Town of Acton, Maine
ZONING ORDINANCE

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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 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.

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.

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 – A 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 of 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.

A "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 and utilities with associated easements 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 April 6, 2024. 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 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.

d) 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.

1. Exception: Accessory Dwelling Unit (ADU)

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

	Village Area	Transition Area (2-acre)	Rural Area (2-acre)	Critical Rural Area (5-acre)	Commercial A	Commercial B	Commercial C	Mixed Use	Resource Protection	Shoreland	Little Ossipee	Aquifer Protection District
2.7.1 RURAL USES												
a. Open Space Use (non-intensive recreational uses not requiring structures such as hunting, fishing, hiking)	P	P	P	P	P	P	P	P	P	P	P	P
b. Agriculture (commercial)	C	P	P	P	P	P	P	P	N	N	N	R
c. Application and/or storage of sludge/residuals	C	C	C	N	N	N	N	N	N	N	N	N
d. Gardening	P	P	P	P	P	P	P	P	P	P	P	P
e. Reserved	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
f. Sale of produce and plants raised on the premises, or seasonal sales of produce and plants not raised on the premises.	P	P	P	P	P	P	P	P	R	R	R	P
g. Public or private recreation facilities including parks, playgrounds, golf courses, driving ranges, and swimming pools (does not include residential uses)	S	S	S	N	S	S	S	S	N	N	N	S
h. Campgrounds	N	S	S	N	N	N	N	N	N	N	N	S
i. Mineral Exploration	R	R	R	R	R	R	R	R	R7	R7	R	R7
j. Commercial ground water or spring water extraction	N	N	S	S	N	N	N	N	N	N	N	S
k. Nature preserves and trails	R	R	R	R	R	R	R	R	R8	R8	R8	R
l. Structures and uses accessory to permitted uses	R	R	R	R	R	R	R	R	N	R	R	R
m. Structures and uses accessory to conditional uses	C	C	C	C	C	C	C	C	C	C	C	C

	Village Area	Transition Area (2-acre)	Rural Area (2-acre)	Critical Rural Area (5-acre)	Commercial A	Commercial B	Commercial C	Mixed Use	Resource Protection	Shoreland	Little Ossipee	Aquifer Protection District
2.7.2 RESIDENTIAL STRUCTURES AND USES												
a. Single family dwelling	R	R	R	R	R	R	R	R	N	R	R	R
b. Accessory Dwelling Unit (ADU)	R	R	R	R	R	R	R	R	N	N	N	N/A
c. Two family dwelling	R	R	R	R	R	R	R	R	N	R	R	R
d. Multi-family dwelling	S	S	S	N	N	N	N	S	N	N	N	S
e. Planned unit development or cluster development	SD	SD	SD	SD	N	N	N	SD	N	N	SD	SD
f. Manufactured Housing Park	N	SD	N	N	N	N	N	N	N	N	N	N
g. Home Occupation	R	R	R	R	R	R	R	R	N	C	C	R
h. Structures and uses accessory to permitted uses	R	R	R	R	R	R	R	R	N5	R	R	R
i. Structures and uses accessory to conditional uses	C	C	C	C	C	C	C	C	C	C	C	C
j. Two single family residential dwellings on one lot	R9	R9	R9	R9	R9	R9	R9	R9	N	N	N	R9
k. Tiny Homes	R	R	R	R	R	R	R	R	N	R	R	R
l. Residential Rental Units	R	R	R	R	R	R	R	R	R	R	R	R
2.7.3 COMMERCIAL AND INDUSTRIAL												
a. Planned Unit Development or Cluster Development	S	S	S	N	S	S	S	S	N	N	N	S
b. Facilities offering food and beverages prepared on the premises – sit down	S	S	S	N	S	S	S	S	N	N	N	S
c. Auto service stations	N	N	N	N	S	N	S	S	N	N	N	N

