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ARTICLE 4

SECTION 7. EXPIRATION OF PERMIT

Following the issuance of a permit, if no substantial construction start is made, or use of the property is initiated for which such permit has been issued, within one year of the date of the permit, the permit lapses and becomes void. However, the permit may be renewed for one additional year if no material change in the proposed use or applicable Ordinance standards has occurred. However, for good cause shown, the Planning Board may determine that the applicant's permit may be amended to require compliance as determined by the Planning Board.

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ARTICLE 6

SECTION 3. SITE REVIEW

B. Planning Board Site Review Procedure

1. All applications for site review shall follow the procedure outlined below:

- a. Site review application forms shall be obtained from the Town of Readfield.
- b. All site review applications shall be submitted to the Code Enforcement Officer. A dated receipt shall be issued to the applicant upon payment of the appropriate fee. An application file shall be established by the Code Enforcement Officer. All submissions and correspondence regarding the application shall be maintained in the file. One complete copy of the site review application and applicable submissions shall be submitted to the Code Enforcement Officer for review.
- c. Within 30 days of the receipt of the site review application, the Code Enforcement Officer shall make a preliminary determination whether the application is complete and notify the applicant in writing of his/her decision. If the application is not complete, the Code Enforcement Officer shall notify the applicant in writing of the specific material needed to complete the application.
- d. The application shall be considered complete when all the site review submission requirements are included or when the applicant files a written waiver request. See Waiver process below.
- e. The Code Enforcement Officer shall notify the Planning Board of the preliminary determination of completeness. The Planning Board shall schedule a meeting within 30 days after it has received notification from the Code Enforcement Officer of the receipt of a completed application.
- f. The applicant shall submit 11 copies of the complete application and applicable submissions to the Code Enforcement Officer at least 14 days prior to the next scheduled planning board meeting. The Code Enforcement Officer shall mail or deliver one copy of the application to each Planning Board member at least 7 days prior to the planning board meeting.
- g. A complete copy of the site review application and submissions shall be kept on file at the Town Office and shall be available for public review.
- h. The Planning Board shall make a final determination of completeness and/or determine any requested

Comment [jc1]: Rather than have the applicant have to start over, this provides the PB with flexibility in working with the applicant to achieve compliance in a flexible manner.

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waiver of submission requirements. If the application is not complete, the Planning Board shall notify the applicant of the items necessary to find the application complete. At this point, the Planning Board may either deny the application, table action on the application until it is complete or condition any next steps on the satisfactory submission of required information.

i. The Planning Board will schedule a public hearing on any application deemed complete or conditionally completed. Abutters and the general public shall be notified of the public hearing.

j. The Planning Board may vote to schedule an on-site inspection of the proposed project at any time. The Planning Board shall post the date, time and place of the site inspection at the Town Office.

k. The purpose of the site visit shall be for the Planning Board to obtain knowledge about the site and surrounding area. The Planning Board shall not render any decision concerning the application during the visit.

l. The Code Enforcement Officer shall publish a notice of the date, time, place, and purpose of the public hearing in a newspaper of general circulation in the Town at least 10 days prior to the public hearing.

m. The Code Enforcement Officer shall notify the applicant and all property abutters to the proposed site at least 10 days prior to the public hearing. The notice shall include the date, time, and place of the public hearing and a brief description of the proposal by first class mail and a Certificate of Mailing as proof of mailing shall be obtained from the postal clerk at the time of mailing and retained as a part of the official records of the application. Compliance with these requirements satisfies the municipal abutter notification requirements.

n. The Code Enforcement Officer shall notify the Town Clerk and the Planning Board of any neighboring towns if any portion of the application requires a site review that abuts or crosses the town boundary. If any application for a site review crosses the town boundary, the Planning Board shall follow the applicable procedure for conducting a joint meeting as contained in Title 30-A M.R.S.A., Sections 4401-4407.

o. The Planning Board may require the applicant to perform additional studies or hire a consultant to review portions of the entire site review application. The cost to perform additional studies or hire a consultant shall be borne by the applicant. The Planning Board may require the applicant to deposit with the Town the estimated cost of any consultant or additional study, which shall be placed in an escrow account. The town shall pay for the services rendered and reimburse the applicant, if funds remain after payments are completed. If necessary, the applicant shall place additional funds into the escrow account in order to meet expenses.

p. The planning board may extend the public hearing process beyond a single meeting for any good cause shown, such as the need for additional submissions, studies, availability of planning board members, the need to accommodate additional public input or the availability of the applicant.

r. If the additional application materials or studies are not submitted to the Planning Board within the additional prescribed time period, the Board may vote to deny the application, table the application process, or accept a request by the applicant to withdraw the application. The application may be resubmitted to the Planning Board at a later date according to the requirements for a new application.

