

MINIMUM LOT SIZE RULES

10-144 CMR Ch. 243

SUMMARY

These rules describe the requirements
for minimum lot sizes
and for waivers to the
Minimum Lot Size Law,
12 MRSA § 4807.

BASIS STATEMENT: These Rules provide minimum State requirements for minimum lot sizes for developments using onsite subsurface wastewater disposal to assure environmental sanitation and safety. These Rules are intended to complement municipal planning, zoning, and land use control.

EFFECTIVE DATE: August 1, 2005

AUTHORITY: Title 12 MRSA § 4807

Department of Health and Human Services
Maine Center for Disease Control and Prevention
Division of Environmental Health
11 State House Station
Augusta, Maine 04333-0011
Telephone (207) 287-5689

Appropriation 014-10A-2426-012-2658

Nondiscrimination Notice

In accordance with Title VI of the Civil Rights Act of 1964, as amended by the civil Rights Restoration Act of 1991 (42 U.S.C. 1981, 2000e *et seq.*) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 *et seq.*), Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*), and Title IX of the Education Amendments of 1972, the Maine Department of Human Services does not discriminate on the basis of sex, color, national origin, disability or age in admission or access to or treatment or employment in its programs and activities

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**CHAPTER 243
MINIMUM LOT SIZE RULES**

SUMMARY: These rules describe the requirements for minimum lot sizes and for waivers to the Minimum Lot Size Law, 12 MRSA § 4807.

1. Definitions
 - A. Code. Rules for Waivers to the Minimum Lot Size Law (CMR 243).
 - B. Department. The Department of Health and Human Services Maine Center for Disease Control and Prevention, Division of Environmental Health.
 - C. Engineered disposal system. Any subsurface wastewater disposal system designed, installed, and operated as a single unit to treat and dispose of 2,000 gallons of wastewater per day or more; or any system designed to be capable of treating wastewater with significantly higher BOD₅ and total suspended solid concentrations.
 - D. First time disposal system. The first system designed to serve a specific structure; a new system.
 - E. Multiple unit housing. "Multiple unit housing" shall mean a structure or structures located on a single lot, which structures are designed or used to house 2 or more families.
 - F. Other land use activity. "Other land use activity" includes any commercial or industrial uses or combination of such uses.
 - G. Person. "Person" means any individual, corporation, firm, partnership, municipality, quasi-municipal corporation, state or federal agency or any other legal entity.
 - H. Single family residential unit. "Single family residential unit" means any structure of any kind, including mobile homes, used or designed to house a single family, and shall include those structures used permanently and seasonally.

- I. Shoreland Zoning. The shoreland zone of major waterbodies/courses (as defined in Title 38 MRSA §435).
- J. Subsurface waste disposal. "Subsurface waste disposal" means any system for disposing of wastes or wastewaters on or beneath the surface of the earth including, but not limited to, holding ponds, surface spraying, septic tanks, drainage fields and wells, but shall not include any discharge or the waste treatment system related thereto licensed under Title 38, section 413 or any discharge into a municipal or quasi-municipal sewer system.
- K. Waste. "Waste" means any liquefied sewage, garbage, sewage sludge, chemical, biological or radiological materials, human body wastes, or any other refuse or effluent in a liquid form generated from domestic, commercial or industrial activities, except any wastes containing insufficient liquid to be free flowing and wastes generated from agricultural activities or animal husbandry.

SECTION 1000.0 MINIMUM LOT SIZE LAW

1000.1 Scope: This Chapter governs the administration of the Minimum Lot Size Law, 12 MRSA §4807 *et seq.* Other regulations exist pertaining to minimum lot size in Shoreland Zoning for modular home parks.

1000.1.1 Local Plumbing Inspector

Approval: "A lot of less than the size required in §4807-A may be used for subsurface wastewater disposal if approved in writing by the duly appointed Local Plumbing Inspector for that municipality or unorganized territory, providing that the lot in question:

- a) has a current Application for Subsurface Wastewater Disposal (HHE-200) form, or equal, pursuant to rules of the Department, and
- b) can meet the provisions of a "First Time" subsurface

MINIMUM LOT SIZE RULES

- wastewater disposal system, requiring no variances, and
- c) the system is not an engineered disposal system.