	Village Area	Transition Area (2-acre)	Rural Area (2-acre)	Critical Rural Area (5-acre)	Commercial A	Commercial B	Commercial C	Mixed Use	Resource Protection	Shoreland	Little Ossipee	Aquifer Protection District
d. Auto repair garages	N	C	C	N	C	N	C	S	N	N	N	S
e. Automobile graveyards and junkyards	N	N	N	N	N	N	S	N	N	N	N	N
f. Kennels and animal care facility	N	S	S	S	S	S	S	S	N	N	N	S
g. Medical treatment facility or rehabilitation facility	S	S	S	N	S	S	S	S	N	N	N	S
h. Nursing facility, residential care facility, or congregate care facility	S	S	S	N	S	S	S	S	N	N	N	S
i. Professional and business services having less than 2,500 square feet of gross floor area	C	C	C	N	C	C	C	C	N	N	N	C
j. Professional and business services having 2,500 square feet or more of gross floor area (does not include home occupation)	S	S	N	N	S	S	S	S	N	N	N	S
k. Child day care (as a home occupation)	C	C	C	C	C	C	C	C	N	C	C	C
l. Child care facility	C	C	C	N	C	C	C	C	N	N	N	C
m. Facilities not listed above having less than 2,500 square feet of gross floor area (not including home occupation)	S	S	S	N	S	S	S	S	N	N	N	S
n. Facilities, which by the nature of their operation require a shorefront location, such as boatyards, marinas, and commercial fishing facilities	N	N	N	N	N	N	N	N	N	S	S	S
o. Mixed Use Structures	N	N	N	N	R	N	R	R	N	N	N	N
2.7.4 PUBLIC, SEMI-PUBLIC, AND INSTITUTIONAL												

	Village Area	Transition Area (2-acre)	Rural Area (2-acre)	Critical Rural Area (5-acre)	Commercial A	Commercial B	Commercial C	Mixed Use	Resource Protection	Shoreland	Little Ossipee	Aquifer Protection District
a. 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
b. Public buildings such as libraries, museums, or civic centers	S	S	S	N	S	S	S	S	N	N	N	S
c. Public, private, and parochial school	S	S	S	N	N	N	N	S	N	N	N	S
d. Cemeteries (not including family plots)	C	C	C	C	N	N	N	C	N	N	N	C
e. Public Utilities	S	S	S	S	S	S	S	S	S	S	S	S
f. Water and sewage treatment facilities	S	S	S	N	S	S	S	S	N	N	N	S
g. Municipal Buildings	S	S	S	S	S	S	S	S	N	N	N	S
2.7.5 OTHER USES												
a. Piers, docks, wharfs, bridges, and other structures and uses extending over or below the normal high-water line or within a wetland												
1. Temporary	NA	NA	NA	NA	NA	NA	NA	NA	R	R	R	R
2. Permanent	NA	NA	NA	NA	NA	NA	NA	NA	C	C	C	C
b. Signs	R	R	R	R	R	R	R	R	N	R	R	R
c. Filling, grading, or other earth moving activity less than 99 cubic yards per year	P	P	P	P	P	P	P	P	R	R	R	P
d. Filling, grading, or other earth moving activity 100 to 499 cubic yards per year	P	P	P	P	P	P	P	P	C	C	C	P

	Village Area	Transition Area (2-acre)	Rural Area (2-acre)	Critical Rural Area (5-acre)	Commercial A	Commercial B	Commercial C	Mixed Use	Resource Protection	Shoreland	Little Ossipee	Aquifer Protection District
e. Filling, grading, or other earth moving activity 500 to 999 cubic yards per year	P	P	P	P	P	P	P	P	N	N	N	P
f. Filling, grading, or other earth moving activity greater than or equal to 1,000 cubic yards per year	C	C	C	C	C	C	C	C	N	N	N	C
g. Mineral Extraction Industrial	N	C	C	C	C	C	C	C	N	N	N	C
h. Uses and structures accessory to conditional uses	C	C	C	C	C	C	C	C	C	C	C	C
i. Uses which are similar to conditional uses	C	C	C	C	C	C	C	C	C	C	C	R
j. Uses and structures which are similar to permitted uses	R	R	R	R	R	R	R	R	N5	R	R	R
k. Boat yard (non-shorefront)	N	N	N	N	S	S	S	S	N	S	N	S
l. Motorized vehicular traffic on existing roads and trails	P	P	P	P	P	P	P	P	P	P	P	P
m. Clearing or removal of vegetation for activities other than timber harvesting	P	P	P	P	P	P	P	P	R1	R	R	P
n. Fire prevention activities	P	P	P	P	P	P	P	P	P	P	P	P
o. Wildlife management practices	P	P	P	P	P	P	P	P	P	P	P	P
p. Soil and water conservation practices	P	P	P	P	P	P	P	P	P	P	P	P
q. Surveying and resource analysis	P	P	P	P	P	P	P	P	P	P	P	P
r. Emergency operations	P	P	P	P	P	P	P	P	P	P	P	P
s. Aquaculture	P	P	P	P	P	P	P	P	S	S	S	S