C. Decision Making

1. Within 60 days of the completion of the public hearing process, the Planning Board shall make a decision on the site review application. The Planning Board shall determine whether or not the proposed use meets the applicable review criteria herein and meets all other applicable provisions of the ordinance including any appendices. The

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Planning Board may vote to approve the application, deny the application, or approve the application with conditions.

2. The Planning Board may approve the application with conditions when the Planning Board determines that the application has not met the review criteria, but that additional actions by the applicant shall be sufficient to meet them. The Planning Board may require such actions as conditions of approval. The conditions may set forth requirements in addition to those set forth in this Ordinance only when the Planning Board finds it necessary to further the purposes of this ordinance. All conditions approved by the Planning Board shall be listed. The Planning Board, on its own initiative or at the request of an applicant or interested party, shall provide the reasons for these conditions in the Planning Board's decision.

3. Within thirty (30) days of its decision, the Planning Board shall submit its written decision to the applicant. The Planning Board, on its own initiative or at the request of an applicant or interested party may make written finding of fact to support its decision. The Planning Board shall list any waivers approved by the Board in its decision and the reasons for such approval.

4. All decisions to approve an application shall be subject to the Standard Conditions of Approval, unless specifically exempted or deemed not applicable.

5. The written decision shall provide notice that any person aggrieved by this decision may appeal to the Readfield Board of Appeals within forty-five (45) days of the date of the decision. The date of the decision is the date upon which the Planning Board has taken its final vote on the application.

D. Vesting

The determination of the Planning Board that the application is complete shall be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1 M.R.S.A. Section 302.

E. Waivers

1. The Planning Board may vote to waive any of the submission requirements, review criteria and/or performance standards of this Ordinance, other than those set forth in Article 7, when it finds one of the following:

- a. One or more of the review criteria and/or ordinance performance standards are not applicable to the proposal due to the size of the project, circumstances of the site, design of the project, or unique features of the proposed use.
- b. The applicant has proposed an alternative design that meets or exceeds the requirements set forth in the ordinance performance standards.
- c. The Planning Board has on file or is otherwise in possession of sufficient documentation or evidence to support the requested waiver.

2. The Planning Board may only consider a waiver request when the applicant has submitted a written waiver request. The Planning Board shall review the waiver request and if it meets the criteria stated above shall approve the request and submit its decision to the applicant in writing. If the Planning Board finds that the waiver request does not meet the criteria for a waiver, it shall deny the waiver and submit its decision in writing to the applicant.

The Planning Board shall require that the application be amended to include the items necessary to meet the submission requirements, review criteria and/or ordinance performance standards. The Planning Board may vote to suspend review of the application until such time that the applicant supplies all the necessary information. Failure to submit the additional information within the time specified by the Planning Board may require that a new application be submitted for review. In no case shall the Planning Board make a final decision on the application until the applicant supplies the additional information to the satisfaction of the Planning Board.

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Comment [jc3]: Virtually all conditions are added with the concurrence of the applicant. To require reasons for each condition is burdensome and achieves nothing and is inconsistent with the practice of the PB

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Comment [jc5]: Currently, the LUO does not require that the PB provide applicants with notice of their appeal rights. This addition requires that notice which both protects the applicant and the town from any legal ambiguity.

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Comment [jc6]: The current LUO requires submittal of additional information within 30 days otherwise the applicant must submit a new application. This limit seems unnecessary and harsh.

Comment [jc7]: I'm not sure why we have this. It seems repetitive.

F. Site Review Submission Requirements:

- a. Copy of the portion of applicable tax map showing subject property and abutting properties.
- b. Names and addresses of all property abutters of the proposed development.
- c. Exact directions to the property from the Town Office, using a map if necessary.
- d. Map showing boundaries of all contiguous property under the control of the owner or applicant, regardless of whether all or part is being developed at this time.
- e. The tax map and lot number of the parcel or parcels.
- f. A copy of the deed to the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
- g. The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional who prepared any plan.
- h. Map showing the north bearing and lot dimensions of all property lines of the property to be developed and the source of this information.
- i. Site plan(s) illustrating the following: (Note: If the site plan is not drawn to scale, then specific distances identifying the relative locations of the following features must be shown on the plan.)

