

This Ordinance also applies to any structure built on, over or abutting a dock, wharf, or pier, or other structure extending or located below the normal high-water line of a water body, or within a wetland.

4.2 Resource Protection District

4.2.1 Purpose: The Resource Protection District shall include the following areas, exclusive of the area within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream. The Resource Protection District shall include the following areas except those areas which are currently developed in the shoreland zone. Those areas shall not be included within the Resource Protection District. (Developed is defined as more than one principal structure per five hundred (500) feet of shore frontage for more than one thousand 1,000 feet.)

4.2.2 Definition:

4.2.2.1 All land areas within two hundred fifty (250) feet, horizontal distance, from the upland edge of 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 the 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.

NOTE: The Natural Resources Protection Act, 38 M.S.R.A. sections 480-A through 480-Z, requires the Department of Environmental Protection to designate areas of "significant wildlife habitat". Significant wildlife habitat includes:

Habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; and shorebird nesting, feeding, and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife.

4.2.2.2 Floodplains as defined by the 100-year floodplain and any special flood hazard area as shown on the Flood Insurance Rate Map, Flood Hazard Boundary Maps, the flood of record, or in the absence of these, by soil types identified as recent flood-plain soils, provided by FEMA for the Town of Acton; or whichever is more restrictive.

4.2.2.3 Land areas of two (2) or more contiguous undeveloped acres in the Shoreland District with sustained slopes of twenty (20) percent or greater. No buffer area is required.
4.2.2.4 Wetlands of two (2) or more contiguous acres, and the associated buffer which shall be calculated as follows: using a multiplier of twenty-five (25) feet times the acreage of the wetland, not to exceed a two hundred and fifty (250) foot buffer.

**Example:** An area of two (2) acres would have a buffer of fifty (50) feet. The total acreage of the wetland shall be rounded to as indicated in the chart below:

<table>
<thead>
<tr>
<th>Wetland Acreage</th>
<th>Buffer Width in Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than or equal to 2 &lt; 2.5</td>
<td>50</td>
</tr>
<tr>
<td>2.5&lt;3.5</td>
<td>75</td>
</tr>
<tr>
<td>3.5&lt;4.5</td>
<td>100</td>
</tr>
<tr>
<td>4.5&lt;5.5</td>
<td>125</td>
</tr>
<tr>
<td>5.5&lt;6.5</td>
<td>150</td>
</tr>
<tr>
<td>6.5&lt;7.5</td>
<td>175</td>
</tr>
<tr>
<td>7.5&lt;8.5</td>
<td>200</td>
</tr>
<tr>
<td>8.5&lt;9.5</td>
<td>225</td>
</tr>
<tr>
<td>9.5 and greater</td>
<td>250</td>
</tr>
</tbody>
</table>

4.2.2.5 Land areas along rivers and streams subject to severe bank erosion, undercutting, or river bed movement. There shall be a buffer of two hundred and fifty (250) feet along rivers and a buffer of seventy-five (75) feet along streams.

4.2.2.6 **Dimensional Requirements:** No portion of any lot created after the effective date of adoption or amendment of this Ordinance and lying within the Resource Protection District may be used to meet the dimensional requirements of other Districts in which the remainder of the lot is situated.

4.3 Shoreland District:

4.3.1 **Purpose:**

a) To further the maintenance of safe and healthful conditions and the general welfare; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird and other wildlife habitat; and conserve shore cover, visual as well as actual points of access to inland water and natural beauty.

b) To control the use and development of undeveloped shoreland areas and to provide maximum protection to the land and water resources so that:

1) The processes of eutrophication, sedimentation, and pollution, leading to the ultimate degradation or destruction of the water body, will be eliminated or delayed as long as possible;

2) The process of accelerated nutrient enrichment of water bodies, which almost always accompanies shoreland development, will be kept to a minimum; and,

3) Waterbodies, particularly those with public access, will be maintained in a condition fit for the present and future use and enjoyment of the public.

c) To provide minimum standards, as a stopgap measure, until such time as research establishes precisely the susceptibility of various water bodies to degradation, and the exact nature of the effects of shoreland development on that degradation process.
d) To enhance the enjoyment and use of waterbodies through the protection of fish and aquatic life from destruction that results from advanced stages of man-induced eutrophication.

e) To minimize expenditures of public monies for flood control projects.

f) To minimize rescue and relief efforts undertaken at the expense of the general public.

g) To minimize floodway damage to public facilities such as water main, sewer lines, streets, and bridges.

h) To protect the storage capacity of flood plains, and assure retention of sufficient floodway area to convey flood flows which reasonably can be expected to occur.

i) To encourage open space uses such as agriculture and recreation.

j) To control building sites.

4.3.2 Conditional Uses: The uses as shown on the land use chart may be allowed only upon the granting of a Conditional Use Permit by the Planning Board, in accordance with the provisions of Article 6 of this Ordinance.

4.3.2.1 Definition The Shoreland District shall include the land area located within the shoreland zone (which includes land located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, or river; within two hundred (250) feet, horizontal distance, of the upland edge of a wetland; or within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream.

4.3.2.2 Conditions of Permit: The Planning Board may issue a permit providing the following conditions shall be met. The proposed activity shall not:

a) Unreasonably interfere with existing recreational and navigation uses, nor unreasonably alter scenic and aesthetic qualities.

b) Unreasonably interfere with or harm the natural environs of any lake, pond, tributary stream, or river nor harm any fish or wildlife habitat.

c) Cause unreasonable soil erosion nor lower the quality of any waters.

d) Unreasonably alter the natural flow or storage capacity of any water body.

e) Create or cause to be created unreasonable noise or traffic of any kind.

4.3.3 Dimensional Requirements:

4.3.3.1 Residential Uses:

a) Minimum Lot Size per dwelling unit .....................................................two (2) acres

b) Minimum Road/Street Frontage per dwelling unit................................two hundred fifty (250) feet

c) Minimum Shore Frontage per dwelling unit....................................two hundred fifty (250) feet
4.3.3.2 Commercial, Industrial, and Institutional Uses:

a) Minimum Lot Size .................................................................two (2) acres

b) Minimum Road/Street Frontage ............................................. three hundred (300) feet

c) Minimum Shore Frontage ......................................................... three hundred (300) feet

Pertaining to Section 4.3.3, if a shorefront privilege is conveyed to a lot not having shore frontage, then the dimensions of the grantor lot to which the rights have been conveyed must meet the above standards with an additional width of twenty-five (25) feet on the shore for the depth of the grantor lot. This standard shall be met for each shorefront privilege that is conveyed. This also applies to any shore rights given in connection with or campgrounds.

4.3.3.3 Structure Requirements: All shall meet the following minimum requirements:

a) Setback from normal high water line or upland edge .......... one hundred (100) feet from a great pond; seventy-five (75) feet from a river, stream, wetland, or tributary stream.

b) Minimum Front setback ....................................................... seventy-five (75) feet from center line of right of way except on non-conforming lots of record, including all lots on private roads, in which case the setback may be no less than fifty (50) feet from the centerline of the right of way.

c) Minimum Setback from Side or Rear Lot Lines ............... twenty-five (25) feet, ten (10) feet on undersized lots of record.

d) Maximum Lot Coverage ....................................................... twenty (20) percent

e) Maximum Height of Structure ............................................... thirty-five (35) feet

4.3.3.4 Prohibited Uses per State Statute in the Shoreland District and Resource Protection Districts (See Section 5.24)

4.4 Little Ossipee River District:

4.4.1 Purpose: The Little Ossipee River District extends to all land areas within five hundred (500) feet from the normal high water mark of Balch Pond and the Little Ossipee River. The purpose of this District is to control the use and development of undeveloped shoreland areas along the Little Ossipee River in conformance with the Limited Residential District established by the Saco River Corridor Commission.

To further the maintenance of safe and healthful conditions and the general welfare; prevent and control water pollution; protect spawning grounds; fish, aquatic life, bird, or other wildlife habitat; control
building sites, placement of structures, and land uses; and conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty.

4.4.2 Residential Uses

a) No structures or fill shall be permitted within the flood plain.

b) Where there is an accepted road as of the effective date of this Ordinance within five hundred (500) feet of the normal high water mark of the river with different land ownership on either side of the road, the landowner on the far side of the road from the river shall have an aggregate of setback from the river and frontage on the far side of the road equal to five hundred (500) feet or greater.

c) All applicable performance standards of the Shoreland and Resource Protection Districts shall be met in full.

4.4.2.1 Dimensional Requirements:

a) Minimum Lot Size per dwelling unit ............................................................... five (5) acres

b) Minimum Shore Frontage per dwelling unit ..................... three hundred (300) feet

c) Minimum Shore Setback .............................................................. one hundred (100) feet

d) Minimum Road or Street Footage per dwelling unit ............ three hundred (300) feet

4.4.2.2 Structure Requirements – All structures shall meet the following minimum requirements:

a) Setback from normal high water line or upland edge .......... one hundred (100) feet from a great pond; seventy-five (75) feet from a river, stream, wetland, or tributary stream.

b) Minimum Front setback................................................................. seventy-five (75) feet from center line of right of way except on non-conforming lots of record, including all lots on private roads, in which case the setback may be no less than fifty (50) feet from the centerline of the right of way.

c) Minimum Setback from Side or Rear Lot Lines ............ twenty-five (25) feet, ten (10) feet on undersized lots of record.

d) Maximum Lot Coverage ......................................................... twenty (20) percent

e) Maximum Height of Structure ............................................. thirty-five (35) feet

4.5 Commercial District (Service Business) –

4.5.1 DIMENSIONAL REQUIREMENTS – Lots in the Commercial A District shall meet or exceed the following requirements unless additional area is required by other provisions of this Ordinance:
a) Minimum Lot Size per dwelling unit ............................................................ two (2) acres

b) Minimum Road or Street Frontage .................................................. two hundred-fifty (250) feet

4.5.2 Structure Requirements – Residential lots that are part of a subdivision are prohibited in this zoning district. A street or road that is used as ingress into or egress from a residential subdivision that is located in an adjacent zoning district is permitted in this zoning district.

a) Minimum Front Setback ............................................................... one hundred twenty five (125) feet from centerline of right of way

b) Minimum Setback from Side/Rear Lot Lines .................................... fifty (50) feet

c) Maximum Lot Coverage (residential uses) ....................................... twenty (20) percent

d) Maximum Lot Coverage (non-residential uses) .................................. thirty (30) percent, except that fifty (50) percent is allowed with one hundred (100) feet minimum side and rear setbacks that includes a twenty-five (25) foot vegetative buffer.

4.6 Commercial B (Low Water Impact): Lots in the Commercial B District shall meet or exceed the following requirements unless additional area is required by other provisions of this Ordinance:

4.6.1 Dimensional Requirement:

a) Minimum Lot Size ........................................................................... three (3) acres

b) Minimum Road or Street Frontage ........................................... three hundred (300) feet

4.6.2 Structure Requirements:

a) Minimum Front Setback ............................................................... one hundred twenty five (125) feet from the centerline of right of way.

b) Minimum Side/Rear Setback ......................................................... fifty (50) feet

c) Maximum Lot Coverage (residential uses) ....................................... twenty (20) percent

d) Maximum Lot Coverage (non-residential uses) .................................. thirty (30) percent

4.7 Commercial C District: (Limited Industrial) – Lots in the Commercial C District shall meet or exceed the following requirements unless additional area is required by other provisions of this Ordinance:

4.7.1 Dimensional Requirements:

a) Minimum Lot Size ........................................................................... three (3) acres

b) Minimum Road or Street Frontage ........................................... three hundred (300) feet

4.7.2 Structure Requirements:

a) Minimum Front Setback ............................................................... seventy-five (75) feet from the centerline of right of way
b) Minimum Side/Rear Setback ..................................................fifty (50) feet

c) Maximum Lot Coverage (residential uses) ..........................twenty (20) percent

d) Maximum Lot Coverage (non-residential uses) .......................thirty (30) percent except that fifty (50) percent is allowed with one hundred (100) feet minimum side and rear setbacks that includes a twenty-five (25) feet vegetative buffer.

4.8 Village District: Lots in the Village District shall meet or exceed the following requirements unless additional area is required by other provisions of this Ordinance:

4.8.1 Each lot shall be a minimum of two (2) acres and meet the following requirements, unless it meets the criteria of Section 4.8.2.b or 4.8.2.c below:

a) Minimum Road or Street Frontage ........................................two hundred fifty (250) feet

b) Minimum Front Setback ........................................................seventy-five (75) feet, fifty feet (50') for non-conforming lots of record, from the centerline of the right of way

c) Minimum Side/Rear Setback ................................................twenty five (25) feet, ten (10) feet for non-conforming lots of record

d) Maximum Lot Coverage (residential uses) .........................twenty (20) percent

e) Maximum Lot Coverage (non-residential uses) .......................thirty (30) percent

4.8.2 Each lot that is less than two (2) acres but greater than one (1) acre is permitted only if it is part of a subdivision approved by the Planning Board and if it meets the following requirements:

a) Minimum Road or Street Frontage per dwelling unit .............one hundred fifty (150) feet

b) Minimum Front Setback ................................................seventy five (75) feet, fifty feet (50') for non-conforming lots of record, from the centerline of the right of way

c) Minimum Side/Rear Setback ........................................twenty five (25) feet, ten (10) feet for non-conforming lots of record

d) Maximum Lot Coverage (residential uses) ..................twenty (20) percent

An engineered alternative or reserve location providing for a community water supply must be delineated on the approved subdivision plan. The Homeowner’s Association is responsible for the implementation of this requirement, and maintenance of the community water supply system.

4.8.3 Each lot that is one (1) acre or less is permitted only if it is part of a subdivision approved by the Planning Board, the developer is providing community water and sewer services, and if it meets the following requirements:

a) Minimum Lot Size ..............................................................ten thousand (10,000) sq. ft.

b) Minimum Road or Street Frontage per dwelling unit .............one hundred (100) feet
c) Minimum Front Setback .................................................. seventy five (75) feet, fifty (50) feet for non-conforming lots of record, from the centerline of the right of way

d) Minimum Side/Rear Setback ........................................ twenty five (25) feet, ten (10) feet for non-conforming lots of record from the centerline of the right of way

e) Maximum lot coverage .................................................. twenty (20) percent

4.9 Transition District: Lots in the Transition District shall meet or exceed the following requirements unless additional area is required by other provisions of this Ordinance:

4.9.1 Dimensional Requirements:

a) Each lot shall be a minimum of two (2) acres and meet the following requirements:

b) Minimum road or street frontage ..................................... two hundred fifty (250) feet

4.9.2 Structure Requirements:

a) Minimum Front Setback ........................................... seventy-five (75) feet from center line of right of way except on non-conforming lots of record, including all lots on private roads, in which case the setback may be no less than fifty (50) feet from the centerline of the right of way

b) Minimum Side/Rear Setback ....................................... twenty-five (25) feet, ten (10) feet for non-conforming lots of record

c) Maximum Lot Coverage (residential) ........................... twenty (20) percent

d) Maximum Lot Coverage (non-residential uses) ............. thirty (30) percent

4.10 Rural District: Lots in the Rural District shall meet or exceed the following requirements unless additional area is required by other provisions of this Ordinance:

4.10.1 Dimensional Requirements:

a) Each lot shall be a minimum of two (2) acres and meet the following requirements:

b) Minimum road or street frontage ..................................... two hundred fifty (250) feet

4.10.2 Structure Requirement

a) Minimum Front Setback - ............................................. seventy-five (75) feet from center line of right of way except on non-conforming lots of record, including all lots on private roads, in which case the setback may be no less than fifty (50) feet from the centerline of the right of way

b) Minimum Side/Rear Setback – ...................................... twenty-five (25) feet, ten (10) feet for non-conforming lots of record

c) Maximum Lot Coverage (residential uses) – .................... twenty (20) per cent

d) Maximum Lot Coverage (non-residential uses) .............. thirty (30) per cent
If a subdivision is developed as a cluster subdivision, it must contain a minimum of fifty (50) percent of the total acreage as dedicated open space. The total development density shall not exceed that which could be constructed on the site under conventional, non-clustered requirements. The cluster subdivision shall be developed in accordance with the guidelines set forth in Section 10.13 of the Subdivision Ordinance.

4.11 Critical Rural District: Lots in the Critical Rural District shall meet or exceed the following requirements unless additional area is required by other provisions of this Ordinance:

4.11.1 Dimensional Requirements—Each lot that is not part of a subdivision must be a minimum of five (5) acres and meet the following requirements:

   a) Maximum Net Residential Density (dwelling units per net residential acre) – .two (0.2) acres

      One (1) Dwelling Unit = 0.2 acres      Five (5) Acres Lot Size

   b) Minimum Road or Street Frontage per dwelling unit ..........three hundred fifty (350) ft.

4.11.2 Structure Requirements:

   a) Minimum Front Setback..........................................................seventy-five (75) feet from center line of right of way except on non-conforming lots of record, including all lots on private roads, in which case the setback may be no less than fifty (50) feet from the centerline of the right of way

   b) Minimum Side/Rear Setback ...................................................twenty five (25) feet, ten (10) feet for non-conforming lots of record

   c) Maximum Lot Coverage (residential uses) .........................twenty (20) percent

Any new lot created after June 10, 2008 shall meet or exceed the minimum lot size for this district in accordance with the definition of net residential acreage. The net residential acreage shall be established by a Standard Boundary Survey, Category 1 Condition 3, which shall reflect the current conditions of the site. A high intensity soil survey by a Licensed Soil Scientist shall also be required in order to determine the net residential acreage.

All divisions of land where three (3) or more lots or units are created within any five (5) year period shall be developed as a cluster subdivision with a minimum of sixty (60) percent of the total acreage as dedicated open space. The total development density shall not exceed that which could be constructed on the site under conventional, non-clustered requirements. The cluster subdivision shall be developed in accordance with the guidelines set forth in Section 10.13 of the Subdivision Ordinance.

4.12 Mixed Use District: Lots in the Mixed Use District shall meet or exceed the following requirements unless additional area is required by other provisions of this Ordinance:

4.12.1 Each lot shall be a minimum of two (2) acres and meet the following requirements, unless it meets the criteria of Section 4.12.2.b or 4.12.2.c below:

   a) Minimum Road or Street Frontage ........................................two hundred fifty (250) feet

   b) Minimum Front Setback .....................................................seventy five (75) feet, fifty (50) feet for non-conforming lots of record, from the centerline of the right of way
c) Minimum Side/Rear Setback .................................................. twenty five (25) feet, ten (10) feet for non-conforming lots of record

d) Maximum Lot Coverage (residential uses) ............................ twenty (20) percent

e) Maximum Lot Coverage (non-residential uses) ...................... thirty (30) percent, except that fifty (50) percent is allowed with one hundred (100) feet minimum side and rear setbacks that include a twenty-five (25) feet vegetative buffer.

4.12.2 Each lot that is less than two (2) acres but greater than one (1) acre is permitted only if it is part of a subdivision approved by the Planning Board and if it meets the following requirements:

a) Minimum Road or Street Frontage per dwelling unit ........... one hundred fifty (150) feet

b) Minimum Front Setback .................................................... seventy-five (75) feet, fifty (50) feet for non-conforming lots of record, from the centerline of the right of way

c) Minimum Side/Rear Setback ............................................ twenty five (25) feet, ten (10) feet for non-conforming lots of record

An engineered alternative or reserve location providing for a community water supply must be delineated on the approved subdivision plan. The Homeowner’s Association is responsible for the implementation of this requirement, and maintenance of the community water supply system.

4.12.3 Each lot that is one (1) acre or less is permitted only if it is part of a subdivision approved by the Planning Board, the developer is providing community water and sewer services, and if it meets the following requirements:

a) Minimum Lot Size ................................................................. ten thousand (10,000) sq. feet

b) Minimum Road or Street Frontage per dwelling unit ........... one hundred (100) feet

c) Minimum Front setback ...................................................... seventy-five (75), fifty (50) feet for non-conforming lots of record, from the centerline of the right of way

d) Minimum Side/Rear Setback ............................................ twenty five (25) feet, ten (10) feet for non-conforming lots of record

e) Maximum Lot Coverage (non-residential uses) .................... thirty (30) percent except that fifty (50) percent is allowed with one hundred (100) feet minimum side and rear setbacks that includes a twenty-five (25) foot vegetative buffer.

4.13 Aquifer Protection District:

4.13.1 Purpose: In order to provide for the protection and conservation of the quality and quantity of groundwater in accordance with the provisions of 30-A M.R.S.A. Section 3001 and 38 M.R.S.A. Section 401, an Aquifer Protection District is hereby created.
4.13.2 **Definition:** Sources for the exact delineation of the Aquifer Protection Zone shall be the Maine Geological Survey “Hydro geologic Data for Significant Sand and Gravel Aquifers,” Maps Open File 98-137, 98-138, 98-139, and 98-140.

4.13.3 **Nature and Effect:** The Aquifer Protection District shall overlay the existing districts created by this Ordinance, and its terms shall supersede any requirements of said underlying districts unless the underlying requirements are more restrictive than those set forth here, in which case the more restrictive shall govern.

4.13.4 **Change of Use of a Structure or Land:** The use of a structure may not be changed to another use unless the code enforcement officer, after reviewing a written application, determines that the new one will have no greater adverse impact on the sand and gravel aquifer than the existing use. In determining whether greater adverse impact will occur, the code enforcement officer may require written documentation from the applicant regarding the probable effects on public health and safety, which may include, but not be limited to, a hydro geological survey demonstrating that the sand and gravel aquifer will not be more adversely impacted by the proposed use than by the existing use.
ARTICLE 5 – PERFORMANCE STANDARDS –

5.1 Accessory Buildings: Garages and other accessory structures shall meet all setback requirements; except accessory structures less than or equal to six hundred (600) square feet in area. They may be located ten (10) feet from side and rear lot lines.

5.1.1 On a non-conforming lot of record on which only a residential structure exists, and 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.

5.1.2 Free-standing Stairs: Stairs attached to the principal structure by a roof or common wall are considered part of the principal structure. Only freestanding stairs constitute an accessory structure. Freestanding stairways or similar structures, including handicap accessible ramps may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access or access to a single family residence in areas of steep slopes, unstable soils, or no reasonable access exists provided that: The structure is a maximum of four (4) feet in width; a maximum of three (3) feet off the ground; the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland; the total height of the wall(s), in the aggregate, are no more than twenty four (24) inches; and the applicant demonstrates that no reasonable access alternative exists on the property.

5.1.3 Retaining Walls in the Shoreland District: 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:

a) The site has been previously altered and an effective vegetated buffer does not exist;

b) The wall(s) is(are) at least twenty five (25) feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

d) The total height of the wall(s), in the aggregate, are no more than twenty four (24) inches;

e) Retaining walls are located outside of the one hundred (100) year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils;
f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

g) A vegetated buffer area is established within twenty five (25) feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking, the area must be supplemented with leaf or bark mulch;

ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

iii) Only native species may be used to establish the buffer area;

iv) A minimum buffer width of fifteen (15) feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

v) A footpath not to exceed the standards in Section 5.20.2(a), may traverse the buffer;

5.2 Agriculture:

5.2.1 All spreading or disposal of manure and sewage sludge shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A sections 4201-4209).

5.2.2 There shall be no new tilling of soil within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond or river; nor within seventy-five (75) feet, horizontal distance, from other water bodies, including tributary streams and wetlands. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.

5.2.3 Agricultural practices shall be conducted to minimize soil erosion, sedimentation, contamination, and nutrient enrichment of ground and surface water. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading of manure within the Shoreland and/or Resource Protection Districts shall require a Conservation Plan required to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance. Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District Office.

5.2.4 Manure shall not be stored or stockpiled within two hundred fifty (250) feet, horizontal distance, of a great pond or a river and/or within seventy-five (75) feet, horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the Shoreland and Resource Protection Districts must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

5.2.5 Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high water line of a great pond or river; nor within seventy-five (75) feet, horizontal distance, of other water bodies, tributary streams, or wetlands. Livestock grazing,
associated with ongoing farm activities, which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan submitted to the Code Enforcement Officer.

NOTE: 17 M.R.S.A. Section 2805(4) requires a municipality to provide the Commissioner of Agriculture, Food and Rural Resources with a copy of any proposed Ordinance that impacts farm operations. The law further requires the Commissioner to review the proposed Ordinance and advise the municipality if the proposed Ordinance would restrict or prohibit the use of best management practices. A copy of a shoreland zoning Ordinance that regulates no more restrictively than contained in these Guidelines need not be provided to the Commissioner of Agriculture, Food and Rural Resources.

5.3 Beach Construction: Beach construction on any great pond, river, stream, or tributary stream shall require a permit from the Department of Environmental Protection.

5.4 Individual Private Campsites: Individual, private campsites that are not associated with campgrounds are allowed provided the following conditions are met. 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:

a) One campsite per lot existing on the effective date of this Ordinance, or per thirty thousand (30,000) square feet of lot area within the Shoreland and Resource Protection Districts, whichever is less, may be allowed. 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.

b) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high water line of rivers and great ponds, and seventy-five (75) feet, horizontal distance, from the normal high water line of streams, tributary streams, or the upland edge of a wetland.

c) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

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

e) A written sewage disposal plan describing the proposed method and location of sewage disposal, accompanied by a fee in accordance with the current fee schedule, shall be required for each campsite and shall be approved by the Code Enforcement Officer. Where disposal is off-site, written authorization from the receiving facility or land owner is required. The disposal plan shall be renewed and approved by the Code Enforcement Officer on an annual basis.

f) When a recreational vehicle, tent, or similar shelter is occupied on-site for more than thirty (30) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

5.4.1 Recreational Vehicles (RVs): The following standards shall not apply to RV’s that are being stored and not used as sleeping or living quarters.

5.4.1.1 Placement:
a) A person shall not locate, or cause to locate, or permit to be located more than one (1) RV on any lot which is not licensed by the Maine Department of Human Services as a mobile home park or campground.

b) The placement of an RV shall meet all setback requirements from water bodies, streets, and property lines as required for structures in the Acton Zoning Ordinance.

5.4.1.2 Registration: Anyone locating an RV on any lot which is to remain on the lot for more than seven (7) days must notify the Local Plumbing Inspector of the location of the RV. Under no circumstances will an RV be occupied for more than six (6) months in any year.

5.4.1.3 Requirements: All sewage and "grey water" disposal shall be in accordance with the "Maine Subsurface Wastewater Disposal Rules" and other State and Federal laws concerning clean water.

5.5 Campgrounds: Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

a) Recreational vehicle and tenting areas containing approved water-carried sewage facilities shall meet the following criteria:

1) Each recreational vehicle, tent, or shelter site shall contain a minimum of five thousand (5,000) square feet, not including roads and driveways. Land supporting wetland vegetation, and land below the normal high-water line of a water body, shall not be included in calculating land area per site.

2) A minimum of two hundred (200) square feet of off-street parking, plus maneuvering space, shall be provided for each recreational vehicle, tent, or shelter site.

3) Each recreational vehicle, tent, or shelter site shall be provided with a picnic table, trash receptacle, and fireplace.

b) The areas intended for placement of the recreational vehicle, tent, or shelter, and utility and service buildings, shall be set back a minimum of fifty (50) feet from the exterior lot lines of the camping area and one hundred (100) feet, horizontal distance from the normal high water line of any water body, tributary stream, or the upland edge of a wetland.

c) All campgrounds shall be screened from adjacent land uses in accordance with Section 5.11.2 Good Neighbor Standards in this Ordinance.

5.6 Filling, Grading, or Other Earth-Moving Activity:

a) General: There shall be no earth-moving activity which would result in erosion, sedimentation, or impairment of water quality or aquatic life.

b) Standards for Town Roads: All roads under consideration as a town road shall meet the following criteria:

1) Easement width: fifty (50) feet
2) Surface width: twenty-four (24) feet
3) Tar top: twenty (20) feet
4) The way shall be fully described with bounds and measurements
5) Base of the road:
5.7 Roads and Driveways in the Shoreland District: The following standards shall apply to the construction of roads and/or driveways, and drainage systems, culverts, and other related features.

a) New roads and driveways shall be set back at least one hundred (100) feet, horizontal distance, from the normal high water line of a great pond or a river, and seventy-five (75) feet, horizontal distance, from the normal high water line of streams, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

b) With road or driveway reconstruction, on slopes greater than twenty (20) percent, the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent. New roads or driveways, on slopes greater than ten (10) percent, are prohibited in the Shoreland and Resource Protection Districts as per the Acton Road Ordinance, Section G.1.a regarding maximum grade.

c) Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream, or wetland.

d) New roads and driveways are prohibited in a Resource Protection District, except that the Planning Board may grant a permit to provide access to permitted uses within the District. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the District. When a road or driveway is permitted in a Resource Protection District, the road and/or driveway shall be set back as far as practical from the normal high water line of a water body, tributary stream, or upland edge of a wetland. The construction standards for any road or driveway must be in accordance with the plans submitted to and approved by the York County Soil and Water Conservation District.

e) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Acton Road Ordinance, Section G.b.iii.

f) New and reconstructed road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

g) To prevent road and driveway surface drainage from directly entering water bodies, tributary streams, or wetlands; roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet plus two (2) times the average slope in width between the outflow point of the ditch or culvert and the normal high water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be
diffused or spread out to promote infiltration of the run-off and to minimize channelized flow of the drainage through the buffer strip.

h) Ditch relief (cross drainage) culverts, drainage dips, and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

1) Ditch relief culverts, drainage dips, and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

<table>
<thead>
<tr>
<th>Grade (percent)</th>
<th>Spacing (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>250</td>
</tr>
<tr>
<td>3-5</td>
<td>200-135</td>
</tr>
<tr>
<td>6-10</td>
<td>100-80</td>
</tr>
<tr>
<td>11-15</td>
<td>80-60</td>
</tr>
<tr>
<td>16-20</td>
<td>60-45</td>
</tr>
<tr>
<td>21+</td>
<td>40</td>
</tr>
</tbody>
</table>

2) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

3) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

4) Ditch relief culverts shall be sufficiently sized and properly installed to allow for effective functioning and their inlet and outlet ends shall be stabilized with appropriate materials.

5) Ditches, culverts, bridges, dips, water turnouts and other storm water run-off control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning and their inlet and outlet ends shall be stabilized with appropriate materials.