1000.1.2 Department approval:

If the lot in question does not meet the criteria listed in Section 10001.1, then the Department shall be the approving body provided the subsurface wastewater disposal system is in compliance with CMR 241 Maine Subsurface Wastewater Disposal Rules.

1000.2 Review fees. The Department or the municipality may charge a review fee not to exceed \$50.

1000.3 Intent: This Chapter sets forth the provisions for approval of subsurface wastewater disposal on lots which do not comply with 12 MRSA 4807-A and are not exempted by 12 MRSA § 4807-D.

1000.4 Single family lots of record: This Code shall not apply to any lot which prior to January 1, 1970, was specifically described as an identifiable and separate lot either in the instrument conveying such lot to the then owner or in a valid and enforceable agreement for purchase and sale or was shown on a plan recorded in accordance with law, prior to January 1, 1970; provided that contiguous undeveloped lots in the same ownership on or after October 3, 1973 shall be considered as one lot for purposes hereof.

1000.5 Other lots of record: Undeveloped lots where the use will be other than single-family residential are not exempt from the provisions of this Code.

1000.6 Existing structures: This Code does not apply to any structure in existence and in place on or before October 3, 1973, which then or theretofore disposed of wastes by means of subsurface wastewater disposal; except that no person shall reduce the size of the lot upon which such structure is located to a size or frontage less than that allowed in Section 1001.1. The division of a lot upon which a number of such structures existed on or before October 3, 1973, into a number of lots not exceeding the number of structures, with one or more structures on each new lot is not subject to this Code, if the size of the lot, and/or the frontage has not been reduced since October 3, 1973.

1000.7 Public sewers: This Code does not apply to lots served by a municipal or quasi-municipal sewer system.

SECTION 1001.0: MINIMUM LOT SIZE AND FRONTAGE REQUIREMENTS

1001.1 Minimum requirements: No person shall dispose of wastewater by means of a subsurface wastewater disposal system, unless the lot meets the minimum lot size and frontage requirements in this Code.

1001.1.1 Single-family dwelling units: A lot on which a single-family dwelling unit is located shall contain at least 20,000 square feet. If the lot abuts a lake, pond, stream, river, or tidal area, it shall have a minimum frontage of 100 feet on the water body and any greater frontage required by local zoning. For purposes of this Code, a single-family residential unit shall be determined to be 300 gallons per day of wastewater.

1001.1.2 Other land use activities: Other land uses that generate wastewater shall require a lot containing at least 20,000 square feet and 100 feet of frontage for every 300 gallons per day of wastewater generated by the use. For wastewater generated in excess of 300 gallons per day the lot shall be in the proportion of 20,000 square feet and 100 feet of frontage for every 300 gallons per day. Determine the minimum lot size and frontage required based on the requirements in this Section.

1001.1.2.1 Multiple unit housing: For multiple unit housing, calculate the daily wastewater flows based on 120 gallons per bedroom per day.

1001.1.2.2 Other new land uses: For other new land use activities, calculate the daily wastewater flows based on the design flow requirements prescribed in Table 1.

1001.1.2.3 Other existing land uses: For other existing land use activities, calculate the daily wastewater flows based on the design flow requirements prescribed in Table 1 or actual water meter readings as set forth in Section 1002.0.

Section 1002.0: WATER USE RECORDS

1002.1 Water meter records: The design flow may be calculated by actual water meter readings, provided the following procedures are used:

1002.1.1 Acceptable records: Copies of billing records of the service provider or from water

meters certified to be accurate within 2% by the water district;

1002.1.2 One year minimum: Continuous records over the period of at least one year (or other period acceptable to the Department);

1002.1.3 Like establishments: Records from the applicant's demonstrated use of the facilities or from two or more like establishments.

1002.2 Adjustments for peak days: The average daily flows shall be adjusted for peak flow days as follows:

1002.2.1 Daily monitoring: If water meter records are recorded on a daily basis, the day with largest recorded wastewater flow shall be used for the design flow. If an applicant believes that the day with the highest flow is inappropriate, supporting data shall be submitted to the Department for review and approval.

1002.2.2 Weekly monitoring: If water meter records are recorded on a weekly basis, the design flow shall be calculated by dividing the highest weekly flow by the number of days the facility was in use during the week with the highest flow and then multiplying by 1.2. If an applicant believes a 1.2 multiplying factor is inappropriate, supporting data shall be submitted to the Department for review and approval.