	Village Area	Transition Area (2-acre)	Rural Area (2-acre)	Critical Rural Area (5-acre)	Commercial A	Commercial B	Commercial C	Mixed Use	Resource Protection	Shoreland	Little Ossipee	Aquifer Protection District
t. Small non-residential facilities for educational, scientific, or nature interpretation purposes	C	C	C	C	C	C	C	C	C	C	C	C
u. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI
v. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI
w. Individual, private campsites	R	R	R	R	R	R	R	R	R	R	R	R
x. Road construction	R	R	R	R	R	R	R	R	N6	C	C	R
y. Parking facilities	P	P	P	P	P	P	P	P	N	C2	C2	C
2.7.6 ESSENTIAL SERVICES												
a. Roadside distribution lines (75) 34.5kV and lower)	P	P	P	P	P	P	P	P	R3	R3	R3	P
b. Non-roadside or cross-country distribution lines involving poles in the shoreland zone	P	P	P	P	P	P	P	P	C3	C3	C3	C3
c. Other essential services	P	P	P	P	P	P	P	P	C3	C3	C3	P
d. Service drops, as defined, to allowed uses	R	R	R	R	R	R	R	R	R	R	R	R
e. Renewable energy installed on an existing structure (Non-solar)	R	R	R	R	R	R	R	R	R	R	R	R
f. Renewable energy installed on a non-existing structure (Non-solar)	C	C	C	C	C	C	C	C	N	C	C	C
g. Solar Energy System, Accessory	R4	R4	R4	R4	R4	R4	R4	R4	R4	N	N	N
h. Solar Farm, Small	N	S	S	N	S	S	S	S	N	N	N	N
i. Solar Farm, Large	N	S	S	N	S	S	S	S	N	N	N	N

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. Accessory Solar Energy Systems generally require CEO review, except that Site Plan review is required for ground-mounted systems that are accessory to uses other than single and two-family dwellings. See § 5.29.2 (c) & (d).

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.

Basement – 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.

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.

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.

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, Accessory – A permitted accessory use to an owner-occupied one-family dwelling.

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.

Filling, Grading and Other Earth-moving Activities: Earth Moving activity other than mineral extraction

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

Flood Plain – Special Flood Hazard Area as designated on the Flood Insurance Rate Map for Acton, Maine, prepared by the Federal Emergency Management Agency, dated July 7, 2024.

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.

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

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

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 (2) 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 pad~~s~~, parking area~~s~~, fire place~~s~~, or tent platform~~s~~.

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.

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, ledge, peat, or other similar material from its natural location; and to transport the product removed, away from the extraction site.

Mixed Use Structures – A building or structure in which two or more permitted uses exist contemporaneously.

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.

Owner - Any person or persons who alone, jointly, severally, or jointly and severally with others:

a) Has legal or record title to any dwelling, dwelling unit accessory, dwelling unit residential and or dwelling multi-family;
b) Has charge, care or control of any dwelling, dwelling unit accessory, dwelling unit residential and or dwelling multi-family as an agent of the owner, executor, administrator, trustee, or guardian of the estate of the owner;
c) Has an equitable interest in a dwelling, dwelling unit accessory, dwelling unit residential and or dwelling unit multi-family under a contract or bond for a deed with the person having legal or record title.

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.

Residential Rental Units - Include any tiny home, dwelling, dwelling unit accessory, dwelling unit residential and or dwelling multi-family or portion thereof in which space is rented or offered for rent by the owner or operator to be occupied or intended to be occupied by any person(s) not related to the owner through kinship under Maine Law.

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.

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.

Rip-rap – 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.

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.