5.8 Erosion and Sedimentation Control in Shoreland and Resource Protections Districts:

a) All activities in the Shoreland and Resource Protection Districts which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

1) Mulching and revegetation of disturbed soil;

2) Temporary run-off control features such as hay bales, silt fencing, or diversion ditches;

3) Permanent stabilization structures such as retaining walls or rip-rap.

b) 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.

c) 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.
d) 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 rip-rap, 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:

1) 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.

2) Anchoring the mulch with netting, peg and twine, or other suitable method may be required to maintain the mulch cover.

3) Additional measures shall be taken where necessary to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

e) 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 to carry water from a one hundred (100) year storm or greater and shall be stabilized with vegetation or lined rip-rap.

5.9 Mineral Exploration and Mineral Extractive Industry:

5.9.1 Mineral Exploration: Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitations. All excavations including test pits and holes shall be immediately capped, filled, or secured by other equally effective measures so as to restore disturbed areas and to protect the public health and safety.

5.9.2 Mineral Extractive Industry:

a) Permit Required: Topsoil, rock, sand, gravel, and similar earth materials may be removed from locations where permitted only after a Conditional Use Permit for such operations has been issued by the Planning Board in accordance with the following provisions of this Ordinance.

b) Earth Moving Not requiring a Conditional Use Permit: The following earth moving activity shall be allowed without a Conditional Use Permit from the Planning Board:

1) Except in the Shoreland District and the Resource Protection District, the removal or transfer of less than ten thousand (10,000) cubic yards of material from or onto any lot in any twelve (12) month period.

2) The removal or transfer of material incidental to construction, alteration, or repair of a building, or in the grading and landscaping incidental thereto.

3) The removal or transfer of material incidental to construction, alteration, or repair of a public or private way or essential service.

4) Agricultural tillage.

NOTE: All other earth moving, processing, and storage shall require a Conditional Use Permit from the Planning Board.

c) Submission Requirements:
1) Applications to the Planning Board for a Conditional Use Permit for the excavation, screening, or storage of soil (including topsoil), peat, loam, sand, gravel, rock, or other mineral deposits, shall be accompanied by a plan prepared according to Planning Board specification, performance standards herein, in compliance with applicable State laws, and accompanied by all required State permits or licenses.

2) The applicant shall submit to the Planning Board plans of the proposed extraction site, showing the property lines and names of abutting owners and ways, indicating by not greater than five (5) foot contour intervals, related to U.S. Geodetic Survey data; the location and slope of the grades existing and as proposed upon completion of the extraction operation; detailing proposed fencing, buffer strips, signs, lighting, parking and loading areas, entrances and exits together with a written statement of the restoration of the site upon completion of the operation.

**d. Performance Standards:** No part of any extraction operation, including drainage and runoff control features, shall be permitted within the Shoreland or Resource Protection Districts.

1) No part of any extraction operation shall be permitted within one hundred (100) feet of any property or street line, except the drainage ways to reduce run-off into or from the extraction area may be allowed up to fifty (50) feet of such line. Natural vegetation shall be left and maintained on the undisturbed land.

2) If any standing water accumulates, the site must be fenced in a manner adequate to keep children out. Measures shall be taken to prevent or halt the breeding of harmful insects.

3) Before commencing removal of any earth materials, the owner or operator of the extraction site shall present evidence to the Planning Board of adequate insurance against liability arising from the proposed extraction operations, and such insurance shall be maintained throughout the period of operation. The insurance company must be licensed by the State of Maine as qualified to provide such insurance.

4) Topsoil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources, if necessary, to complete the stabilization project. Any topsoil and subsoil suitable for purposes of vegetation shall, to the extent required for restoration, be stripped from the location of extraction operations and stockpiled for use in restoring the location after extraction operations have ceased. Such stockpiles shall be protected from erosion.

5) The hours of operation at any extraction site shall be limited as the Planning Board deems advisable to ensure operational compatibility with residents of the Town.

6) All access-egress roads leading to and from the extraction site to public ways shall be treated with suitable materials to reduce dust and mud for a distance of at least one hundred (100) feet from such public ways.

7) No equipment debris, junk, or other material shall be permitted on an extraction site except those directly related to active extraction operations, and any temporary shelters or building erected for operations and equipment used in connection therewith shall be removed within thirty (30) days following completion of active extraction operations.

8) Within twelve (12) months of the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of material are removed in any consecutive twelve (12) month period, on any one or
more locations within any extraction site, ground levels and grades shall be established in accordance with the following:

a) All debris, stumps, boulders, and similar materials shall be removed for disposal in an approved location or shall be buried on site. Only materials generated on-site may be buried on-site.

b) Storm drainage and water courses shall leave the location at the original natural drainage points and in a manner such that the amount of drainage at any point is not significantly increased.

c) The final graded slope shall be two and one-half (2.5) to one (1) slope or flatter.

d) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

e. Permit Approval:

1) All plans and supporting material shall be submitted to the Planning Board for their consideration with respect to the effect of the proposed operation upon existing and foreseeable traffic patterns within the Town, upon existing or approved land uses which may be affected by the operation and implementation of comprehensive plan policies. The Planning Board may obtain the technical assistance of the Soil Conservation Service, Regional Planning Commission, Department of Environmental Protection, or a consulting engineer in the review of the plans, at the expense of the applicant.

2) The Planning Board shall hold a public hearing on the application. The Planning Board shall make findings of fact and render a written decision specifying whether, and under what conditions, the proposed operation shall be permitted. The Planning Board shall require filing with the Town Treasurer a commercial surety bond, a certified check, or a savings account passbook payable to the Town of Acton in such amount, and upon such conditions, as the Planning Board may determine to be adequate to indemnify the Town against any claims arising from the proposed operation and to assure satisfactory performance of all conditions imposed or otherwise applicable.

5.10 Commercial or Industrial Groundwater and/or Spring Water extraction and/or storage:

a) Permit Required: Ground water or spring water may be extracted and/or bulk stored as part of a commercial or industrial operation where allowed under this Ordinance, subject to the approval of the Planning Board. The Board shall grant approval if it finds the proposal, with any reasonable conditions, will conform to the requirements of this section and Section 6.6.4 of the Site Plan Review provisions of this Ordinance. The application or permit shall be accompanied by a fee as required in the Town fee schedule.

b) Water uses for agriculture and private residential uses are excluded from the provisions of this section.

c.) Submission Requirements:

1) Statement of the quantity of ground water to be extracted, expressed as the annual total, the maximum monthly rate by month, and the maximum daily rate.
2) A letter from the Maine Department of Human Services approving the facility as proposed where the Department has jurisdiction over the proposal.

3) Where appropriate, letters of approval from the Department of Environmental Protection when Site Location Law is applicable or a discharge permit is required.

4) Applicants shall present a written report of a hydro geologic investigation conducted by a certified professional geologist or registered professional engineer, except for spring water extraction facilities which meet all of the following conditions: the spring enhancement will not increase the combined spring’s catchment capacity by removing more than four (4) cubic yards of earth and not increase the spring’s depth by more than four (4) feet, where the discharge drain is no lower than the existing spring water level, where gravity alone (without the aid of a siphon) is used to withdraw the spring water to other facilities on site, and, where improvements do not pose a threat of adverse impact to groundwater quality, quantity, or levels either on or off site. This report shall include the following information:

   a) A map of the aquifer tributary to the spring(s) or well(s) from which water is to be extracted, in sufficient detail to support a calculation of sustained yield during a drought with a probability of one in ten (10) years, as well as an estimate of any potential interaction between this aquifer and adjacent aquifers.

   b) The results of the investigation shall establish the aquifer characteristics (depth, permeability, transmissivity), the rates of draw down and rebound, the sustainable yearly, monthly (by month), and daily extraction rates, the cone of depression which may develop about the proposed facility, and other impacts on groundwater levels and conditions, in the tributary aquifer and at private and/or public wells within the aquifer of the proposed extraction facilities. Impacts, if any, to surface water levels (including wetlands) shall also be established.

   c) Nothing in this procedure, and no decision by the Planning Board, shall be deemed to create groundwater rights other than those rights which the applicant may have under Maine Law.

   d) The Planning Board may ask the applicant to provide a traffic impact study, if it finds a significant amount of vehicles will be entering and leaving the proposed facility, or if it finds the proposed weight of the vehicles may be in excess of the capacity of the Town ways.

d) Performance Standards:

   1) The quantity of water to be taken from groundwater sources will not lower the groundwater table beyond the property lines, cause salt water intrusion, cause undesirable changes in ground water flow patterns or in the quantity of groundwater available at properties within one thousand feet (1,000') of the facility, or cause unacceptable ground subsidence, based on the conditions of a drought with a probability of occurrence of one in ten (10) years.

   2) The proposed facility will not cause water pollution or other diminution of the quality of the aquifer from which the water is to be extracted.

   3) Safe and healthful conditions will be maintained at all times within and about the proposed use.

   4) The proposed use will not cause sedimentation or erosion.
5) The proposed facility is not within the defined aquifer recharge area of a public water supply, unless notice is given to the operator thereof; and the Planning Board has considered any information supplied by the operator, and finds that no adverse effect on a public water supply will result.

6) The operator shall make monthly operating records of the quantity of water extracted, stored, and removed from the site available to the Code Enforcement Officer or a designee.

5.11 Good Neighbor and Design Standards for Proposed Development: The standards contained in this Section shall apply to all uses in all zoning districts unless otherwise stated.

This section shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit, or provision of law. Where this section imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this section shall control.

5.11.1 Exterior Lighting – The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated.

Lighting may be used which serves security, safety, and operational needs, but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings and so that they do not unnecessarily light the night sky. Direct or indirect illumination must not exceed 0.5 foot candles at the lot line or upon abutting residential properties.

All exterior lighting, except security lighting, must be turned off between 11 p.m. and 6 a.m. unless located on the site of a commercial or industrial use which is open for business during that period. Wiring to light poles and standards must be underground.

5.11.2 Buffering of Adjacent Uses – The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use, and for the screening of mechanical equipment, service, and storage areas.

Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof.

1) A development must provide sufficient buffering when topographical or other barriers do not provide reasonable screening, and where there is a need to:

   a) shield neighboring properties from any adverse external effect of the development, or

   b) shield the development from the negative impacts of adjacent uses.

The width of the buffer may vary, depending on the treatment of the area. Within densely built-up areas, a buffer with dense plantings, fencing, or changes in grade may be as little as five (5) feet in width. A buffer with moderate levels of planting should be ten (10) feet to fifteen (15) feet in width. In suburban and rural settings, the width of the vegetated buffer should be increased to a minimum of twenty-five (25) feet. Areas adjacent to service, loading, or storage areas should be screened by dense planting, berms, fencing, or a combination thereof with a width of a minimum of five (5) feet.

5.11.3 Noise –
a) **Findings and Purpose**: It is recognized that people have a right to and should be ensured an environment free from excessive noise that may jeopardize their health, safety, or welfare; or degrade the quality of life. This section is enacted to protect, preserve, and promote the health, safety, welfare, and quality of life through the reduction, control, and prevention of excessive noise.

b) **Definitions**: The following definitions shall apply in the interpretation and enforcement of this section:

**CONSTRUCTION**: Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition for or of public or private rights-of-way, structures, utilities, or similar property.

**CONSTRUCTION EQUIPMENT** – Any equipment or device operated by fuel or electric power used in construction or demolition work.

**DAYTIME HOURS** – The hours between 7:00 AM and 10:00 PM, Monday through Saturday, and the hours of 9:00 AM through 10:00 PM on Sundays.

**dB(a)** – The abbreviation designating both the unit measure sound level; (the decibel) and the mode of measurement that uses the A-weighting of a sound-level meter.

**DECIBEL (dB)** – The practical unit of measurement for sound-pressure level. The number of decibels of a measured sound is equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (twenty [20] micropascals); abbreviated dB.

**DEMOLITION** – Any dismantling, intentional destruction, or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

**DOMESTIC POWER EQUIPMENT** – Includes, but is not limited to, power saws, drills, grinders, lawn and garden tools, and other domestic power equipment intended for use in residential areas by a homeowner.

**EMERGENCY** – Any occurrence or set of circumstances, involving actual or imminent physical trauma or property damage, which demands immediate action.

**EMERGENCY WORK** – Work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.

**LOUD AND UNREASONABLE NOISE** – Any sound, the intensity of which exceeds the standards set forth in Section 5.11.3.c.1.

**NIGHTTIME HOURS** – The hours between 10:00 PM and 7:00 AM, Sunday evening through Saturday morning, except that “night” shall mean the hours between 10:00 PM Saturday and 9:00 AM Sunday.

**NOISE LEVEL** – The sound-pressure level as measured with a sound-level meter, using the A-weighting network. The level, so read, is designated db(A) or dB(A).
PERSON – Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administrative subdivision of the state, or other legal entity of any kind.

PREMISES – Any building, structure, land, or portion thereof, including any appurtenances; and shall include yards, lots, courts, inner yards, and real properties without buildings or improvements, owned or controlled by a person. The emitter’s premises include contiguous publicly dedicated streets and highway rights-of-way, and all road rights-of-way and water rights-of-way.

PROPERTY LINE – That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, and separates real property from the public right-of-way. In situations involving multiple buildings on the same lot or multiple occupancies within the same building, the lot line shall be deemed to be the exterior wall (including floors and ceilings).

RESIDENTIAL ZONE – All zoning districts that allow residential uses.

SOUND LEVEL – The sound-pressure level measured in decibels with a sound-level meter set for A-weighting; sound level is expressed in dB(A).

SOUND-LEVEL METER – An instrument for the measurement of sound levels conforming to ANSI Type I or II Standards.

SOUND-PRESSURE LEVEL – The level of a sound measured in dB units with a sound-level meter which has a uniform response over the band of frequencies measured.

c) Noise Levels – It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in this section.

1) Noise level standards – Sound from any source controlled by this section shall not exceed the following limits at the property line of the receiving property:

<table>
<thead>
<tr>
<th>Sound Pressure Level Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>[dB(A)]</td>
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<tr>
<td></td>
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<tr>
<td></td>
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</tbody>
</table>

a) Where the emitting and receiving premises are in different zones, the limits governing the stricter zone shall apply to any regulated noise entering that zone.

b) The levels specified may be exceeded by 10 dB(A) for a single period, no longer than fifteen (15) minutes, in any one day.

2) Exclusions: These levels shall not apply to noise emitted by or related to:

a) Natural phenomena:

b) Any bell or chime from any building, clock, school, or church:
c) Any siren, whistle, or bell lawfully used by emergency vehicles, or any other alarm systems used in an emergency situation, provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful;

d) Warning devices required by OSHA, or other state or federal, safety regulations.

3) Exemptions – The following shall be exempt from these regulations, subject to special conditions as spelled out:

a) Noise from domestic power equipment, such as, but not limited to, power saws, sanders, grinders, lawn and garden tools, or similar devices, operated during daytime hours;

b) The noises of safety signals, warning devices, emergency pressure-relief valves, any other emergency activity and aircraft;

c) Timber harvesting (falling trees and removing logs from the woods), during the hours of 5AM to 9PM.

d) Noise generated by construction or demolition equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in paragraph (c.1) above. Emergency construction or repair work by public utilities shall also be exempt;

e) Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours;

f) Noise created by recreational activities which are permitted by law and for which a license or permit has been granted by the Town, including, but not limited to, parades, sporting events, concerts, and fireworks displays;

g) Noise created by blasting, other than that conducted in connection with construction activities, shall be exempted; provided that the blasting is conducted between 8:00 AM and 5:00 PM local time, at specified hours previously announced to the local public; or provided that a permit for such blasting has been obtained from the Code Enforcement Officer;

h) Existing industrial noise sources which are in operation at the time of enactment of this section shall be permitted a permanent 10 dB(A) noise level allowance in excess of what is permitted.

i) Noise created by any agricultural activity.

d) Inspections/Interference with Authorized Personnel:

1) For the purpose of determining compliance with the provisions of this section, the Code Enforcement Officer is authorized to arrange for an individual trained and certified to make inspections of all noise sources, to take measurements and make tests whenever necessary to determine the quantity and character of the noise.
2) No person shall hinder, obstruct, delay, resist, prevent in any way, or interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this section.

e) Manner of Enforcement

1) The Code Enforcement Officer is directed to enforce the provisions of this section.

2) No person shall interfere with, oppose, or resist any authorized person charged with the enforcement of this section while such person is engaged in the performance of his duty.

3) Violations of this section shall be prosecuted in the same manner as other misdemeanor violations, provided, however, that in the event of an initial violation of the provisions of this section, a written notice shall be given the alleged violator, which specifies the time by which the condition shall be corrected or an application for a variance shall be received by the Code Enforcement Officer. No complaint or further action shall be taken in the event the cause of the violation has been removed, or the condition abated or fully corrected within the time period specified in the written notice.

4) In the event the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required herein shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his/her last known address, or at the place where the violation occurred, in which event the specified time period for abating the violation or applying for a variance shall commence at the date of the day following the mailing of such notice. Subsequent violations of the same offense shall result in the immediate filing of a misdemeanor complaint.

f. Violations and Penalties: Any person in violation of any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay for the hiring of an individual trained and certified to make inspections of all noise sources, to take measurements and make tests whenever necessary to determine the quantity and character of the noise, and additionally, shall be fined in an amount not to exceed $100. Each day such violation continues after the time for correction of the violation has been given in an order, shall constitute a continuing violation and the amount of the fine shall be doubled for each day said violation continues, said fine not to exceed $400 per day.

5.11.4 Storage of Materials – Exposed non-residential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, automobile parts, metals, or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses, and users of public streets.

All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or public street, it must be screened by fencing or landscaping.

Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

5.11.5 Landscaping – Landscaping must be provided as part of a site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should
define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

Landscaping may include plant materials such as trees, shrubs, groundcovers, perennials, and annuals; and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture.

5.11.6 Building Placement – The site design should avoid creating a building surrounded by a parking lot. In urban, built-up areas and in villages, buildings should be placed close to the street in conformance with existing adjacent setbacks. Parking should be to the side, or preferably in the back.

In rural uncongested areas, buildings should be set well back from the road so as to conform with the rural character of the area. If the parking is in front, a generous landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural as field, forest, wetland, etc. Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks. Tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

5.11.7 Building Illumination – Building facades may be illuminated with soft lighting of low intensity that does not draw inordinate attention to the building. The light source for the building façade illumination must be concealed.

Building entrances may be illuminated using recessed lighting in overhangs and soffits, or by use of spotlighting focused on the building entrances with the light source concealed (e.g., in landscaped areas). Direct lighting of limited exterior building areas is permitted, when necessary for security purposes.

5.11.8 Building Entrances – The main entrance to a building should be oriented to the street, unless the parking layout or the grouping of the buildings justifies another approach; and should be clearly identified as such through building and site design, landscaping, and/or signage.

At building entrance areas and drop-off areas, site furnishings such as benches and sitting walls and, if appropriate, bicycle racks shall be encouraged. Additional plantings may be desirable at these points to identify the building entrance, and to complement the pedestrian activity at this point.

5.11.9 Setback and Alignment of Buildings – Where there is a reasonably uniform relationship between the front walls of buildings and the street, new buildings must be placed on a lot in conformance with the established relationship. For buildings on corner lots, the setback relationship of both streets should be maintained. The creation of “empty corners” should be avoided, through the placement of the building and other site features.

5.11.10 Sidewalks – Where an existing or planned public sidewalk is interrupted by a proposed project driveway, the sidewalk material must continue to be maintained across the driveway, or the driveway must be painted to distinguish it as a sidewalk. Further, if street trees exist on the adjacent property, street trees must be planted, in a like manner, on the new site. In village situations, a widening of the sidewalk onto private property to encourage window shopping and an improved streetscape should be encouraged. Benches, sculpture, planters, and other street furniture should be encouraged.

5.11.11 Location of Off-Street Parking – In suburban and rural areas, smaller uses that may need public visibility from the street should be sited as close to the street as possible. In this case, no more than one row of parking shall be allowed between the building and the street, with the balance of the
parking located at the side and/or rear of the building. Larger scale uses, and uses which do not require visibility from the road, may be located further from the road with a landscaped buffer between the building and the street.

5.11.12 Landscaped Roadside Buffers – Whenever the area between the street and the front of the building is used for parking or vehicle movement, a vegetated buffer strip must be established along the edge of the road right-of-way. This buffer strip must soften the appearance of the site from the road and must create defined points of access to and egress from the site. The width of the buffer strip must increase with the setback of the building as follows:

<table>
<thead>
<tr>
<th>Building Setback</th>
<th>Buffer Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 50 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>50 60 74 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>75 to 99 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>100 feet or more</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

Where the buffer cannot be achieved, a low wall, fence, or hedge may be used to create the buffer.

5.11.13 Landscaping of Parking Lots – Landscaping around and within parking lots shades hot surfaces and visually “softens” the hard surface look of parking areas. Parking areas must be designed and landscaped to create a pedestrian-friendly environment. A landscaped border must be created around parking lots. Any parking lot containing ten (10) or more parking spaces must include one (1) or more landscaped islands within the interior of the lot. There must be at least one (1) island for every twenty (20) spaces. Landscaping must screen the parking area from adjacent residential uses, and from the street.

5.11.14 Building Orientation – New buildings within a built-up area should be compatible with the neighborhood; such that they reflect the overall building bulk, square footage, dimensions, placement of the building on the lot, and rhythm of buildings and spaces along the street edge; and minimize the visual impact on the neighborhood. The visual impact of a building shall be measured by the relationship to other buildings on the lot, design of the front of the building, and the rhythm of buildings and open spaces along the street.

5.11.15 Building Scale – When large new buildings or structures are proposed in built-up areas where their scale (size) and other features may be significantly different from that which already exists in the immediate neighborhood, care must be taken to design the new building or structure so that it is compatible with its neighbors. This may include making the building appear small, using traditional materials, styles and/or proportions.

5.11.16 Design of Drive-Through Facilities – Any use that provides drive-through service must be located and designed to minimize the impact on neighboring properties and traffic circulation. No drive-through facility shall be located in the area of the site adjacent to a residential use or residential zone. Communication systems must not be audible on adjacent properties in residential use. Vehicular access to the drive-through shall be through a separate lane that prevents vehicle queuing normal parking areas. Adequate queuing space must be provided to prevent any vehicles from having to wait on a public street, within the entry from the street, or within designated parking areas. The drive-through must not interfere with any sidewalk or bicycle path.

5.11.17 View Protection – When a proposed development is located within the viewshed of a view, as identified in the comprehensive plan, from a public street or facility, the development must be designed to minimize the encroachment of all buildings, structures, landscaping, and other site features on the identified view.
5.11.18 **Ridgeline Protection** – When a proposed development is located on a hillside that is visible from a public street, road, water body or facility, the development must be designed so that buildings, structures and other improvements do not extend above the existing ridgeline or alter the ridge profile significantly when viewed from the public streets, roads, water bodies, or facilities. This provision may be waived for communication towers, spotting towers, and similar facilities that must be located above the ridgeline for operational reasons.

5.11.19 **Hillside Development** – When a proposed development is located on a hillside that is visible from a public street, road, water body, or facility, the development must be designed so that it fits harmoniously into the visual environment when viewed by the public from public areas. In predominantly natural environments, site clearing must be minimized and vegetation must be retained or provided to minimize the visual intrusion of the development. In developed environments, the appearance of the new development, when viewed by the public from public areas, must be compatible with the existing visual character in terms of scale, massing, and height to the maximum extent reasonable.

5.11.20 **Shoreland Development** – When a proposed development is immediately visible from a great pond, river, or stream the development must be designed so that it fits harmoniously into the visual environment when viewed from the water body. In predominantly natural environments, site clearing must be minimized, natural vegetation must be maintained adjacent to the shoreline to soften the appearance of the development, and vegetation must be retained or provided to minimize the visual intrusion of the development. In developed shoreland environments, the appearance of the new development when viewed from the water must be compatible with the existing visual character in terms of scale, massing, and height to the maximum extent possible. Storage and service areas must be screened or landscaped to minimize their visual impact.

5.11.21 **Odor** – All site plans shall demonstrate that the proposed development will not result in undue air pollution, and that it will comply with the following standards:

   a) No emission of dust, ash, smoke, or other particulate matter, or gases and chemicals, shall be allowed which can cause damage to human or animal health, safety, vegetation, or property, by reason of concentration or toxicity, which can cause soiling beyond the property boundaries, or which fails to meet or cannot meet the standards set by the Maine Department of Environmental Protection Agency.

   b) No person, wherever located, shall cause or allow the emission of odorous air contaminants from any source, such as to result in detectable odors, which are measured in excess of the following limits at the lot line of the source:

      1) For the purposes of this regulation, two odor measurements shall be made within a period of one (1) hour, these measurements being separated by at least fifteen (15) minutes.

      2) An odor or odors beyond a lot line constitutes a nuisance if it unreasonably interferes with the enjoyment of life or use of property. Based on the following nuisance levels, the Code Enforcement Officer shall exclude or restrict uses that produce or emit an odor beyond a lot line that is above a Level 2.

      **ODOR LEVELS**

      **Level 1:** An odor that would ordinarily not be noticed by the average person but could be detected by the experienced inspector or hyper-sensitive individual.
Level 2: An odor so weak that the average person might detect it if attention was called to it but would not otherwise attract attention.

Level 3: An odor of moderate intensity that would be readily detected and would be regarded with disfavor.

Level 4: An odor that would force itself upon the attention of the average person and that would make the air very unpleasant.

Level 5: An odor of such intensity that the air would be absolutely unfit to breathe.

5.12 Home Occupations:

5.12.1 Home occupations shall be carried on wholly within the principal building or within a building or other structure accessory to it.

5.12.2 Not more than two (2) persons outside the family shall be employed in the home occupation.

5.12.3 There shall be no exterior sign (except as permitted by the provision of this Ordinance), no exterior storage of materials, and no other exterior indication of the home occupation, or variation from the residential character of the principal building.

5.12.4 No nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, or radiation shall be generated.

5.13 Manufactured Housing and Manufactured Housing Parks:

5.13.1 Manufactured Housing Unit:

5.13.1.1 No person shall move, place, erect, or bring into the Town of Acton, a manufactured housing unit without first obtaining a permit from the Code Enforcement Officer. The application for the permit shall state the name of the owner and the make, date of manufacture, and serial number of the unit. In addition, the application shall be accompanied by a sketch showing the length and width of the unit and the proposed placement on the lot, including setbacks from all property lines, bodies of water, or wetlands. Permit applications for manufactured housing units manufactured prior to June 15, 1976 shall be accompanied by indication the unit meets Acton Building Code requirements. The permit shall be accompanied by a Sub-Surface Waste Disposal Permit obtained from the Plumbing Inspector.

5.13.1.2 After the manufactured housing unit has been placed in position and anchored, the space between the sills and the ground shall be filled in on all sides with durable construction materials or masonry walls in accordance with the Town Building Code.

5.13.2 Manufactured Housing Units not in a Manufactured Home Park: Manufactured Housing Units not in a Manufactured Home Park shall meet all requirements of this Ordinance for single family dwellings, including lot size, frontage, and setback.

5.13.3 Design and Performance Standards for Manufactured Home Parks:

5.13.3.1 Except as stipulated below, manufactured home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable State laws, and local Ordinances or Regulations. Where the provisions of this section conflict with specific provisions of the Acton Subdivision Regulations, the provisions of this section shall prevail.
5.13.3.2 Lot area and lot width dimensions. Notwithstanding the dimensional requirements located in this Ordinance, lots in a Manufactured Home Park shall meet the following lot area and lot width requirements:

a) Lots served by individual waste disposal systems:

Minimum lot area ......................... twenty thousand (20,000) square feet
Minimum lot width ....................... one hundred (100) feet

b) Lots served by a central subsurface waste disposal system approved by the Maine Department of Human Services:

Minimum lot area ......................... twenty thousand (20,000) square feet
Minimum lot width ....................... seventy five (75) feet

c) The overall density of any park shall not exceed one dwelling per twenty thousand (20,000) square feet of total park area.

d) Total area of structures on any lot shall not exceed fifteen (15) percent of total lot size.

5.13.3 Unit Setback Requirements:

a. Structures shall not be located less than twenty-five (25) feet from any boundary lines of an individual lot.

b. Structures on lots which abut a public way, either in the park or adjacent to the park, shall meet the applicable setbacks.

5.13.4 Buffering: If a park is proposed with residential density at least twice the density of adjacent development in existence, or at least twice the density permitted in the zoning district in which the park is located if the neighboring land is undeveloped, the park shall be designed with a continuous landscaped area not less than fifty (50) feet in width which shall contain no structures or streets. The first twenty-five (25) feet of the buffer strip, as measured from the exterior boundaries of the park, shall contain evergreen shrubs, tree fences, walls, or any combination which forms an effective visual barrier to be located on all exterior lot lines of the park, except that driveways shall be kept open to provide visibility for vehicles entering and leaving the park.

5.13.5 Road Design, Circulation and Traffic Impacts: Streets within a park shall be designed by a Professional Engineer, registered in the State of Maine.

a) Streets which the applicant proposes to be dedicated as public ways shall be designed and constructed in accordance with the standards for streets in the Acton Subdivision Regulations.

b) Streets which the applicant proposes to remain private ways shall meet the minimum design standards as set by the Acton Road Ordinance.

c) Any manufactured home park expected to generate average daily traffic of two hundred (200) trips per day or more, shall have at least two street connections with existing public streets. Any street within a park with an average daily traffic of two hundred (200) trips per day or more, shall have at least two street connections with existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.

d) No individual lot within a park shall have direct vehicular access onto an existing public street.
e) The intersection of any street within a park and an existing public street shall be designed and constructed in conformance with the Acton Subdivision Regulations.

f) The application shall contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generation shall be based on the TRIP GENERATION MANUAL, (most current Edition), published by the Institute of Transportation Engineers. If the park is projected to generate more than four hundred (400) vehicle trip ends per day, the application shall include a traffic impact analysis, by a professional engineer with experience in transportation engineering.

g) On-street parking shall be prohibited in the park. Two off-street parking spaces shall be provided on each lot.

5.13.6 Conversion: No development or subdivision which is approved under this section as a manufactured home park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback, and other requirements. The plan to be recorded at the Registry of Deeds and filed with the Town of Acton shall include the following restrictions, as well as any other notes or conditions of approval.

a) The land within the park shall remain in a unified ownership, and the fee to lots or portions of lots shall not be transferred.

b) No dwelling unit transported in more than two sections shall be located within a park.