- 1) The location and size of any existing and proposed sewer and water mains, culverts and drains that will serve the development whether on or off the property along with the direction of existing and proposed surface water drainage across the site.
- 2) The location, names, and present and proposed widths of existing and proposed roads, driveways, streets, parking and loading areas, walkways and rights-of-way within or adjacent to the proposed development.
- 3) The location and dimensions of all existing and proposed buildings and structures on the site.
- 4) The location of intersecting roads or driveways within two hundred (200) feet of the site.
- 5) The location of existing and proposed open drainage courses, wetlands, vernal pools¹, water bodies, streams, flood plains, stands of trees, vegetative cover type, and other important natural features, with a description of such features to be retained.

¹Vernal pools are temporary to semi-permanent pools occurring in shallow depressions that usually contain water for only part of the year, filling during the fall and winter as the water table rises and typically drying out by mid to late summer. Significant Vernal Pool habitat is protected by law under the Natural Resource Protection Act, 38 MRSA, Section 480

- 6) The location and dimensions of any existing and proposed easements.
- 7) The location and dimensions of all existing and proposed provisions for water supply and wastewater disposal systems, including a design copy or letter of soils suitability for any proposed new or replacement wastewater disposal systems.
- 8) The location and dimensions of all existing and proposed signs.
- 9) For any project which shall result in a change to exterior lighting, the location, height, and type of existing and proposed exterior lighting and, for commercial, industrial and institutional projects, the foot-candle intensities of proposed lighting projecting on abutting properties.
- 10) The proposed landscaping and buffers/screening.
- 11) The location and amount of any earth moving.
- 12) A copy of all existing or proposed covenants or deed restrictions associated with the subject property.

- j. A copy of any applicable Federal, State or Town applications or permits which have been issued.
- k. A narrative describing how the proposal meets all of the Planning Board's Review Criteria.
- l. Evidence of receipt of application fee, payable to the Town of Readfield.
- m. A schedule of construction, including anticipated beginning and completion dates.
- n. A stormwater drainage and erosion and control plan in compliance with Article 8, Sections 10 and 11.

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- o. A description of the traffic movement to be generated by the development including types, peak hour and average daily vehicle trips, travel routes, and duration of traffic movement both during and following construction. A full traffic impact study shall be required under the conditions set forth in Article 8, Section 18.H, and shall include the components described therein.
- p. An assessment of the solid or hazardous wastes to be generated by the proposed activity and a plan for its handling and disposal, along with evidence of disposal arrangements.
- q. The Planning Board may require existing and proposed topography of the site to be mapped at ten (10) foot contour intervals, or such other intervals as the Planning Board may determine necessary for review.
- r. A copy of any required dimensional calculations applicable to the standards being reviewed, for example, square footage of structures, percent of lot coverage, etc.
- s. Elevation drawings for new commercial, industrial, and institutional buildings.
- t. Any additional information relevant to the project, for example, photographs, Cobbossee Watershed District recommendations, etc.

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G. Review Criteria

The applicant shall demonstrate that the proposed use to the maximum extent possible meets both the review criteria listed below and meets all other applicable provisions of this ordinance, including, but not limited to, applicable performance requirements and standards (Article 8), road standards (Article 10) and applicable appendixes. The Planning Board shall approve the application unless it makes written findings that one or more of the ordinance requirements have not been met:

Comment [jc8]: This additional language makes clear that the applicable provisions of the LUO apply, in addition to applicable site review criteria.

H. Revisions to Approved Plans

- 1. An application for a revision to a previously approved plan, including a subdivision plan, shall be submitted to the Code Enforcement Officer at least 14 days prior to a scheduled meeting of the Planning Board. The Code Enforcement Officer with the approval of the Planning Board shall place the application revision on the Planning Board's agenda. The procedure for a new application shall be followed if the revision involves:
 - a. an expansion of a building, structure, or developed area is greater than 5% in area or volume from the original plan;
 - b. modifications to any condition imposed by the Planning Board;
 - c. the addition of units;
 - d. the addition of new lots;
 - e. a resubdivision involving 2 or more lots, except for the reallocation of lot lines among 3 or fewer lots when the Planning Board determines that such reallocation will not result in the creation of additional lots or adverse impacts on the subject or adjacent properties.;

Comment [jc9]: This section should be relocated to the end of this article and amend with Paul's new language.

Comment [jc10]: This new language allows for applicants to avoid a whole new review process when minor changes are made in subdivision lot lines.