1002.2.3 Monthly monitoring: If water meter records are recorded on a monthly basis, the design flow shall be calculated by dividing the highest monthly flow by the number of days the

facility was in use during the month with the highest flow and then multiplying by 1.5. If an applicant believes a 1.5 multiplying factor is inappropriate, supporting data shall be submitted to the Department for review and approval.

1002.2.4 Quarterly monitoring: If water meter records are recorded on a quarterly basis, the design flow shall be calculated by dividing the highest quarterly flow by the number of days the facility was in use during the quarter with the highest flow and then multiplying by 2.0. If an applicant believes a 2.0 multiplying factor is inappropriate, supporting data shall be submitted to the Department for review and approval.

1002.3 Adjustments for Nonresidential Effluent Quality: Facilities other than residential, using water records to determine design flows must also comply with Section 1002.3.

1002.3.1 General: When, as a result of an approved pretreatment technique, the wastewater entering an onsite sewage disposal field has a combined 5-day biochemical oxygen demand (BOD⁵) and total suspended solid (TSS) concentration of less than 175 milligrams per liter, the lot size required may be adjusted by multiplying by the adjustment factors prescribed in Table 2. When the combined BOD⁵ and TSS are greater than 320 milligrams per liter, the size of the lot shall be adjusted, again using Table 2.

MINIMUM LOT SIZE RULES

**TABLE 1
Design flows for nonresidential facilities**

NOTE: The design flows calculated in this table represent the design flow **solely** for purposes of determining the minimum lot size requirements for uses other than single family residences

Important: See note 1 at end of Table 1.

Type of facility	Design flow per user or unit
Airports	5 gpd per passenger plus 15 gpd per employee [1]
Assembly areas	2 gpd per seat
Bakery	100 gpd per bakery plus 15 gpd per employee [1]
Barber shop	100 gpd per chair
Beauty salon	100 gpd per chair
Bed and breakfast	225 gpd per establishment and 75 gpd per rental room
Boarding houses with meals	225 gpd per house plus 50 gpd per boarder
Bottle club	10 gpd per seat
Bunkhouses	20 gpd per bed
Bus service areas	5 gpd per passenger plus 15 gpd per employee [1]
Butcher shop or department	100 gpd per shop plus 15 gpd per employee [1]
Cafeteria, open general public	30 gpd per seat plus 15 gpd per employee [1]
Cafeteria, private	15 gpd per seat plus 15 gpd/employee [1]
Campground sites served by central toilets	60 gpd per site and includes dump station
Campground sites served by individual water and sewer hookups	75 gpd per site
Campground dump station	10 gpd per site for each trailer site not served by individual water and sewer hookups
Campground park model trailer sites	125 gpd per site
Children's camps, day use only	15 gpd per camper plus 15 gpd per staff person
Children's camps, day and night	20 gpd per camper plus 15 gpd per staff person
Churches	4 gpd per seat for general seating and 8 gpd per seat for seats in a dining area
Dance hall	5 gpd per attendee plus 15 gpd per employee [1]
Day care facilities serving meals	15 gpd per child plus 15 gpd per adult
Day care facilities not serving meals	10 gpd per child plus 15 gpd per adult
Eating Places:	
Delicatessen, food prepared and no seats	100 gpd per deli or 1 gpd per meal served plus 15 gpd per employee [1] (whichever is larger)
Delicatessen, no food prepared and no seats	50 gpd per deli plus 15 gpd per employee [1]
Drive-in, no full meals and no china service	30 gpd per car space plus 15 gpd/ employee [1]
Eating place, fast food, no seats, no full meals, and no china service	100 gpd or 1 gpd per meal served plus 15 gpd per employee [1] (whichever is larger)
Eating place, fast food, no full meals, and no china service	20 gpd per inside seat plus 7 gpd per outside seat plus 15 gpd/ employee [1]
Ice Cream Stands, ice cream only with no seats	150 gpd per stand plus 15 gpd per employee. [1]
Restaurant, one or two meals per day (e.g. breakfast and lunch)	20 gpd per indoor seat plus 7 gpd/outdoor seat plus 15 gpd per employee [1]
Restaurant, three or more meals per day (e.g. breakfast, lunch, and dinner)	30 gpd per indoor seat plus 10 gpd per outdoor seat plus 15 gpd/employee [1]
Employees at place of employment with no showers	15 gpd per employee [1]
Employees at place of employment with showers	20 gpd per employee [1]

