

# Well & Septic Systems:



**What Is The Role of The  
Planning Board & Other Local  
Permitting Authorities?**

# What Resources Are At Risk?



# What Can Go Wrong?



# What Can Get Missed?







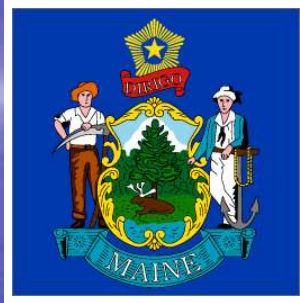


Septic System & Distribution Box

# Levels of Involvement

1. State Mandates
2. Comprehensive Planning
3. Ordinance Enactment
4. Permitting & Enforcement

# State Laws Regarding Local Control



General: The municipality **may adopt local ordinances**, pursuant to its home rule authority as provided by 30-A M.R.S. § 4211.

**Local jurisdictions have primary responsibility for enforcing rules adopted by the Department** governing the installation and inspection of subsurface wastewater disposal systems. The adoption of rules by the Department does not deny municipal authority to adopt more restrictive ordinances. See 30-A MRSA § 4214

Annual report: At least annually, **the LPI shall submit to the municipal officers of the jurisdiction a written statement of enforcement activities** associated with these Rules, in form and content as shall be prescribed by such authority.

# 10-144 Chapter 241

## STATE OF MAINE

### SUBSURFACE WASTEWATER DISPOSAL RULES



#### B. FIRST-TIME SYSTEM VARIANCE REQUESTS

A deed covenant (HHE-304) may be required for any property which obtains additional points for lot size prior to final approval of a First-Time System Variance. The covenant must stipulate that the subject property cannot be subdivided **without prior approval from the LPI or the Department.**

#### G. OWNERSHIP

Ownership of all parts of the multi-user system beyond the building sewer must be vested in a single and independent, legally established entity under Maine law.

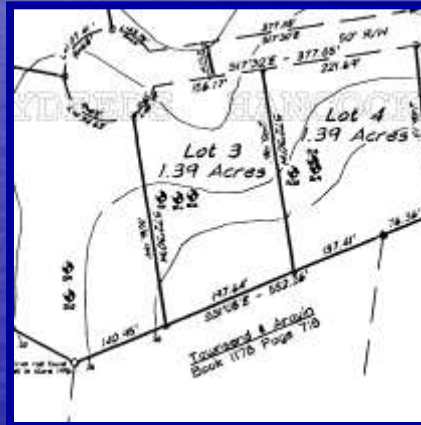
The LPI may approve the permanent use of a holding tank under the following conditions:

First-Time System: The **Municipality has adopted the model holding tank ordinance** in these Rules for first-time systems;



## 12 §4807-A. MINIMUM LOT SIZE REQUIRED

1. Dispose of waste from any single family residential unit by means of subsurface waste disposal unless such lot of land on which such single family residential unit is located contains at least **20,000 square feet**; and if the lot abuts a lake, pond, stream, river or tidal area, it shall further have a minimum frontage of 100 feet on such body of water;



## Minimum Lot Standards (Shoreland Zoning)

Residential per dwelling unit

Adjacent to Tidal Areas **30,000 sqft and 150 ft of frontage**

Adjacent to Non-Tidal Areas **40,000 sqft and 200 ft of frontage**

# Comprehensive Planning

## The Resident's Concerns, Priorities, Goals and Objectives (Tremont)

The plan is intended to guide the select board, planning board, town employees and other town committees and boards in their decisions and provide continuity in town policy.