Solar Energy System - A device or structural design feature for which the primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Energy System, Accessory - A Solar Energy System generating power for on-site consumption or to offset electrical use for on-site accounts shall be considered accessory to the principal use when it is incidental and subordinate to the principal use or structure and located on the same lot. Excess energy may be fed back to the public utility.

Solar Farm, Large - A Solar Energy System, roof or ground mounted Photovoltaic Array, which generates electricity for off-site accounts, and has an array area (including panel area and inter-panel space) of 2 acres or more.

Solar Farm, Small - A Solar Energy System, roof or ground-mounted Photovoltaic Array, which generates electricity for off-site accounts and has an array area (including panel area and inter-panel space) smaller than 2 acres.

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 subsurface wastewater disposal systems, geothermal heat exchange wells, water wells, fences, 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.

Tiny Homes - a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters: that a) complies with American National Standards Institute Standard A 1195 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles; b) does not exceed 400 square feet in size; c) does not exceed any dimension allowed for operation on a public way under this Title; and d) is a vehicle without motive power; e) does not include a trailer, semi trailer, camp trailer, recreational vehicle, or manufactured housing.

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.

Utilities – The facilities necessary for the transmission of but not limited to electricity, gas, telephone communications, cable television, sewerage, water or similar services which are currently or may in the future become available.

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.

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:

Wetland Acreage	Buffer Width in Feet
Greater than or equal to 2 < 2.5	50
2.5<3.5	75
3.5<4.5	100
4.5<5.5	125
5.5<6.5	150
6.5<7.5	175
7.5<8.5	200
8.5<9.5	225
9.5 and greater	250

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 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 – Residential Uses shall meet all of the following criteria:

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 A 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 (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**

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,** f**ifty (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 requirement:

Minimum R**oad 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

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) foot vegetative buffer**.

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, 99-139, 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 (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); 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:

1) 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;

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

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

4) 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;

5) 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:

Street Materials			**Minimum Requirements**		
	Arterial	**Collector**	**Minor**	**Private Right of Way**	**Industrial/ Commercial**
Aggregate Sub-Base Course (Max size stone 4")	18"	18"	18"	12"	18"
Crushed Aggregate Base Course	4"	3"	3"	3"	4"

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.iiii.

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:

Grade (percent)	Spacing (feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

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 public health and safety.

5.9.2 Mineral Extractive Industry:

a) Permit Required: Topsoil, rock, ledge, 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 provisions of this Ordinance.

1) Exception: the removal or transfer of less than one thousand (1000) cubic yards of material from or onto any lot in any twelve (12) month period, (as permitted in the Land Use Chart).

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

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

3) 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 eight (8) copies of a plan prepared by a professional Land Surveyor, Registered Engineer or Certified Geologist, 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 evidence of right, title or interest in the property, to include the name and address of the owner(s) of the property involved and the York County Registry of Deeds Book and Page number for the property, 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, buildings permanent and temporary, entrances and exits together with a written statement of the restoration of the site upon completion of the operation.

3) The proposed maximum extent of excavation. Excavations 5 acres or larger in size must include the Maine Department of Environmental Protection Gravel Pit Identification Number.

4) Existing and proposed surface water runoff including all drainage ways.

5) At least one monitoring well will be required per 5-acres within the extraction areas.

6) Operational Plans will include:
   1. Access roads construction and maintenance
   2. Description of operations, processing, and removal methodology
   3. Erosion and Sedimentation Control
   4. Reclamation Plan

7) A letter from the Acton Fire Department stating that they will be able to provide emergency services to the property.

8) The following submission requirements apply to applications for Mineral Extractive Industry:

   a) Written documentation from the Maine Historic Preservation Commission (MHPC) regarding any known or likely historic, prehistoric, or archaeological resources located in or on the subject property.

   b) Written documentation from the Maine Natural Areas Program (MNAP) regarding the presence of rare or exemplary natural communities located on the subject property.

   c) Written documentation from the Maine Department of Inland Fisheries and Wildlife (MDIFW) regarding known locations of rare, endangered or threatened species and habitats.

   d) Entrance Permit from the Department of Transportation if required.

9) Any applicable Maine Department of Environmental Protection permit(s)

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 three hundred (300) 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 onsite 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. There shall be no crushing or screening on Saturdays and Sundays from Memorial Day to Labor Day nor on the 4th of July.