MINIMUM LOT SIZE RULES

Type of facility	Design flow per user or unit
Fairgrounds	2 gpd per attendee based on average daily attendance
Gyms, not associated with schools	10 gpd per participant plus 3 gpd per spectator plus 15 gpd per employee [1]
Health clubs	10 gpd per participant plus 3 gpd per spectator plus 15 gpd per employee [1]
Hospitals	150 gpd per bed plus 15 gpd per employee [1]
Hotels and motels with shared baths	80 gpd per bedroom plus 15 gpd per employee [1]
Hotels and motels with private baths	100 gpd per bedroom plus 15 gpd per employee [1]
Laundry, self-service	600 gpd per machine plus 15 gpd per employee [1]
Marina	100 gpd plus 10 gpd per slip or mooring (clothes washers are not included; design flow for clothes washers shall be calculated separately)
Medical offices, clinics, and dental offices	80 gpd per medical staff plus 5 gpd per patient plus 15 gpd/office employee [1]
Nursing Homes	150 gpd per bed plus 15 gpd per employee [1]
Parks and picnic areas, public rest rooms and no showers	5 gpd per attendee plus 15 gpd per employee [1]
Parks and picnic areas, public rest rooms and showers	10 gpd per attendee plus 15 gpd per employee [1]
Rooming houses, no meals	180 gpd per house plus 30 gpd per roomer
Rental cabins and cottages	50 gpd per bed plus 15 gpd per employee [1]
Rental cabins, housekeeping	50 gpd per cabin, plus 50 gpd per bed
School, elementary	7 gpd per student plus 15 gpd per teacher and other employees [1]
School, junior high	9 gpd per student plus 15 gpd per teacher and other employees [1]
School, high	12 gpd per student plus 15 gpd per teacher and other employees [1]
School, boarding	75 gpd per student plus 15 gpd per teacher and other employees [1]
Service stations	500 gpd per 1st set of fuel pumps plus 300 gpd per each additional set of fuel pumps plus 15 gpd per employee [1]
Shopping centers or stores, public rest rooms and showers	400 gpd per water closet plus 20 gpd per shower plus 15 gpd per employee [1] Design flows for any eating places or butcher shops shall be determined and added to total design flow.
Shopping centers or stores, no public rest rooms	1 gpd per parking space plus 15 gpd per employee [1] Design flows for any eating places or butcher shops shall be determined and added to total design flow. NOTE: Title 22 M.R.S.A. §270 requires a public rest room for shopping centers containing 6 or more separate retail establishments
Sports Bars	20 gpd per seat plus 15 gpd per employee [1]
Taverns/Bars (including but not limited to, pubs, billiard halls, etc.)	10 gpd per seat plus 15 gpd per employee [1]
Tennis and racquetball courts	300 gpd per court plus 15 gpd per employee 1 Design flows for any eating places shall be determined and added to the total design flow
Visitors center	6 gpd per visitor plus 15 gpd/ employee (This includes libraries, museums, similar uses) [1]

NOTES:

[1.] The design flow for employees is based on the total number of employees present in any 24-hour period.

**TABLE 2
ADJUSTMENT FACTOR FOR WASTEWATER STRENGTHS DIFFERENT
FROM TYPICAL DOMESTIC WASTEWATER**

Strength of wastewater entering the disposal field (BOD5 plus TSS)	Adjustment factor (AF)
30 or less milligrams/liter	0.5
52	0.6
82	0.7
122	0.8
175	0.9
240	1.0
320	1.1
420	1.2
530	1.3
660	1.4
810	1.5
985	1.6
1180	1.7
1400	1.8
1645	1.9
1920	2.0

Section 1003.0: WAIVER APPLICATIONS

1003.1 Application required: An application for a minimum lot size waiver is required for any subsurface wastewater disposal system on a lot not meeting the minimum area or frontage requirements of this Code unless grandfathered pursuant to Section 1000.6.

