

MAP # _____ LOT # _____ DATE _____ PERMIT# _____

Planning Board Decision: Approved _____ Denied _____ Date of Decision _____

-----↑ to be filled in by office ↑-----

TOWN OF ACTON

Office of Code Enforcement: 207-636-3497 x410

Email: ceo@actonmaine.org

APPLICATION FOR CONDITIONAL USE PERMIT

Name of Applicant _____ Telephone Number () _____

(must be owner, lessee, or hold an option on the property)

Mailing Address _____

Location of Project _____

Owner'(s) Name _____ Tax Map _____ Lot _____

Owner'(s) Address _____

Lot Size _____ Zone _____ Size of Building _____

Proposed Use: _____

According to the Acton Zoning Ordinance, before the Planning Board may approve any application for a Conditional Use Permit, the applicant must prove to the satisfaction of the Planning Board that all the Standards as listed in 6.6.3.7 of the Ordinance (attached) have been met. A fee of \$200 must accompany the application. The section of the Zoning Ordinance that outlines the application process, the Planning Board Review and the Standards Applicable to Conditional Use is attached.

The applicant must submit a written description of the scope of the proposed project attaching any exhibits needed to support the application and a list of abutters within 500 feet.

Applicant Signature _____ Date _____

6.6.3.3 APPLICATION PROCEDURE – A person informed by the Code Enforcement Officer that they require a Conditional Use Permit shall file an application for the permit with the Planning Board on forms provided for the purpose. The applicant shall be responsible for a filing fee, which covers administrative and legal advertisement costs. All plans for Conditional Uses presented for approval under this section shall be drawn at a scale not smaller than one (1) inch equals fifty (50) feet and show the following information unless the Planning Board waives these requirements:

- a) The name and address of the applicant (or his/her authorized agent) plus the name of the proposed development, and a copy of the deed or record of ownership, and the assessor's map and lot number.
- b) Total floor area, ground coverage, and location of each proposed building, structure, or addition.
- c) Perimeter survey of the parcel made and certified by a registered land surveyor licensed in Maine, relating to reference points showing true north point, graphic scale, corners of parcel, and date of survey, and total acreage.
- d) The appropriate fees.
- e) If the Planning Board cannot judge that the proposed land use or activity will conform to all applicable provisions of this Ordinance, and other applicable codes or Ordinances of the Town, the Planning Board may, after notification to, and at the expense of the applicant, employ one or more independent consultants to ensure compliance with all requirements of this Ordinance. The estimated costs of such reasonable studies must be deposited with the Town Treasurer prior to their undertaking. Any money not spent must be reimbursed to the applicant.

6.6.3.4 REVIEW PROCEDURE AND PUBLIC HEARING – After the Planning Board determines that the application has been filed together with the submissions the Board needs to consider if the standards listed in Section 6.6.3.7 can be complied with, the Planning Board shall hold a public hearing on the application within thirty (30) days. The Board shall notify the Code Enforcement Officer and Municipal Officers, and shall publish notice of the time, place, and subject matter of hearing at least ten (10) days in advance, on the Town Website and in a newspaper of general circulation in the area.

The Board shall notify by regular US mail, first class, postage prepaid, the applicant and the owners of all property within five hundred (500) feet of the property involved, at least ten (10) days in advance of the hearing, of the nature of the application and of the time and place of the public hearing.

The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action taken by the Planning Board.

The Code Enforcement Officer or his/her designated assistant shall attend all hearings and may present to the Planning Board all plans, photographs, or other material he/she deems appropriate for an understanding of the application.

The applicant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.

6.6.3.5 PROJECTS NEEDING BOARD OF APPEALS REVIEW – When an applicant needs a variance from a requirement of this Ordinance, or an Ordinance interpretation before the Planning Board is able to approve the application as submitted, an appeal may be submitted to the Board of Appeals prior to final action by the Planning Board. If an appeal is filed with the Board of Appeals prior to the Planning Board making a final decision, the Planning Board shall table final action on the application, pending the Board of Appeal's decision, and shall notify the Board of Appeals of that action.

6.6.3.6 DECISION–

- a) Within seventy-five (75) days of the public hearing, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Planning Board shall make findings of fact on the application, then approve, approve with conditions, or deny the application, and shall inform, in writing, the applicant, the Code Enforcement Officer, and Municipal Officers of its decision and shall prepare a detailed finding of facts and conclusions. Upon notification of the decision of the Planning Board, the Code Enforcement Officer, as instructed, shall immediately issue with conditions prescribed by the Board, or deny, a Building Permit.
- b) A Conditional Use Permit, secured under the provisions of this Ordinance by vote of the Planning Board, shall expire if the work or change involved is not commenced within two (2) years of the date on which the Conditional Use is authorized.
- c) An appeal may be taken to Superior Court within thirty (30) days after the decision is rendered.

6.6.3.7 Standards Applicable to Conditional Uses – It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria. The Board shall approve the application, unless it makes written findings that one or more of these criteria have not been met:

- a. The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat;
- b. The use will conserve shore cover and visual, as well as actual, access to water bodies;
- c. The use is consistent with the Comprehensive Plan;
- d. Traffic access to the site meets the standards contained in this Ordinance; and traffic congestion has been addressed in accordance with performance standards in this Ordinance;
- e. The site design is in conformance with all municipal flood hazard protection regulations;
- f. Adequate provision for the disposal of all wastewater and solid waste has been made;
- g. Adequate provision for the transportation, storage, and disposal of any hazardous materials has been made;
- h. A storm water drainage system capable of handling a twenty-five (25) year storm, without adverse impact on adjacent properties, has been designed;
- i. Adequate provisions to control soil erosion and sedimentation have been made;
- j. There is adequate water supply to meet the demands of the proposed use, and for fire protection purposes;
- k. The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odor, and the like;
- l. All performance standards in this Ordinance, applicable to the proposed use will be met;
- m. Archeological and historic resources, as designated in the Comprehensive Plan, will be protected.