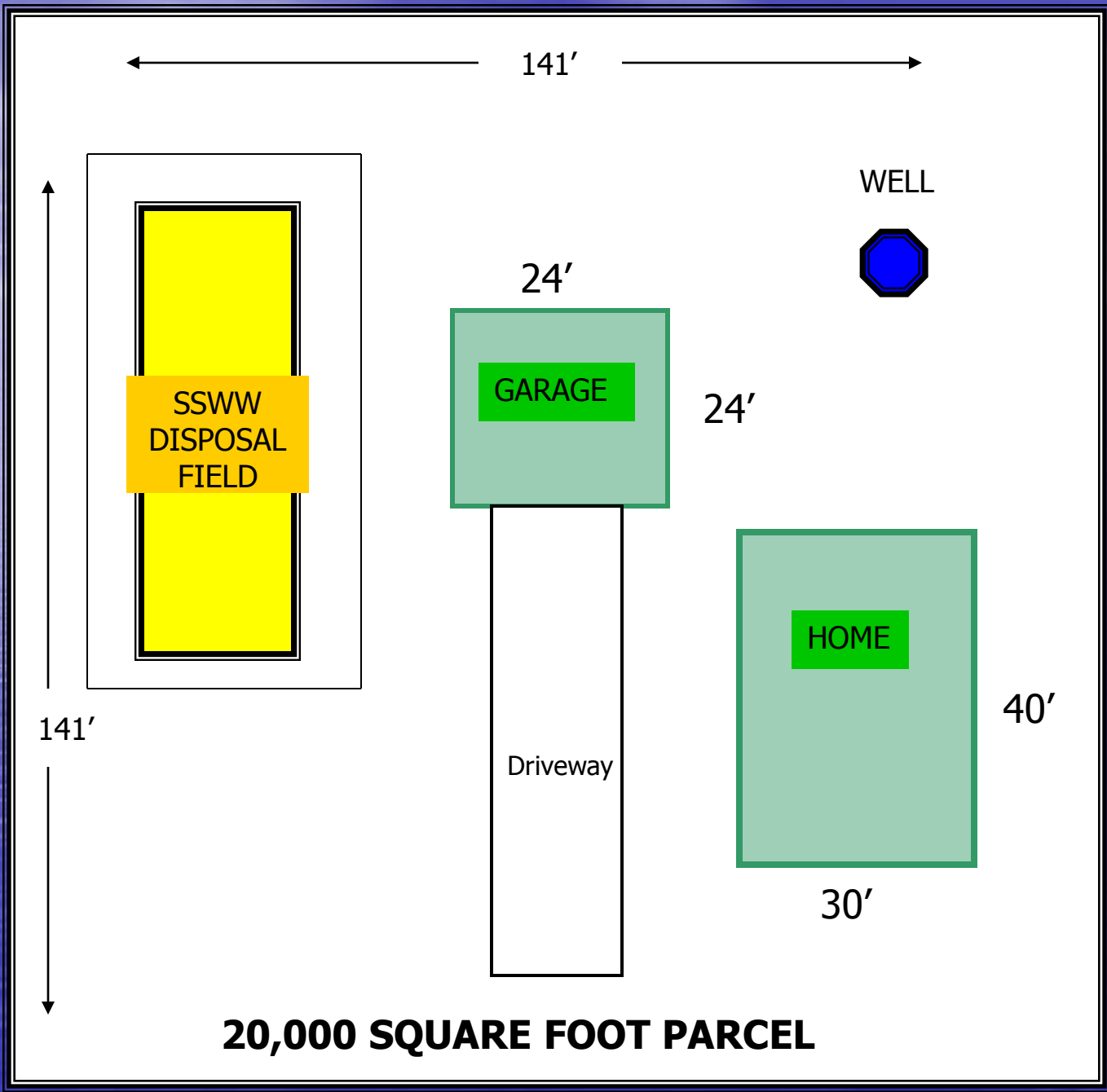
### **Threats to Ground Water**

The major threat to ground water in Tremont would appear to be **contamination from failing septic systems.** There is no sewer system in Tremont and there are many homes on relatively small lots. Some of the septic systems predate Maine's current plumbing code and may not meet today's standards.