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I. Application Procedure for Site Review

1. All applications for site review shall follow the procedure outlined below:

- a. Site review application forms shall be obtained from the Town of Readfield.

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L. Performance Guarantees

- 1. Improvements Guarantee. Performance Guarantees shall be tendered for all improvements required by the Planning Board, including the construction of the streets (the "required improvements").

Comment [jc11]: Can we add a line space between each point to improve readability?

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2. Types of Guarantees. As required by the Planning Board, the developer shall provide a Performance Guarantee, that may be one of the following listed Performance Guarantees, or such other Performance Guarantee as determined by the Planning Board, and be in an amount adequate to cover the total construction costs of all required improvements and/or the costs of removing such improvements;

Comment [jc12]: This language provides the town and the applicant with greater flexibility in providing performance guarantees.

Article 7

Footnote

13. In the Village District, setbacks may be reduced by up to five (5) feet for accessory structures, provided there is no alternative location that meets setbacks to the greatest practical extent, as determined by the Code Enforcement Officer applying the standards set forth in Article 3, Section 4.E.1. This exception does not apply to accessory structures to be used as dwelling units.

Comment [jc13]: This protects abutters from dwelling units being sited too close to the abutter's property..

Article 8, Section 6(E)

E. Septic Inspections Required at Time of Title Transfer of Property Located in the Shoreland District.

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1. Prior to the title transfer of ownership of a lot or parcel located in the Shoreland District containing a Subsurface Wastewater Disposal (SSWD) system or a structure connected to a SSWD system, a person certified by the state shall be hired, not at public expense, to inspect the SSWD system. If the inspection finds that the SSWD system is malfunctioning, the system must be repaired or replaced within one year after transfer and a structure connected to the SSWD system shall not be occupied until the system has been brought into conformance with the Rules. A full copy of the inspection results required or a statement of exception(s) claimed, is required and shall be provided to the Town Code Enforcement Officer prior to transfer closing. The indications of a malfunctioning system are those specified in "system, malfunctioning" as provided in the definition section of 10-144, Chapter 241, the State of Maine Subsurface Wastewater Disposal Rules (Rules).

2. The following are the only exceptions allowed to the requirements of this paragraph:

a. When a SSWD system has been installed pursuant to rules adopted under Title 22 M.R.S. section 42, and Title 30-A M.R.S. subsection 4211, within 3 years prior to the date of the transfer of property title.

b. When the current property owner provides to the purchaser and to the Code Enforcement Officer (CEO) a written report from a person certified by the state to inspect the SSWD that was performed within 3 years prior to the date of transfer that certifies that the system was not found to be malfunctioning.

c. When weather conditions preclude an inspection of the SSWD by a person certified by the state prior to the date of transfer, then an inspection is to be performed within 9 months of the exception granted date of transfer. If the inspection finds the system to be malfunctioning, the system must be replaced or repaired.

d. When the person acquiring title to the lot containing an SSWD system or a structure connected to a SSWD certifies to the Town Code Enforcement Officer (CEO) that the system will be replaced with one installed pursuant to Title 22 M.R.S. section 42, and Title 30-A M.R.S. subsection 4211, within one year from the date of transfer.

3. The present title holder may not transfer, sell or offer to transfer or sell any lot containing a SSWD system or structure connected to the SSWD system without advising the prospective new title holder of the requirements of this article.

4. Any person who violates this subsection is subject to the civil penalties provision of Article 2(D), except that the minimum, penalty for such violation is \$500.

5. In this section the term, "Transfer" shall include the following: any transfer of ownership whether by sale, gift, devise, transfer to an entity, and inheritance, including transfers to a trust or estate for which the current owner is the beneficiary.

Article 11

Dwelling Unit: Any building or structure or portion thereof designed, used, or intended for occupancy as separate living quarters, permanent or temporary in nature, used or proposed to be used as separate living quarters seasonally or throughout the year. Separate living quarters are those in which the occupants live separately from any other individuals in the building and which have a direct access from the outside of the building or through a common hall. A building or structure providing temporary accommodations such as a bunkhouse, as defined, shall not constitute a dwelling, but shall be counted as a bedroom as defined in the Maine State Plumbing Codes. The term shall include mobile homes and Tiny Houses, defined in Maine law at 29-A M.R.S. § 101(80-C), but shall not include travel trailers or other recreational vehicles.

Deleted: E. Septic Inspections Required at Time of Title Transfer of Property Located in the Shoreland District.