5.14 Multi-Family Dwelling Units:

5.14.1 Attached Two-Family Dwelling Units: Lots for attached two-family units shall meet all dimensional requirements for single dwelling units, except that the lot area and shoreline frontage shall be equal to that required for an equivalent number of single units, and the road frontage shall exceed by fifty (50) percent the requirements for single family dwelling units (with a maximum of five (5) acres and three-hundred and fifty (350) feet of road frontage).

5.14.2 Multi-Family Dwelling Units: Any structure containing three or more dwelling units shall meet all of the following criteria:

a) Lot area shall be equal to that required for the equivalent number of single family dwelling units.

b) The minimum road frontage shall be three hundred (300) feet in the Rural District for each multi-family structure.

c) Lots for multi-family dwelling units shall meet all other dimensional requirements for single family dwellings.

d) No building shall contain more than ten (10) dwelling units.

e) All multi-family dwellings shall be connected to a private or public water system, at no expense to the municipality.

f) All multi-family dwellings shall be connected to a public sewer system, if available, or to a central collection and treatment system in accordance with the sanitary provisions of this Ordinance, at no expense to the municipality.

g) No parking area shall be located within the required yard areas.
5.15 Off-Street Parking and Loading Requirements:

5.15.1 Basic Requirement: In any district where permitted, no use of premises shall be authorized or extended, and no building or structure shall be constructed or enlarged, unless there is provided for such extension, construction, or enlargement, off-street automobile parking space within three hundred (300) feet of the principal building, structure, or use of the premises, in accordance with the following schedule of parking requirements:

   a) An area of two hundred (200) square feet appropriate for the parking of an automobile, exclusive of maneuvering space, shall be considered as one off-street parking space.

   b) No required space shall, for the purposes of this Ordinance, serve more than one use.

   c) No off-street parking facility shall have more than two (2) curb cuts on the same street, and no entrance or exit shall exceed twenty-six (26) feet in width.

   d) Parking areas with more than two (2) parking spaces shall be arranged so that vehicles can be turned around within such areas and are prevented from backing into the street.

5.15.2 Schedule of Minimum Off-Street Parking Requirements:

   a) Two (2) spaces per dwelling unit are required.

   b) One (1) space for each sleeping room in a tourist home, boarding or lodging house, motel or hotel is required.

   c) One (1) space for each tent or recreational vehicle site in a campground is required.

   d) One (1) space for each two (2) beds in a hospital or sanitarium is required.

   e) One (1) space for each four (4) beds for other institutions devoted to board care, or treatment of persons is required.

   f) One (1) space for each one hundred fifty (150) square feet, or fraction thereof, of floor area of any retail, wholesale, service establishment, office, or professional building is required.

   g) One (1) space for each three (3) seats, permanent or otherwise, for patron use, for restaurants, and other places serving food or beverage, and for theaters, auditoriums, and other places of amusement or assembly is required.

   h) One (1) space for each person employed or anticipated to be employed on the largest shift for all types of commercial, industrial, or other permitted uses is required.

   i) Adequate spaces shall be provided to accommodate customers, patrons, and employees at automobile service stations, drive-in establishments, open air retail business, and other permitted uses not specifically enumerated above.

5.15.3 Off Street Loading: In any District where permitted or allowed, commercial or industrial uses shall provide, as necessary, off-street loading facilities located entirely on the same lot as the building or use to be served, so that trucks, trailers, and containers shall not be located for loading, unloading, or storage upon any public way.
5.15.4 Non-Residential: Required parking and loading spaces for non-residential uses, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than eight (8) feet in width containing evergreen shrubs, trees, fences, walls, beams, or any combination thereof, forming a visual barrier not less than six (6) feet in height along exterior lot lines adjoining all residential properties, except that driveways shall be kept open to provide visibility for vehicles entering and leaving.

5.15.5 Parking Areas in the Shoreland District:

a. Parking areas shall meet the shoreline and tributary stream setback requirements for structures in which such areas are located. The setback requirement for parking areas serving public boat launching facilities shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

b. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream, or wetland, and where feasible, to retain all runoff on-site.

c. In determining the appropriate size of proposed parking facilities, the following shall apply:

   (1) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
   (2) Internal travel aisles: Approximately twenty (20) feet wide.

5.16 Piers, Docks and Other Shoreland Construction:

5.16.1 General Requirements:

a) No causeway, bridge, marina, wharf, dock, or permanent structure shall be constructed in, on, over, or abutting any great pond; nor shall any fill deposited or dredging done therein; without a permit from the Department of Environmental Protection and the Acton Code Enforcement Officer.

b) No causeway, marina, wharf, dock, or other permanent or floating structure shall extend more than ten (10) percent of the width of any stream, measured at its normal high water elevation.

c) Access from shore shall be developed on soils appropriate for such use, and constructed so as to control erosion.

d) The location shall not interfere with existing developed or natural beach areas.

e) The facility shall be located so as to minimize adverse effects on fisheries.

f) The facility shall be no larger in dimension than necessary to carry on the activity, and be consistent with the surrounding character and uses of the area. A temporary pier, dock, or wharf shall not be wider than six feet for non-commercial uses.

g) 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 body or wetland as an operational necessity.
h) 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.

i) New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

j) 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 not exceed twenty (20) feet in height above the pier, dock, or other structure.

k) New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C. Permits may also be required from the Army Corps of Engineers, if located in navigable waters.

5.17 Sanitary Provisions:

5.17.1 All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, 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.

Exception – Replacement Septic System

b) A holding tank is not allowed for a first time residential use in the Shoreland or Resource Protection Districts.

c) Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

Exception – Replacement Septic System

5.17.2 Occupation of Structure: A structure requiring any type of subsurface wastewater disposal system shall not be occupied prior to the system being connected to the structure and approved as functional by the Licensed Plumbing Inspector, and prior to the Code Enforcement Officer issuing a Certificate of Occupancy.

5.17.3 Seasonal Conversions: The Town shall adopt the definition of “seasonal dwelling”, and those conditions set forth as evidence of use as a principal of year-round residence, contained in Title 30-A M.R.S.A, section 4201. The owner of a seasonal dwelling in the Shoreland District, wishing to convert said dwelling for year-round residence, shall obtain a conversion permit from the LPI.

5.17.4 Sanitary Requirements on Construction Sites in Shoreland or Resource Protection Districts or any Commercial Construction in All Districts: Sanitary facilities shall be provided by the owner or agent during periods when construction is being conducted on a site without a licensed, functioning waste disposal facility. Failure to do so shall constitute a violation of this Ordinance.

5.18 Signs:
5.18.1 The CEO will grant all new sign permits.

   a) All signs must comply with Maine State Building Code, and be maintained in good condition.

   b) Signs shall be placed at least ten feet from any side lot line, and shall be placed so as to not obstruct the view of traffic.

   c) The maximum height of any freestanding sign is twenty feet (20).

   d) Signs may not be mounted above the ridgeline of any building roof.

   e) Rental vacancies may be advertised with a non-illuminated sign no larger than three (3) square feet.

   f) The sale of real estate may be advertised by a non-illuminated sign no larger than six (6) square feet. The sign will be removed promptly after the sale. In Shoreland and/or Resource Protection District a single sign may be no larger than three (3) square feet.

   g) Signs posted in windows or doors shall not cover more than thirty (30) percent of the window area.

   h) One temporary sign on a lot, not to exceed thirty two (32) square feet on either side, may be erected for a community, charitable, or non-profit event. The sign may not be up for more than thirty (30) days.

   i) Home occupations may display a single sign, not over six (6) square feet in area, with their name and information of services or products rendered on the premises in the Shoreland and/or Resource Protection Districts.

   j) No freestanding sign may be placed within a right-of-way of any road.

   k) In Shoreland and/or Resource Protection Districts, signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

   l) Residential users may display a single sign not over three (3) square feet in area, relating to the sale, rental, or lease of the premises.

5.18.2 Illuminated Signs:

   a) Steady, white light shall be required on all internally lit signs.

   b) All exterior lighting on signs will be designed to prevent direct or obtrusive lighting of public ways or nearby residences.

5.18.3 Commercial Zones:

   a) Two freestanding signs shall be permitted per lot use. The total signage area may not exceed sixty-four (64) square feet. The signs may be double sided.

   b) There may be one sign attached to the building, not to exceed 6 square feet.
c) Signs shall relate to the premises on which they are located, and shall only identify the occupant or advertise the service available.

d) One contractor sign may be located on a construction site, indicating the names and construction companies employed, financial(s), and project owner(s). The sign may be no larger than 16 (sixteen) square feet.

5.18.4 Prohibited Signs –

a) No flashing, moving, or animated signs shall be permitted.

b) Strings of lights, pennants, propellers, etc. shall not be permitted except as part of a holiday celebration.

5.18.5 Exceptions:

a) Signs erected for public safety and welfare, or pursuant to any government function.

b) Directional signs solely indicating entrance and exit, placed at driveway locations, where the display does not exceed 3 square feet or extend higher than 7 feet above the ground level.

c) Signs relating to trespassing and hunting shall be allowed without restriction as to number, provided that no such sign shall exceed 2 square feet in area.

d) Other signs, including memorial tablets, public notices and insignia, religious symbols or insignia, house numbers, homeowner names, political signs, signs on vending machines or newspaper racks, temporary signs, and signs, within or on a public structure or facility.

e) Temporary signs and seasonal signs promoting agricultural products.

f) In Shoreland and/or Resource Protection District name signs are allowed, provided signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.

5.18.6 Non-conforming Signs: A non-conforming sign, lawfully existing at the time of adoption of this Ordinance, may remain, but any change to location or dimension will require a new permit.

5.19 Timber Harvesting: The following standards shall govern Timber Harvesting within the shoreland and resource protection areas:

5.19.1 Shoreline Integrity and Sedimentation – Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams, and wetlands occurs, such conditions must be corrected.

5.19.2 Slash Treatment – Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Section 5.19.2 does not apply to minor, incidental amounts of slash that
result from timber harvesting and related activities otherwise conducted in compliance with this section.

(a) Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than four (4) feet above the ground.

(b) Adjacent to great ponds, rivers, and wetlands:

(i) No accumulation of slash shall be left within fifty feet (50’), horizontal distance, of the normal high-water line or upland edge of a wetland; and

(ii) Between fifty (50) feet and two hundred fifty (250) feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than three (3) inches in diameter must be disposed of in such a manner that no part thereof extends more than four (4) feet above the ground.

5.19.3 Timber harvesting and related activities must leave adequate tree cover, and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:

a) Option 1: forty (40) percent volume removal, as follows:

i) Harvesting of no more than forty percent (40%) of the total volume on each acre of trees four and one-half (4 ½) inches DBH or greater in any ten (10) year period is allowed. Volume may be considered to be equivalent to basal area;

ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,

iii) Within seventy five (75) feet, horizontal distance of the normal high-water line of rivers, streams, great ponds and upland edge of freshwater wetlands, there must be no cleared openings. At distances greater than seventy five (75) feet, horizontal distance, of the normal high-water line of a river or great pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than fourteen thousand (14,000) square feet in the forest canopy. Where such openings exceed ten thousand (10,000) square feet, they must be at least one hundred (100) feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.

b) Option 2: sixty (60) square foot basal area retention, as follows:

(i) The residual stand must contain an average basal area of at least sixty (60) square feet per acre of woody vegetation greater than or equal to one (1) inch DBH, of which forty (40) square feet per acre must be greater than or equal to four and one-half (4 ½) inches DBH;

(ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,

(iii) Within seventy five (75) feet, horizontal distance, of the normal high-water line of water bodies, and within seventy five (75) feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than seventy five (75) feet, horizontal distance, of the normal high-water line of a river or great pond, or upland
edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than fourteen thousand (14,000) square feet in the forest canopy. Where such openings exceed ten thousand (10,000) square feet, they must be at least one hundred (100) feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.

(c) **Option 3** (Outcome based), which requires: An alternative method proposed in an application, signed by a licensed forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation’s Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.

**NOTE:** Landowners must designate on the Forest Operations Notification form required by 12 M.R.S.A. chapter 805, subchapter 5, which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method.

The Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained, through a field procedure that uses sample plots that are located randomly or systematically, to provide a fair representation of the harvest area.

**5.19.4 Skid Trails, Yards and Equipment Operation** – This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.

**a)** Equipment used in timber harvesting and related activities shall not use river, stream, or tributary stream channels as travel routes, except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.

**b)** Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.

**c)** Setbacks:

i) Equipment must be operated to avoid the exposure of mineral soil within twenty five (25) feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of ten (10) percent or greater, the setback for equipment operation must be increased by twenty (20) feet, horizontal distance, plus an additional ten (10) feet, horizontal distance, for each five (5) percent increase in slope above ten (10) percent. Where slopes fall away from the resource, no increase in the twenty five (25) foot setback is required.

ii) Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

**5.19.5 Land Management Roads** – Land management roads, including approaches to crossings of water bodies, tributary stream channels, and freshwater wetlands, ditches, and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream, or wetland. Surface water on, or adjacent to, water crossing approaches must be diverted through vegetative filter strips to avoid
sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Section 5.19.2.7 of this rule.

a) Land management roads and associated ditches, excavation, and fill must be set back at least:

   i) One hundred (100) feet, horizontal distance, from the normal high-water line of a great pond, river, or freshwater wetland;

   ii) Fifty (50) feet, horizontal distance, from the normal high-water line of streams; and

   iii) Twenty five (25) feet, horizontal distance, from the normal high-water line of tributary streams.

b) The minimum one hundred (100) foot setback specified in Section 5.19.5(a)(i) above may be reduced to no less than fifty (50) feet, horizontal distance, and the fifty (50) foot setback specified in Section 5.19.5(a)(ii) above may be reduced to no less than twenty five (25) feet, horizontal distance, if, prior to construction, the landowner or the landowner’s designated agent demonstrates to the Planning Board’s satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

c) On slopes of ten (10) percent or greater, the land management road setback must be increased by at least twenty (20) feet, horizontal distance, plus an additional ten (10) feet, horizontal distance, for each five (5) percent increase in slope above ten (10) percent.

d) New land management roads are not allowed within the Resource Protection District, unless, prior to construction, the landowner or the landowner’s designated agent makes a clear demonstration to the Planning Board’s satisfaction that no reasonable alternative route exists outside the Shoreland District, and that the new road must be set back as far as practicable from the normal high-water line, and screened from the river by existing vegetation.

e) Ditches, culverts, bridges, dips, water turnouts, and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the setback requirements in Section 5.19.5(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

f) Road Closeout and Discontinuance – Maintenance of the water control installations required in Section 5.19.(5)(e) must continue until use of the road is discontinued and the road is put to bed; by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under
the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.

g) **Upgrading Existing Roads** – Extension or enlargement of presently existing roads must conform to the provisions of Section 5.19.5. Any non-conforming existing road may continue to exist and to be maintained, as long as the non-conforming conditions are not made more non-conforming.

**Exception** – Extension or enlargement of presently existing roads need not conform to the setback requirements of Section 5.19(5)(a) if, prior to extension or enlargement, the landowner or the landowner’s designated agent demonstrates to the Planning Board’s satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

h) **Additional Measures**: In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream, and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.

### 5.19.6 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.

a) **Determination of Flow**: Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the ten (10) year and twenty five (25) year frequency water flows and thereby determining water crossing sizes as required in Section 5.19.5: The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.

b) **Upgrading Existing Water Crossings**: Extension or enlargement of presently existing water crossings must conform to the provisions of Section 5.19.5 Any non-conforming existing water crossing may continue to exist and be maintained, as long as the non-conforming conditions are not made more non-conforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of Section 5.19.5.

c) **Other Agency Permits**: Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on waterbodies other than a river, stream, or tributary stream may require a permit from the Department of Environmental Protection or the US Army Corps of Engineers.

d) Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of freshwater wetlands, identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat, require prior consultation with the Department of Inland Fisheries and Wildlife.

e) **Notice to Bureau of Forestry**: Written notice of all water crossing construction, maintenance, alteration, and replacement activities in shoreland areas must be given to the
Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:

i) a map showing the location of all proposed permanent crossings;

ii) the GPS location of all proposed permanent crossings;

iii) for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and

iv) a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.

f) Water Crossing Standards – All crossings of rivers require a bridge or culvert sized according to the requirements of Section 5.19.6(g) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:

i) concentrated water runoff does not enter the stream or tributary stream;

ii) sedimentation of surface waters is reasonably avoided;

iii) there is no substantial disturbance of the bank, or stream or tributary stream channel;

iv) fish passage is not impeded; and,

v) water flow is not unreasonably impeded.

Subject to Section 5.19.6(f)(i-v) above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams, are frozen and snow-covered; or are composed of a hard surface which will not be eroded or otherwise damaged, are not required to use permanent or temporary structures.

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

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

ii) Temporary bridge and culvert sizes may be smaller than provided in Section 5.19.6 (g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained, and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed
above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:

a) use of temporary skidder bridges;

b) removing culverts prior to the onset of frozen ground conditions;

c) using water bars in conjunction with culverts;

d) using road dips in conjunction with culverts.

iii) Culverts utilized in river, stream, and tributary stream crossings must:

a) be installed at or below river, stream, or tributary stream bed elevation;

b) be seated on firm ground;

c) have soil compacted at least halfway up the side of the culvert;

d) be covered by soil to a minimum depth of one foot (1’) or according to the culvert manufacturer’s specifications, whichever is greater; and

e) have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.

iv) River, stream, and tributary stream crossings allowed under Section 5.19.2, but located in flood hazard areas (i.e. A zones) as identified on a community’s Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community’s National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a one hundred (100) year flood event.

v) Exception: Skid trail crossings of tributary streams, within shoreland areas and wetlands adjacent to such streams, may be undertaken in a manner not in conformity with the requirements of the foregoing subsections, provided persons conducting such activities take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands occurs, such conditions must be corrected.

h) Skid Trail Closeout – Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:
i) Bridges and culverts installed for river, stream, and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Section 5.19.6 (i) below.

ii) Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream, or tributary stream bed or bank, as soon as practical after snowmelt.

iii) River, stream, and tributary stream channels, banks, and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

i) Land Management Road Closeout: Maintenance of the water control features must continue until use of the road is discontinued, and the road is put to bed by taking the following actions:

   i) Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.

   ii) Water crossing structures must be appropriately sized, or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.

   iii) Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:

       a) it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;

       b) it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the river, stream or tributary stream channel; or

       c) it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream, or tributary stream.

If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

5.19.7 Slope Table: Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Section 5.19.5, but in no case shall be less than shown in the following table:
Average slope of land between exposed mineral soil and the shoreland (percent)  

<table>
<thead>
<tr>
<th>Slope (%)</th>
<th>0</th>
<th>10</th>
<th>20</th>
<th>30</th>
<th>40</th>
<th>50</th>
<th>60</th>
</tr>
</thead>
</table>

Width of strip between exposed mineral soil and shoreline (feet along surface of the ground)  

<table>
<thead>
<tr>
<th>Width (feet)</th>
<th>25</th>
<th>45</th>
<th>65</th>
<th>85</th>
<th>105</th>
<th>125</th>
<th>145</th>
</tr>
</thead>
</table>

**5.20 Clearing or Removal of Vegetation for Activities other than Timber Harvesting:**

**5.20.1** Within a Resource Protection District adjacent to a great pond, there shall be no cutting of vegetation within the strip of land extending seventy-five (75) feet horizontal distance, inland from the normal high water line, except to remove safety hazards. 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.

**5.20.2** Except in areas as described in Section 5.20.1 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 river, and seventy-five (75) 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 two hundred fifty (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 footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed, 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 the applicant submits to the CEO a plan for selective cutting in accordance with this section of the Ordinance, and that a well-distributed stand of trees and other vegetation is maintained. For the purposes of Section 5.20.2.b, a "well-distributed stand of trees and other vegetation" adjacent to a great pond or a river or a stream flowing to a great pond, shall be defined as maintaining a rating score of twelve (12) or more in each twenty-five (25) foot by twenty-five (25) foot square, six hundred twenty-five (625) square feet area as determined by the following rating system:

<table>
<thead>
<tr>
<th>Tree at 4-1/2 feet above ground level (inches)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 - 4 inches</td>
<td>1</td>
</tr>
<tr>
<td>4-12 inches</td>
<td>2</td>
</tr>
<tr>
<td>12 inches</td>
<td>4</td>
</tr>
</tbody>
</table>

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of eight (8) per twenty-five (25) foot square area.

**NOTE:** For the purposes of Section 5.20.2.b, “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover, and retaining at least three (3) saplings less than two (2) inches in diameter at four and one-half (4 ½) feet above ground level for each twenty-five (25) foot by twenty-five (25) foot rectangular area. If three (3) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until three (3) saplings have been recruited into the plot.
Notwithstanding the above provisions of Section 5.20, no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter, measured at four and one-half (4-1/2) feet above ground level, may be removed in any ten (10) year period.

e) To protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Paragraphs 2 and 2a above.

d) Pruning of tree branches on the bottom one-third (1/3) of the tree is allowed.

e) To maintain a buffer strip of vegetation when the removal of storm damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native trees species unless existing new tree growth is present.

NOTE: Section 5.20.2 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.

5.20.3 At distances greater than one hundred (100) feet, horizontal distance, from a great pond or river, and seventy-five (75) feet, horizontal distance, from the normal high water line of any other water body, tributary stream, or the upland edge of a wetland, 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 diameters, measured four and one-half (4-1/2) feet above the 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, lawns, and sewage disposal areas, exceed in the aggregate, twenty-five (25) percent of the lot area within the Shoreland District or ten thousand (10,000) square feet, whichever is greater, including land previously cleared.

5.20.4 Legally existing non-conforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

5.20.5 Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 5.20.

5.20.6 Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 5.19 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.

a) 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.

b) 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:

c) 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.

d) Revegetation activities must meet the following requirements for trees and saplings:

1) All trees and saplings removed must be replaced with native noninvasive species;

2) Replacement vegetation must consist of one (1) point trees, two (2) inches at dbh at a minimum;

3) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;

4) No one species shall make up fifty (50) percent or more of the number of trees and saplings planted;

5) 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

6) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.

e) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:

1) 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;

2) 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;

3) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;

4) No one species shall make up fifty (50) percent or more of the number of planted woody vegetation plants; and

5) 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

f) Revegetation activities must meet the following requirements for ground vegetation and ground cover:

1) 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, a minimum of 3’ (three feet) on center;
2) 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

3) 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.

5.21 Water Quality Protection:

5.21.1 No person, land use, or activity may locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that will run off, seep, percolate, or wash into surface or ground waters or cause nuisances, 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.

5.21.2 A study of the impacts on an aquifer shall be required if a development which comes under the Planning Board review is proposed in any aquifer area shown on any of the following Maps:

a) current Maine Geological Survey Significant Aquifer Map,

b) Bedrock Groundwater Resources Basic Data Maps,

c) Maps showing lineaments, high yield bedrock wells, and potential bedrock recharge areas, and

d) Map 7 Groundwater Resources in the 1991 Comprehensive Plan.

5.21.3 All outdoor fixed storage facilities for fuel, chemical, or industrial wastes, and potentially harmful raw materials, must be located on impervious pavement and must be completely enclosed by an impervious dike which is high enough to contain the total volume of liquid kept within the storage area, plus, if not covered by a roof, the rain falling into this storage area equivalent to an amount of rainfall in a one hundred (100) year storm, so that such liquid will not spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating oil and diesel fuel, not exceeding three hundred and fifty (350) gallons in size, are exempted from this requirement, if they are not located over a high seasonal water table within fifteen inches (15") of the surface, or over rapidly permeable sandy soils.

5.21.4 The proposed development and use must not adversely impact either the quality or quantity of ground water available to abutting properties or to public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal system with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the ground water at the property line will comply, following development, with the standards for safe drinking water as established by the Acton Subdivision Regulations, Section 10.9 Impact on Ground Water Quality or Quantity.

5.22 Application of Sludge / Residuals to Land:

5.22.1 General Requirements:

a) Application and/or storage of sludge/residuals shall meet all conditions of permit approval as set forth in Section 5.22.2.

b) Each applicant, generator, operator, and owner (if different) shall comply with the most current state laws and regulations applicable to this activity.
c) No application shall be approved prior to the Acton Planning Board hiring, at the applicant's expense, a hydro geologist and/or soil scientist, licensed by the State of Maine, to review and comment upon the application submitted to the Department of Environmental Protection for state approval of the proposed activity.

5.22.2 Conditions of Permit Approval: The Planning Board may issue a permit providing the following conditions shall be met.

a) The proposed activity shall not lower the quality of any surface or ground water, nor pose any environmental risk.

b) The proposed activity shall not endanger the health of the community through exposure to such potentially dangerous contaminants as heavy metals, hydrocarbons, and pathogens.

c) The generator of the sludge/residuals, or the applicant, shall submit in a timely fashion to the Town of Acton a copy of all sampling results collected pursuant to Department of Environmental Protection Regulations, Chapters 405 and 419, including annual composite topsoil samples. Failure to do so shall constitute a failure to comply with the conditions of approval.

d) The generator of the residuals/sludge, or the applicant, shall notify the Town of Acton of the date and time residuals/sludge will be applied to the site at least thirty days (30) days prior to every application.

5.23 Residential Growth Ordinance:

5.23.1 Purpose:

a) Limit residential population growth of the town to a rate which would be compatible with the orderly and gradual expansion of community services, including, but not limited to, education, fire and police protection, road maintenance, water supply, waste disposal, code enforcement, and development review.

b) Limit residential population growth of the Town to a rate which would allow Town Boards and staff time to prepare and adopt updates to regulations, plans, and Ordinances, while continuing to review ongoing development proposals.

c) Avoid a situation in which the rapid completion of major subdivisions could outstrip the Town's capability to expand its services soon enough to avoid serious overburdening.

d) Ensure fairness in the allocation of building permits.

5.23.2 Legal Authority: This chapter is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and 30-A M.R.S.A. Section 2101 et seq. and 30-A M.R.S.A. Section 3001.

5.23.3 Growth Permit Required for new Dwelling Units: Before an applicant can apply for a building permit to construct a new dwelling unit within the Town of Acton, the applicant must obtain a Growth Permit pursuant to the provisions of this Ordinance, unless exempted below.

5.23.4 Exemptions: The following situations are exempt from the provisions of this Ordinance, and shall not require the applicant to obtain a growth permit:
a) The repair, replacement, reconstruction, or alteration of any existing building or structure, provided that no new dwelling units are created and no seasonal dwelling units are converted into winterized year round dwelling units.

b) The replacement of a dwelling unit within the Town, provided that the original dwelling unit is destroyed or moved out of the Town of Acton, and the replacement dwelling unit is substantially started on the same lot within three years of destruction or removal of the original dwelling unit.

c) Erection of a dwelling unit which is being moved from one lot to another lot within the Town, or is being converted from residential use to another use.

d) Construction of dwelling units in housing, which is constructed, operated, subsidized, or funded (in whole or in part) by a local housing authority or any agency of state or federal government.

e) Commercial development units consisting of congregate care, assisted living, or nursing home facilities.

5.23.5 Administration: The Town shall approve a maximum of thirty-five (35) completed growth permit application during each calendar year. This amount represents the average number of new dwelling units permitted in the preceding four years, 1998-2001. The Code Enforcement Officer (CEO) shall administer the issuance of growth permits, pursuant to the provisions of this Ordinance, and shall only issue residential building permits to those applicants who hold a valid growth permit.

5.23.6 Application: A growth permit application form, provided by the Town, must be completed, including all endorsements and certifications, by the property owner of record, or by the holder of a valid Purchase and Sale agreement for the subject property.

5.23.7 Items Required for a Complete Application: The following items must be attached to the growth permit application form, in order for the Code Enforcement Officer to be able to find the application complete:

a) A recorded Deed or Purchase & Sale Agreement for a legal existing lot.

b) Complete Building Plans for the entire residential dwelling unit, showing floor plans of all levels and elevation drawings, with sufficient detail to indicate that the proposed structure will be able to comply with all applicable building codes and Ordinances in effect within the Town of Acton.

c) Septic System Design on an HHE-200 form, signed by a Licensed Site Evaluator, licensed by the State of Maine.

d) A completed building permit application indicating all proposed setbacks from property lines, water bodies, streams, or wetlands, as defined in the Land Use Ordinance of the Town of Acton.

e) A fee will be paid to the Town of Acton, as pursuant to the fee schedule.

5.23.8 Issuance Procedure for a Growth Permit:

a) Growth permit applications, and supporting plans, and documents shall be submitted to the Code Enforcement Officer or his or her designated agent, who shall endorse each package with
the date and time of initial receipt by the Town. The Code Enforcement Officer shall review such application packages for completeness, pursuant to Section 5.23.7.

b) In the event two or more growth permit applications or supporting submissions are received simultaneously, the Code Enforcement Officer shall determine their order by random selection.

c) Any person submitting false information on an application shall be subject to the penalties provided by law, and shall not be eligible to apply for a growth permit application for a period of one (1) year.

5.23.9 Standards for the Issuance of a Growth Permit:

a) Beginning on the first business day in January of the Code Enforcement Office and continuing until (but not including) the last CEO business day in December of each year, up to thirty-five (35) growth permit applications may be approved. The Code Enforcement Officer shall approve growth permit applications in the order that they were found to be complete.

b) The Code Enforcement Officer shall issue the building permit within ninety (90) days after the issuance of a growth permit.

c) Regardless of when the growth permit application was approved, all approved growth permits shall expire by December 31st of each year, and holders of approved growth permits that have failed to obtain a building permit by that time shall no longer be able to do so.

d) No more than four (4) growth permits shall be issued to any one person or legal entity, in any single calendar month. No additional growth permits shall be issued to any one person or legal entity, in subsequent months, until the foundation or foundations of the units subject to the four prior permits have been completed and inspected by the Code Enforcement Officer.

5.23.10 Non-Transferability: Growth permit applications shall be site-specific, and shall be valid for construction only on the lot specified on the application. However, such applications shall be transferable to the new owners of the lot, should the property transfer before a building permit is issued subject to applicable fees.

5.23.11 Amendments: This Ordinance shall be amended, if necessary, in accordance with procedures specified in Town Ordinances and in State law, at any General or Special Town Meeting.