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. The applicant shall employ the Maine Department of Environmental Protection Best Management Practices for the Control of Fugitive Emissions (Dust) as approved by the Planning Board. A plan shall be in place to adequately remove any mud or debris from the extraction site which accumulates on any public or private roads.

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 temporary buildings 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 (horizontal to vertical) 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.

9) Natural vegetation shall be retained within 300 feet of the property line or street line. The Planning Board may require the applicant to provide screening, a berm, or a combination where the natural buffer is inadequate. A 25-foot natural buffer will be maintained from any wetlands of ¼ acre to 2 acres, as determined by a credentialed professional.

10) The applicant shall submit an erosion and sedimentation control plan using best management practices for erosion and sedimentation control as approved by the Planning Board to ensure that sediment does not leave the property or enter natural resource(s).

11) At least one monitoring well on each 5 acres of unreclaimed land to demonstrate the depth from excavation to the seasonal high-water table. Monitoring wells shall be checked annually by a Professional Licensed Surveyor, Registered Engineer or Certified Geologist between April 1st and May 31st and a report shall be submitted to the Code Enforcement Office within seven days of measurement stating distance between the excavation and water table.

12) A stormwater management plan shall be submitted as approved by the Department of Environmental Protection for all operational areas of the site that are not internally drained.

13) Biannually within one month of the anniversary date of the approval of Conditional Use, the owner/operator must send the Code Enforcement Office a letter detailing the amount of open acreage. The letter will be based on a licensed surveyor, GPS programing or equivalent technology.

14) The maximum open unvegetated area including yards for processing and material storage is 35 acres.

15) Owner / operators will provide proof of renewed surety for reclamation in the form of a Letter of Credit or Bond on an annual basis to the Code Enforcement Office. The reclamation surety shall be kept in effect throughout the lifetime of the operation until 100% of the reclamation has been completed and signed off on by the Code Enforcement Officer. The amount of the financial surety will be reviewed by the Planning Board or designee every ten (10) years and adjusted as necessary. The sum of financial surety required for the reclamation shall be equivalent to the amount of open acreage approved by the Planning Board. The financial surety will be returned once the site has been fully revegetated and stabilized as enforced by the Code Enforcement Office.

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.

3) All Permits granted under this section shall expire after three (3) years unless the applicant meets the following conditions:

   a) In the calendar year after the permit is granted and every three years thereafter, the owner/operator shall schedule an inspection with the Town Code Enforcement Officer between April 1 and November 1.

b) Within thirty (30) days of the inspection, the Town Code Enforcement Officer shall notify the owner/operator in writing of the inspection results including any violations and required remedial actions.

c) Failure to comply with the remedial actions beginning with a letter of intent as required by the Code Enforcement Officer's report within ninety (90) days from the date thereof. Failure to comply will result in a Stop Work Order until the remedial actions have been completed including payment of all fees and penalties. If the owner/operator does not comply within (1) year of the date of the Code Enforcement Officer's report, the Conditional Use Permit may be revoked or modified after review and at the discretion of the Planning Board.

d) Nothing in this section shall be construed to limit inspections by the Town Code Enforcement Officer as necessary to ensure compliance.

e) Owner / Operators will provide compliance verification with all other outside agencies, State and Federal, within ninety (90) days of issuance.

4) Existing Operations: Any operation involving excavation, processing or storage of soil, earth, loam, gravel, rock or other mineral deposits in lawful operation at the time this ordinance becomes effective may continue to operate. Such existing approved operations will schedule within one year of the effective date of this ordinance and every three years thereafter the inspection outlined above with the Code Office.

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 appurtances; 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:

Sound Pressure Level Limits - dB(a)		
District	**Daytime**	**Nighttime**
Commercial	60	50
Residential	50	45

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:

Building Setback	Buffer Width
< 50 feet	10 feet
50 to 74 feet	15 feet
75 to 99 feet	20 feet
100 feet or more	25 feet

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 predominately 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).

5.14.1.1 Accessory Dwelling Units (ADU)

a) Only one accessory dwelling unit (ADU) located within or detached from an owner-occupied single-family dwelling shall be permitted;

b) The lot on which the accessory dwelling unit is situated shall meet all current dimensional requirements within the district;

c) The unit shall contain no more than eight hundred (800) square feet;

d) The construction of the unit shall meet all applicable building codes and subsurface wastewater disposal rules.

