

Town of Acton Application For Article 43

(Pursuant to June 16, 2018 Town Meeting, 23 M.R.S.A. Section 3106)

GENERAL INSTRUCTIONS:

Answers and documentation for each category must be supplied with the application. Incomplete applications will be rejected. Questions 2, 3, 4 and 5 require supporting documentation or reports from the Maine Department of Environmental Protection "DEP", AWWA, YCSW, a licensed environmental engineer (*paid for by the applicant*), or an other qualifying association or individual, approved by the Board of Selectmen.

In order to be eligible for consideration, the applicant bears the burden of proof to demonstrate that all requirements of Article 43 and 23 M.R.S.A. Section 3106 are been met. For the purpose of protecting or restoring a Great Pond, Maine law allows the municipality to appropriate funds for repairs to a private road, way or bridge to prevent storm water runoff pollution from reaching a Great Pond. The Town therefore considers routine maintenance on the private road, e.g. grading, sweeping and plowing, as ineligible for consideration. All applications must be received and approved prior to any work being started. Additionally, a completed W-9 must be included with this application packet, regardless of whether or not the Road Association has previously been awarded funds.

Road Association Name: _____

Contact Person: _____

Telephone Number: _____

Mailing Address: _____

E-Mail: _____

Date Delivered to Town Administrator: _____

Date Sent to Road Committee Via Town Administrator: _____

Road Committee Recommendation and Meeting Date: _____

Date Sent to Board of Selectmen Via Town Administrator: _____

Board of Selectmen Recommendation Meeting Date: _____

Approved / Denied _____ Amount: _____

- 1) Are you an incorporated or statutory road association? _____
- 2) Attach proof of proper formation of the Road Association under the Road Association Statute, Maine Title 23 section 3101 and/or a Non-Profit Qualification:
 - A) For incorporated associations, attach articles of incorporation, proof of good standing, most recent annual report, bylaws, and minutes of most recent annual meeting. If part of a development in which owners are required to become members of the association, produce a copy of applicable deed covenants and/or declarations.
 - B) For statutory associations, attach a copy of notarized call of meeting, bylaws, and minutes of most recent annual meeting.
- 3) Attach proof that this private road is within the watershed of a Great Pond supporting this.
- 4) Attach proof that this private road satisfies one of the following criteria:
 - A) The Great Pond is listed on ME DEP list of bodies of water most at risk pursuant to Title 38, section 420-D, subsection 3.
 - B) The Great Pond has been listed as impaired in an integrated water quality monitoring and assessment report submitted by the DEP to the United States Environmental Protection Agency pursuant to the federal Clean Water Act, 33 United States Code, Section 1315(b) at least once since 2002; or
 - C) The Great Pond is identified as having threats to water quality in a completed watershed survey that uses a protocol accepted by the DEP.
- 5) Attach a statement demonstrating that the private road is contributing to the degradation of water quality for the Great Pond based on an evaluation using DEP-accepted protocols.
- 6) Attach documentation identifying:
 - A) the specific work needed to remediate the problem,
and
 - B) demonstrating that the repairs will comply with DEP best management practices.
- 7) Attach supporting documentation for all costs of repair, including written estimates.

The undersigned Applicant certifies the foregoing document to be true.

Applicant Signature: _____

Applicant Printed Name: _____

(Approved/Updated November 12, 2020 Board of Selectmen Meeting)