5. 23.12 Appeals: An administrative appeal may be taken from any decision of the Code Enforcement Officer, in the administration of this Ordinance, to the Board of Appeals and then to the Superior Court as provided by the state statute.

5.23.13 Violations:

a) It shall be a violation of this Ordinance for any person to build or place a dwelling unit within the Town of Acton, without first having obtained a growth permit and a building permit, unless such construction or placement is exempted by this Ordinance.

b) If a dwelling has been constructed or placed without a growth permit and a building permit in accordance with this Ordinance, it shall also be a violation for any person to convey such a dwelling.

5.23.14 Conflict with Other Provisions: This Article shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other Ordinance, rule, regulation, bylaw, permit, or
provision of law. Where this Article imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Article shall prevail.

5.23.15 Severability: Should any section or provision of this Ordinance be declared by the courts to be invalid, illegal, or unenforceable, such decision shall not affect any other section or provision of this Ordinance, either singularly or collectively.

5.23.16 Review and Update of Groth Management Ordinance: Pursuant to Title 30-A MRSA 4360, this Ordinance shall be reviewed and updated at least every three (3) years to determine whether the rate of growth Ordinance is still necessary, and how the rate of growth Ordinance may be adjusted to meet current conditions.

5.24 Commercial and Industrial Uses - STATE MANDATED PROHIBITIONS IN THE SHORELAND AND RESOURCE PROTECTION DISTRICTS: The following new commercial and industrial uses are prohibited within the Shoreland and Resource Protection Districts:

a) Auto washing facilities;

b) Auto or other vehicle service and/or repair operations, including body shops;

c) Chemical and bacteriological laboratories;

d) Storage of chemicals, including herbicides, pesticides, or fertilizers, other than amounts normally associated with individual households or farms;

NOTE: 22 M.R.S.A. section 1471-U requires municipal Ordinances that apply to pesticide storage, distribution or be filed with the Maine Board of Pesticides Control, 28 State House Station, Augusta, ME 04333. If a municipality’s Ordinance is more inclusive or restrictive than these Guidelines, as it pertains to pesticides, a copy of the Ordinance must be filed with the Board of Pesticides Control.

e) Commercial painting, wood preserving, and furniture stripping;

f) Dry cleaning establishments;

g) Electronic circuit assembly;

h) Laundromats, unless connected to a sanitary sewer;

i) Metal plating, finishing, or polishing;

j) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs, and except for storage and sales associated with marinas;

k) Photographic processing and;

l) Printing.

5.25 Storm Water Runoff:

a) All new construction and development shall be designed to minimize storm water runoff from the site, in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces, and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.
b) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

**NOTE:** The Stormwater Management Law (38 M.R.S.A. section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area, or five (5) acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with one (1) acre or more of developed area in any other stream, or wetland watershed. A permit-by-rule is necessary for a project with one (1) acre or more of disturbed area but less than one (1) acre impervious area (20,000 square feet for most-at risk lakes and urban impaired streams) and less than five (5) acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one (1) acre or more of disturbed area.

5.26 Essential Services:

a) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

b) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

c) Damaged or destroyed public utility transmission and distribution lines, towers, and related equipment may be replaced or reconstructed without a permit.

5.27 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.

5.28 Archaeological Site: 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.
ARTICLE 6 – ADMINISTRATION

6.1 Enforcement: This Ordinance shall be enforced by a Code Enforcement Officer appointed by the Municipal Officers.

6.1.1 Administration and Enforcement: This Ordinance shall be enforced by a Code Enforcement Officer (CEO) appointed by the Municipal Officers. It shall be the duty of the CEO to enforce the provisions of this Ordinance. If the CEO finds that any provision of this Ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of buildings, structures, additions, or work being done, or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. The CEO is hereby authorized to institute or cause to be instituted, in the name of the municipality, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this Ordinance; provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this Ordinance. Any person, firm, or corporation being the owner of or having control or use of any building or premises who violated any of the provisions of this Ordinance, shall be fined in accordance with Title 30-A §4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue, unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized Municipal Official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

6.1.2 INTERPRETATION OF THE ORDINANCE – The Code Enforcement Officer (CEO) shall be responsible for administering the provisions of this Ordinance, including interpreting the provisions hereof. Any person who believes that the CEO has made an error in the interpretation or application of the provisions of this Ordinance, may appeal such determination to the Board of Appeals as an administrative appeal. If the Board finds that the CEO erred in his/her interpretation of the Ordinance, it shall modify or reverse the action accordingly.

6.2 Building or Use Permit:

6.2.1 A permit shall not be issued until an on-site inspection has been made.

6.2.2 All applications for building or use permits shall be submitted in writing to the Code Enforcement Officer on forms provided for that purpose, and such permit shall be applied for and cleared by the Code Enforcement Officer before any construction shall be started.

6.2.3 Within thirty (30) days of the filing of an application for a building or use permit, the Code Enforcement Officer shall approve, deny, or refer to the Planning Board for conditional use, all such applications. His/her decision shall be in writing on a form designed for the purpose, and communicated directly to the applicant. One copy of the Code Enforcement Officer's decision shall be filed in the Municipal Office. In cases where the Code Enforcement Officer deems that a Conditional Use Permit is required, he/she shall also provide a copy of his/her decision to the Planning Board. In instances of new construction, increase in floor area of an existing structure or a structure, being moved, an on-site inspection prior to issuance of permit shall be required.
6.2.4 No building permit for a building or structure on any lot shall be issued to the owner of record thereof, or his/her authorized agent, until the proposed construction or alteration of a building or structure shall comply in all respects with the provisions of this Ordinance, or with a decision rendered by the Board of Appeals or the Planning Board. Any application for such a permit shall be accompanied by a plan, accurately drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location of new buildings to be constructed together with the lines within which all buildings and structures are to be constructed, the existing and intended use of each building or structure, and such other information as may be necessary to provide for the execution and enforcement of this Ordinance.

6.2.5 Applications for permits, with their accompanying plans and building permits, shall be maintained as a permanent record by the Municipal Officers or the Code Enforcement Officer.

6.2.6 A building permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within one (1) year of the date on which the permit is granted, and if the work or change is not substantially completed within two (2) years of the date on which the permit is granted. A two (2) year extension of the permit may be granted, after review and approval by the CEO. Application for extension permit must be filed within thirty (30) days prior to the original expiration date.

6.2.7 Code Compliance:

   a) All new one or two family dwellings, their accessory buildings, renovations or additions on existing structures shall be built in compliance with the International Residential Code (IRC), as adopted by the State of Maine including all amendments.

   b) All new multi-family dwellings, commercial structures, their accessory buildings, and any renovations or additions on existing structures shall be built in compliance with the International Building Code (IBC), as adopted by the State of Maine including all amendments.

   c) All applicable construction shall meet the International Energy Conservation Code (IECC) to regulate the design and construction of all buildings for the effective use of energy, as adopted by the State of Maine including all amendments.

6.3 Plumbing Permit Required: No building permit shall be issued for any structure or use involving the construction, installation, or alteration of plumbing facilities unless a valid Plumbing Permit has been secured by the applicant or his/her authorized agent, in conformance with the sanitary provisions of this Ordinance.

6.4 Legal Action and Violations: When any violation of any provision of this Ordinance shall be found to exist, the Selectmen are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Municipality.

6.5 Fines: Any person, firm, or corporation being the owner of or having control or use of any building or premises, who violates any of the provisions of this Ordinance, shall be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars ($100) nor more than two thousand five hundred dollars ($2,500). Each day such a violation is permitted to exist after notification shall constitute a separate offense.

6.6 Appeals and Conditional Use Permits:

   6.6.1 Procedure:
a) All appeals or applications for Conditional Use Permits shall be based upon a written decision of the Code Enforcement Officer.

b) Administrative appeals or variance appeals shall be heard and decided upon by the Board of Appeals, in accordance with the provisions of this Ordinance.

c) Applications for Conditional Use Permits shall be heard and decided upon by the Planning Board, in accordance with the provisions of this Ordinance.

d) Appeals shall lie from decision of the Code Enforcement Officer to the Board of Appeals, and from the Board of Appeals to the Superior Court, according to State Law.

e) Conditional use shall lie from the decision of the Code Enforcement Officer to the Planning Board and from the Planning Board, to the Superior Court, according to State Law.

6.6.2 Board of Appeals:

a) Establishment: A Board of Appeals is hereby established, in accordance with State Law and the provisions of this Ordinance.

b) Appointment and Composition:

1) The Board of Appeals shall be appointed by the Municipal Officers, and shall consist of five (5) members, and two (2) alternates, all of whom shall be legal residents of the municipality, serving staggered terms of at least three (3) and no more than five (5) years. The Board shall elect annually a chairman and secretary from its membership. The secretary shall keep the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the Board shall be public record. A quorum shall consist of four (4) members.

2) A Municipal Officer may not serve as a member.

3) Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon, shall be decided by a majority vote of the members, except the member who is being challenged.

4) A member of the Board may be dismissed for cause by the Municipal Officers, upon written charges and after public hearing.

c) Powers and Duties:

1) Administrative Appeals: To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by the Code Enforcement Officer in the enforcement of this Ordinance. The action of the Code Enforcement Officer may be modified or reversed by the Board of Appeals, by concurring vote of at least four (4) members of the Board.

2) Variance Appeals: To hear and decide, upon appeal, in specific cases where a relaxation of the terms of this Ordinance would not be contrary to the public interest, and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for
granting a variance. The crucial points of variance are undue hardship, and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case. As used in this Ordinance, variances may be authorized under the following conditions: within all districts/zones variances may be granted for height, area, size of structures, size of yards, open spaces, and all setbacks except “waterfront” setbacks.

The Board of Appeals shall not grant a variance unless it finds that the strict application of the terms of this Ordinance would result in undue hardship. The term “undue hardship” shall mean:

a) That the land in question cannot yield a reasonable return unless a variance is granted;

b) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

c) That the granting of a variance will not alter the essential character of the locality, and

d) That the hardship is not the result of action taken by the applicant or a prior owner.

Notwithstanding the paragraph immediately above, the Board of Appeals may grant a variance within the Shoreland and/or Resource Protection Districts, 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 Board shall restrict any variance granted in 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 may not be considered to be enlargements or expansions of a use and are not required to meet. The board 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.

Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the Zoning District or uses in adjoining Zoning Districts.

In Shoreland and/or Resource Protection Districts, 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 the 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.

The Board of Appeals shall grant a variance only by concurring vote of at least four (4) members, and in so doing may prescribe conditions and safeguards as are appropriate under this Ordinance.
3) The Board of Appeals shall notify the State of Maine Department of Environmental Protection, within seven (7) days, when a variance has been granted in the Shoreland or Resource Protection District.

d) Appeal Procedure:

1) In all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence his/her appeal within thirty (30) days after a decision is made by the Code Enforcement Officer. The appeal shall be filed with the Board of Appeals on forms approved by the Board, with fees paid in accordance with the applicable fee schedule. The aggrieved person shall specifically set forth on the form the grounds for the appeal.

2) Before taking action on any appeal, the Board of Appeals shall hold a public hearing. In appeals involving the use of buildings or premises, the Board of Appeals shall notify by certified mail the applicant, and owners of all property bordering and/or opposite the property involved, at least ten (10) days in advance of the hearing, of the nature of appeal and of the time and place of the public hearing.

3) In the case of appeals involving space and bulk regulations or interpretation, the Board of Appeals shall notify by certified mail only the applicant and the owners of property abutting the property for which an appeal is taken, at least ten (10) days in advance of the hearing, of the nature of appeal and of the time and place of the public hearing thereon. For the purpose of this section, abutting properties shall include properties directly across a street or water body from the property for which the appeal is made.

4) The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.

5) Following the filing of an appeal, the Board of Appeals shall hold a public hearing on the appeal within thirty (30) days. The Board of Appeals shall notify the Code Enforcement Officer and the Planning Board, at least twenty (20) days in advance, of the time and place of the hearing, and shall publish notice of the hearing, at least ten (10) days in advance, on the Town’s Website and in a newspaper of general circulation in the area; the applicant for an appeal shall pay the application fee to the Town Treasurer.

6) At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.

7) The Code Enforcement Officer or his/her designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he/she deems appropriate for an understanding of the appeal.

8) The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.

9) Within twenty (20) days of the public hearing, the Board of Appeals shall reach a decision on an appeal and shall inform, in writing, the appellant, the Code Enforcement Officer, and Municipal Officers of its decision.
e. Decision:

1) Upon notification of granting of an appeal by the Board of Appeals, the Code Enforcement Officer shall immediately issue a building permit in accordance with the conditions of the approval. The location of that foundation must be approved in writing by the Code Enforcement Officer before construction of the rest of the structure is commenced. To approve the location of the foundation, the owner must submit to the Code Enforcement Officer a foundation certification by a licensed surveyor or engineer indicating that the setbacks have been complied with.

2) A variance under the provisions of this Ordinance, secured by vote of the Board of Appeals, shall be recorded at the York County Registry of Deeds within 90 days of the date of the final written approval of the variance or variances, and shall expire if the work or change is not substantially completed within two (2) years of the date on which the appeal is granted.

3) Any violation of the terms and conditions of the variance is a violation of this Ordinance.

6.6.3 Conditional Use Permits:

6.6.3.1 Authorization: The Planning Board is hereby authorized to hear and decide upon applications for Conditional Use Permits, in accordance with State Law and the provisions of this Ordinance. The Board shall approve, with modifications or conditions, or disapprove an application for a Conditional Use Permit. No Conditional Use Permit shall be authorized unless specific provision for such Conditional Use is made in this Ordinance.

6.6.3.2 Existing Conditional Use or Structure – A Conditional Use which existed prior to the effective date of this Ordinance may not be changed to another Conditional Use nor substantially expanded or altered except in conformity with all regulations of this Ordinance pertaining to Conditional Uses. Substantial expansion shall be defined as:

a) An increase in area of 25% or more.

b) New materials or processes not previously associated with the existing use.

No changes shall be made in any approved Conditional Use without approval of the change by the Planning Board.

6.6.3.3 Application Procedure – A person informed by the Code Enforcement Officer that they require a Conditional Use Permit shall file an application for the permit with the Planning Board on forms provided for the purpose. The applicant shall be responsible for a filing fee, which covers administrative and legal advertisement costs. All plans for Conditional Uses presented for approval under this section shall be drawn at a scale not smaller than one (1) inch equals fifty (50) feet and show the following information unless the Planning Board waives these requirements:

a) The name and address of the applicant (or his/her authorized agent) plus the name of the proposed development, and a copy of the deed or record of ownership, and the assessor's map and lot number;

b) Total floor area, ground coverage, and location of each proposed building, structure, or addition;
c) Perimeter survey of the parcel made and certified by a registered land surveyor licensed in Maine, relating to reference points showing true north point, graphic scale, corners of parcel, and date of survey, and total acreage;

d) The appropriate fees;

e) If the Planning Board cannot judge that the proposed land use or activity will conform to all applicable provisions of this Ordinance, and other applicable codes or Ordinances of the Town, the Planning Board may, after notification to, and at the expense of the applicant, employ one or more independent consultants to ensure compliance with all requirements of this Ordinance. The estimated costs of such reasonable studies must be deposited with the Town Treasurer prior to their undertaking. Any money not spent must be reimbursed to the applicant.

6.6.3.4 Review Procedure and Public Hearing: After the Planning Board determines that the application has been filed together with the submissions the Board needs to consider if the standards listed in Section 6.6.3.7 can be complied with, the Planning Board shall hold a public hearing on the application within thirty (30) days. The Board shall notify the Code Enforcement Officer and Municipal Officers, and shall publish notice of the time, place, and subject matter of hearing at least ten (10) days in advance, on the Town Website and in a newspaper of general circulation in the area.

The Board shall notify by regular US mail, first class, postage prepaid, the applicant and the owners of all property within five hundred (500) feet of the property involved, at least ten (10) days in advance of the hearing, of the nature of the application and of the time and place of the public hearing.

The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action taken by the Planning Board.

The Code Enforcement Officer or his/her designated assistant shall attend all hearings and may present to the Planning Board all plans, photographs, or other material he/she deems appropriate for an understanding of the application.

The applicant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.

6.6.3.5 Projects needing Board of Appeals Review: When an applicant needs a variance from a requirement of this Ordinance, or an Ordinance interpretation before the Planning Board is able to approve the application as submitted, an appeal may be submitted to the Board of Appeals prior to final action by the Planning Board. If an appeal is filed with the Board of Appeals prior to the Planning Board making a final decision, the Planning Board shall table final action on the application, pending the Board of Appeal's decision, and shall notify the Board of Appeals of that action.

6.6.3.6 Decision:

a) Within seventy-five (75) days of the public hearing, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Planning Board shall make findings of fact on the application, then approve, approve with conditions, or deny the application, and shall inform, in writing, the applicant, the Code Enforcement Officer, and Municipal Officers of its decision and shall prepare a detailed finding of
facts and conclusions. Upon notification of the decision of the Planning Board, the Code Enforcement Officer, as instructed, shall immediately issue with conditions prescribed by the Board, or deny, a Building Permit.

b) A Conditional Use Permit, secured under the provisions of this Ordinance by vote of the Planning Board, shall expire if the work or change involved is not commenced within two (2) years of the date on which the Conditional Use is authorized.

c) An appeal may be taken to Superior Court within thirty (30) days after the decision is rendered.

6.6.3.7 Standards Applicable to Conditional Uses: It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria. The Board shall approve the application, unless it makes written findings that one or more of these criteria have not been met:

a) The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat;

b) The use will conserve shore cover and visual, as well as actual, access to water bodies;

c) The use is consistent with the Comprehensive Plan;

d) Traffic access to the site meets the standards contained in this Ordinance; and traffic congestion has been addressed in accordance with performance standards in this Ordinance;

e) The site design is in conformance with all municipal flood hazard protection regulations;

f) Adequate provision for the disposal of all wastewater and solid waste has been made;

g) Adequate provision for the transportation, storage, and disposal of any hazardous materials has been made;

h) A storm water drainage system capable of handling a twenty-five (25) year storm, without adverse impact on adjacent properties, has been designed;

i) Adequate provisions to control soil erosion and sedimentation have been made;

j) There is adequate water supply to meet the demands of the proposed use, and for fire protection purposes;

k) The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odor, and the like;

l) All performance standards in this Ordinance, applicable to the proposed use will be met;

m) Archeological and historic resources, as designated in the Comprehensive Plan, will be protected.
6.6.3.8 Conditions Attached to Conditional Uses: Upon consideration of the factors listed above, the Planning Board may attach such conditions, in addition to those required in this Ordinance, that it finds necessary to further the purposes of this Ordinance. Violation of any of these conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of vegetation; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational controls; professional inspection and maintenance; sureties; deed restrictions, restrictive covenants; location of piers, docks, parking, and signs; type of construction; or any other conditions necessary to fulfill the purposes of this Ordinance. In evaluating each application, the Board may request the assistance of the County Soil and Water Conservation District, a State or Federal Agency, or a consultant which can provide technical assistance.

6.6.3.9 Performance Guarantees –

a) At the time of approval of the application for Conditional Use, the Planning Board may require the applicant to tender either a certified check payable to the Town, an irrevocable letter of credit from a lending institution, or a performance bond payable to the Town and issued by a surety company in an amount adequate to cover the total costs of all the required improvements, taking into account the time span of the bond and the effects of inflation upon costs. All guarantors shall be licensed to conduct business in the State of Maine. The conditions and amount of the certified check, letter of credit, or performance bond shall be determined by the Board.

b) Prior to the release of any part of or the entire performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the engineer hired by the town to inspect the development and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested. Any interest accumulated on an escrow account shall be returned with any money owed by the Town to the developer after it has been determined that the proposed improvements meet all design and construction requirements.

c) If the appointed engineer finds, upon inspection of the improvements performed before release of the guarantee, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the applicant, he shall then notify the applicant, and, if necessary, the bonding company or lending institution, and take all necessary steps to preserve the Town’s rights under the guarantee.

d) Performance guarantees, when required, shall be tendered for all improvements required under this Ordinance, including but not limited to, sidewalks, drainage facilities, parking areas, lighting, signs, landscaping, and buffer areas.

6.6.4 Site Plan Review: The site plan review provisions set forth in this Ordinance are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that nonresidential and multifamily construction is designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of stormwater, erosion, and sedimentation; protection of the groundwater; protection of the environment, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.
6.6.4.1 Applicability of Site Plan Review:

a) A person who has right, title, or interest in a parcel of land must obtain site plan approval for those uses listed as such in Section 2.7 Land Use Chart prior to commencing any of the following activities on the parcel, obtaining a building or plumbing permit for the activities, or undertaking any alteration or improvement of the site including grubbing or grading:

1) The construction or placement of a new building or structure, including accessory buildings.

2) The expansion of an existing building or structure, including accessory buildings, that increases the total floor area.

3) The conversion of an existing building, in whole or in part, from a residential use to a nonresidential use.

4) The establishment of a new use, even if no buildings or structures are proposed, including nonstructural nonresidential uses.

5) The conversion of an existing use, in whole or in part, to another use, if the new use changes the basic nature of the existing use, such that it increases the intensity of on- or off-site impacts of the use, subject to the standards and criteria of site plan review described in Section 6.6.4.7 of this Ordinance.

6) The construction of a residential building containing three (3) or more dwelling units.

7) The modification or expansion of an existing residential structure that increases the number of dwelling units in the structure by three (3) or more in any five (5) year period.

8) The conversion of an existing nonresidential building or structure, in whole or in part, into three (3) or more dwelling units within a five (5) year period.

9) The construction or expansion of paved areas or other impervious surfaces; including walkways, access drives, and parking lots; involving an area of more than two thousand five hundred (2,500) square feet within any three (3) year period.

b) The following activities shall not require site plan approval. Certain of these activities will, however, require the owner to obtain a building permit, plumbing permit, or other state or local approvals:

1) The construction, alteration, or enlargement of a single-family or two-family dwelling, including accessory buildings and structures.

2) The placement, alteration, or enlargement of a single manufactured home dwelling; including accessory buildings and structures, on individually owned lots.

3) Agricultural activities, including agricultural buildings and structures.
4) Timber harvesting and forest management activities.

5) The establishment and modification of home occupations that do not result in changes to the site or exterior of the building.

6) Activities involving nonresidential buildings or activities that are specifically excluded from review by the provisions of this section.

6.6.4.2 Administration and Enforcement: (see section 6.1.1)

6.6.4.3 Interpretation of the Ordinance: (see section 6.1.2)

6.6.4.4 Review and Approval Authority: The Planning Board is authorized to review and act on all site plans for development requiring site plan review as defined above. In considering site plans under this provision, the Planning Board may act to approve, disapprove, or approve the project with conditions as are authorized by these provisions.

6.6.4.5 Review Procedures: The Planning Board shall use the following procedures in reviewing applications for site plan review.

6.6.4.5.1 Preapplication: Prior to submitting a formal application, the applicant or his/her representative shall request a preapplication conference with the Planning Board. The preapplication conference shall be informal and informational in nature. There shall be no fee for a preapplication review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decision on the substance of the plan shall be made at the preapplication conference.

6.6.4.5.2 Purpose – The purposes of the preapplication conference are to:

a) Allow the Planning Board to understand the nature of the proposed use and the issues involved in the proposal;

b) Allow the applicant to understand the development review process and required submissions;

c) Identify issues that need to be addressed in future submissions; and

d) Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.

d) In addition, the Board may schedule a site inspection in accordance with subsection 6.6.4.5.4 if deemed necessary, and resolve any requests for waivers and variations from the submission requirements.

6.6.4.5.3 Information Required – There are no formal submission requirements for a preapplication conference. However, the applicant should be prepared to discuss the following with the Board:

a) The proposed site, including its location, size, and general characteristics;
c) The nature of the proposed use and potential development;

d) Any issues or questions about existing municipal regulations and their applicability to the project; and

d) Any requests for waivers from the submission requirements.

6.6.4.5.4 Application Submission and Review Procedures – The applicant must prepare and submit a site plan review application, including the development plan and supporting documentation, that meets the submission requirements set forth below. This material must be submitted to the Planning Board.

a) At the first meeting at which the application is considered, the Planning Board shall give a dated receipt to the applicant and shall notify by first-class mail all property owners within five hundred (500) feet of the parcel on which the proposed development is located. Written notice of the pending application shall be mailed to the Selectmen, Fire Chief, Sheriff’s Office, Road Commissioner, and Code Enforcement Officer and other interested parties.

b) Within thirty (30) days of the receipt of a formal site plan review application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the Board will not consider the application until the additional information is submitted to the Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.

c) As soon as the Board determines that the application is complete, the Board shall: notify the applicant in writing of this finding, meet the notification requirements of subsection (d) below, and place the item on the agenda for substantive review within thirty (30) days of this finding.

d) The Planning Board shall give written notice of the date, time, and place of the meeting at which the application will be considered to the applicant.

e) The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted, and investigate the development proposal. The Board shall schedule this visit either before or after the first meeting at which the application is considered. The Board may decide not to hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the deadline by which the Planning Board shall take final action on the application as specified in (6) may be extended, which extension shall not exceed thirty (30) days after the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to the applicant.
f) To assist the Planning Board in determining if the proposed land use activity will conform to all applicable provisions of this Ordinance, and other applicable codes or Ordinances of the Town, the Planning Board may, after notification to the applicant and at the expense of the applicant, employ one or more independent consultants or attorneys to ensure compliance with all requirements of this Ordinance.

g) The Planning Board shall take final action on said application within ninety (90) days of determining that the application is complete. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval. In issuing its decision, the Planning Board shall make written findings of fact establishing that the proposed development does, or does not meet the standards of approval and other requirements of the Town. The Board shall notify the applicant, including the findings of fact, and any conditions of approval. This requirement can be met through the distribution of minutes of the meeting, containing the findings of fact and decision of the Board. All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

6.6.4.5.5 Final Approval and Filing: Upon completion of the requirements of this Section and an approval vote by the majority of the Planning Board, the application shall be deemed to have final approval and the site plan shall be signed by a majority of the members of the Board, and must be filed with the Code Enforcement Officer. Any plan not so filed within thirty (30) days of the date upon which such plan is approved and signed by the Board shall become null and void. In addition, the signed plan must be recorded in the York County Registry of Deeds within thirty (30) days of the vote to approve the plan. The Planning Board, by vote, may extend the filing period for good cause.

6.6.4.5.6 Application Fee: An application fee must accompany an application for site plan review. This fee is intended to cover the cost of the municipality's administrative processing of the application, including notification, advertising, mailings, and similar costs. The fee shall not be refundable. This application fee must be paid to the municipality, and evidence of payment of the fee must be included with the application.

6.6.4.5.7 Technical Review Fee: In addition to the application fee, the applicant for site plan review must also pay a technical review fee to defray the municipality's legal and technical costs of the application review. This fee must be paid to the municipality and shall be deposited in the Development Review Trust Account, which shall be separate and distinct from all other municipal accounts. The application will be considered incomplete until evidence of payment of this fee, is submitted to the Planning Board. The Board may reduce the amount of the technical review fee, or eliminate the fee, if it determines that the scale or nature of the project will require little or no outside review. If the Planning Board elects to employ outside review in accordance with the review procedures in Section 6.6.4.5.4.(6), the estimated costs of such reasonable studies and services must be deposited with the Town Treasurer prior to their undertaking. If the balance in this special account is drawn down by seventy-five percent (75%), the Board shall notify the applicant, and require that the balance be brought back up to the original deposit amount. The Board shall continue to notify the applicant and require a deposit as necessary whenever the balance of the account is drawn down by seventy-five
percent (75%) of the original deposit. Any money not spent must be reimbursed to the applicant.

The technical review fee may be used by the Planning Board to pay reasonable costs incurred by the Board, at its discretion, which relate directly to the review of the application pursuant to the review criteria. Such services may include, but need not be limited to, consulting, engineering or other professional fees, attorney fees, recording fees, and appraisal fees. The municipality shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the remaining monies, including accrued interest, in the account after the payment by the Town of all costs and services related to the review. Such payment of remaining monies shall be made no later than sixty (60) days after the approval of the application, denial of the application, or approval with condition of the application. Such refund shall be accompanied by a final accounting of expenditures from the fund. The monies in such fund shall not be used by the Board for any enforcement purposes.

6.6.4.5.8 Establishment of Fees: The Municipal Officers may, from time to time and after consultation with the Board, establish the appropriate application fees and technical review fees, following posting of the proposed schedule of fees and public hearing.

6.6.4.6 Submissions Requirements: Applications for site plan review must be submitted on application forms provided by the municipality. The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Planning Board. The submission must contain at least the following exhibits and information, unless specifically waived in writing. The Planning Board may waive any of the submission requirements, based upon a written request of the applicant. Such request must be made at the time of the preapplication conference, or at the initial review of the application if no preapplication conference is held. A waiver of any submission requirement may be granted only if the Board makes a written finding that the information is not required to determine compliance with the standards.

All applications for site plan review must contain the following information:

a) A fully executed and signed copy of the application for site plan review.

b) Evidence of payment of the application and technical review fees.

c) Eight (8) copies of written materials, plus eight (8) sets of maps or drawings, containing the information listed below. The written materials must be contained in a bound report. The maps or drawings must be at a scale sufficient to allow review of the items listed under the approval standards and criteria, but in no case shall be more than one hundred (100) feet to the inch for that portion of the tract of land being considered.

6.6.4.6.1 General Information:

a) The record owner’s name, address, and telephone number; and applicant’s name, address, and telephone number if different.

b) The location of all required building setbacks, yards, and buffers.

c) Names and addresses of all property owners within five hundred (500) feet of any and all property boundaries.
d) Sketch map showing general location of the site within the municipality, based upon a reduction of the tax maps.

e) Boundaries of all contiguous property under the total or partial control of the owner or applicant, regardless of whether all or part is being developed at this time.

f) The tax map and lot number of the parcel or parcels on which the project is located.

g) A copy of the deed to the property, an option to purchase the property, or other documentation to demonstrate right, title, or interest in the property on the part of the applicant.

h) The name, registration number, and seal of the Maine surveyor who prepared the plan.

i) Evidence of the applicant’s technical and financial capability to carry out the project as proposed.