### **2. Key Findings and Issues**

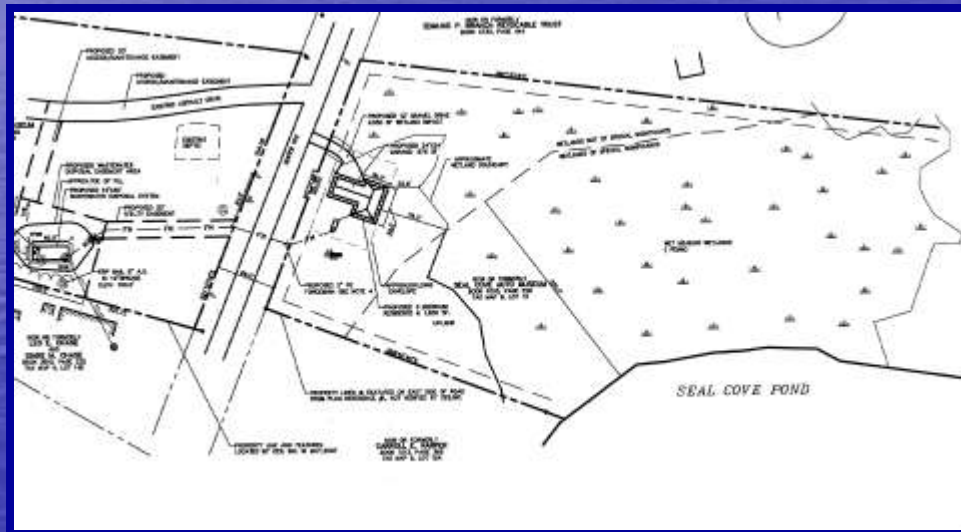
There are isolated cases of private wells failing or providing poor quality water. **Virtually all homes in town depend on groundwater wells** and some homeowners have wells drilled as deep as 400 to 500 feet. Bass Harbor and Bernard villages have particular problems with groundwater quality.





# Comp-Plan Goals, Objectives & Actions

9. **Code Enforcement:** The plan recommends the continuation of **full-time code enforcement officer services.**



b. assuring **adequate enforcement** of existing and proposed town ordinance revisions that affect water quality;

a. assuring that **minimum lot sizes are sufficiently large** to allow adequate distances between septic systems and wells;

b. assuring that municipal development review and subdivision standards do not allow any development to be approved that disrupts the water quality or quantity of water users on adjoining properties. The plan recommends that all applicants for major subdivision and development review approval be required to provide **test wells** so that the water supply conditions can be determined. If conditions are proven inadequate, the applicant will be required to provide an alternative source of water or else reduce the scale of the development to a level appropriate to water supply conditions; and



c. requiring that all building permit forms for new construction show the location of any proposed wells and that well drillers notify the code enforcement officer of the **exact location of all wells** and that all septic system variances relating to well setbacks be approved by the local plumbing inspector.

a. Allow accessory (sometimes called in-law) apartment units in all districts (unless subject to Resource Protection or Commercial Fisheries Maritime Activities zoning standards) without an increase in density requirements over those required for single family homes if wastewater disposal arrangements meet town and state standards and the dwelling is on a **lot that conforms to current minimum lot size** standards. Accessory apartments are defined as being clearly subordinate to the primary dwelling unit. **They shall not exceed 600 square feet** of living space and consist of no more than one bedroom;



b. Allow duplex units in designated inland growth areas at a **minimum lot size 50 percent greater** than single family units. Duplexes are distinct from accessory units since there is no set restriction on the number of bedrooms in each unit. Rather, the restriction is based upon the ability of the applicant to meet wastewater disposal standards as determined by the local plumbing inspector;

c. working with the DEP to continue the removal or repair of any improperly operating **overboard discharges**; and

# Land Use Ordinance Adoption

## **SECTION II. PURPOSE**

This Ordinance is an important tool for directing the future growth of the Town of Tremont. It encourages orderly growth in appropriate areas while working to preserve the rural character of the Town. It assures local control and promotes the values and concerns of the community as expressed **in the Comprehensive Plan.**



- 1. To protect the health, safety and welfare of the community;**

## TREMONT ZONING ORDINANCE



e. **Principal Unit or Use-** If more than one principal residential dwelling unit, principal commercial governmental, institutional or industrial structure or use, or combination thereof, is constructed, established or placed on a single parcel, **all dimensional requirements shall be met for each additional dwelling unit, principal structure or use.**

### Lot area:

- a. Minimum: **40,000 sqft. per lot** and per residential dwelling unit or principal non-residential structure
- b. Multi-unit residential:
  - (1) 40,000 sq. ft. for first unit
  - (2) 20,000 sq. ft. for each additional unit

## Campgrounds

1. Campgrounds shall contain a minimum of 5,000 sq. ft. of suitable land, not including roads and driveways, for each site.

