



BUILDING PERMIT APPLICATION

For Residential Development, Home Occupations, and Personal Campsites

WHO MAY USE THIS APPLICATION?


This Building Permit Application process may be used for all residential development. This includes, but is not necessarily limited to, the following activities:

- New principal structure (dwelling, camp, home, etc.)
- New accessory structure (garage, shed, etc.)*
- Reconstruction of a principal or accessory structure
- Addition to or expansion of a principal or accessory structure, including a deck or porch
- Relocation of a principal or accessory structure
- Enclosure or partial enclosure of a deck or porch
- Addition or reconstruction of a permanent foundation beneath a structure
- Change to the authorized dimensions or change to setback requirements of a previously permitted structure
- Personal campsite (non-public and non-commercial)
- Home occupation (business within the home or accessory structure)
- Filling and grading or other soil disturbance associated with a residential structure

*New Accessory Structures: If you are proposing only an accessory structure, you may be able to complete an online notification if your project meets certain standards. For more information, see: <https://www.maine.gov/dacf/lupc/projects/accessory-structure/accessory-selfverification.html>.

WHERE CAN I GET HELP TO COMPLETE THIS FORM?

Call the LUPC office that serves your area and ask to speak to or meet with one of our regional representatives (see below for office locations and contact information). Also, go to the LUPC website at www.maine.gov/dacf/lupc/ to browse our rules and regulations, recent publications and newsletters, Commission meeting agendas, and other valuable information.

 *Your application may be returned if it is incomplete! Contact the LUPC office that serves your area if you need help with this application.*

SENDING IN YOUR APPLICATION

Electronic submissions are encouraged. The application must be scanned. Staff cannot accept photos of pages or texts of materials. All applications must be sent to the Augusta Office via email at: ApplicationSubmissions.LUPC@maine.gov or via US mail at: 22 State House Station Augusta, ME 04333.

The fee will be calculated by staff based on the proposal and an online payment option will be available.

THIS FORM IS NOT A VALID PERMIT UNTIL IT IS SIGNED BY AN AUTHORIZED LUPC REPRESENTATIVE.
NO CONSTRUCTION ACTIVITIES MAY BEGIN BEFORE YOUR RECEIPT OF A PERMIT.
THE COMMISSION MAY REQUIRE ADDITIONAL INFORMATION NOT ENCOMPASSED IN THIS APPLICATION.

ADDITIONAL INFORMATION ABOUT THE APPLICATION PROCESS

PRE-APPLICATION AND POST-PERMIT SERVICES

The LUPC staff encourages and is available for meetings and site visits before you submit your application, after you receive your permit, and/or after your project is complete. Our staff can assist you with understanding the applicable requirements for submitting a proposal for the Commission's review, determining how your project best fits your site, and, therefore, helping ensure your project can be permitted.

Pre-application meetings:

- Encourage information exchange about the proposed project early in the planning stages;
- Help the applicant understand the application process and responsibilities in that process;
- Help to identify any environmental or other issues that may need to be addressed as part of the permit process and
- Provide an opportunity to identify aspects of the proposal that may make the application unique or difficult to approve.

Suggested materials to bring to the pre-application meeting:

- This application form (even if not yet completed)
- Your deed, lease, or sales contact
- Recent photos of the property
- Plan(s) with dimensions and setbacks of existing and proposed structures

Suggested discussion points during the pre-application meeting:

- Is the intended use allowed within the subdistrict in which your project is proposed?
- Does the proposed site meet necessary setbacks?
- Are there other questions you may have regarding this application form or process?

Pre- and post-construction site visits:

- Help highlight specific permit conditions;
- Enable the applicant and the LUPC staff to discuss any issues or new concerns that have arisen and
- Assist the applicant in identifying the various physical features on the lot related to the Commission's development standards.

Note: While the pre-application meeting is extremely valuable for identifying issues or concerns early on, no decisions are made at these meetings, and the thoughts expressed are not binding on the Commission or the applicant. The information presented at these meetings is very general, and the review is not complete. Call the LUPC office that serves your area to schedule an appointment.