1003.2 Application form: The application for a minimum lot size waiver shall be on the form prescribed by the Department (HHE-236). A completed application shall include the following:

- 1003.2.1** A signed and dated application form;
- 1003.2.2** A completed HHE-200 form for an onsite sewage disposal system meeting First Time System criteria of the Maine State Plumbing Code, Subsurface Wastewater Disposal Rules (CMR 241) in effect at the time of application; and
- 1003.2.3** A review fee of \$50.00.

Section 1004.0 MEANS OF APPEAL

1004.1 Scope: This Section governs the means of appealing either a municipal or Departmental

decision made by the Department pertaining to a minimum lot size reduction request or a Code interpretation. The means of appealing a decision made by the local plumbing inspector acting on behalf of the Municipality will be initially in accordance with the land use procedures of the municipality, with judicial review of municipal decisions through rule 80B of the Maine rules of Civil Procedure.

1004.1.1 Appellant: For the purpose of this Chapter, the “appellant” is any affected party wishing to contest a decision by the Department on a Minimum Lot Size Law waiver request or code interpretation, or a person lawfully acting on the behalf of an appellant.

1004.1.2 Grounds for appeal: For the purpose of this Chapter, the grounds for appeal are limited to: (1) violation of the law or rules; (2) misapplication of the law or rules; or (3) a factual mistake that is likely to affect the decision, including a statement specifying what the violation, misapplication and/or factual mistake is.

MINIMUM LOT SIZE RULES

1004.1.3 Settlement: Parties to a Formal Conference or a Formal Administrative Hearing may negotiate a mutually acceptable settlement at any point during the proceedings.

1004.1.4 Stopping Work: A formal, written request for a Formal Conference or Formal Administrative Hearing shall be cause for the Local Plumbing Inspector (LPI) to be notified by the Department to issue a Stop Work Order pending completion of the review process.

1004.2 Notice Procedure: The Department shall inform the appellant and any entitled abutters, in writing, of its intention to grant, deny, terminate, or suspend a variance or waiver issued pursuant to this code or code interpretation.

1004.2.1 Written Decision: Granting or denial of a variance, waiver or the issuance of a code interpretation shall be provided in writing.

1004.3 Appeal Procedure: The appeal procedure shall consist of three (3) levels of appeals. It shall proceed in the following sequence:

1004.3.1 Step 1: A formal conference;

1004.3.2 Step 2: A formal administrative hearing; and

1004.3.3 Step 3: A judicial review.

1004.4. Appeal Fee: An administrative appeal fee for a formal conference or a formal administrative hearing shall be levied as follows:

1004.4.1 Formal conference fee: An administrative appeal fee of \$50.00.

1004.4.2 Formal administrative hearing fee: An administrative appeal fee of \$75.00; and

1004.4.3 Judicial review fee: Subject to judicial procedures.

1004.4.4 Exemption: Individuals who can prove they are qualified to receive public benefits, such as Medicaid or AFDC are exempt from the administrative fees listed in 1004.4.1, "Formal conference fee", and 1004.4.2, "Formal administrative hearing fee". Procedures for demonstrating eligibility shall be consistent with those utilized in the benefit programs. The Commissioner of the Department of Health and Human Services may grant a fee exemption when it is determined to be appropriate.

1004.4.5 Administrative Fee Payment: A check for the appropriate amount shall be made out for the "Treasurer of State". The check shall be sent to: Department of Health and Human Services, Division of Environmental Health, Subsurface Wastewater Program. Payment

shall be made prior to scheduling any Formal Conference or Administrative Hearing.

1004.5 Request for Formal Conference: To appeal a decision of the Department, the appellant shall submit a written request for a formal conference. The appellant shall submit the request to the Department within thirty (30) days of the date of the Department's written decision. The request shall include the following:

1004.5.1 Intention: The intended/requested appeal action;

1004.5.2 Reason(s): The reasons that support the intended action, including: (1) violation of the law or rules; (2) misapplication of the law or rules; and/or (3) factual mistake that is likely to affect the decision;

1004.5.3 Affected Party: A description of the manner in which the appellant is harmed or otherwise affected by the decision; and

1004.5.4 Limiting the issues: Before the formal conference, the appellant shall raise all issues upon which he or she appeals the decision.