### O. Mobile Home Park

- b. Lot size:  
Un-sewered: Individual on-site subsurface septic system **-20,000 sqft.**



### E. Campsites (Individual Private)

**A written sewage disposal plan** describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Licensed Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

# Permitting & Enforcement

## **SECTION VIII. PERMIT APPLICATION AND REVIEW PROCEDURE**

### **A. Permit Applicability**

No building, structure or land shall hereafter be used or occupied; no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, altered to change the use, or demolished; **no use will be changed;** no new lot shall be created for a building, structure or activity; and no new land use activity as defined in Section V shall occur, except in conformity with all of the regulations herein specified for the zone in which it is located and the relevant performance standards, unless a variance is granted. A permit shall be obtained from the appropriate review authority. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.



The Planning Board may determine that proposed uses requiring subsurface waste disposal and commercial or industrial development and other similar intensive land uses **shall require a soils report** prepared by and based on an on-site investigation by State-certified professionals.



5. The Planning Board reserves the right to obtain an **independent evaluation of a proposed development**, to assist them in making necessary findings of fact. If the Planning Board deems such study necessary, it will request a reasonable additional sum from the applicant to defray the cost of such study or studies. Any funds not utilized for consultant studies will be returned to the developer.

## 5. Completeness of Application:

Within 35 calendar days from the dated receipt, the reviewing authority shall notify the applicant either that the application is a **complete or an incomplete application**. The decision will be dated and copies issued to the applicant.

a. If an application is deemed to be incomplete, the additional material needed to make the application complete shall be specified to the applicant in writing.

### **Findings of Fact:**

Planning Board Jurisdiction:? Yes

#### **2.The Planning Board**

a. All new multi-family residential construction;

n. Any change of use;

Members Appointed & Sworn In Yes?

Quorum Present? Yes?

Applicant Present? Yes?

Applicant's Right Title and Interest? Owner's Deed (Book 3007 Page 328)

Abutter Notices Sent: 03/10/2011

Property Location? 967 Tremont Road, Map 7 Lot 25A

Property Size? 4.25 acres

Development in Shoreland? No

Development in Flood Hazard Area? Undetermined

Current Property Use? Single Family Residential

Property Zoned As? Residential

Date Lot Created? Date of Deed 8 December 2000

Date Existing Structures Built? 2010 Dwelling not yet completed

Non-Conformities, Lot, Building or Use? None

Documentation Submitted by Applicant? Building Permit Application, deed, photos, State DEP Permit, **Plumbing Permit, Septic System Permit,**

**additional Septic Tank Permit,** Parking Plan

Documentation Submitted by CEO? Standard DRAFT Findings of Fact, tax account valuation reports

Documentation Submitted by Public? None

**Motion by Wayne Patton Second Spencer Ervin, That the Application is deemed to be complete. Vote 6 yes 0 no**

C. **Plumbing Permit Required Prior to Building Permit**  
**No building permit shall be issued** for any structure or use involving the construction, installation or alteration of plumbing facilities or an increase in the number of bedrooms unless a permit has been secured from the Local Plumbing Inspector by the applicant or his or her authorized agent, according to the requirements of this Ordinance. When a subsurface wastewater disposal system is required, the application approved by the site evaluator and the Plumbing Inspector must be included in the permit application.



# §3428. Malfunctioning domestic waste water disposal units; abatement of nuisance



- 1. Abatement procedure.** Upon complaint of any person resulting in documentation of a malfunctioning waste water disposal unit or on their own information, ***the municipal officers shall serve an order*** to remedy a malfunctioning waste water disposal unit upon the owner of any premises within that municipality that has such a malfunctioning unit.

# Procedures That May Trigger Review of The Plumbing Facilities

- New Structure
- Renovated Structure
- New Use
- Change of Use
- Variance Request
- Municipal Officer's License to Operate



**Thank You For All You Do**