HOW LONG WILL IT TAKE TO OBTAIN A PERMIT?

The LUPC staff strives to issue a permit decision within a reasonable timeframe of receiving a complete application. Current staffing shortages and high work volumes may create delays. Plan accordingly. Get your permit application submitted well in advance of your construction timeframe. Winter submittals are the best to ensure timely processing.

WHAT IF MY PROPOSAL DOES NOT MEET THE CRITERIA FOR APPROVAL?

The LUPC staff will contact you if it is determined that the proposal is not approvable. Our staff will then work with you to assess your options and recommend modifications to your application to make your project approvable. If you choose to make modifications to obtain approval, your application will be placed on hold until an updated and complete application is submitted. If you choose to have your application denied by the staff, you will have an opportunity to appeal that decision to the Commission at one of its regular monthly meetings or to the Superior Court if the decision is made by the Commission. You may also withdraw the application.

ACCESSING THE PROJECT SITE FOR SITE EVALUATION AND INSPECTION

Under 12 M.R.S., Section 685-C,8: "For the purposes of inspection and to ensure compliance with standards, orders and permits issued or adopted by the commission, authorized commission staff...may conduct investigations, examinations, tests, and site evaluations necessary to verify the information presented to it and may obtain access to any lands and structures regulated pursuant to this chapter".

For some development projects, an application cannot be deemed complete until a site visit has been conducted by staff to verify information about a project. Further, in some cases staff will need the applicant or their designated agent to be present on site to provide information. As a general policy, when reasonably practicable, staff will notify property owners or their agent prior to visiting the property. The applicant information section of the application, however, provides an opportunity to authorize staff, when you file your application, to fully access a project site. Due to our limited resources, this may increase the efficiency of the review of your application.

	BP		\$	
Tracking No.		Permit No.		Fee Received

Applicant & Agent Information - LUPC Building Permit

Contact information and signatures will not be published

APPLICANT INFORMATION

Please Print Legibly

Applicant Name(s)	Title <i>(if representing a corporation)</i>	
	Phone	
Mailing Address	Email	
Town	State	Zip Code

AGENT INFORMATION (If applicable)

Agent Name(s)	Phone	
Business Name		
Mailing Address	Email	
Town	State	Zip Code

APPLICANT AND AGENT SIGNATURES

I have personally examined and am familiar with all information submitted in this application, and to the best of my knowledge, it is true, accurate, and complete. I am aware that there may be significant penalties for submitting false information. I understand that the applicant is responsible for complying with all conditions of any permits issued by the Land Use Planning Commission. I attest that my lot has been evaluated and is not the result of an illegal subdivision.

Please check **one** of the boxes below:

- I authorize the Land Use Planning Commission staff to access the project site as necessary between 8:00 a.m. and 5:00 p.m., Monday through Friday.

- I request that the Land Use Planning Commission staff make reasonable efforts to contact me in advance to coordinate access to the project site.

Authorization of Agent by Applicant: *By signing below, I authorize the individual or business listed above to act as my legal agent in all matters relating to this application.*

Applicant Signature: _____ **Date:** _____

Agent Signature: _____ **Date:** _____

For office use:

	BP		\$	
Tracking No.		Permit No.		Fee Received

Building Permit

1. PROJECT LOCATION AND PROPERTY DETAILS

Applicant	Township, Town or Plantation	County
Tax Information <i>(check tax bill)</i>		Deed or Lease Information <i>(check deed or lease)</i>
Map:	Plan:	Lot:
		Book:
		Page:
		Lease #:
Lot size <i>(in acres or in square feet if less than 1 acre)</i>		Lot Coverage <i>(in square feet)</i>
All Zoning on Property <i>(check the LUPC map)</i>		Zoning at Development Site
Road Frontage. List the name(s) and frontage(s) (in feet) for any public or private roads or other rights-of-way adjacent to your lot: Road #1: _____ Frontage _____ ft. Road #2: _____ Frontage _____ ft.		Water Frontage. List the name(s) and frontage(s) (in feet) for any lakes, ponds, rivers, streams, or other waters on or adjacent to your lot: Waterbody #1: _____ Frontage _____ ft. Waterbody #2: _____ Frontage _____ ft.
Once your lot is developed, an e911 (street) address can be obtained from the County Commissioners' office. If you already have an e911 address, please list it here:		
LUPC Approved Subdivision. List the LUPC-approved subdivision number:SP _____ and SP Lot #: _____		
If your property is not part of a subdivision previously approved by the Commission, please continue to Land Division History below. <i>(check your deed, use the additional instructions on the website, or hire a land use professional to help you prepare this)</i>		
Land Division History. Using your deed as a starting point, trace your property's ownership history and configuration changes back 20 years from today. List any division of those lots from which your property originated (use an additional sheet of paper if needed).	(example: Amy Adams to Rob Roberts Map X, Plan X, Lot X 1/12/1997 10 acres)	
_____ _____ _____ _____ _____		

2. EXISTING STRUCTURES OR USES (Fill in a line for each existing structure)

Previously issued Building Permit number (if applicable) _____

Type of structure (dwelling, garage, deck, porch, shed, driveway, parking area, etc.)	Year built	Exterior dimensions (in feet) (LxWxH)	Type of foundation (full basement, slab, post, etc.)	Number of Bedrooms	Number of Plumbing Fixtures	Horizontal Distance (in feet) of structure from nearest:						
						Road	Property line	Lake or pond	River or stream	Wetland	Wetlands	Ocean/Coastal

3. PROPOSED STRUCTURES OR USES (INCLUDING DRIVEWAYS AND PARKING AREAS) *(Use additional sheet if needed)*

3.1 What is the proposed use of your property? <input type="checkbox"/> Residential only <input type="checkbox"/> Residential with Home Occupation* <input type="checkbox"/> Campsite**																
Type of structure (dwelling, garage, deck, porch, shed, driveway****, camper, RVs, parking lots, etc.)	Proposal (check all that apply)								Exterior dimensions (in feet) (LxWxH)	Number of Bedrooms	Number of Plumbing Fixtures	Horizontal Distance (in feet) of structure from nearest:				
	New structure***	Reconstruct***	Expand	Relocate	Remove	Enclose deck/porch	Permanent foundation***	Change dimensions or setbacks				Road	Property line	Lake or pond	River or stream	Wetland
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								

*** 3.2 HOME OCCUPATIONS:** If use of your property includes expanding or starting a home occupation, you must complete Supplement S-1: Questions for Home Occupations. Contact the LUPC office serving your area or download at www.maine.gov/dacf/lupc/.
Please note that additional fees apply to home occupations; see instructions for the appropriate fees.

- ** 3.3 CAMPSITES:** If use of your property includes a campsite for your personal use (e.g., will not be rented):
- a. Will the tents, tent trailer(s), pickup camper(s), recreational vehicle(s), trailer(s), or similar devices be located on the lot for less than 120 days in a calendar year? YES NO
 - b. Will the camper(s), trailer(s), and/or recreational vehicle(s) be registered and road ready? YES NO
 - c. Will the campsite have access to an on-site pressurized water supply (and not a self-contained water tank with pump)? YES NO
 - d. Will the campsite have access to permanent structures other than an outhouse, fireplace, picnic table, or lean-tos? YES NO

- *** 3.4 RECONSTRUCTIONS:** If you are reconstructing an existing structure or adding a permanent foundation:
- a. If the structure or foundation will not meet the LUPC's minimum setback distances from property lines, roads, water bodies, or wetlands, explain what physical limitations (lot size, slope, location of septic system, etc.) prevent the structure or foundation from meeting setbacks: _____

 - b. For reconstructions, has the existing structure been damaged, destroyed, or removed from your property? YES NO
If YES, was the structure in regular active use within a 2-year period preceding the damage, destruction, or removal? YES NO
If YES, provide the date the structure was damaged, destroyed, or removed: _____

- **** 3.5 DRIVEWAYS:** If you are located on a public road:
- a. Are you constructing a new driveway or entrance or changing a current driveway in a way that will increase traffic volume or create a safety or drainage concern regarding a State or State-Aid Highway? YES NO
If YES, you must submit Exhibit H: Driveway/Entrance Permit. Note: If your property is located along a County or Town/Plantation Road, you should check with that office before submitting this application to see what is required.