1004.6 Formal Conference: This section sets forth the procedures to be used for formal conferences.

1004.6.1 Written request: The written request must be mailed to:

Director, Division of Environmental Health
11 State House Station
Augusta, Maine 04333-0011

1004.6.2 Scheduling the conference: As soon as practicable, the Department shall notify the appellant of the date, time, and place of the formal conference.

1004.6.3 Conference officer: The formal conference will be conducted by the Director of the Division of Environmental Health, or his or her designee.

1004.6.4 Conference Location: The Conference Officer shall schedule a conference in Augusta, Maine.

1004.6.5 Representation: At the formal conference, the appellant may be represented by legal counsel or any other representative on his or her behalf.

1004.6.6 Disputed issues: The appellant or representative shall raise all issues about which he or she disagrees with the Department's decision. he or she may present new evidence or information or otherwise present arguments

in response to the Department's intended action. Failure to raise any issues at the formal conference shall be deemed a waiver of any appeal rights on those issues.

1004.6.7 Written decision: Following the formal conference, the Director shall issue a written decision to the appellant which shall affirm, modify, or revoke the initial and intended decision of the Department.

1004.7 Formal Administrative Hearing: This section sets forth the procedures to be used for formal administrative hearings.

1004.7.1 Hearing request: If the appellant is dissatisfied with the written decision of the formal conference, he or she may appeal that decision by submitting a written "Request for Administrative Hearing" within thirty (30) days of the date of the written formal conference decision to:

Chief Hearings Officer
Office of Administrative Hearing
11 State House Station
Augusta, Maine 04333-0011

1004.7.2 Request: The request to the office of Administrative Hearings shall be accompanied by a copy of the fair hearing report.

1004.7.3 No Request: If the appellant does not request the hearing within the thirty (30) day time period absent good cause, the hearing may be denied by the Office of Administrative Hearings.

1004.7.4 Issues on appeal: The request shall state the specific issues being appealed. If the appellant does not set forth the issues, the request for hearing may be denied by the Office of Administrative Hearings.

1004.7.5 Hearing officer: An impartial hearing officer shall conduct the administrative hearing.

1004.7.6 Representation: At the hearing, the appellant may be represented by legal counsel or any other representative on his or her behalf.

1004.7.7 Hearing conduct: The hearing will be conducted pursuant to the rules of the Office of Administrative Hearings, as set forth in the Administrative Hearing Manual, and in conformity with the administrative procedure action 5 MRSA §8001, *et seq.*

1004.7.8 Hearing location and date: A notice will inform the appellant of the time, date, and place of the hearing. The hearing will be held in Augusta, Maine unless otherwise noted. The hearing date will be at least twenty (20) days

following the date of the notice of the administrative hearing.

1004.7.9 Decision: The Commissioner may reserve jurisdiction to issue the final decision. The Hearing Officer shall submit recommended findings of facts and a recommended decision to the Commissioner. Parties have twenty (20) days to file written exceptions and responses with the Office of the Commissioner.

1004.8 Judicial review: Any person or party dissatisfied with the hearing officer's decision has the right of judicial review under the Maine Rules of Civil Procedure, Rule 80C.

1005.0 VIOLATIONS

1005.1 Violations: Each day of violation of any provision of this chapter or the rules enacted under this chapter is considered a separate offense. Alternatively, and in addition to being an offense, any use of land in violation of this chapter is considered to be a nuisance and the Department may seek an injunction to prevent or abate a violation of this chapter or rules adopted under this chapter.

MINIMUM LOT SIZE RULES

Department of Health and Human Services
Division of Environmental Health
#11 State House Station
Augusta ME 04333
Tel: (207)287-5689
Fax: (207) 287-3165

\$50.00 REVIEW FEE
Make check payable to:
"Treasurer of State"
Appropriation #
014-10A-2426-01-2615

**APPLICATION FOR
VARIANCE TO THE MINIMUM LOT SIZE LAW REQUIREMENTS
(12 MRSA §4807-B, 4807-C)**

PLEASE TYPE OR PRINT:

Name of Applicant: _____

Address: _____

Telephone Number: _____

Local Agent (Name, Address and Tel. #) _____

LOT LOCATION

Name of Project: _____

Street or Route Number: _____

Municipality or Township: _____

County: _____

By signing this application, the applicant certifies that he/she has (1) sent a copy of the notice form to the owners of property abutting the land upon which the project is located; (2) sent a copy of the public notice form to the chief municipal officer, chairperson of the municipal planning board and the Local Plumbing Inspector, and (3) filed a duplicate of this application in the municipal office.