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.

5.14.3 Residential Rental Units

a) Owners of rental units existing on the effective date of this amendment shall register said units within 60 days with the Town's Code Enforcement Office. All other rental units must be registered with the Town's Code Enforcement Office within 30 days of the date said units are first offered for rent.

b) The property owner shall provide a valid certificate of insurance covering rental as a use.

c) The property's E911 address and property owner/ Operator's telephone number shall be posted visibly to tenants.

d) At least one (1) operational fire extinguisher shall be accessible on every floor of the building.

e) Each rental unit shall have code-compliant egress.

f) Smoke, carbon monoxide, and gas detectors must be installed and operational in compliance with Title 25 MRS.

g) Maximum occupancy of each rental unit shall not exceed the recommended occupancy limit for the existing septic system on record.

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, ~~or~~ 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 three (3) square feet or extend higher than seven (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 two (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: All commercial timber harvesting shall be in accordance with the State of Maine timber harvesting regulations.

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:

Tree at 4-1/2 feet above ground level (inches)	Points
2 - 4 inches	1
4-12 inches	2
12 inches	4

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.

c) 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.

5.21.5 No person shall bury any animal remains, or permit the burial, within 100 feet of a source of potable water, or within 100 ft of a natural waterbody within the Shoreland and Resource Protection Districts.

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.

5.29 Solar Energy Systems:

Solar Energy Systems must obtain all applicable permits from the Acton Code Enforcement Officer and the State of Maine.

5.29.1 Solar Energy Systems generating power for on-site consumption shall be considered Accessory to the Principal Use.

a) Solar Energy Systems, Accessory shall be permitted wherever Accessory Uses are permitted and shall conform to the standards of the applicable districts.

b) The maximum height of a roof-mounted Accessory Solar Energy Generation System shall be the maximum building height set forth in the applicable zoning district(s). The maximum height of a ground-mounted Accessory Solar Energy Generation System shall be 25 feet, measured from the lowest grade attachment point to the highest point of the facility when oriented at maximum tilt.

c) Ground-mounted Accessory Solar Energy Generation Systems accessory to uses other than single and two-family dwellings are subject to Site Plan Review. Ground-mounted Accessory

Solar Energy Generation is not allowed in the Shoreland, Little Ossipee and Resource Protection zones.

5.29.2 Solar Energy Systems generating power for off-site consumption shall not be considered an Accessory Use, are subject to Site Plan Review, and shall conform to the standards of Solar Farm, Small, or Solar Farm, Large, as listed below.

a) Application Requirements:

1) Outside agency permitting must be completed prior to application submission.

2) A fully executed and signed copy of the application for Site Plan Review. The application will be provided by the land use department.

3) Name of the owner and operator of the facility, and the names of the owner of the property.

4) Cover letter describing the project, with details on the size and location of the proposed system and the subject property.

5) Plans (including location of proposed system, identifying the location of the facility on the property and physical dimensions of the system and the property. Location of any public road, private road or right-of-way that is contiguous with the property. Location of overhead utility lines).

6) A decommissioning plan for the removal of the Solar Farm and stabilization of the site at the end of the useful life of the solar photovoltaic (PV) technology. A decommissioning plan shall include details how the owner or operator of record of the Solar Farm will ensure completion of the following tasks:

a. Physical removal of all Solar Energy Generation System components (including solar collectors, mounting hardware, electricity storage equipment, transmission and distribution lines, and related infrastructure), structures, foundations, supports, fencing and security barriers from the site.

b. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal laws and rules.

c. Re-vegetation and stabilization of the site as necessary to minimize erosion and return the site to substantially its pre-construction state. Native, pollinator-friendly seed mixtures shall be used to re-vegetate areas to the greatest extent practicable.