6.6.4.6.2 Existing Conditions:

a) Zoning classification(s), including overlay and/or subdistricts, of the property; and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or subdistricts, or abuts a different district.

b) The bearings and length of all property lines of the property to be developed, and the source of this information. The Planning Board may waive this requirement of a boundary survey, when sufficient information is available to establish, on the ground, all property boundaries.

c) Location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed, on abutting streets, or land that may serve the development, and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of flow.

d) Location, names, and present widths of existing public and/or private streets and rights-of-way, within or adjacent to the proposed development.

e) The location, dimensions, ground floor, floor plans and, elevation of all existing buildings on the site.

f) The location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks, on or immediately adjacent to the site.

g) Location of intersecting roads or driveways within two hundred (200) feet of the site.
g) The location of open drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features.

h) The direction of existing surface water drainage across the site.

i) The location, front view, dimensions, and lighting of existing signs.

j) Location and dimensions of any existing easements, and copies of existing covenants or deed restrictions.

k) The location of the nearest fire hydrant, dry hydrant, or other water supply for fire protection.

6.6.4.6.3 Proposed Development Activity –

a) Estimated demand for water supply and sewage disposal, together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.

b) The direction of proposed surface water drainage across the site and from the site, with an assessment of impacts on downstream properties.

c) Provisions for handling all solid wastes, including hazardous and special wastes, and the location and proposed screening of any on-site collection or storage facilities. In addition, the applicant will provide the Planning Board with a list of all chemicals and materials which will be used or stored on the site.

d) The location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways, and any changes in traffic flow onto or off-site.

e) Proposed landscaping and buffering.

f) The location, dimensions, ground floor, floor plans and, elevation of all proposed buildings or building expansion proposed on the site.

g) Location, front view, materials, and dimensions of proposed signs, together with the method for securing the sign.

h) Location and type of exterior lighting.

i) The location of all utilities, including fire protection systems.

j) A general description of the proposed use or activity.
k) An estimate of the peak hour and daily traffic to be generated by the project.

l) Stormwater calculations, erosion and sedimentation control measures, and water quality and/or phosphorous export management provisions, if the project requires a stormwater permit from the Maine Department of Environmental Protection or if the Planning Board determines that such information is necessary based upon the scale of the project or the existing conditions in the vicinity of the project.

6.6.4.6.4 Approval Block – Space must be provided on the plan drawing for the signatures of the Planning Board and date, together with the following words, "Approved: Town of Acton Planning Board."

6.6.4.7 Approval Standards and Criteria: The following criteria shall be used by the Planning Board in reviewing applications for site plan review, and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant, who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

6.6.4.7.1 Utilization of the Site – The plan for the development must reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities must be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

6.6.4.7.2 Adequacy of Road System – Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development. For developments which generate one hundred (100) or more peak hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one (1) mile of any entrance road which are functioning at a Level of Service D or better prior to the development, must function at a minimum at Level of Service D after development. If any such intersection is functioning at a Level of Service E or lower prior to the development, the project must not reduce the current level of service. This requirement may be waived by the Planning Board, if the project is located within a growth area designated in the Town's adopted Comprehensive Plan, and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety.

A development not meeting this requirement may be approved if the applicant demonstrates that:

a) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or

b) The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard, and will assure the
completion of the improvements with a financial guarantee acceptable to the municipality.

6.6.4.7.3 Access into the Site – Vehicular access to and from the development must be safe and convenient.

a) Any driveway or proposed street must be designed to the current edition of the Town of Acton Subdivision Standards.

b) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

c) The grade of any proposed drive or street must be not more than ±3% for a minimum of two (2) car lengths, or forty feet (40’) from the intersection.

d) The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service of D following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.

e) Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote shortcutting through the site.

f) Where it is necessary to safeguard against hazards to traffic and pedestrians, and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

g) Access ways must be designed, and have sufficient capacity, to avoid queuing of entering vehicles on any public street.

h) The following criteria must be used to limit the number of driveways serving a proposed project:

1) No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.

2) No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from, and two (2) points of egress to, a single roadway. The combined width of all access ways must not exceed sixty (60) feet.

3) Sight distances on town ways shall conform with the current edition of the Town of Acton Subdivision Standards.

6.6.4.7.4 Access way Location and Spacing – Access ways must meet the following standards:
a) Private entrances/exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty feet (150’) from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the access way.

b) Private access ways in or out of a development must be separated by a minimum of seventy-five feet (75’) where possible.

6.6.4.7.5 Internal Vehicular Circulation – The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

a) Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles, with appropriate geometric design to allow turning and backing for a minimum of WB-40 vehicles.

b) Clear routes of access must be provided and maintained for emergency vehicles, to and around buildings, and must be posted with appropriate signage “fire lane” – “no parking”.

c) The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

d) All roadways must be designed to harmonize with the topographic and natural features of the site, insofar as practical, by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

6.6.4.7.6 Parking Layout and Design: Off-street parking must conform to the following standards:

a) Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.

b) All parking spaces, access drives, and impervious surfaces must be located at least five (5) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within five (5) feet of the front property line. Parking lots on adjoining lots may be connected by access ways not exceeding twenty-four (24) feet in width.

c) Parking stalls and aisle layout must conform to the following standards:
### Parking Stall Data

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Stall Width</th>
<th>Skew Width</th>
<th>Stall Depth</th>
<th>Aisle Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>90 degrees</td>
<td>9'-0&quot;</td>
<td>Not applicable</td>
<td>24'-0&quot;</td>
<td>26' two way</td>
</tr>
<tr>
<td>60 degrees</td>
<td>8'-6&quot;</td>
<td>10'-6&quot;</td>
<td>18'-0&quot;</td>
<td>16'-0 one way only</td>
</tr>
<tr>
<td>45 degrees</td>
<td>8'-6&quot;</td>
<td>12'-9&quot;</td>
<td>17'-6&quot;</td>
<td>12'-0&quot; one way only</td>
</tr>
<tr>
<td>30 degrees</td>
<td>8'-6&quot;</td>
<td>17'-0&quot;</td>
<td>17'-0&quot;</td>
<td>12'-0&quot; one way only</td>
</tr>
</tbody>
</table>

**d)** In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings, or other permanent indications, and maintained as necessary.

**e)** Parking areas for nonresidential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it, without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses, if both spaces in the stack are assigned to the occupants of the same dwelling unit.

**f)** Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

### 6.6.4.7.7 Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development, appropriate to the type and scale of development. This system must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way, or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space, on or adjacent to the site.

### 6.6.4.7.8 Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

**a)** To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
b) Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.

c) The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to flooding and erosion of shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.

d) All natural drainage ways must be preserved at their natural gradients, and must not be filled or converted to a closed system unless approved as part of the site plan review.

e) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

f) The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed, and provide for this movement.

g) The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

6.6.4.7.9 Erosion Control – All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible such that filling, excavation, and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

Soil erosion and sedimentation of watercourses and water bodies shall be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 2003 or the most current edition.

6.6.4.7.10 Water Supply – The development must be provided with a system of water supply that provides each use with an adequate supply of water for needed domestic use and fire protection.

If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.
6.6.4.7.11 Sewage Disposal: The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code.

a) All sanitary sewage from new or expanded uses must be discharged into a public or private sewage collection and treatment system, when such facilities are currently available or can reasonably be made available at the lot line, and have adequate capacity to handle the projected waste generation.

b) If the public or private collection system is not at the lot line, but can be extended in the public or private right-of-way, the collection system must be extended by the owner and the new or expanded use connected to the public or private system. Such extension shall be required if the public or private system is within one hundred feet (100’) of a new use with a design sewage flow of less than five hundred (500) gallons per day, or within three hundred (300) feet of a new use with a design sewage flow of five hundred (500) or more gallons per day, and the system has adequate capacity to accommodate the additional flow. The Planning Board may waive this requirement if the use is already served by a properly functioning subsurface disposal system that is properly sized for the projected flows, provided that connection to the public or private system will occur if and when the subsurface system needs to be replaced, which shall be confirmed by a licensed site evaluator or sanitary engineer.

c) If the public or private system cannot serve or be extended to serve a new or expanded use, the sewage must be disposed of by an on-site sewage disposal system meeting the requirements of the Subsurface Wastewater Disposal Rules.

d) When two (2) or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an owners’ association. Covenants in the deeds for each lot must require mandatory membership in the association, and provide for adequate funding of the association to assure proper maintenance of the system.

e) Industrial or commercial wastewater may be discharged to public sewers in such quantities and/or of such quality as to be compatible with sewage treatment operations. Such wastes may require pretreatment at the industrial or commercial site in order to render them amenable to public treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation, and reduction and dilution. The pretreatment shall be determined by the organization responsible for the operation of the sewerage system.

6.6.4.7.12 Utilities: The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.
6.6.4.7.13 Natural Features – The landscape must be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Extensive grading and filling must be avoided as far as possible.

6.6.4.7.14 Groundwater Protection – The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

6.6.4.7.15 Water Quality Protection – All aspects of the project must be designed so that:

a) No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwater so as to contaminate, pollute, or harm such waters or cause nuisances, 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.

b) All storage facilities for fuel, chemicals, chemical, or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

c) If the project is located within the watershed of a 'body of water most at risk from development' as identified by the Maine Department of Environmental Protection (DEP), the project must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorous. (Nitrate levels should at the standard permitted by Acton Subdivision Regulation Standards.)

6.6.4.7.16 Hazardous, Special and Radioactive Materials – The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special, or radioactive must be done in accordance with the standards of these agencies. The Planning Board reserves the right to introduce more stringent standards based on independent scientific studies or other credible evidence.

No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground unless they are located at least seventy-five (75) feet from any lot line, or forty (40) feet in the case of underground storage. All materials must be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

6.6.4.7.17 Shoreland Relationship: The development must not adversely affect the water quality or shoreline of any adjacent water body.
6.6.4.7.18 **Technical and Financial Capacity:** The applicant must demonstrate that he/she has the financial and technical capacity to carry out the project in accordance with this Ordinance and the approved plan.

6.6.4.7.19 **Solid Waste Disposal:** The proposed development must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

6.6.4.7.20 **Historic and Archaeological Resources:** If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

6.6.4.7.21 **Floodplain Management:** If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

6.6.4.7.22 **Fire Protection:** At a minimum, fire protection standards shall meet either one of the following:

a) NFPA-13 Installation of Sprinklers (including the most current revisions)

b) NFPA-1142 Standards on Water Supplies for Suburban and Rural Fire Fighting (including the most current revisions)

6.6.4.8 **Post Approval Activities:**

6.6.4.8.1 **Limitation of Approval** – Substantial construction of the improvements covered by any site plan approval must be commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, or at a time period agreed to by the Board and the applicant, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods, if the approved plan conforms to the Ordinances in effect at the time the extension is granted, and any and all federal and state approvals and permits are current.

6.6.4.8.2 **Incorporation of Approved Plan** – One copy of the approved site plan must be included with the application for the building permit for the project, and all construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the Code Enforcement Officer to address field conditions.

6.6.4.8.3 **Recording of the Approved Plan** – In addition to the final approval and filing procedures as set forth in Section 6.6.4.5.5, one copy of the approved site plan must be recorded in the York County Registry of Deeds within thirty (30) days of approval and the book and page number provided to the Code Enforcement Officer.
Failure to record the plan within thirty (30) days shall void the approval. The Planning Board may extend this period for cause.

6.6.4.9 Improvement Guarantees:

6.6.4.9.1 Application –

a) IMPROVEMENT GUARANTEE - The Planning Board may require the posting of an improvement guarantee, in such amount and form as specified in subsection 6.6.4.9.2 below, as is reasonably necessary to ensure the proper installation of all on-site and off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.

b) Upon substantial completion of all required improvements, the developer must notify the Planning Board of the completion or substantial completion of improvements, and must send a copy of such notice to the CEO. The CEO shall inspect all improvements and must file a report indicating either approval, partial approval, or rejection of such improvements, with a statement of reasons for any rejection. The CEO may utilize consultants at this phase, at the applicant’s expense.

c) The Planning Board shall either approve, partially approve, or reject the improvements, on the basis of the report of the CEO.

d) If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

6.6.4.9.2 Form of Guarantee: Performance guarantees may be provided by a variety of means including, but not limited to, the following which must be approved as to form and enforceability by the Board of Selectmen.

a) Security Bond: The applicant may obtain a security bond from a surety bonding company licensed to do business in Maine.

b) Letter of Credit: The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution licensed to do business in Maine.

c) Escrow Account: The applicant may deposit cash, either with the municipality, or in escrow with a bank licensed to do business in the State of Maine. Any such account must require Town approval for withdrawal and must stipulate that the Town can withdraw the money, upon forty-eight (48) hour advance notice to the applicant, to complete the guaranteed improvements.

1) At the time of approval of the application for Site Plan, the Planning Board may require the applicant to tender either a certified check payable to the Town, an irrevocable letter of credit from a lending institution, or a performance bond payable to the Town and issued by a surety company license to do business in the state of Maine, in an amount adequate to cover the total costs of all the
required improvements, taking into account the time span of the bond and the effects of inflation upon costs. All guarantors shall be licensed to conduct business in the State of Maine. The conditions and amount of the certified check, letter of credit, or performance bond shall be determined by the Board.

2) Prior to the release of any part of or the entire performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the engineer hired by the town to inspect the development and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested. Any interest accumulated on an escrow account shall be returned with any money owed by the Town to the developer after it has been determined that the proposed improvements meet all design and construction requirements.

3) If the appointed engineer finds, upon inspection of the improvements performed before release of the guarantee, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the applicant, he shall then notify the applicant, and, if necessary, the bonding company or lending institution, and take all necessary steps to preserve the Town's rights under the guarantee.

d. Performance guarantees, when required, shall be tendered for all improvements required under this Ordinance, including but not limited to, sidewalks, drainage facilities, parking areas, lighting, signs, landscaping, and buffer areas.

6.6.4.9.3 Submission of As-Built Plans – The applicant must provide the Code Enforcement Officer with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These "as-built" plans must be submitted within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building.

6.6.4.9.4 Minor Changes to Approved Plans – Minor changes in approved plans necessary to address field conditions may be approved by the Code Enforcement Officer, provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. Any such change must be endorsed, in writing, on the approved plan by the Code Enforcement Officer.

6.6.4.9.5 Amendments to Approved Plans – Approvals of site plans are dependent upon, and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents, except minor changes that do not affect approval standards, is subject to review and approval.
6.6.4.6 Appeal of Planning Board Actions: Appeal of any actions taken by the Planning Board with respect to this section shall be to the Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B.

6.6.4.7 Severability: The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.
ORDINANCE FOR THE RECALL OF
ELECTED MUNICIPAL OFFICIALS

SECTION 1: AUTHORITY
This ordinance is enacted pursuant to 30-A M.R.S.A., s/s 2602(6) and 3001.

SECTION 2: APPLICABILITY
Any Elected Municipal Official, with the exception of School Board Members, of the Town of Acton may be recalled and removed from office as here in provided for.

SECTION 3: PETITION FOR RECALL
a. The petition for recall must contain signatures of registered voters of the Town of Acton equal to 10% of the number of votes cast in the last Gubernatorial Election, but in all cases no fewer than (100) one hundred.

b. The petition shall be addressed to the board of Selectman as the Board with the power to call elections pursuant to 30-A M.R.S.A., s/s 2528.

c. The petition shall state the name and office of the person whose removal is being sought, a specific statement of the reason such removal is desired, and the names of the persons circulating the petition.

d. If recall of more than one official is being sought, there shall be a separate petition for each official whose removal is being sought.

e. Each page of the petition shall provide a space for the voter’s signature, printed name, and physical address.

f. All petition pages thereof shall be filed as one document.

SECTION 4: CLERK CERTIFICATION
Within ten (10) days of the receipt of the petition, the Town Clerk shall certify the signatures contained on the petition and shall determine if the petition meets all the qualifications as set forth in section (3) of this ordinance. Should the petition be found insufficient, the petition will be filed in the Clerk’s office and the voter who filed the petition will be notified.

SECTION 5: CALLING THE RECALL ELECTION
a. If the petition is certified by the Town Clerk to be sufficient, he or she will submit the same with his/her certification to the board at their next regular meeting and shall notify the Officials whose removal is being sought by such action.
b. The Selectmen, upon receipt of the certified petition, shall within ten (10) days time of receipt, order an election by Secret Ballot to be held not less than Forty-five (45) days nor more than sixty (60) days of, thereafter, provided that a regular municipal election will not be held within ninety (90) days of receipt by the Selectmen of the certified petition. In the case of such an election, the Selectmen may at their discretion provide for the holding of the recall election on the date of the regular Municipal Election.

c. In the event that the Town Selectmen unreasonably refuse to order an election as herein provided, a Notary Public may call the election to be held not less that forty-five (45) days nor more than sixty (60) days following the Selectmen’s refusal to order the required election.

SECTION 6: BALLOT FOR RECALL ELECTION
The ballots shall be printed and shall read “Shall _________ Be Recalled?” with the name of the official whose recall is being sought inserted in the blank space.

SECTION 7: RESULTS OF ELECTION
In the event of an affirmative vote for removal, such vote shall take effect as of the recording of the vote tabulation into the records, after any inspection or recount, or after the time for an inspection or recount has expired.

SECTION 8: VACANCIES TO BE FILLED
Any vacancy resulting from removal from office under this ordinance shall be filled in accordance with the provisions contained in the Maine State Statutes.

SECTION 9: INCUMBENT TO CONTINUE DUTIES DURING RECALL PROCESS
The incumbent (unless he/she has submitted a written resignation to the Select Board) shall continue to perform the duties of the office until the results of the recall election are certified. If not recalled, the official shall continue in office for the remainder of the unexpired term. If recalled, the official shall be deemed to be removed from office upon the certification of the election results.

SECTION 10: SUCCESSIVE PETITIONS
A subsequent recall petition may not be filed for at least six (6) months after a failed recall election on that official.

SECTION 11: APPOINTMENT
A person recalled from office may (not) be appointed to the same office.

Adopted January 8th, 2010; Amended June 11th, 2011
Ordinance Restricting Vehicle Weight on Posted Ways
for the Town of Acton

Section 1. Purpose and Authority
The purpose of this "Ordinance Restricting Vehicle Weight on Posted Ways" (hereinafter, the "Ordinance") is to prevent damage to town ways and bridges in the Town of Acton which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair. This Ordinance is adopted pursuant to 30-A M.R.S.A. § 3009 and 29-A M.R.S.A. §§ 2395 and 2388.

Section 2. Definitions
The definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Ordinance. Any words not defined therein shall be given their common and ordinary meaning.

Section 3. Restrictions and Notices
The municipal officers may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the town ways and bridges to which the restrictions shall apply.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.

The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the municipal officers. The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the traveled way.

Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices. No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

Section 4. Exemptions
Vehicles that are exempt from the Maine Department of Transportation’s (MaineDOT) "Rules and Regulations Restricting Heavy Loads on Closed Ways" dated December 31, 1996 and amended on March 4, 1998, a copy of which follows and is hereby incorporated as part of this Ordinance, are exempt from this Ordinance. In addition, any vehicle delivering home heating fuel and operating in accordance with a permit issued by the MaineDOT under 29-A M.R.S.A. § 2395 (4) and, when necessary during a period of drought emergency declared by the governor, any vehicle transporting well-drilling equipment for the purpose of drilling a replacement well or for improving an existing well on property where that well is no longer supplying sufficient water for residential or agricultural purpose and operating in accordance with a permit issued by the MaineDOT under 29-A M.R.S.A. § 2395 (4-A). Also exempt are vehicles with a destination to be reached located on a year-round posted road during times when seasonal postings of area roads are not in effect. Vehicles of excess weight may enter a year-round posted road for the purpose of providing service to a residential property or to access a commercial property. Vehicles may not come onto a posted road at one end of the road and exit by the other if they have come on with excessive weight.
Section 5. Permits
The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the municipal officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The municipal officers may issue a permit only upon all of the following findings:
(a) no other route is reasonably available to the applicant;
(b) it is a matter of economic necessity and not mere convenience that the applicant use the way or bridge; and
(c) the applicant has tendered cash, a bond or other suitable security running to the municipality in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same.

Even if the municipal officers make the foregoing findings, they need not issue a permit if they determine the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage to a way or bridge maintained by the municipality. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highways and bridges.

In determining whether to issue a permit, the municipal officers shall consider the following factors:
(a) the gross registered weight of the vehicle;
(b) the current and anticipated condition of the way or bridge;
(c) the number and frequency of vehicle trips proposed;
(d) the cost and availability of materials and equipment for repairs;
(e) the extent of use by other exempt vehicles; and
(f) such other circumstances as may, in their judgment, be relevant.

The municipal officers may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

Section 6. Administration and Enforcement
This Ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designee [such as road commissioner, code enforcement officer or law enforcement officer].

Section 7. Penalties
Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than $250.00 nor more than $1000.00. Each violation shall be deemed a separate offense. In addition to any fine, the municipality may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the municipality and shall be brought in the Maine District Court.

Section 8. Amendments
This Ordinance may be amended by the municipal officers at any properly noticed meeting.

Section 9. Severability; Effective Date
In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect. This Ordinance shall take effect immediately upon enactment by the municipal officers at any properly noticed meeting.
RULES AND REGULATIONS RESTRICTING HEAVY LOADS ON CLOSED WAYS

SUMMARY: The following rules and regulations restrict heavy loads on posted State and State Aid Highways from November 15 to June 1, pursuant to the Department's authority under Title 29-A M.R.S.A., Section 2395.

1. DEFINITIONS

A. The definitions contained in Title 29-A, Section 101 of the Maine Revised Statutes Annotated shall govern the construction of the words contained in this regulation.

B. Gross weight is the combined weight of the vehicle and its load.

C. Special Mobile Equipment. "Special Mobile Equipment" shall mean every self-propelled vehicle not designed or used primarily for the transportation of persons or property but which is operated over the highways, including road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, trucks used only as snowplows and for carrying sand for ballast only, well drillers and wood-sawing equipment used for hire. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section.

2. DESIGNATED CLOSED WAYS

In order to prevent excessive damage to State and State-Aid Highways, the Director of Bureau of Maintenance and Operations or the Division Engineer in whose Division the highway lies may close all or part of a highway to heavy vehicles during any time from November 15 to June 1. No vehicles shall travel over closed ways except those permitted by this regulation.

3. NOTICE

Notice shall be given by erecting at each end of the closed highway a poster indicating the following: (1) the date of the posting, (2) a description of the highway closed, (3) a summary of the vehicles exempt from the closing, (4) the name of the Division Engineer and (5) statutory and regulatory references.

4. EXEMPTION - FROZEN HIGHWAYS

This regulation shall not apply to any closed highway which is solidly frozen. The highway is considered "solidly frozen" only when the air temperature is 32 degrees Fahrenheit or below and no water is showing in the cracks of the road. Both conditions must be met.

5. EXEMPT VEHICLES

The following vehicles are exempt from this regulation:

A. Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less.
B. Any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and traveling without a load other than tools or equipment necessary for the proper operation of the vehicle. This exemption does not apply to special mobile equipment.

It shall be a defense to a violation of this sub-section if the combined weight of any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and its load is in fact less than 23,000 pounds.

C. Maine Department of Transportation highway maintenance vehicles or vehicles under the direction of a public jurisdiction with permission of the Department engaged in emergency maintenance of public highways or appurtenances thereto.

D. Passenger cars, pickup trucks, emergency vehicles, school buses, and vehicles with three axles or less under the direction of a public utility and engaged in plant maintenance or repair. See: Amendment, Posted Road Rules

E. Any vehicle transporting home heating fuel (oil, gas, coal, stove-size wood) to a private consumer, gasoline, groceries, bulk milk, bulk feed, solid waste, rubbish, or medical gases may apply for an exemption certificate (included). These vehicles must be registered in excess of 23,000 pounds and must be carrying a partial load with a weight equal to or less than that indicated on an exemption certificate issued by the Maine Department of Transportation (included). This certificate shall accompany the vehicle at all times as shall weigh slips, delivery slips, or bills of lading for the load being carried. The allowable weight indicated on the exemption certificate will be based on weights listed in the table included. Applicants for exemption certificates must present a certified weigh slip for the empty weight of the unloaded vehicle as a prerequisite to obtaining an exemption certificate.

F. Any combination vehicle of five axles or more weighing 80,000 pounds gross or less hauling perishable products. A permit issued by the Department of Transportation shall accompany any load of perishable products. (See STATE OF MAINE Trip Ticket for Perishable Products).

G. Division Engineers, at their discretion and in extraordinary circumstances, may allow heavy loads over posted roadways involving singular, nonrecurring moves. Such permission shall be made in writing and shall accompany the vehicle at all times.

Adopted on this 13th day of January, 2011.

Crockett, Larissa

Shields, William

Kryzak, Ted

Town of Acton Page 4 of 4
ROAD ORDINANCE
TOWN OF ACTON
Adopted at Town Meeting, June 13, 2003
Amended June 12, 2007

Title:
This Ordinance shall be known and cited as the Road Ordinance of the Town of Acton, Maine, and hereafter will be referred to as “this ordinance”.

A. Authority
This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2 Section 1 of the Maine Constitution and the provisions of Title 30-A, MRSA Section 3001 (Home Rule).

B. Purposes

C. Conflicts with Other Ordinances
Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

D. Validity and Severability
Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

E. Effective Date
July 1, 2007

F. Definitions:

Town Way:
a) An area or strip of land designated and held by a municipality for the passage and use of the general public by motor vehicle;
b) All town or county ways not discontinued or abandoned before July 19, 1976
c) All state and highways, or both, which shall be classified town ways as of July 1, 1982, or thereafter, pursuant to 23 M.R.S.A. 53.

Public Easement:
An easement held by a municipality for purposes of public access to land or water not otherwise connected to a public way, and includes all rights enjoyed by the public with respect to private ways created by statute prior to July 29, 1976.

Fee Simple Interest:
An absolute and unqualified interest in the land at common law, with an interest that extends infinitely both above and below the surface of the earth, and includes mineral rights. The owner of a fee simple interest can use the land for any lawful purpose.

Easement Interest:
An interest that allows the public to travel over land owned by someone other than the municipality and allows the municipality to maintain the way.

Hammerhead Turnaround:
A “T” terminus to the road with a minimum extension to one side of 25’ and a minimum total length of extensions to both sides of 100'.
G. Road Standards and Classifications:

1. Class A Roads:
   All roads, whether public or private, constructed in the Town of Acton after the effective date of this ordinance shall be defined and constructed in compliance with current Town of Acton Subdivision Regulation Road Standards. Class A Roads shall be deemed to meet standards necessary for consideration by the Town Meeting for acceptance as a Town Way upon meeting the standards defined in the current Town of Acton Subdivision Regulations.

2. Class B Roads:
   Private roads which not subject to “General Provision” H(7) may be defined and reconstructed in compliance with the following standards for class B roads. Class B roads shall be deemed to meet standards necessary for consideration by the Town Meeting for acceptance as a Town Way.
   (1) Minimum of 34 ft. wide right-of-way fully described with bounds and measurements and fee simple interest title conveyed to Town of Acton
   (2) 20' wide gravel or paved top course with 7' minimum sides for shoulders and drainage
   (3) 16" compacted gravel base
   (4) 3" finish crushed gravel (3/4' to 1 ½")
   (5) 100' hammerhead turnaround
   (6) Maximum grade of 8% in any 100 ft
   (7) 200' minimum tangent between curves on a reverse alignment
   (8) 34 ft. right-of-way shall be clear of trees, stumps, boulders, fences and any other hindrance to plowing and maintenance.
   (9) Minimum culvert size of 12". The Code Enforcement Officer may require an alternative size culvert based on existing site conditions
   (10) Maximum 60,000 lbs. GVW shall be permitted except when posted
   (11) Newly proposed roads that intersect with existing roads must intersect at a 90 degree angle

3. Class C Roads:
   Private roads which are not subject to “General Provision” H(7) may be defined and reconstructed in compliance with the following standards for Class C roads. Class C roads shall be deemed to meet standards necessary for consideration by the Town Meeting for acceptance of a Public Easement
   (1) Minimum of 20 ft. right-of-way shall be fully described with bounds and measurements
   (2) A public easement for turnarounds, as determined by the Road Committee and CEO must be provided.
   (3) The Acton Road Commissioners may hold a public hearing and establish such other standards as deemed necessary and unique to the road.

H. General Provisions:
   (1) Existing Town Ways shall be deemed to meet the standards for class A roads.
   (2) (a) Class A and B roads must discharge on to a Town Way or State Highway
(b) Class C Roads are subject to H.(2.a.) but may also discharge onto a Class C road.
(c) Class C roads shall not be maintained for or deemed for passage by school buses.

3) Procedures for the creation of Roads

a. The owner of land on which a road is to be created shall submit a petition to the Selectmen requesting the Annual Town Meeting to create a class A, B or C road. The petition shall be submitted at least three months prior to the annual Town Meeting. The petition shall include a plan, prepared by a registered land surveyor, describing the road. The petition shall be accompanied by a deed for the property described on the plan, conveying a fee simple interest for class A and B roads and a Public Easement interest for class C roads to the Town of Acton.

b. The Road Commissioners and an Engineer shall inspect the road to determine if the road meets the standards set forth in this ordinance and make an appropriate recommendation for action by the Town Meeting.

(4) Maintenance of Roads

a. Town ways shall be provided winter and summer maintenance by the Town in accordance with the laws of the State of Maine
b. Class C roads may receive summer maintenance funded by the Town. Funding for summer maintenance of Class C roads shall be established by the Town Meeting. The road commissioner shall determine the services provided to Class C roads.
c. Class C roads will receive no maintenance unless a waiver of all claims for damages by the Town within the right of way is received from all abutters to the road.

(5) Road Commissioner Authority

a. The road commissioner shall have the authority to declare a snow removal emergency and:
   i. Post roads to prohibit parking on Town Ways.
   ii. Order the removal of vehicle parked in Town Ways at the owner’s expense.

b. The road commissioner shall have the authority to require the installation of culverts when new curb cuts are being constructed, at the owner’s expense.
c. The road commissioner shall have the authority to order the removal of fill, debris, or construction in a Town Way at the owner’s expense.
d. The road commissioner shall have the authority to prohibit any construction, excavation, or activities in a Town way which may substantially damage Town Ways.

(6) Not withstanding any provision of this ordinance or the Acton Zoning Ordinance, the division of any lot to create Class B or Class C roads as described in this ordinance shall not alter any right of the lot owner provided in the Acton Zoning Ordinance, Article 1, Section 1.4 Non-Conforming Uses.