DATE: _____

Signature of Applicant

(If signature is other than the applicant,
attach letter of agent authorization.)

Print name and title

PROJECT SUMMARY - MINIMUM LOT SIZE

1. Size of lot: _____ square feet or acres.
2. Dimensions of lot: _____ ' X _____ ' X _____ ' X _____ '.
3. Is the lot owner the owner of adjacent property? (check one) [] YES [] NO
4. If the answer to question No. 3 is "YES":
 - (a) Give dimensions of total parcel owned, which includes the lot being applied for:
_____ X _____ X _____ X _____
 - (b) Give description of present use of adjacent property:

 - (c) Attach a plan showing ENTIRE parcel owned, including lot described in 1 & 2 above, if the entire parcel is not described on the licensed site evaluator's report (HHE-200 form).
 - (d) Give plans for future use, of any adjacent land owned:

5. Attach a copy of deed, lease, option or other legal document establishing applicant's title, right or interest in the land described in 1, 2 and 4 above.
6. Is this lot a part of a subdivision? (check one) [] YES [] NO
7. If the answer to Question No. 6 is "YES" give name of subdivision, date plan filed, and registry location:

8. If lot is located within 1/2 mile of any lake, pond, stream, river, tidal area, swamp or marsh:
 - (a) Give approximate distance: _____ feet to water.
 - (b) Give name of water body: _____
 - (c) If abutting, give length of shoreline covered by lot: _____ feet.

MINIMUM LOT SIZE RULES

- 9. Drinking water supply on lot (existing or proposed):
 - Public Water Supply
 - Private Community Water Supply
 - Private On-Site Water Supply (well, etc.)
 - Other, describe _____

10. Briefly describe the existing land use surrounding the proposed minimum lot.

- 11. Nature of proposed use of lot: (check one)
 - Single Family Residential
 - Multiple Unit Housing No. of Units _____
 - Other than Residential No. of Bedrooms Per Unit _____
 - (Please Specify) _____

- 12. Nature of Waste:
 - Domestic Waste, Including Sanitary Waste
 - Other: (Please Specify) _____

13. Amount of Wastewater (in Gallons Per Day): _____ Gal/Day

NOTE: (1) IF SINGLE FAMILY RESIDENTIAL USE 300 GAL/DAY; (2) IF MULTIPLE UNIT HOUSING MULTIPLY NUMBER OF BEDROOMS TIMES 120 GAL/DAY; (3) IF "OTHER LAND USE ACTIVITY" SET FORTH ACTUAL MEASUREMENT OR COMPUTATION ON A SEPARATE SHEET.

14. Soils examination and type of disposal system:
 Attach the HHE-200 Form completed by a licensed site evaluator.

15. The applicant shall set forth below the names and addresses of the owners of property abutting the lot which is the subject of the application. By signing this application the applicant certified that he has provided each with a copy of the notice similar in form to that which is attached to this application.

NAME	ADDRESS
_____	_____
_____	_____
_____	_____
_____	_____

16. The applicant shall submit copies of any reports or studies pertaining to the lot or the project prepared by any engineer, soil scientist, geologist, licensed site evaluator, or other person for the applicant or owner, referring to possible subsurface wastewater disposal or its impact on the environment.

NOTE: Use this form or one containing identical information:

NOTICE

(to owners of abutting property, municipal officials, and local plumbing inspector)

Please take notice that _____
(Name of Applicant)

(Address of Applicant)

is filing an application for a Waiver of Minimum Lot Size Law Requirements with the Department of Health & Human Services, Division of Environmental Health pursuant to the provisions of 12 MRSA Sections 4807-B and 4807-C for permission to

(State specifically what is to be done)

will be filed for public inspection at the Department's office in Augusta and at the municipal offices of

_____ on _____
(Name of Municipality) (Date of Filing)

Written comments from any interested persons must be sent to the Division of Environmental Health #11 State House Station, Augusta, Maine 04333 within 14 days of filing of the application to receive consideration.