1. Prior to the title transfer of ownership of a lot or parcel located in the Shoreland District containing a Subsurface Wastewater Disposal (SSWD) system or a structure connected to a SSWD system, a person certified by the state shall be hired, not at public expense, to inspect the SSWD system. If the inspection finds that the SSWD system is malfunctioning, the system must be repaired or replaced within one year after transfer and a structure connected to the SSWD system shall not be occupied until the system has been brought into conformance with the Rules A full copy of the inspection results required or a statement of exception(s) claimed, is required and shall be provided to the Town Code Enforcement Officer prior to transfer closing. If the person certified by the state determines that a SSWD system is malfunctioning, the indications of a malfunctioning system are those specified in "system, malfunctioning" as provided in the definition section of 10-144, Chapter 241, the State of Maine Subsurface Wastewater Disposal Rules (Rules).
2. The following are the only exceptions allowed to the requirements of this paragraph:

- a. When a SSWD system has been installed pursuant to rules adopted under Title 22 M.R.S. section 42, and Title 30-A M.R.S. subsection 4211, within 3 years prior to the date of the transfer of property title.
- b. When the current property owner provides to the purchased and to Code Enforcement Officer (CEO) a written report from a person certified by the state to inspect the SSWD that was performed within 3 years prior to the date of transfer that certifies that the system was not found to be malfunctioning.
- c. When weather conditions preclude an inspection of the SSWD by a person certified by the state prior to the date of transfer, but an inspection is performed within 9 months after the date of transfer. If the inspection finds the system to be malfunctioning, the system must be replaced or repaired.
- d. When the person acquiring title to the lot containing an SSWD system or a structure connected to a SSWD certifies to the Town Code Enforcement Officer (CEO) that the system will be replaced with one installed pursuant to Title 22 M.R.S. section 42, and Title 30-A M.R.S. subsection 4211, within one year from the date of transfer.
3. The present title holder may not transfer, sell or offer to transfer or sell any lot containing a SSWD system or structure connected to the SSWD system without advising the prospective new title holder of the requirements of this article.

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Page 7: [6] Deleted **CEO** **3/23/2022 12:22:00 PM**

E. Septic Inspections Required at Time of Title Transfer of Property Located in the Shoreland District.

1. Prior to the title transfer of ownership of a lot or parcel located in the Shoreland District containing a Subsurface Wastewater Disposal (SSWD) system or a structure connected to a SSWD system, a person certified by the state shall be hired, not at public expense, to inspect the SSWD system. If the inspection finds that the SSWD system is malfunctioning, the system must be repaired or replaced within one year after transfer and a structure connected to the SSWD system shall not be occupied until the system has been brought into conformance with the Rules A full copy of the inspection results required or a statement of exception(s) claimed, is required and shall be provided to the Town Code Enforcement Officer prior to transfer closing. If the person certified by the state determines that a SSWD system is malfunctioning, The indications of a malfunctioning system are those specified in "system, malfunctioning" as provided in the definition section of 10-144, Chapter 241, the State of Maine Subsurface Wastewater Disposal Rules (Rules).

2. The following are the only exceptions allowed to the requirements of this paragraph:

a. When a SSWD system has been installed pursuant to rules adopted under Title 22 M.R.S. section 42, and Title 30-A M.R.S. subsection 4211, within 3 years prior to the date of the transfer of property title.

b. When the current property owner provides to the purchased and to Code Enforcement Officer (CEO) a written report from a person certified by the state

to inspect the SSWD that was performed within 3 years prior to the date of transfer that certifies that the system was not found to be malfunctioning.

c. When weather conditions preclude an inspection of the SSWD by a person certified by the state prior to the date of transfer, but an inspection is performed within 9 months after the date of transfer. If the inspection finds the system to be malfunctioning, the system must be replaced or repaired.

d. When the person acquiring title to the lot containing an SSWD system or a structure connected to a SSWD certifies to the Town Code Enforcement Officer (CEO) that the system will be replaced with one installed pursuant to Title 22 M.R.S. section 42, and Title 30-A M.R.S. subsection 4211, within one year from the date of transfer.

3. The present title holder may not transfer, sell or offer to transfer or sell any lot containing a SSWD system or structure connected to the SSWD system without advising the prospective new title holder of the requirements of this article.

4. Any person who violates this subsection is subject to the civil penalties provision of Article

2(D), except that the minimum, penalty for such violation is \$500.

5. In this section the term, "Transfer" shall include the following: any transfer of ownership whether by sale, gift, devise, transfer to an entity, and inheritance, including transfers to a trust or estate for which the current owner is the beneficiary.