(7) Any approved or unapproved Subdivision roads constructed after the adoption of the “Planning Board Standards for Reviewing Land Subdivisions” dated October 30, 1972 must be brought to Class A standards to be eligible for consideration by the Town meeting for acceptance as a Town Way.
AN ORDINANCE CONTROLLING
SOLID WASTE
WITHIN THE TOWN OF ACTON

Section 1: Purpose

This Municipality has a statutory obligation to provide a solid waste disposal facility for domestic and commercial waste generated within the Municipality, pursuant to 38 M.R.S.A §§ 1301. et seq. Solid waste contains valuable recoverable resources including energy, which if recovered reduce the cost of solid waste disposal.

This Municipality must exercise its legal authority to control the collection, transportation or its delivery to a specific facility, and disposal of solid waste generated within its borders. As solid waste disposal costs continually increase, it is necessary to exercise local control of as many cost factors as possible. This will be accomplished by separating wastes, recycling and by reducing the volume of waste to be hauled away for remote disposal.

Section 2: Definitions

A. Collection Facility: The Collection Facility, commonly referred to as the compactor, is the designated storage disposal site for wastes that are to be shipped to the Pine Tree Waste Facility.

B. Disposal Facility: The area designated as the storage or disposal site for those wastes that are not disposed of at the collection facility or recycling center.

C. Waste Disposal Facility: The Pine Tree Waste Facility in Westbrook, Maine, which processes and recovers materials from waste generated in the municipality, is designated as the “Waste Disposal Facility.”

D. Commercial Hauler: Any person, firm, or corporation who picks up or hauls refuse of any kind as a business or for compensation to be deposited at the Transfer Station.

E. Hazardous Waste: Waste with inherent properties which make such waste dangerous to manage by ordinary means, including, but not limited to: chemicals, explosives, pathological wastes, radioactive wastes, toxic wastes or any other wastes defined as hazardous by Federal, State or Local laws, regulations or orders.

F. Municipality: The Town of Acton, Maine.

G. Recyclable: Materials which the town is separating as part of its recycling program, including but not limited to; glass, tin cans, aluminum cans, plastics, reusable (furniture, appliances, tools, toys, and other equipment).

H. Recycling Center: The area designated as the storage or disposal site for those items that have been designated as recyclable.
I. **Mixed or Split Load:** Municipal solid waste generated by two or more municipalities and transported by a single waste vehicle for disposal at the Pine Tree Waste Facility and chargeable to the respective municipalities.

J. **Transfer Station:** The facility designated as the site for storage or disposal of all acceptable wastes generated in the Town of Acton. It includes the collection facility, disposal facility and the recycling center.

K. **Liquid Wastes:** All unwanted or discarded material with sufficient liquid content to be free flowing. This includes, but is not limited to: gasoline, kerosene, diesel fuel, antifreeze, solvents, hydraulic oil, transmission fluid, paint, septic tank waste or any other liquids containing chemicals that may be harmful to the environment.

L. **Unacceptable Wastes:** The following materials will normally not be accepted for disposal at the waste disposal facility.

- Any asbestos material
- Barrels or cans with liquid contents in them (contents must be removed)
- Liquid wastes. (except for used motor oil)
- Tires (except at times specified by the Selectmen in a Public Notice)
- Dead animals or parts thereof (including animal wastes)
- Ammunition/explosives
- Chemicals
- Pathological wastes
- Pesticides
- Other hazardous wastes
- Other materials as designated by the Board of Selectmen

As acceptable storage or disposal means become available, the Selectmen may change the above list of materials that are, normally, not accepted at the Waste Disposal Facility.

M. **Demolition Debris:** Wood, sheetrock, plywood, paneling and insulation generally originating from demolition of a building or structure.

**Section 3: Designation**

In accordance with the provisions of 38 M.R.S.A. §§ 1304-B, the municipality hereby designates the Pine Tree Waste Facility located in Westbrook, Maine as its Waste Disposal Facility for the purposes cited in Section 1 of this ordinance.

**Section 4: Regulated Activity**

A. The accumulation, collection, transportation and disposal of wastes generated within the Municipality shall be regulated in the following manner:

- All Combustible Waste, which is acceptable for Pine Tree Waste and generated within the Municipality, shall be deposited at the Compactor.
- All other Acceptable Waste generated within the municipality and all Recyclables shall be deposited at the Disposal Facility.
Mixed or split loads are prohibited under this ordinance.

B. No person shall deposit any material or wastes on any private or public properties without authorization by the property owner.

C. No person, firm, business, or corporation shall deposit any waste material at the Collection Facility or at the Disposal Facility that comes from outside the Town of Acton.

D. No person, firm, business, or corporation shall deposit any waste material at the Collection Facility or at the Disposal Facility without first having obtained a permit sticker from the Transfer Station Attendant and placed that sticker on the vehicle being used to deposit material according to Municipal rules.

E. No person other than residents or property owners of the Town of Acton, and no firm, business, corporation, or other legal entity not located in the Municipality shall deposit any waste material at the Collection Facility or at a Disposal Facility without first having obtained a permit or license to do so from the Municipal Officers. At their option, the Municipal Officers may require non-residents, or any non-resident legal entity to contract with the Municipality for the right to deposit at the Disposal Facility.

F. To reduce costs and to adhere to State and Federal environmental regulations, it is necessary to require separation of wastes being deposited at the waste disposal facility.

Section 5: Recycling Program

A. Recyclable materials constitute a good portion of the solid waste stream and when properly handled, can help defray the Town’s cost of waste disposal.

B. All recyclable materials shall be deposited at the Recycling Center. Materials shall be clean and free of any food, oil, or chemical contamination.

C. All commercial haulers shall be required to separate recyclable materials and deposit such at the Recycling Center.

Section 6: Collection Facility

Only wastes that are to be compacted and shipped to Pine Tree Waste shall be deposited at the Collection Facility. All other wastes or recyclable materials shall be deposited at the disposal facility or recycling center. Cans, bottles, glass, and other non-combustible materials are not to be deposited in the trash compactor.

The following wastes are unacceptable to the Pine Tree Waste Facility and shall not be disposed of at the collection facility:

- Abandoned or junk vehicles, trailers, agricultural equipment and boats and parts thereof
- Tires
- Hazardous waste
- Demolition or construction debris
- Putrefied waste
- Pathological waste
- Water treatment residues or by-products of any kind
- Tree stumps
- Brown goods (stereos, TVs, miscellaneous electronics), other than items commonly disposed of in ordinary household waste will not be deemed to be unacceptable waste if included in the small amounts customarily found in waste from residential sources so long as the disposal and processing of such material by Pine Tree Waste at the facility is permitted by applicable laws, statues, rules, regulations, and orders of all governmental entities have jurisdiction and sewer sludge of any kind
- Tannery and sewer sludge of any kind
- Waste oil or solvents
- Box springs, bedsprings, mattresses
- White goods such as freezers, refrigerators, washing machines, or parts thereof
- Liquid wastes or sludge
- Stuffed furniture
- Fish nets
- Automotive batteries
- Wire, rope, cable and banding metal
- Carpets, rugs, and underlayment of any dimension
- Rope, fiber greater than 6 feet
- Hose greater than 6 feet
- Wood greater than 24” in any direction
- Wire fencing
- Pesticides and other organic fluids
- Rolled material (e.g., rolled roofing) of any tube length exceeding a rolled diameter of 4”
- Firearms, ammunition, and explosives
- Other waste which is in the good faith judgment of Pine Tree Waste’s delivery coordinator (a) could reasonable be expected to cause jam-ups, slowdowns, stoppages, failures or damage to the facility, (b) is an item similar in kind or effect to those enumerated above
- Any wastes deemed unacceptable for processing at the facility by federal, state or local law, ordinance, regulation rule or order

**Section 7: Disposal Facility**

The disposal facility currently comprises the following sites: compost pile, metal, demolition, white goods site, waste oil, e waste, brush and recycling building. Materials must be separated and disposed of in the designated areas. Directions and assistance shall be provided by an attendant.

**Section 8: Property Rights**

Prior to disposal of waste into the compactor, the Transfer Station Attendant at his/her discretion may open the bag to ensure all contents are acceptable waste. All acceptable waste collected for transfer to the energy recovery facility, or deposited at disposal facility, shall become the property of the Town. No one may salvage, remove or carry off any such waste without prior approval of the Board of Selectmen or its designee.
Section 9: Administration

This ordinance shall be administered by the Board of Selectmen. Their powers and duties are as follows:

A. To adopt reasonable rules and regulations as needed to enforce this ordinance

B. To consider all license applications and to grant or deny each application within 60 days after receipt of a completed application at the municipal offices or within such other time as they and the applicant shall agree is reasonable

C. To review any alleged violation of this ordinance, and to impose appropriate penalties thereof after notice and hearing as required by this ordinance

D. To institute necessary proceedings, either legal or equitable, to enforce this ordinance

Section 10: Licensing of Commercial Haulers

A. No commercial hauler shall accumulate, collect, transport or dispose of Acceptable Waste or Waste Unacceptable at Pine Tree Waste generated within the Municipality without obtaining a license from the Board of Selectmen.

B. Any person, firm or corporation required by this Ordinance to obtain a license shall make application to the Board of Selectmen providing the information required. Each application shall be accompanied by a nonrefundable application fee of $25.00.

C. The application shall contain all information required by the Board of Selectmen, including, but not limited to, description of the activity, e.g. collection, transport, or disposal of acceptable type and amount of waste handled in each service area, a description of the facility operated and used, and an equipment inventory, including, for vehicles, a description of the make, model and year of each vehicle used for the collection or transportation of solid waste, which information shall be revised annually upon license renewal. Proof of irrevocable liability insurance in the amount of $1,000,000 and worker’s compensation insurance coverage shall be included. The liability insurance shall name the Town of Acton as an additional insured. If the Board of Selectmen determines the application to be incomplete, they shall notify the applicant in writing of the specific information necessary to complete it. The Board of Selectmen shall be informed immediately of any changes in, or additions to equipment, including vehicles.

D. Licenses are not transferable.

E. All licenses shall expire one (1) year from the date of issue unless otherwise stated on the license, or revoked or suspended sooner in accordance with the provisions of this ordinance.

F. In the event the Board of Selectmen denies a license application, they shall notify the applicant in writing and shall state the reasons for the denial. The applicant may request a public hearing in accordance with the procedures in Section 11.
G. In the event the Board of Selectmen grants a license application, the applicant shall pay a fee of $250.00 for each vehicle licensed. This fee is in addition to the application fee. The Board of Selectmen may prorate this fee where appropriate. The Board of Selectmen may not refund any portion of this fee if the license is suspended or revoked.

H. The Board of Selectmen may grant a special license to a licensee for a limited period and upon such terms and conditions as it deems appropriate using a procedure that it deems appropriate for a replacement vehicle in the event of an emergency or a vehicle breakdown.

I. The Board of Selectmen may deny a license application upon a finding that applicant:

- Does not have the financial capacity and technical ability to conduct the activity described in the application
- Has not made adequate provision for the control of offensive odors, or has not made adequate provision to prevent air and water pollution
- Has not previously secured any necessary state or federal permits
- Has failed to respond to inquires relative to source of waste or location of waste generators, including names, addresses and phone numbers of customers, during periods of time when the Board of Selectmen, or their designee, is monitoring tonnage being hauled by waste haulers. Failure to respond within 14 days of an inquiry shall be reason for denial
- Failure to transport waste loads in covered containers or vehicles, such containers or vehicles shall be kept tightly covered and secured to prevent any spillage on public ways
- Has failed to comply with any other provisions of this ordinance

J. Any license issued may be suspended or revoked by order of the Selectmen after benefit of a hearing in accordance with the procedures in Section 11, for the following causes:

- Violation of this ordinance
- Violation of any provision of any state or local law, ordinance, code or regulation which relates directly to the provisions of this ordinance
- Violation of any license condition
- Falsehoods, misrepresentations or omissions in the license application

Section 11: Fees

The Board of Selectmen may establish fees for the disposal of materials in the Disposal Facility.

Section 12: Hearings

A. Anyone denied a license or whose license is suspended or revoked pursuant to Section 10 is entitled to a hearing before the Board of Selectmen, if such request is made in writing within 10 days of the denial, suspension or revocation. Such hearings shall be held within thirty (30) days after receipt of the written request for a hearing.

B. The licensee or applicant shall be notified in writing as to the time and place of the hearing at least ten (10) days prior to the hearing date. The applicant or licensee has the right to be
represented by counsel, to offer evidence, and to cross-examine witnesses. But the hearing is not subject to rules of evidence or formal rules for Adjudicatory proceedings.

C. A determination shall be made by the Board of Selectmen within ten (10) days after the conclusion of the hearing, and notice of the decision shall be served upon the applicant or licensee by registered mail, return receipt requested.

D. The Board of Selectmen’s final determination relative to the denial or suspension or revocation of a license and the period of suspension or revocation shall take effect as provided in the notice unless, at the time of final determination, the Board of Selectmen made it effective immediately. The Board of Selectmen’s determination shall set forth the reasons for the denial, suspension or revocation and the effective dates thereof together with a statement that such decision may be appealed as provided in this ordinance.

E. Any controversy or claim arising out of or relating to the Municipal Officers’ determination may be appealed to Superior Court pursuant to M.R. Civ. P., Rule 80B, within thirty (30) days after the Board of Selectmen’s final determination.

Section 13: Enforcement; Penalties

This Ordinance shall be enforced by the Board of Selectmen, or their designees. Any person violating any provision of this Ordinance commits a civil violation for which a forfeiture of not less than $100.00 nor more than $500.00 shall be adjudged. Each day of violation constitutes a separate offense. Any violation is deemed to be a nuisance and the Board of Selectmen may bring an action for equitable relief.

It shall be the duty of the law enforcement official designated by the Board of Selectmen to cause the removal of any deposit or accumulation of refuse, rubbish, or waste material of a similar nature deposited upon unauthorized property after the effective date of this ordinance.

Section 14: Transfer Station Manager

The Board of Selectmen shall appoint a Transfer Station Manager to manage all aspects of operation at the Transfer Station and provide supervision of the attendants.

Section 15: Caretaker

The municipal officers shall provide attendants under the supervision of the Transfer Station Manager for the Collection Facility and Disposal Facility and shall enumerate their powers and duties. The attendant may designate certain areas for the deposit of component parts of said waste material, including but not limited to metals, wood wastes, leaves/yard wastes, stumps, and demolition debris. No person shall deposit such component parts elsewhere than designated by said attendant.

- Open and close the gate at the beginning and end of the operating day
- Oversee the dumping, by users, of the solid waste to insure refuse is placed in the designated area
- Erect such movable signs, as necessary, to direct users to the proper dumping location
- Personally direct traffic if necessary, during periods of heavy traffic
- Place such litter barriers, as required, during periods of strong winds
- Pick up litter from litter fences, along the road, and over site in general, daily
- Provide assistance to those using the site including helping infirm or handicapped persons with their waste
- Make arrangements to contact a doctor, hospital or ambulance in the case of personal injury.
- In case of unforeseen problems or in doubt as to the correct procedure, contact supervising municipal official
- Observe and enforce safety rules and regulations

**Section 16: Exemptions**

This Ordinance in no way prevents any property owner, business or corporation from disposing of any materials or wastes on their own property that is allowed by state or federal laws, rules, or regulation.

**Section 17: Conflict/Severability**

A. The provisions of this law shall supersede all other local laws, ordinances, resolutions, rules or regulations contrary thereto, or in conflict therewith.

B. The provisions of this ordinance shall be severable and if any phrase, clause, sentence or provision, or the application thereof to any person or circumstances shall be held invalid, the remainder of this ordinance and the application thereof shall not be affected thereby.

**Section 18: Effective Date**

This Ordinance shall become effective on the date of adoption. Any person, firm or corporation required to obtain a license hereunder shall have sixty (60) days from the date of adoption of this ordinance to secure such license, which shall become effective on the date specified therein.

Adopted 03/13/1992; Amended by Town Meeting 04/28/2015; Amended by Town Meeting 11/10/2015
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ARTICLE 1 - PURPOSES AND STATUTORY REVIEW CRITERIA

1.1 Purposes. The purposes of these regulations are:

A. To provide for an expeditious and efficient process for the review of proposed subdivisions;

B. To assure new development in the Town of Acton meets the goals and conforms to the policies of the Acton Comprehensive Plan;

C. To assure the comfort, convenience, safety, health and welfare of the people of the Town of Acton;

D. To protect the environment and conserve the natural and cultural resources identified in the Acton Comprehensive Plan as important to the community;

E. To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;

F. To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality; and

G. To promote the development of an economically sound and stable community.

1.2. Statutory Review Criteria: When reviewing any application for a subdivision, as defined by Article 3, the Review Authority shall find that the following criteria as found in Title 30-A M.R.S.A. §4404 have been met, as well as all applicable provisions of the Zoning Ordinance and other sections of this Regulation have been met, before granting approval. The proposed project:

A. Will not result in undue water or air pollution. In making this determination, it shall at least consider:

   1. The elevation of the land above sea level and its relation to the flood plains;

   2. The nature of soils and subsoils and their ability to adequately support waste disposal;

   3. The slope of the land and its effect on effluents;

   4. The availability of streams for disposal of effluents; and

   5. The applicable State and local health and water resources rules and regulations;

B. Has sufficient water available for the reasonably foreseeable needs of the subdivision;

C. Will not cause an unreasonable burden on an existing water supply, if one is to be used;
D. Will not cause unreasonable soil erosion or reduction in the land’s capacity to hold water so that a dangerous or unhealthy condition results;

E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway, located outside the urban compact area of an urban compact municipality, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

F. Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

G. Will not cause an unreasonable burden on the municipality’s ability to dispose of solid waste if municipal services are to be utilized;

H. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

I. Is in conformance with a duly adopted subdivision regulation or ordinance, Comprehensive Plan, Development Plan or Land Use Plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

J. The developer has adequate financial and technical capacity to meet the standards of this section.

K. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, sections 435 through 490, or within 250 feet of tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.

1. When lots in a subdivision have frontage on an outstanding river segment, the proposed Subdivision Plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 (five hundred) feet.

   a. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 (two hundred fifty) feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

   b. The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under
shoreland zoning, Title 38, chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983;

L. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water

M. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision or project plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

N. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;

O. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38, section 480-B, subsection 9;

P. The proposed subdivision will provide for adequate storm water management;

Q. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

R. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;

S. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

T. Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, M.R.S.A section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must
determine prior to granting approval for the subdivision that five (5) years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Planning Board may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the Board may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. If the Bureau notifies the Planning Board that it will not provide assistance, the Board may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, M.R.S.A section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.
ARTICLE 2 - AUTHORITY AND ADMINISTRATION

2.1 Authority.

A. These standards have been prepared in accordance with the provisions of Title 30-A M.R.S.A., §4403.

B. These standards shall be known and may be cited as "Subdivision Regulations of the Town of Acton, Maine."

2.2 Administration.

A. The Planning Board of the Town of Acton, hereinafter called the Board, shall administer these regulations.

B. The provisions of these regulations shall pertain to all land and buildings proposed for subdivision within the boundaries of the Town of Acton.

2.3 Amendments.

A. These regulations may be amended by:

1. The Legislative Body of the Town of Acton.

2. The Planning Board if the Legislative Body has not adopted or amended the standards.

B. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven days in advance of the hearing.
ARTICLE 3 - DEFINITIONS

In general, words and terms used in these regulations shall have their customary dictionary meanings. More specifically, any word or term defined in the Acton Zoning Ordinance shall have the definition contained in that ordinance, unless defined differently below; other words and terms used herein are defined as follows:

Affordable Housing: Housing units which will meet the sales price and/or rental targets established by the Comprehensive Plan for housing affordability.

Applicant: The person applying for subdivision approval under these regulations.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Capital Improvements Program (CIP): The municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Capital Investment Plan: The portion of the Comprehensive Plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

Cluster Subdivision: A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space.

Common Open Space: Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by these regulations unless waived, after the applicant's written request, by a vote by the Board. The Board shall issue a written statement to the applicant upon its determination that an application is complete.

Complete Substantial Construction: The completion of a portion of the improvements which represents no less than thirty percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

Comprehensive Plan: A document or interrelated documents adopted by the Legislative Body, containing the elements established under Title 30-A M.R.S.A. §4326 sub-§§ 1 to 4, including
the strategies for an implementation program which are consistent with the State goals and
guidelines established under Title 30-A M.R.S.A. §§4311 through 4350.

**Conservation Easement:** A nonpossessory interest in real property imposing limitations or
affirmative obligations, the purposes of which include retaining or protecting natural, scenic or
open space values of real property; assuring its availability for agricultural, forest, recreational
or open space use; protecting natural resources; or maintaining air or water quality.

**Density:** The number of dwelling units per acre of land.

**Developed Area:** Any area on which a site improvement or change is made, including buildings,
landscaping, parking areas, and streets.

**Direct Watershed of a Great Pond:** That portion of the watershed which drains directly to the
great pond without first passing through an upstream great pond. For the purposes of these
regulations, the watershed boundaries shall be as delineated in the Comprehensive Plan, or as
depicted in the drainage divide data layer provided by the Maine Office of GIS. Due to the
scale of the map there may be small inaccuracies in the delineation of the watershed boundary.
Where there is a dispute as to exact location of a watershed boundary, the Board or its
designee and the applicant shall conduct an on-site investigation to determine where the
drainage divide lies. If the Board and the applicant cannot agree on the location of the
drainage divide based on the on-site investigation, the burden of proof shall lie with the
applicant to provide the Board with information from a professional land surveyor showing
where the drainage divide lies.

**Driveway:** A vehicular accessway serving two lots or less.

**Dwelling Unit:** A room or suite of rooms used as a habitation which is separate from other such
rooms or suites of rooms, and which contains independent living, cooking, and sleeping
facilities; includes single family houses, and the units in a duplex, apartment house,
multifamily dwellings, and residential condominiums.

**Engineered Subsurface Waste Water Disposal System:** A subsurface waste water disposal
system designed, installed, and operated as a single unit to treat and dispose of 2,000 gallons
of waste water per day or more; or any system designed to be capable of treating waste water
with higher BOD5 and total suspended solids concentrations than domestic waste water.

**Final Plan:** The final drawings on which the applicant's plan of subdivision is presented to the
Board for approval and which, if approved, may be recorded at the Registry of Deeds.

**Freshwater Wetland:** Areas which are 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; and are
not part of a great pond, coastal wetland, river, stream or brook. Freshwater wetlands may
contain small stream channels or inclusions of land that do not conform to the above criteria.

**Great Pond:** Any inland body of water which in a natural state has a surface area in excess of ten
acres, and any inland body of water artificially formed or increased which has surface area in
excess of thirty acres, except for the purposes of these regulations, where the artificially
formed or increased inland body of water is completely surrounded by land held by a single
owner.

**High Intensity Soil Survey:** A map prepared by a Certified Soil Scientist, identifying the soil
types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The
soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to a limiting factor such as seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

**100-Year Flood:** The highest level of flood that, on the average, has a one percent chance of occurring in any given year.

**High Water Mark, Coastal Waters:** See DEP Chapter 1000 Minimum Guidelines for Municipal Shoreland Zoning Ordinances.

**High Water Mark, Inland Waters:** See DEP Chapter 1000 Minimum Guidelines for Municipal Shoreland Zoning Ordinances.

**Level of Service:** A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the *Highway Capacity Manual*, most recent edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

**Multifamily Development:** A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.

**Municipal Engineer:** Any registered professional engineer hired or retained by the municipality, either as staff or on a consulting basis.

**Net Residential Acreage:** The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development as outlined in Article 10.

**Net Residential Density:** The average number of dwelling units per net residential acre.

**New Structure or Structures:** Includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure.

**Person:** Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

**Planning Board:** The Planning Board of the Town of Acton.

**Preliminary Plan:** The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

**Professional Engineer:** A professional engineer, registered in the State of Maine.

**Public Water System:** A water supply system that provides water to at least 15 service connections or services water to at least twenty-five (25) individuals daily for at least 30 days a year.

**Recording Plan:** An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and
which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.

Reserved Affordable Housing: Affordable housing which is restricted by means of deed covenants, financing restrictions, or other binding long term methods to occupancy by households making 80% or less of the area median household income.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility.

Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.

Street: Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

Street Classification:

Arterial Street: A major thoroughfare which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets:

List streets designated as arterials in the Comprehensive Plan or other planning document.

Collector Street: A street with average daily traffic of two hundred (200) vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

Cul-de-sac: A street with only one outlet and having the other end for the reversal of traffic movement.

Industrial or Commercial Street: Streets servicing industrial or commercial uses.

Minor Residential Street: A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

Private Right-of-Way: A minor residential street, which is not intended to be dedicated as a public way.

Subdivision: The term shall be defined as in Title 30-A M.R.S.A. §4401, sub-§4, as amended.

(Planning Board revision March 1, 2018)

Tract or Parcel of Land: All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

Usable Open Space: That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10%.
ARTICLE 4 - ADMINISTRATIVE PROCEDURE

In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than one week in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda, and posted at the municipal offices. Applicants shall request to be placed on the Board's agenda at least ten days in advance of a regularly scheduled meeting by contacting the Board Secretary. Applicants who attend a meeting but who are not on the Board's agenda may be heard only after all agenda items have been completed, and then only if a majority of the Board so votes. However, the Board shall take no action on any application not appearing on the Board's written agenda.
ARTICLE 5 - SKETCH PLAN MEETING AND SITE INSPECTION

5.1 Purpose.  
The purpose of the sketch plan meeting and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Board and receive the Board’s comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.

5.2 Sketch Plan Meeting Procedure.  
A. The applicant shall present the Preapplication Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision.

B. Following the applicant's presentation, the Board may ask questions, point out potential problems or issues for future discussions, and make suggestions to be incorporated by the applicant into the subsequent application. Substantive, lengthy discussions about compliance with review standards or the consideration of waiver requests shall be postponed until the subsequent review of the full application.

C. The date of the on-site inspection is selected.

5.3 Sketch Plan Submissions.  
Nine copies of the sketch plan and all supporting materials must be submitted ten days prior to a regularly scheduled Planning Board meeting, in order to be placed on the Board’s agenda. The sketch plan shall show, in simple sketch form, the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The sketch plan, which does not have to be engineered and may be a freehand penciled sketch, shall show site conditions such as steep slopes, wet areas and vegetative cover in a general manner. The sketch plan shall be supplemented with a written project narrative, with general information to describe or outline the existing conditions of the site and a full description of the proposed development. The narrative should include general proposals for how any common areas and infrastructure will be managed and maintained. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. The sketch plan shall be accompanied by:

A. A sketch plan application form, and a sketch plan application fee;

B. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision; unless the proposed subdivision is less than 10 acres in size.

C. A copy of that portion of the York County Soil Survey covering the proposed subdivision, showing the outline of the proposed subdivision development, and

D. A written project narrative as described above.
5.4 Contour Interval and On-Site Inspection.

Within thirty days of the sketch plan meeting, the Board shall hold an on-site inspection of the property and inform the applicant in writing of the required contour interval on the Preliminary Plan. The applicant shall place “flagging” at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. If the proposed project includes buildings, the approximate corners of building footprints shall be “flagged.” The Board may choose not to conduct on-site inspections when there is inclement weather or snow on the ground. On-site inspections shall be noticed as required by 1 M.R.S.A. §§401-410, and the public shall be allowed to accompany the Board. Minutes shall be taken in the same manner as for regular meetings.

5.5 The sketch plan meeting, the submittal or review of the sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 M.R.S.A., §302.

5.6 Following the sketch plan meeting the Board shall establish a file for the proposed subdivision. All correspondence and submissions regarding the sketch plan meeting and application shall be maintained in the file.
ARTICLE 6 - PRELIMINARY PLAN APPLICATION

6.1 Procedure.

A. Within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a preliminary plan at least 14 days prior to a scheduled meeting of the Board. Applications shall be submitted by mail or by hand to the municipal offices. Failure to submit an application within six months shall require resubmission of the Sketch Plan to the Board. The preliminary plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

B. All applications for preliminary plan shall be accompanied by a nonrefundable application fee, plus a fee per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay an escrow fee per lot or dwelling unit, to be deposited in a special escrow account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review engineering and other technical submissions associated with the application, and to ensure compliance with the Zoning Ordinance and Subdivision Regulations. If the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require that the balance be brought back up to the original deposit amount. The Board shall continue to notify the applicant and require a deposit as necessary whenever the balance of the escrow account is drawn down by 75% of the original deposit. Any balance in the escrow account remaining after a decision on the final plan application by the Board shall be returned to the applicant.

C. The Board shall not review any preliminary plan application unless the applicant or applicant’s representative attends the meeting. Should the applicant or applicant’s representative fail to attend, the Board shall reschedule review of the application at its next regular meeting.

D. Within three days of the receipt of the Preliminary Plan application by the Board, or its designee, shall:

1. Issue a dated receipt to the applicant.

2. Notify in writing by First Class Mail all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.

3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.

E. Within thirty days of the receipt of the preliminary plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

F. Upon determination that a complete application has been submitted for review, the Board shall notify the applicant in writing. The Board shall also notify the Road Commissioner,
Fire Chief and Superintendent of Schools of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multifamily, commercial or industrial buildings. The Board shall request that these officials comment upon the adequacy of their department’s existing capital facilities to service the proposed subdivision. The Board shall determine whether to hold a public hearing on the preliminary plan application.

G. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the municipality at least seven days prior to the hearing. A copy of the notice shall be sent by First Class mail to abutting landowners and to the applicant, at least ten days prior to the hearing.

H. Within thirty days from the public hearing or within sixty days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

I. When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the final plan;

2. The character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and

3. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the final plan.

J. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received.

6.2 Mandatory Submissions for Preliminary Plan.
The following items shall be submitted as part of the Preliminary Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the Planning Board, pursuant to Article 12. Nine copies of all materials shall
be delivered to the Town Office, at least 14 days prior to a regularly scheduled Planning Board meeting, in order for the application to be placed on the Board’s agenda. The Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met.

A. **Application Form:** Two copies of the application form and any accompanying information.

B. **Location Map:** The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:

1. Existing subdivisions in the proximity of the proposed subdivision.
2. Locations and names of existing and proposed streets.
4. An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.

C. **Preliminary Plan.** The preliminary plan may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than 200 feet to the inch, provided all necessary detail can easily be read. The application materials for preliminary plan approval shall include the following information.