7) The following submission requirements apply to applications for Large and Small Solar Farms:

a. Written documentation from the Maine Historic Preservation Commission (MHPC) regarding any known or likely historic, prehistoric, or archaeological resources located in or on the subject property within a 100’ circumscribed perimeter of the proposed solar facilities.

b. Written documentation from the Maine Natural Areas Program (MNAP) regarding the presence of rare or exemplary natural communities located on the subject property.

c. Written documentation from the Maine Department of Inland Fisheries and Wildlife (MDIFW) regarding known locations of rare, endangered or threatened species and habitats.

d. For Solar Farms that trigger review by the Maine Department of Environmental Protection the applicant shall provide a copy of the Site Law application submitted to MDEP and any permits granted.

e. Standards:

1. Minimum Lot Size: 5 acre minimum

2. Maximum Developed Area/Area of Disturbance per Solar Farm: 20 acres

3. Maximum Height for ground-mounted solar facilities: 25 feet, measured from the lowest grade attachment point to the highest point of the facility when oriented at maximum tilt.

4. Minimum Setbacks, Front, Side, and Rear: 75 feet

5. Minimum Road Frontage: 50 feet

6. A sign shall be required to be installed on the property to identify the owner and provide a 24-hour emergency contact phone number.

7. All electrical and control equipment for a ground-mounted Solar Farm shall be labeled and secured to prevent unauthorized access.

8. Solar Farms must maintain a fifty (50) foot wooded buffer at the property's front, side, and rear lot lines. The Planning Board may require additional plantings to create a naturalized vegetated buffer.

9. The applicant or owner of a Large or Small Solar Farm is required to submit grid operator records to the Acton Code Enforcement Officer every six months to demonstrate that the Solar Farm is producing energy for offsite production. Decommissioning and removal of the Solar Farm is required after six (6) consecutive months of no energy generation. The owner or operator shall remove the system in its entirety no later than (12) months after the end of the six-month period of no energy generation.

10. Removal surety required for all Solar Farms. Upon Site Plan approval, and prior to applying for any applicable building permits for a Solar Farm, the applicant shall submit to the Town a surety in the form of a bond to be approved by the Planning Board in the amount of 125% of the estimated removal costs as determined by the Planning Board. If engineering assistance is required for determining the

removal costs, this expense will be the responsibility of the applicant. Such costs will account for physical removal of all structures, systems, equipment, security barriers and electrical lines, disposal of all solid and hazardous waste, and stabilization or re-vegetation of the site as necessary to minimize erosion. The surety shall be kept in effect throughout the lifetime of the system, and the amount of the financial surety will be reviewed by the Planning Board or designee every ten (10) years and renewed or adjusted as necessary. At the end of decommissioning provided the site has been fully reclaimed according to state guidelines as enforced by the Acton Code Enforcement Office the surety will be returned.

11. Large and Small Solar Farms shall be located outside of any portions of a property within the Shoreland, Little Ossipee and Resource Protection Districts.

12. Solar Farms must be sited on land with less than a 50% slope.

13. All Solar Farms must meet the standards of DEP Chapter 500 rules for stormwater management and must show that post-development stormwater conditions will not increase the flow above pre-development conditions.

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) A use 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. Whenever a parcel or tract of land subject to a Conditional Use Permit changes ownership or lease holder, the new operator shall review the conditions with the Code Enforcement Officer. The new operator will provide a Certificate of Insurance citing the Town of Acton and renewal of any Surety pertaining to the project.

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 seven (7) 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.

e) In addition, the Board may schedule a site inspection in accordance with subsection 6.6.4.5.4 e 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;

b) The nature of the proposed use and potential development;

c) 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 of 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.

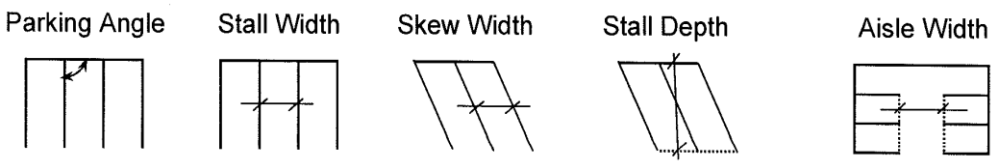
6.6.4.7.6 Parking Layout and Design: Off-street parking must conform to the following standards:

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 Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90 degrees	9'-0”	Not applicable	24'-0”	26’ two way
60 degrees	8'-6”	10'-6”	18'-0”	16’-0 one way only
45 degrees	8'-6”	12’-9”	17’-6”	12’-0” one way only
30 degrees	8'-6”	17’-0”	17’-0”	12’-0” one way only



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.

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