1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.
2. Verification of right, title or interest in the property by deed, purchase and sales agreement, option to purchase, or some other proof of interest.
3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The entire parcel or tract shall be shown, including all contiguous land in common ownership within the last five years, as required by Title 30-A M.R.S.A. section 4401.
4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
6. An indication of the type of sewage disposal to be used in the subdivision.
   
a. When sewage disposal is to be accomplished by connection to the public sewer, a letter from the appropriate sewer district stating the district has the capacity to collect and treat the waste water shall be provided.

   b. When sewage disposal is to be accomplished by subsurface waste water disposal systems, test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

7. An indication of the type of water supply system(s) to be used in the subdivision.
   When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision.

8. The date the plan was prepared, north point, and graphic map scale.

9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners.

10. Wetland areas shall be delineated on the survey, regardless of size.

11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, unusually large specimen trees, if present, and other essential existing physical features.

12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.

13. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.

14. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

15. The location, names, and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.

16. The width and location of any streets, public improvements or open space shown upon the official map and the Comprehensive Plan, if any, within the subdivision.

17. The proposed lot lines with approximate dimensions and lot areas.

18. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
19. The location of any open space to be preserved or common areas to be created, and a general description of proposed ownership, improvement and management.

20. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.

21. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality’s Flood Insurance Rate Map, shall be delineated on the plan.

22. Areas within or adjacent to the proposed subdivision which have been identified by the Maine Department of Inland Fisheries and Wildlife Beginning with Habitat Project or within the Comprehensive Plan. If any portion of the subdivision is located within an area designated as a unique natural area by the Comprehensive Plan or the Maine Natural Areas Program or Maine Department of Inland Fisheries & Wildlife Beginning With Habitat Project the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

23. All areas within or adjacent to the proposed subdivision which are either listed on or eligible to be listed on the National Register of Historic Places, or have been identified in the Comprehensive Plan or by the Maine Historic Preservation Commission as sensitive or likely to contain such sites.

D. **Required Submissions for which a Waiver May be Granted.** The following items shall be submitted as part of the Preliminary Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the Planning Board, pursuant to Article 12, Waivers. Nine copies of all materials shall be delivered to the Town Office, at least 14 days prior to a regularly scheduled Planning Board meeting, in order for the application to be placed on the Board’s agenda. The Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met.

1. A high-intensity soil survey by a registered soil scientist.

2. Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.

3. Hydrogeologic assessment.

   A hydrogeologic assessment prepared by a certified geologist or registered professional engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and:

   a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1998, File No. 98-138, 144 and 147; or

   b. The subdivision has an average density of more than one dwelling unit per 100,000 square feet.
The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on groundwater quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; and proposed use of shared or common subsurface wastewater disposal systems. The hydrogeologic assessment shall be conducted in accordance with the provisions of section 10.9 below.

4. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from the most recent available edition of the Trip Generation Manual, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

5. Traffic Impact Analysis. For subdivisions involving 28 or more parking spaces or projected to generate more than 140 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

E. The Planning Board may require any additional information not listed above, when it is determined necessary by the Board to determine whether the statutory review criteria of Title 30-A M.R.S.A. §4404 have been met.
ARTICLE 7 - FINAL PLAN APPLICATION

7.1 Procedure.

A. Within six months after the approval of the preliminary plan, the applicant shall submit 9 copies of an application for approval of the final plan with all supporting materials, at least 14 days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the municipal offices or delivered by hand to the municipal offices. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Board.

If an applicant cannot submit the final plan within six months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Board prior to the expiration of the filing period. In considering the request for an extension the Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that municipal ordinances or regulations which may impact on the proposed development have not been amended.

B. All applications for final plan approval for a major subdivision shall be accompanied by a nonrefundable application fee as per the fee schedule, payable by check to the municipality. The Planning Board may continue to require the replenishment of the escrow account for hiring independent consulting services to review the application for final plan approval, along with any supporting materials, pursuant to the procedures of section 6.1.b.

C. Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where applicable:

1. Maine Department of Environmental Protection, under the Site Location of Development Act.

2. Maine Department of Environmental Protection, under the Natural Resources Protection Act or Stormwater Law, or if an MEPDES wastewater discharge license is needed.

3. Maine Department of Human Services, if the applicant proposes to provide a public water system.

4. Maine Department of Human Services, if an engineered subsurface waste water disposal system(s) is to be utilized.

5. U. S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
6. Maine Department of Transportation Traffic Movement Permit, and/or Highway Entrance/Driveway Access Management Permit

If the Board is unsure whether a permit or license from a state or federal agency is necessary, the applicant may be required to obtain a written opinion from the appropriate agency as to the applicability of their regulations.

D. If the preliminary plan identified any areas listed on or eligible to be listed on the National Register of Historic Places, in accordance with Section 6.2.C.23, the applicant shall submit a copy of the plan and a copy of any proposed mitigation measures to the Maine Historic Preservation commission prior to submitting the final plan application.

E. Written approval of any proposed street names from the Town of Acton E911 Addressing Officer.

F. The Board shall not review any final plan application unless the applicant or applicant’s representative attends the meeting. Should the applicant or applicant’s representative fail to attend, the Board shall reschedule review of the application at its next regular meeting.

G. Within three days of the receipt of the Final Plan application, the Board, or its designee, shall issue a dated receipt to the applicant.

H. Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

I. Upon determination that a complete application has been submitted for review, the Board shall notify the applicant in writing. The Board shall determine whether to hold a public hearing on the final plan application.

J. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the municipality at least seven days prior to the hearing. A copy of the notice shall be sent by First Class mail to abutting landowners and to the applicant, at least ten days prior to the hearing.

K. Before the Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Article 11.
L. Within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A M.R.S.A., §4404 and the standards of these regulations. If the Board finds that all the criteria of the statute and the standards of these regulations have been met, they shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

7.2 Mandatory Submissions.

The final plan shall consist of 2 or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Board. Two reproducible, stable-based transparencies of the recording plan; one to be recorded at the Registry of Deeds, and two full sized paper copies of all the final plan sheets and any supporting documents shall be submitted.

The final plan shall include or be accompanied by the following mandatory submissions of information.

A. Completed Final Plan Application Form and Final Plan Application Submissions Checklist.

B. Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor's map and lot numbers.

C. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.

D. An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the sewer district indicating the district has reviewed and approved the sewerage design shall be submitted.

E. An indication of the type of water supply system(s) to be used in the subdivision.

   1. When water is to be supplied by an existing public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design.
2. A written statement shall be submitted from the fire chief approving all hydrant locations or other fire protection measures deemed necessary.

3. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

F. The date the plan was prepared, north point, graphic map scale.

G. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.

H. The location of any zoning boundaries affecting the subdivision.

I If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

J The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

K. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a professional land surveyor. The original reproducible plan shall be embossed with the seal of the professional land surveyor and be signed by that individual.

L Street plans, meeting the requirements of Section 10.15.

M Width and location of any proposed new streets or public improvements or open space within the subject property that are shown upon the official map, in the Comprehensive Plan, or Capital Improvements Program, if any.

N. Parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be managed and maintained shall be submitted. These may include homeowners’ association by laws and condominium declarations. If proposed streets and/or open spaces or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.

O. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.
P. The location and method of disposal for land clearing and construction debris.

7.3 Required Submissions for which a Waiver May be Granted.

The final plan shall also include or be accompanied by the following information, unless a waiver is requested and granted pursuant to Article 12, Waivers:

A. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991. The Board may waive submission of the erosion and sedimentation control plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

B. A stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of Stormwater Management for Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection, 2006. Another methodology may be used if the applicant can demonstrate it is equally applicable to the site. The Board may waive submission of the stormwater management plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

C. If any portion of the proposed subdivision is in the direct watershed of a great pond, and meets the criteria of section 10.12.D, the following shall be submitted or indicated on the plan:


2. A long-term maintenance plan for all phosphorus control measures.

3. The contour lines shown on the plan shall be at an interval of no less than five feet.

4. Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.

7.4 Final Approval and Filing.

A. No plan shall be approved by the Board as long as the applicant is in violation of the provisions of a previously approved Plan within the municipality.
B. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A., §4404, and these regulations have been met, and upon voting to approve the subdivision, the Board shall sign the final plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the tax assessor. One copy of the signed plan shall be forwarded to the code enforcement officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.

C. At the time the Board grants final plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to ensure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Board that their department or district does not have adequate capital facilities to service the subdivision, the Board shall require the plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the expansion, addition or purchase of the needed facilities is included in the municipality's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.

D. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Board and endorsed in writing on the plan, unless a revised final plan is first submitted and the Board approves any modifications, in accordance with Article 8. The Board shall make findings that the revised plan meets the criteria of Title 30-A M.R.S.A., §4404, and the standards of these regulations. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.

E. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

F. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.
ARTICLE 8 - REVISIONS TO APPROVED PLANS

8.1 Procedure.

An applicant for a revision to a previously approved plan shall, at least 14 days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed.

8.2 Submissions.

The applicant shall submit a copy of the approved plan as well as 9 copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

8.3 Scope of Review.

The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.
ARTICLE 9 - INSPECTIONS AND ENFORCEMENT

9.1 Inspection of Required Improvements.

A. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:

1. Notify the code enforcement officer in writing of the time when (s)he proposes to commence construction of such improvements, so that the municipal officers can arrange for inspections to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

2. Deposit with the municipal officers a check for the amount of 2% of the estimated costs of the required improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection account shall be drawn down by 90%, the subdivider or builder shall deposit an additional 1% of the estimated costs of the required improvements.

B. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the inspecting official shall so report in writing to the municipal officers, Board, and the subdivider and builder. The municipal officers shall take any steps necessary to assure compliance with the approved plans.

C. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission from the Board to modify the plans in accordance with Article 8.

D. At the close of each summer construction season the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By October 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems which were encountered.

E. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a professional land surveyor, stating that all monumentation shown on the plan has been installed.
F. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed public way to a town meeting, a written certification signed by a professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the municipal officers.

G. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality or control is placed with a lot owners’ association.

9.2 Violations and Enforcement.

A. No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Board in accordance with these regulations.

B. A person shall not convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

C. A person shall not sell, lease or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.

D. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Board.

E. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a plan approved as provided in these regulations and recorded in the Registry of Deeds.

F. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.

G. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A M.R.S.A., §4452.
ARTICLE 10 - PERFORMANCE & DESIGN STANDARDS

The performance and design standards in this article are intended to clarify and expand upon the statutory review criteria found in Article 1, section 2. In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance and design standards and make findings that each has been met prior to the approval of a final plan. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate all performance and design standards and statutory criteria for approval have been or will be met.

10.1 Basic Subdivision Layout

A. Blocks.

Where street lengths exceed one thousand (1,000) feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width constructed in accordance with design standards for sidewalks below. Maintenance obligations of the easement shall be included in the written description of the easement.

B. Lots.

1. Wherever possible, side lot lines shall be perpendicular to the street.

2. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the subdivision statute, the standards of these regulations and conditions placed on the original approval.

3. If a lot on one side of a stream (as defined in the DEP Minimum Shoreland Zoning Guidelines), tidal water, or road fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.

4. The ratio of lot length to width, outside of the shoreland zone, shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater than 5 to 1.

5. In areas served by a postal carrier, lots shall be numbered in such a manner as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the
street, and odd numbers on the opposite side. Where the proposed subdivision contains the extension of an existing street or street approved by the Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers. The lot numbering shall be reviewed by the E-911 Addressing Officer and the comments shall be considered by the Board.

C. Utilities

Utilities serving subdivisions in areas designated by the Comprehensive Plan as growth areas shall be installed underground. Utilities serving lots with a street frontage of 125 feet or less shall be installed underground. The Board may approve overhead utilities when the applicant proposes reserved affordable housing and provides evidence that the increased costs of underground utilities will raise the costs of the housing beyond the targets for affordable housing in the Comprehensive Plan.

D. Monuments.

1. Stone or precast concrete monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.

2. Stone or precast concrete monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less.

3. Stone or concrete monuments shall be a minimum of four inches square at the top and three feet in length, and set in the ground at final grade level. After they are set, drill hole ½ inch deep shall locate the point or points described above.

4. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors.

10.2 Sufficient Water

A. Water Supply.

1. When a proposed subdivision is not within the area designated for public water supply service in the Comprehensive Plan, water supply shall be from individual wells or a private community water system.

   a. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface waste water disposal systems and other sources of potential contamination.

      (1) Due to the increased chance of contamination from surface water, dug wells shall be prohibited on lots of smaller than one acre. On lots of one acre or smaller, the applicant shall prohibit dug wells by deed restrictions and a note
on the plan.

(2) Wells shall not be constructed within 100 feet of the traveled way of any street, if located downhill from the street, or within 50 feet of the traveled way of any street, if located uphill of the street. This restriction shall be included as a note on the plan and deed restriction to the effected lots.

b. Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.

c. If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).

(1) Where ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three feet of ice. An easement shall be granted to the municipality granting access to and maintenance of dry hydrants or reservoirs where necessary.

(2) Hydrants or other provisions for drafting water shall be provided to the specifications of the fire department. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be six inches. A suitable accessway to the hydrant or other water source shall be constructed.

(3) All homes in new subdivisions shall be equipped with sprinkler systems approved by the Acton Fire Department

B. Water Quality.

Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If existing water quality contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Registry of Deeds.

10.3 Erosion and Sedimentation and Impact on Water Bodies

A. The proposed subdivision shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.

B. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.

C. Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.
D. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

10.4 Sewage Disposal

A. Private Systems.

1. When a proposed subdivision is not within the area designated for public sewage disposal service in the Comprehensive Plan, connection to the public system shall not be permitted. Sewage disposal shall be private subsurface waste water disposal systems or a private treatment facility with surface discharge, licensed by the Department of Environmental Protection.

2. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

   a. The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough to a disposal area on soils which meet the Disposal Rules.

   b. On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted in the deed so as not to be built upon.

   c. In no instance shall a disposal area be on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

10.5 Solid Waste

If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste facility, causes the municipal facility to longer be in compliance with its license from the Department of Environmental Protection, or causes the municipality to exceed its contract with a non-municipal facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangement shall be at a disposal facility which is in compliance with its license. The Board may not require the alternate arrangement to exceed a period of five years.

10.6 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline.

A. Preservation of Natural Beauty and Aesthetics.

1. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.
2. Except in areas of the municipality designated by the Comprehensive Plan as growth areas, the subdivision shall be designed to minimize the visibility of buildings from existing public roads. Outside of designated growth areas, a subdivision in which the land cover type at the time of application is forested, shall maintain a wooded buffer strip no less than fifty feet in width along all existing public roads. The buffer may be broken only for driveways and streets.

3. The Board may require the application to include a landscape plan that will show the preservation of any existing large specimen trees, the replacement of trees and vegetation, and graded contours.

4. Unless located in areas designated as a growth area in the Comprehensive Plan, building location shall be restricted from open fields, and shall be located within forested portions of the subdivision. When the subdivision contains no forest or insufficient forested portions to include all buildings, the subdivision shall be designed to minimize the appearance of buildings when viewed from existing public streets. When a proposed subdivision street traverses open fields, the plan shall include the planting of street trees. Street trees shall include a mix of tall shade trees and medium height flowering species. Trees shall be planted no more than fifty feet apart.

5. When a proposed subdivision contains a ridge line identified in the Comprehensive Plan as a visual resource to be protected, the plan shall restrict tree removal and prohibit building placement within 50 feet vertical distance of the ridge top. These restrictions shall appear as notes on the plan and as covenants in the deed.

B. Retention of Open Spaces and Natural or Historic Features.

1. If any portion of the subdivision is located within an area designated by the Comprehensive Plan as open space or greenbelt, that portion shall be reserved for open space preservation.

2. If any portion of the subdivision is located within an area designated as a unique natural area by the Comprehensive Plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

3. If any portion of the subdivision is designated a site of historic or prehistoric importance by the Comprehensive Plan, National Register of Historic Places, or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be similar to the historic structures. The Board shall seek the advice of the Maine Historic Preservation Commission in reviewing such plans.

4. The subdivision shall reserve sufficient undeveloped land to provide for the recreational needs of the occupants. The percentage of open space to be reserved
shall depend on the identified needs for outdoor recreation in the portion of the municipality in which the subdivision is located according to the Comprehensive Plan, the proposed lot sizes within the subdivision, the expected demographic makeup of the occupants of the subdivision, and the site characteristics, but shall constitute no less than 5% of the area of the subdivision. In determining the need for recreational open space the Board shall also consider the proximity of the subdivision to neighboring dedicated open space or recreation facilities; and the type of development. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and no less than 25 feet of road frontage.

5. Subdivisions with an average density of more than three dwelling units per acre shall provide no less than fifty percent of the open space as usable open space to be improved for ball fields, playgrounds or other similar active recreation facility. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet.

6. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.

7. Reserved open space land may be dedicated to the municipality.

8. Where land within the subdivision is not suitable or is insufficient in amount, and when suggested by the Comprehensive Plan, a payment in lieu of dedication may be substituted for the reservation of some or part of the open space requirement. Payments in lieu of dedication shall be calculated based on the percentage of reserved open space that otherwise would be required and that percentage of the projected market value of the developed land at the time of the subdivision, as determined by the municipal tax assessor. The payment in lieu of dedication shall be deposited into a municipal land open space or outdoor recreation facility acquisition or improvement fund.

B. Protection of Significant Wildlife Habitat.

If any portion of a proposed subdivision lies within:

1. 250 feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife Beginning with Habitat Project or the Comprehensive Plan as:

   a. Habitat for species appearing on the official state or federal lists of endangered or threatened species;

   b. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;

2. 1,320 feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor;
3. Or other important habitat areas identified in the Comprehensive Plan or in the Department of Inland Fisheries and Wildlife Beginning with Habitat Project; the applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports. There shall be no cutting of vegetation within such areas, or within the strip of land extending at least 75 feet from the edge or normal high-water mark of such habitat areas. The applicant must consult with the Maine Department of Inland Fisheries and Wildlife, and provide their written comments to the Board. The Board may require a report to be submitted, prepared by a wildlife biologist, selected or approved by the Board, with demonstrated experience with the wildlife resource being impacted. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe any additional appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.

C. Protection of Important Shoreland Areas.

1. Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space with provisions made for continued public access.

2. Within areas subject to the state mandated shoreland zone, within a strip of land extending 100 feet inland from the normal high-water line of a great pond or any tributary to a great pond, and 75 feet from any other water body or the upland edge of a wetland, a buffer strip of vegetation shall be preserved. The plan notes, and deeds to any lots which include any such land, shall contain the following restrictions:

   a. Tree removal shall be limited to no more than 40% of the volume of trees 4 inches or more in diameter measured at 4 1/2 feet above the ground level on any lot in any ten year period.

   b. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown.

   c. However, a footpath not to exceed ten feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond, or a tributary to a great pond, the width of the foot path shall be limited to six feet.

   d. In order to protect water quality and wildlife habitat adjacent to great ponds, and tributaries to great ponds, existing vegetation under three feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described above.

   e. Pruning of tree branches, on the bottom third of the tree is permitted.
3. Within areas subject to the state mandated shoreland zone, beyond the buffer strip designated above, and out to 250 feet from the normal high water line of a water body or upland edge of a wetland, cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, shall not exceed in the aggregate, 25% of the lot area or 10,000 square feet, whichever is greater, including land previously developed.

D. Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services.

1. All open space common land, facilities and property shall be owned by:
   a. The owners of the lots or dwelling units by means of a lot owners’ association;
   b. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
   c. The municipality.

2. Further subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is to be owned by an entity other than the municipality, there shall be a conservation easement deeded to the municipality prohibiting future development.

3. The common land or open space shall be shown on the final plan with appropriate notations on the plan to indicate:
   a. It shall not be used for future building lots; and
   b. Which portions of the open space, if any, may be dedicated for acceptance by the municipality.

4. The final plan application shall include the following:
   a. Covenants for mandatory membership in the lot owners’ association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.
   b. Draft articles of incorporation of the proposed lot owners’ association as a not-for-profit corporation; and
   c. Draft by-laws of the proposed lot owners’ association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.
5. In combination, the documents referenced in paragraph D above shall provide for the following.

a. The homeowners' association shall have the responsibility of maintaining the common property or facilities.

b. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.

c. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.

d. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place. The Acton Code Enforcement Officer shall be notified when this change occurs.

10.7 Conformance with Zoning Ordinance and Other Land Use Ordinances.

All lots, other than those found within cluster developments approved pursuant to section 10.13, shall meet the minimum dimensional requirements of the zoning ordinance for the zoning district in which they are located. The proposed subdivision shall meet all applicable performance standards or design criteria from the zoning ordinance and other land use ordinances.

10.8 Financial and Technical Capacity.

A. Financial Capacity.

The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these regulations. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Board shall consider the proposed time frame for construction and the effects of inflation.

B. Technical Ability.

1. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision.

2. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors.
10.9 Impact on Ground Water Quality or Quantity.

A. Ground Water Quality.

1. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
   
a. A map showing the basic soils types.

b. The depth to the water table at representative points throughout the subdivision.

c. Drainage conditions throughout the subdivision.

d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.

e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.

f. A map showing the location of any subsurface waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

2. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

3. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

4. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

5. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

6. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the
assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

B. Ground Water Quantity.

1. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.

2. A proposed subdivision shall not result in a lowering of the water table at the subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation.

10.10 Floodplain Management.
When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency:

A. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damages.

B. Adequate drainage shall be provided so as to reduce exposure to flood hazards.

C. The plan shall include a statement that structures in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on the plan.

10.11 Identification of Freshwater Wetlands, Rivers, Streams or Brooks.

Freshwater wetlands within the proposed subdivision shall be identified in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, published by the United States Army Corps of Engineers. Any rivers, streams, or brooks within or abutting the proposed subdivision shall be identified.

10.12 Stormwater Management

A. For subdivisions that require a DEP review under the Site Location of Development Act (SLDA), a stormwater management plan shall be submitted which complies with the SLDA permit and the requirements of DEP Chapter 500 Stormwater Regulations.

B. For subdivisions that do not require a SLDA permit, but require a DEP permit under the Stormwater Law, a stormwater management plan shall be submitted which complies with the requirements of DEP Chapter 500 Stormwater Regulations.
C. For subdivisions outside of the watershed of a Great Pond, that neither require a SLDA permit, nor a DEP permit under the Stormwater Law, a stormwater management plan shall be submitted which incorporates Low Impact Development techniques on each individual lot.

D. For subdivisions within the watershed of a Great Pond, containing:

1. five or more lots or dwelling units created within any five-year period; or

2. any combination of 800 linear feet of new or upgraded driveways and/or streets;


E. The Planning Board may require a hydrologic analysis for any site in areas with a history of flooding or in areas with a potential for future flooding, associated with cumulative impacts of development. This hydrologic analysis would be in the form of a “Downstream Analysis” under conditions of the 10-year, 24-hour storm and the 25-year, 24-hour storm, and the 100-year, 24-hour storm, as described below:

Downstream Analysis Methodology

The criteria used for the downstream analysis is referred to as the “10% rule.” Under the 10% rule, a hydrologic and hydraulic analysis for the 10-year, 24 hour storm and the 25-year, 24-hour storm, and the 100-year, 24-hour storm is extended downstream to the point where the site represents 10% of the total drainage area. For example, a 10-acre site would be analyzed to the point downstream with a drainage area of 100 acres. This analysis should compute flow rates and velocities downstream to the location of the 10% rule for present conditions and proposed conditions. If the flow rates and velocities increase by more than 5% and/or if any existing downstream structures are impacted, the designer should redesign and incorporate detention facilities.

10.13 Cluster Developments

A. Purpose, Mandate for Clustering.

1. The purpose of these provisions is to allow for flexibility in the design of housing developments to allow for the creation of open space which provides recreational opportunities or protects important natural features from the adverse impacts of development, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed. Notwithstanding provisions of the zoning ordinance relating to dimensional requirements, the Board, in reviewing and approving proposed residential subdivisions, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design in accordance with the following guidelines. This
shall not be construed as granting variances to relieve hardship, and action of the Zoning Board of Appeals shall not be required.

2. All subdivisions where 3 lots or units or more are created within any five year period, and the project is located in the GP zoning districts, may be designed as a cluster developments, according to the following standards.

B. Basic Standards for Cluster Developments.

1. Cluster developments shall meet all requirements of these regulations.

2. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered. The application shall illustrate the placement of buildings and the treatment of spaces, paths, roads, service and parking and in so doing shall take into consideration all requirements of this section and of other relevant sections of these regulations.

3. The Planning Board shall allow lots within cluster developments to be reduced in lot area, street frontage and lot width below the minimum normally required by this ordinance in return for provision of common open space, as long as the maximum number of dwelling units is not exceeded, according to the calculations in section 5 below.

4. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage as determined in section 5 shall be divided by the minimum lot size in the district, as required by the zoning ordinance. No building in the cluster development shall be sited on slopes steeper than 25%, within 100 feet of any water body or wetland, or on soil classified as being very poorly drained.

5. The net residential acreage shall be calculated by taking the total area of the lot and subtracting, in order, the following:

   a. 15% of the area of the lot to account for roads and parking.

   b. Portions of the lot shown to be in a floodway or a coastal high hazard zone as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.

   c. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:

      1. slopes greater than 20%.

      2. wetland soils.

      3. Portions of the lot subject to rights of way.

      4. Portions of the lot located in the resource protection zone.
5. Portions of the lot covered by surface waters.

6. Portions of the lot utilized for storm water management facilities.

6. Unless a community sewage collection and treatment system is provided, no lot or area of occupation, in the case of a condominium, shall be smaller in area than 30,000 square feet.

7. The total area of reserved open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by the zoning ordinance. However, at least fifty percent (50%) of the area of the entire parcel or tract shall be included as common open space. Common open space shall not include road rights of way, streets, drives, or parking. No more than fifty percent (50%) of the common open space shall consist of forested or open wetlands of any size.

8. Every building lot that is reduced in area below the amount normally required shall be within 1,000 feet of the common land.

9. The distance between buildings shall not be less than 20 feet.

10. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.

11. Shore frontage for each lot or area of occupation, in the case of a condominium, shall not be reduced below the minimum normally required by the zoning ordinance.

12. The common open space shall owned and managed according to the standards of 10.6.E.

13. The subdivider shall be responsible for the maintenance of the common open space and the other common facilities, until development sufficient to support the neighborhood association has taken place. or, alternatively, the objectives of clustering have been met. The Acton Code Enforcement Officer shall be notified when the transfer occurs.

10.14 Compliance with Timber Harvesting Rules.

The Board shall ascertain that any timber harvested on the parcel being subdivided, has been harvested in compliance with rules adopted pursuant to Title 12, M.R.S.A section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Planning Board may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the Board may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. If the Bureau notifies the Planning Board that it will
not provide assistance, the Board may require a subdivision applicant to provide a
determination certified by a licensed forester. For the purposes of this subsection,
"liquidation harvesting" has the same meaning as in Title 12, M.R.S.A section 8868,
subsection 6 and "parcel" means a contiguous area within one municipality, township or
plantation owned by one person or a group of persons in common or joint ownership.

10.15 Traffic Conditions and Streets.

A. General Standards

The proposed subdivision shall meet the following general transportation performance
standards:

1. The subdivision transportation system shall provide safeguards against hazards to
vehicles, bicyclists and pedestrians in interior subdivision streets and access
connections to external streets;

2. The subdivision transportation system shall have design standards that avoid traffic
congestion on any street;

3. The subdivision transportation system shall provide safe and convenient circulation
for vehicles, bicyclists and pedestrians on interior subdivision streets and access
connections to external streets;

4. The subdivision transportation system shall have design standards that are
compatible with the estimated Average Annual Daily Traffic of the street, the land
uses accommodated by the street, and the lot density of the street; and

5. The subdivision transportation system shall have a positive relationship to the
natural setting of the proposed subdivision site.

B. General Access Standards.

All subdivision accesses connecting with external streets shall meet the following
standards:

1. Accesses connecting to any state or state-aid highway shall meet the minimum
access permitting requirements of the Maine Department of Transportation
“Highway Driveway and Entrance Rules”;

2. Accesses that are expected to carry more than 100 passenger vehicle equivalent
trips in the peak hour shall meet the minimum access permitting requirements of
the Maine Department of Transportation “Rules and Regulations Pertaining to
Traffic Movement Permits”.

3. The street giving access to the subdivision and neighboring streets and
intersections which can be expected to carry traffic generated by the subdivision
shall have the capacity or be suitably improved to accommodate that traffic and
avoid unreasonable congestion. No subdivision shall reduce the Level of Service
(LOS) of streets or intersections neighboring the subdivision to a LOS of “E” or
below, unless:
a. the Comprehensive Plan has indicated that Levels of Service "E" or "F" are acceptable for that street or intersection; or

b. the level of service of the road or intersection will be raised to D or above through transportation demand management techniques; or

c. the applicant provides evidence that it is not possible to raise the level of service of the road or intersection to D or above by road or intersection improvements or by transportation demand management techniques, but improvements will be made or transportation demand management techniques will be used such that the proposed development will not increase delay at a signalized or unsignalized intersection, or otherwise worsen the operational condition of the road or intersection in the horizon year; or

d. improvements cannot reasonably be made because the road or intersection is located in a central business district or because implementation of the improvements will adversely affect a historic site as defined in 06-096 CMR 375(11) (Preservation of Historic Sites) and transportation demand management techniques will be implemented to the fullest extent practical; or

e. The development is located in a designated growth area, in which case the applicant shall be entitled to an exception from the level of service mitigation requirements set forth under the General Standards in this Section. This exception applies even if part or all of the traffic impacts of the proposed development will occur outside the boundaries of the designated growth area. This exception does not exempt the development from meeting safety standards, and greater mitigation measures may be required than otherwise provided in this subsection if needed to address safety issues; or

f. In the case of unsignalized intersections, if traffic with the development in place would not meet the warrant criteria for signalization or turning lanes, as set forth in the Federal Highway Administration's "Manual on Uniform Traffic Control Devices," (1988), then the municipal reviewing authority may reduce the mitigation requirement for those measures so long as the resulting traffic conditions provide for safe traffic movement.

4. Accesses to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated demand. A study or analysis to determine the need for a left-turn storage lane shall be done.

C. General Internal Subdivision Street Standards

All internal subdivision streets shall meet the following minimum standards. In cases where the internal subdivision street standards conflict with the street ordinance of the municipality, the more stringent rule shall apply.
1. The street or street system of the proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets. Wherever a proposed development abuts unplotted land or a future development phase of the same development, street stubs shall be provided as deemed necessary by the municipality to provide access to abutting properties or to logically extend the street system. All street stubs shall be provided with temporary turn around or cul-de-sacs unless specifically exempted by the Public Works Director, and the restoration and expansion of the street shall be the responsibility of any future developer of the abutting land. Minor collector and local streets shall connect with surrounding streets to permit convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

2. Where necessary to safeguard against hazards to vehicle drivers, bicyclists and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycleways, transportation demand management techniques, and traffic controls within existing public streets.

3. Street Names, Signs and Lighting.
   Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality, and shall be subject to the approval of the Board. No street name shall be the common given name of a person. The developer shall either install street name, traffic safety and control signs meeting municipal specifications or reimburse the municipality for the costs of their installation. Street lighting shall be installed as approved by the Board.

4. During street construction, the entire right of way shall not be cleared unless clearing is necessary for utilities, drainage or other infrastructure necessities beyond the clear zone. Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire right of way created during the street construction process. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

10.16 Specific Access and Street Design Standards

A. Access Control.

1. To the maximum extent practical, all subdivision accesses shall be constructed perpendicular to the external street providing access to the subdivision. No subdivision accesses shall intersect the external street at an angle of less than 90 degrees.

2. Where a subdivision abuts or contains an existing or proposed arterial street, no lot
may have vehicular access directly to the arterial street. This requirement shall be noted on the plan and in the deed of any lot with frontage on the arterial street.

3. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots. In cases where creating an access to a lesser traveled way is problematical, the Board may allow an access on the higher volume street if the access does not significantly detract from public safety. For accesses on higher volume streets, the Board shall consider the functional classification of the external street, the length of frontage on the external street, the intensity of traffic generated by the proposed subdivision, the geography along the frontage of the public way with lesser potential for traffic, and the distance to the public way with lesser potential for traffic. In cases where creating an access to a lesser traveled way is problematical, the Board may allow an access on the higher volume street if the access does not significantly detract from public safety. For accesses on higher volume streets, the Board shall consider the functional classification of the external street, the length of frontage on the external street, the intensity of traffic generated by the proposed subdivision, the geography along the frontage of the public way with lesser potential for traffic, and the distance to the public way with lesser potential for traffic. In cases where creating an access to a lesser traveled way is problematical, the Board may allow an access on the higher volume street if the access does not significantly detract from public safety. For accesses on higher volume streets, the Board shall consider the functional classification of the external street, the length of frontage on the external street, the intensity of traffic generated by the proposed subdivision, the geography along the frontage of the public way with lesser potential for traffic, and the distance to the public way with lesser potential for traffic.

4. Lots in subdivisions with frontage on a state or state aid highway shall have shared access points to and from the highway. Normally a maximum of two accesses shall be allowed regardless of the number of lots or businesses served.

5. The subdivision access including all radii must be paved from the edge of pavement of the external street to the street right of way or the length of the design vehicle using the subdivision, whichever is greater, unless:

   a. the external street is not paved; or

   b. the internal subdivision street is an unpaved private street that is expected to carry an Average Daily Traffic capacity of 50 trips or less.

6. Minimum Sight Distance Standards
   Minimum sight distance requirements for all subdivision accesses connecting to external streets shall be contingent on the posted speed of the external street connecting to the subdivision access. For accesses that are expected to carry primarily passenger vehicles, the standards in the second column in Table 10.15-1 shall apply. For accesses that are estimated to carry more than 30% of their traffic in vehicles larger than standard passenger vehicles, the standards in the third column of Table 10.15-1 shall apply. On roads that are designated by the Maine Department of Transportation as Mobility or Retrograde Arterials, the third column in Table 10.15-1 shall apply.

7. Access design shall be based on the traffic volume estimates anticipated to be carried by the internal subdivision street. Traffic volume estimates shall be defined by the latest edition of the *Trip Generation Manual* published by the Institute of Transportation Engineers. The following traffic volume standards shall apply to the design of subdivision accesses connecting to external streets:
a. Low Volume Access: An access with 50 or less passenger car equivalent trips per day.

b. Medium Volume Access: Any access with more than 50 passenger car equivalent trips per day but less than 100 passenger car equivalent trips during the peak hour.

c. High Volume Access: Any access with 100 or more passenger car equivalent trips during the peak hour.

8. Basic Access Design Standards for Low and Medium Volume Accesses

The following minimum access design standards shall apply to all low and medium volume accesses connecting to external streets:

9. Additional Access Requirements for Medium Volume Accesses

In addition to the basic access standards outlined in 10.15-2., medium volume accesses on state or state-aid highways designated as Major Collectors or Arterials shall also comply with the following standards:

a. The minimum curb radius on the edge of the access shall exceed the minimum curb radius standard in 10.15-2. if a larger design radius is needed to accommodate a larger design vehicle.

b. A throat shall be constructed around the access in order to store vehicles waiting to exit the access. The throat shall be of sufficient length to prevent incoming vehicles from queuing back into the highway. Access from the throat to parking or other areas shall be prohibited.

c. A separator strip or strip of land that separates the roadway from the throat or parking area shall be constructed. The access separator strips shall be installed between the parking area and the roadway and along the throat. The Board shall determine if the separator strip shall include curbing, walkways, ditching, and/or vegetation. The separator strip shall extend away from the highway at a minimum of 9 feet from the traveled way of the external road.

d. The Board shall determine if one two-way or two one-way access(es) will be required for the proposed subdivision. If a one-way system is required and the predominant traffic volume is truck traffic, the entrance will be configured on the minimum angle that permits the truck to enter or leave the highway safely and conveniently. Otherwise all one way accesses will be configured perpendicular to the highway for at least the length of the design vehicle. For one-way access systems, the Board shall determine if a physical separation of curbing, ditching, grass or other landscaping must be used between the two one-way accesses. Both portions of a one-way access must be separated from another one-way access by at least 12 feet.

10. All high volume accesses shall meet the requirements of the Maine Department of
Transportation’s “Rules and Regulations Pertaining to Traffic Movement Permits.” A copy of the Maine Department of Transportation’s required traffic study shall be submitted to the Board. The Board shall develop design standards for the proposed subdivision access based on the findings of the traffic study submitted to the Maine Department of Transportation. The design standards shall be compatible with the performance standards cited in Section 10.15.B of the Subdivision Regulations.

B. Street Design and Construction Standards.

1. General Requirements.

   a. The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with any local ordinance or the specifications contained in these regulations. Approval of the final plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.

   b. Applicants shall submit to the Board, as part of the final plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets and existing streets within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than fifty feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:

      1. Date, scale, and north point, indicating magnetic or true.

      2. Intersections of the proposed street with existing streets.

      3. Roadway and right-of-way limits including edge of pavement or aggregate base, edge of shoulder, clear zone, sidewalks, and curbs.

      4. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.

      5. Complete curve data shall be indicated for all horizontal and vertical curves.

      6. Turning radii at all intersections.

      7. Centerline gradients.

      8. Size, type, vertical clearance and locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.

   c. Upon receipt of plans for a proposed public street the Board shall forward one copy to the municipal officers, the road commissioner, and the municipal
engineer for review and comment. Plans for streets which are not proposed to be accepted by the municipality shall be sent to the municipal engineer for review and comment.

d. Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the road commissioner or the Maine Department of Transportation, as appropriate.

e. Private Roads.

The following standards shall apply to all proposed private roads:

1. All private roads shall be designated as such and will be required to have adequate signage indicating the road is a private road and not publicly maintained.

2. Except for sidewalk, bicycle provisions and minimum grade requirements stipulated in this Section, all private roads shall adhere to the road design standards of this Section.

3. The Board may approve a reduction of the right of way easement for private roads to a minimum of 30 feet in land use density areas designated as “Rural” in Section 10.15.1.B.2.f.

4. All properties served by the private road shall provide adequate access for emergency vehicles and shall conform to the approved local street numbering system.

5. All private roads shall have adequate provisions for drainage and stormwater runoff as provided in Section 10.12.

6. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan:
   “All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town, until they meet all municipal street design and construction standards.”

7. A road maintenance agreement, prepared by the Town Attorney shall be recorded with the deed of each property to be served by a common private road. The agreement shall provide for a method to initiate and finance a private road and maintain that road in condition, and a method of apportioning maintenance costs to current and future users.

Street Design Standards.

a. These design guidelines shall control the roadway, shoulders, clear zones,
curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street, and shall be met by all streets within a subdivision, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice and will meet the performance standards of this Article.

b. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the municipality.

c. Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in these regulations.

d. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked “Reserved for Road Realignment (Widening) Purposes.” Land reserved for such purposes may not be included in computing lot area or setback requirements of the zoning ordinance. When such widening or realignment is included in the municipality’s capital investment plan, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State.

e. Any subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted. Any street with an average daily traffic of 200 trips per day or more shall have at least two street connections leading to existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.

f. The design standards of Table 10.15-3 shall be compatible with the traffic volume access thresholds referenced in Section 10.15.1.A.7. In addition, the street design standards shall be compatible with the estimated Average Daily Traffic expected to occur on the internal subdivision street, and the land use type and lot density allowed in the land use zone.

The following land use density pattern requirements shall be required for the following land use zones:

1. Land use density patterns that are Rural (R) shall apply to the following zones: __________, __________

2. Land use density patterns that are Village/Urban (V/U) shall apply to the
following zones: ____________, ____________

3. Land use density patterns that are Commercial/Industrial (C/I) shall apply to the following zones if the proposed development will contain commercial or industrial uses: ____________,
(Note: To be completed when new zoning districts are approved)

Go to Road Design Chart, Table 10.15-3

g. The Board shall have authority to increase the minimum standards in Table 10.15-3, if the Board approves a road design that will accommodate travel speeds greater than 30 mph.

h. On Street Parking.
The Board shall have authority to require a paved cross section of 26 feet for residential subdivisions with average lot widths between 100 feet and 40 feet wide for on-street spillover parking.

h. Curbs.

1. Curbs shall be installed for stormwater purposes and/or to protect the pavement edge from unraveling along parking lanes or in very intensive developments where heavy use may erode the planted area at the edge of the pavement. Curbs for stormwater management shall be contingent on the stormwater design standards specified in Section 10.13. If curbs are not necessary for stormwater management purposes, they are not required for subdivisions in which the average lot width is 100 feet or greater.

2. If the Board requires a vertical curb and no parking lane is present, a minimum shoulder of 2 feet is recommended from the traveled way to the curb. For sloped curbs where no parking lane is present, a minimum 1 foot shoulder is required from the traveled way to the curb.

3. Granite curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement.

j. The Board may require additional shoulder lengths in any situation where the proximity of the proposed subdivision to future or existing neighborhood businesses, schools, community facilities, or other bicycle traffic generators suggest that additional shoulder lengths will be needed for bicycle traffic. In situations where additional shoulder lengths are required for bicyclists, the minimum width of a paved shoulder shall be 1 foot on either side of the traveled way for all low and medium volume streets in Rural (R) designated zones defined in Section 10.15.1.B.2..f. Paved shoulder widths for low and medium volume streets in Village/Urban (V/U) designated zones shall be a minimum of 2 feet on either side of the traveled way.
k. The centerline of the roadway shall be the centerline of the right-of-way.

l. Dead End Streets.

In addition to the design standards in Table 10.15-3, dead-end streets shall be constructed to provide a cul-de-sac turn-around with a travel lane and width equal to the minimum width required for the internal subdivision street. For all residential cul-de-sacs the minimum radius shall be 38 feet. For commercial/industrial cul-de-sacs the minimum radius shall be 50 feet. Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac. The Board shall require the reservation of a twenty 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 right-of-way easement equal to the right of way width of the internal subdivision street in line with the street to provide continuation of the road where future subdivision is possible. A T-turn around is permissible for residential subdivisions carrying an ADT of 100 or less. The turn around area shall have a width equal to the street width, a 5 foot turning radius, and a total length of 50 feet centered above the street.

m. Sidewalks.

The Board may require sidewalks in any situation where the proximity of the proposed subdivision to future or existing neighborhood businesses, schools, community facilities, or other pedestrian traffic generators suggest sidewalks will be needed. The Board shall determine if sidewalks will be installed on one side or both sides of the street, and if the sidewalk shall be a bituminous or Portland cement concrete sidewalk.

1. Location.
   Sidewalks may be located adjacent to the curb or shoulder but it is recommended to locate sidewalks a minimum of 2 1/2 feet from the curb facing or edge of shoulder if the street is not curbed. If no shoulder is required, the sidewalk shall be located a minimum of 4 feet from the edge of the traveled way.

2. Bituminous Sidewalks.
   (a) The “subbase” aggregate course shall be no less than twelve inches thick after compaction.

   (b) The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in two lifts, each no less than one inch after compaction.

3. Portland Cement Concrete Sidewalks.

   a. The “subbase” aggregate shall be no less than twelve inches thick after compaction.
b. The portland cement concrete shall be reinforced with six inch square, number 10 wire mesh and shall be no less than four inches thick.

3. Street Construction Standards.

a. The minimum thickness of material after compaction shall meet the specifications in Table 10.15-4.

b. Preparation.

1. Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty-foot intervals.

2. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, clear zones, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.

3. All organic materials or other deleterious material shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the municipal engineer as not suitable for roadways, either the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a Maine Department of Transportation approved stabilization geotextile may be used.

4. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than one foot horizontal to four feet vertical is permitted.

5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

c. Bases and Pavement.

1. Bases/Subbase.

(a) The Aggregate subbase course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the grading requirements of Table 10.15-5.
Aggregate for the subbase shall contain no particles of rock exceeding six inches in any dimension.

(b) If the Aggregate Subbase Course is found to be not fine-gradable because of larger stones, then a minimum of three inches of Aggregate Base Course shall be placed on top of the subbase course. The Aggregate Base Course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the grading requirements of Table 10.15-6.

Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.

2. Pavement Joints.
Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

3. Pavements.

(a) Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8% and 6.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35°F or higher and the surface to be paved is not frozen or unreasonably wet.

(b) Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade C or D with an aggregate size no more than 3/4 inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.

4. Surface Gravel.
The Board may approve an aggregate road base for any internal subdivision public street in which zoning requires a minimum of one dwelling unit per 7 acres, or any private way with a maximum estimated Average Daily Traffic of 50 ADT or less. The surface gravel shall meet the gravel grading requirements of Table 10.15-7.
ARTICLE 11 - PERFORMANCE GUARANTEES

11.1 Types of Guarantees.

With submittal of the application for final plan approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

A. Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner, for the establishment of an escrow account;

B. An irrevocable letter of credit (see Appendix B for a sample) from a financial institution establishing funding for the construction of the subdivision, from which the Municipality may draw if construction is inadequate, approved by the municipal officers, or town manager.

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of an engineer, road commissioner, municipal officers, and/or municipal attorney.

11.2 Contents of Guarantee.

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the applicant will be in default and the municipality shall have access to the funds to finish construction.

11.3 Escrow Account.

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

11.4 Letter of Credit.

An irrevocable letter of credit from a bank or other lending institution with offices in the region shall indicate that funds have been set aside for the construction of the subdivision for the duration of the project and may not be used for any other project or loan.

11.5 Phasing of Development.

The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that
section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

11.6 Release of Guarantee.

Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the municipal engineer or other qualified individual retained by the municipality and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.

11.7 Default.

If upon inspection, the municipal engineer or other qualified individual retained by the municipality finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the code enforcement officer, the municipal officers, the Board, and the applicant or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.

11.8 Improvements Guaranteed.

Performance guarantees shall be tendered for all improvements required to meet the standards of these regulations and for the construction of the streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures.
ARTICLE 12 - WAIVERS

12.1 Waivers of Certain Submission Requirements Authorized.

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, or that the application is simple and minor in nature, it may waive portions of the submission requirements, unless prohibited by these regulations or Maine statutes, provided the applicant has demonstrated that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the zoning ordinance, or these regulations.

12.2 Waivers of Certain Improvements Authorized.

Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the zoning ordinance, or these regulations, and further provided the performance standards of these regulations and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

12.3 Waiver of Procedural Steps

The Board may allow an applicant to combine the final plan and preliminary plan application steps into one procedure, upon making all of the following written findings of fact:

1. No new streets are proposed;

2. No approvals are required from the Maine Department of Environmental Protection under the Site Location of Development Act, Stormwater Law, or Natural Resources Protection Act, other than a “Permit by Rule;”

3. The Board agrees to approve a waiver from the requirement to submit a stormwater management plan and sedimentation and erosion control plan, as ordinarily required by sections 6 or 7; and

4. The application contains all other applicable submissions required for both the preliminary and final plan steps, except for those items for which a waiver of a required submission has been requested and granted.
12.4 **Conditions for Waivers.**
Waivers may only be granted in accordance with Sections 12.1, 12.2 and 12.3. When granting waivers, the Board shall set conditions so that the purposes of these regulations are met.

12.5 **Waivers to be shown on final plan.**
When the Board grants a waiver to any of the improvements required by these regulations, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.
ARTICLE 13 - APPEALS

13.1 Appeals to Superior Court.

An aggrieved party may appeal any decision of the Board under these regulations to York County Superior Court, within thirty days of the date the Board issues a written order of its decision.
### Table 10.15-1 Minimum Sight Distance Standards for Subdivision Access

<table>
<thead>
<tr>
<th>Posted Speed (MP)</th>
<th>Sight Distance Standard Vehicles (Feet)</th>
<th>Sight Distance Larger Vehicles (Feet)</th>
<th>Mobility Sight Distance (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>250</td>
<td>300</td>
<td>N/A</td>
</tr>
<tr>
<td>30</td>
<td>300</td>
<td>375</td>
<td>N/A</td>
</tr>
<tr>
<td>35</td>
<td>350</td>
<td>455</td>
<td>N/A</td>
</tr>
<tr>
<td>40</td>
<td>400</td>
<td>540</td>
<td>580</td>
</tr>
<tr>
<td>45</td>
<td>450</td>
<td>635</td>
<td>710</td>
</tr>
<tr>
<td>50</td>
<td>500</td>
<td>740</td>
<td>840</td>
</tr>
<tr>
<td>55</td>
<td>550</td>
<td>855</td>
<td>990</td>
</tr>
</tbody>
</table>
Table 10.15-2 Access Design for Low and Medium Volume Accesses

<table>
<thead>
<tr>
<th>Basic Standards</th>
<th>Low Volume (Feet)</th>
<th>Medium Volume (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Access Width</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Majority Passenger Vehicles</td>
<td>14</td>
<td>22</td>
</tr>
<tr>
<td>&gt;30% Larger Vehicles</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td><strong>Minimum Curb Radius</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Majority Passenger Vehicles</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>&gt;30% Larger Vehicles</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td><strong>Minimum Corner Clearance to:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unsignalized Intersection</td>
<td>75</td>
<td>100</td>
</tr>
<tr>
<td>Signalized Intersection</td>
<td>125</td>
<td>125</td>
</tr>
<tr>
<td><strong>Minimum Access Spacing:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MPH of External Road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35 or less</td>
<td>No Requirement</td>
<td>No Requirement</td>
</tr>
<tr>
<td>40</td>
<td>175</td>
<td>175</td>
</tr>
<tr>
<td>45</td>
<td>265</td>
<td>265</td>
</tr>
<tr>
<td>50</td>
<td>350</td>
<td>350</td>
</tr>
<tr>
<td>55 or more</td>
<td>525</td>
<td>525</td>
</tr>
</tbody>
</table>

*Minimum widths for low or medium volume accesses shall be either the minimum cross section width of the internal subdivision street or the minimum access width in Table 12.2-2, whichever width is greater.

**Minimum corner clearance shall be the distance measured from the edge of an internal subdivision access excluding radii to the edge of an external street excluding radii.

*** Minimum access spacing shall be the distance measured from the edge of an internal subdivision access excluding radii to the edge of a neighboring access excluding radii.
# Table 10.15-3 Street Design Guidelines

<table>
<thead>
<tr>
<th>Access Category</th>
<th>Traffic Volume Level</th>
<th>Density Pattern</th>
<th>Minimum Right of Way</th>
<th>Minimum Traveled Way Width</th>
<th>Minimum Shoulder Width (Each Side)</th>
<th>Clear Zone Width (Each Side)</th>
<th><strong>Minimum Vertical Clearance</strong></th>
<th>Minimum Grade</th>
<th><strong>Maximum Grade</strong></th>
<th>Minimum Centerline Radius</th>
<th>Roadway Crown Aggregate Surface</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1-50 ADT</td>
<td>R V/U I/C</td>
<td>50’ 50’ 50’</td>
<td>20’ 20’ 20’</td>
<td>3’ 3’ 4’</td>
<td>7’ 7’ 7’</td>
<td>14’ 14’ 14’</td>
<td>0.50% 0.50% 0.50%</td>
<td>8% 8% 5%</td>
<td>100’ 100’ 350’</td>
<td>.5”/ft. N/A N/A .5”/ft.</td>
</tr>
<tr>
<td></td>
<td>50- 100 ADT</td>
<td>R V/U O/C</td>
<td>50’ 50’ 50’</td>
<td>20’ 20’ 24’</td>
<td>3’ 3’ 3’</td>
<td>7’ 7’ 7’</td>
<td>14’ 14’ 14’</td>
<td>0.50% 0.50% 0.50%</td>
<td>8% 8% 5%</td>
<td>100’ 100’ 350’</td>
<td>.5”/ft. N/A N/A .5”/ft.</td>
</tr>
<tr>
<td></td>
<td>100- 400 ADT</td>
<td>R V/U I/C</td>
<td>50’ 50’ 50’</td>
<td>20’ 28’ 18’</td>
<td>3’ 3’ 3’</td>
<td>7’ 7’ 7’</td>
<td>14’ 14’ 14’</td>
<td>0.50% 0.50% 0.50%</td>
<td>8% 8% 5%</td>
<td>100’ 100’ 350’</td>
<td>.5”/ft. N/A N/A .5”/ft.</td>
</tr>
<tr>
<td></td>
<td>400-1500</td>
<td>R V/U I/C</td>
<td>50’ 50’ 60’</td>
<td>20’ 30’ 22’</td>
<td>3’ 3’ 5’</td>
<td>7’ 7’ 8’</td>
<td>14’ 14’ 14’</td>
<td>0.50% 0.50% 0.50%</td>
<td>8% 8% 5%</td>
<td>100’ 100’ 350’</td>
<td>.5”/ft. N/A N/A .5”/ft.</td>
</tr>
<tr>
<td></td>
<td>1500+</td>
<td>R V/U I/C</td>
<td>60’ 60’ 60’</td>
<td>30’ 30’ 22’</td>
<td>3’ 4’ 5’</td>
<td>8’ 8’ 8’</td>
<td>14’ 14’ 14’</td>
<td>0.50% 0.50% 0.50%</td>
<td>8% 8% 5%</td>
<td>350’ 350’ 350’</td>
<td>.5”/ft. N/A N/A .5”/ft.</td>
</tr>
</tbody>
</table>

---

Town of Acton Subdivision Regulations – Amended March 1, 2018
Table 10.15-3 Street Design Guidelines, Continued

<table>
<thead>
<tr>
<th>Access Category</th>
<th>Low Volume</th>
<th>Medium Volume</th>
<th>High Volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Internal Sight Distance</td>
<td>155’</td>
<td>155’</td>
<td>155’</td>
</tr>
<tr>
<td></td>
<td>230’</td>
<td>230’</td>
<td>230’</td>
</tr>
<tr>
<td>Minimum Internal Spacing Standards</td>
<td>25’</td>
<td>25’</td>
<td>25’</td>
</tr>
<tr>
<td></td>
<td>40’</td>
<td>40’</td>
<td>40’</td>
</tr>
<tr>
<td>Minimum Internal Access to Street Corner Clearance</td>
<td>30’</td>
<td>30’</td>
<td>30’</td>
</tr>
<tr>
<td></td>
<td>75’</td>
<td>75’</td>
<td>75’</td>
</tr>
</tbody>
</table>

*The Board may require an increase in shoulder width for stormwater management purposes or road stabilization.

**The minimum vertical clearance is the vertical clearance over the entire roadway width, including any shoulders.

***Maximum grade may be exceeded for a length of 100’.

****Super elevation is not recommended for any subdivision street unless recommending by the Town engineer or town-hired consultant.

*****Internal spacing distances are measured from the edge of one internal subdivision access to another excluding curb radii.

******Internal access to street corner clearances are measured from the edge of an internal subdivision access to an intersecting public road excluding curb radii.
### Table 10.15-4 Minimum Pavement Materials Thicknesses

<table>
<thead>
<tr>
<th>Street Materials</th>
<th>Thickness Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggregate Sub-base Course (Max. sized stone 6&quot;)</td>
<td></td>
</tr>
<tr>
<td>Without base gravel</td>
<td>18”</td>
</tr>
<tr>
<td>With base gravel</td>
<td>15”</td>
</tr>
<tr>
<td>Crushed Aggregate Base Course (if necessary)</td>
<td>3”</td>
</tr>
<tr>
<td>Hot Bituminous Pavement Total Thickness</td>
<td>3”</td>
</tr>
<tr>
<td>Surface Course</td>
<td>1 ¼”</td>
</tr>
<tr>
<td>Base Course</td>
<td>1 ¾”</td>
</tr>
<tr>
<td>Surface Gravel (if permissible)</td>
<td>3”</td>
</tr>
</tbody>
</table>

### Table 10.15-5 Aggregate Sub-base Grading Requirements

<table>
<thead>
<tr>
<th>Sieve Designation</th>
<th>Percentage by Weight Passing Square Mesh Sieves</th>
</tr>
</thead>
<tbody>
<tr>
<td>¼ inch</td>
<td>25-70%</td>
</tr>
<tr>
<td>No. 40</td>
<td>0-30%</td>
</tr>
<tr>
<td>No. 200</td>
<td>0-7%</td>
</tr>
</tbody>
</table>
### Table 10.15-6. Base Course Grading Requirements

<table>
<thead>
<tr>
<th>Sieve Designation</th>
<th>Percentage by Weight Passing Square Mesh Sieves</th>
</tr>
</thead>
<tbody>
<tr>
<td>½ inch</td>
<td>45-70%</td>
</tr>
<tr>
<td>¼ inch</td>
<td>30-55%</td>
</tr>
<tr>
<td>No. 40</td>
<td>0-20%</td>
</tr>
<tr>
<td>No 200</td>
<td>0-5%</td>
</tr>
</tbody>
</table>

### Table 10.15-7 Surface Gravel Grading Requirements

<table>
<thead>
<tr>
<th>Sieve Designation</th>
<th>Percentage by Weight Passing Square Mesh Sieves</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 inch</td>
<td>95-100%</td>
</tr>
<tr>
<td>½ inch</td>
<td>30-65%</td>
</tr>
<tr>
<td>No. 200</td>
<td>7-12%</td>
</tr>
</tbody>
</table>
AN ORDINANCE TO AMEND ACTON’S EXISTING
WARRANT AND FINANCE COMMITTEE ORDINANCE

The Town of Acton hereby ordains and enacts “An Ordinance to Amend Acton’s Existing Warrant and Finance Committee Ordinance” by repealing the existing ordinance in its entirety and substituting the following in its place:

Part 1:

The existing Warrant and Finance Committee Ordinance is repealed in its entirety and is replaced with the following language:

1. Acton Warrant and Finance Committee Duties.

   A. The Warrant and Finance Committee (the “Committee”) is an advisory body only.

   B. The Committee shall review all proposed warrant articles, except any article which involves the election of a municipal officer, and shall obtain factual data to determine their effect on the Town.

   C. After due consideration and study of a proposed warrant article, the Committee shall make a recommendation as to whether the proposed warrant article should be approved based upon the Committee’s consideration of both the general advisability of the proposed warrant article and its financial impact.

   D. The Committee may also provide non-binding recommendations to warrant article authors during article development but shall not author a warrant article.

   E. The Committee shall provide its recommendation to the Selectmen, regarding proposed actions in accordance with any previously enacted warrant article which is written to require the recommendation of the Warrant and Finance Committee.

2. Organization, Election, Meetings.

   A. The Committee shall be formed of six standing members plus two alternate members.

   B. Both standing and alternate members shall serve for a two year period, with three standing members and one alternate member elected each year by plurality vote at the regular annual Town Meeting.

   (1) During the enactment year, one additional alternate member shall be elected for a one year period.
C. Members of the Committee shall be nominated at-large from the floor, then elected by written ballot from the floor, by a plurality vote.

D. There shall be four voting members present at a Committee meeting to constitute a quorum.

E. The voting members at a Committee meeting shall consist of all standing members present, plus a quantity of alternate members as necessary to attain up to six voting members.

F. Each year at the first Committee meeting following the Town Meeting, a Committee chairman and vice-chairman shall be elected from the ranks of standing members; with these roles revocable by the same means. The chairman or vice-chairman shall preside at all meetings.

G. The Committee shall be called by the chairman or by the vice-chairman in the chairman’s absence, or by the Selectmen.

H. Each year, a Selectman shall be assigned by the Board of Selectmen to regularly attend Committee meetings and to liaise with the Committee. Said liaison shall not be a voting member of the Committee.

I. Each year, one or more Committee members shall be assigned by the Committee to regularly attend the meetings of other Town boards and committees and shall liaise with said boards and committees.

3. Vacancies

A. The opening of a Committee position due to member resignation, or any reason other than term expiration, shall be filled in the following manner:

(1) If a standing member position is vacant; an alternate member elected with the same term expiration date shall assume the vacant standing member position for the remainder of the vacated term, thereby leaving an alternate member position vacant.

(2) If any member position is vacant and cannot be filled as described above, a temporary member shall be appointed by the Board of Selectmen, to serve until the next regular Town Meeting.

4. Adoption of Policies.

A. The Committee may adopt other policies, procedures, and rules by which to govern itself that are not inconsistent with this ordinance.
Part 2. Effective Date.

This ordinance shall take effect upon enactment by the Town Meeting.

Ordinance Adopted as written at April 5th, 2011 Special Town Meeting (included with School Budget).

Respectfully Submitted,

Jennifer Roux
Town Clerk