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4. SUBSURFACE WASTEWATER DISPOSAL (SEPTIC SYSTEM) (Note: Exhibit may be required. See instructions)

- 4.1 Mark the existing type of system serving the property: None Combined Subsurface System (Tank, leach field)
 Primitive Subsurface Disposal (Privy, greywater – non-pressurized); Common Sewer (Connected to a sewer district)
 Holding Tank Self-Contained Camper or RV Other
- 4.2 Will any new, expanded, or reconstructed structure include new bedrooms or bathrooms, add plumbing, water fixtures, pressurized water, or the ability for human habitation, or otherwise generate additional wastewater? New septic system? YES NO
If YES, you may need to submit Exhibit E: Subsurface Wastewater Disposal. (see instructions)

5. DEVELOPMENT IN FLOOD PRONE AREAS (Note: Supplement may be required. See instructions.)

- 5.1 Is your proposed activity located within a mapped P-FP (Flood Prone Area Protection) Subdistrict, a mapped FEMA (Federal Emergency Management Agency) flood zone, or an unmapped area prone to flooding?
 P-FP Subdistrict YES NO
 FEMA Flood Zone YES NO
 Unmapped Area Prone to Flooding..... YES NO
- If you answer YES to any of these questions, you must complete Supplement S-4: Development in Flood Prone Areas. Contact the LUPC office serving your area or download at www.maine.gov/dacf/lupc/application_forms/index.shtml.**

6. VEGETATIVE CLEARING (Note: Exhibit may be required. See instructions.)

- 6.1 What is the total amount of proposed vegetative clearing, not including the driveway and the footprint of the proposed structures?..... NA _____ sq. ft.
If you answer NA (not applicable) for 6.1 go to Section 7.
- 6.2 Will the total amount of existing and proposed vegetative clearing within 250 feet of any lakes or rivers be less than 10,000 square feet? YES NO NA Total: _____ sq. ft.
- 6.3 Will the proposed clearing be located at least 50 feet from the right-of-way or similar boundary of all public roadways? YES NO NA How Close? _____ Feet
- 6.4 Will the proposed clearing be located at least 75 feet from the normal high water mark of any body of standing water less than 10 acres in size, any coastal wetland, or flowing water draining less than 50 square miles? YES NO NA How Close? _____ Feet
- 6.5 Will the proposed clearing be located at least 100 feet from the normal high water mark of the lake or river? YES NO NA How Close? _____ feet
- 6.6 **If you answer NO to any of these questions, please explain why your vegetative clearing proposal is necessary and how it will not create an undue adverse impact on the resources and uses in the area:**

- 6.7 **Buffering in Prospectively Zoned Areas.** Is your property in one of the following Prospectively Zoned Plantations or Townships?..... YES NO

Adamstown Twp. Dallas Plt. Lincoln Plt. Magalloway Plt.
 Rangeley Plt. Richardsontown Twp. Sandy River Plt. Townships C, D, and E.

If YES, please complete the following table regarding the width of the vegetative buffers at the narrowest point between the existing and proposed structures and the nearest applicable road, property line, and subdistrict setbacks as applicable:

Standard Minimum Required:	Width of Vegetated Buffers			
	Road	Side Property Line	Rear Property Line	Subdistrict Boundary (If D-ES or D-CI)
	25 feet in D-GN, D-GN2, D-GN3 50 feet in D-RS, D-RS2, D-RS3 75 feet in D-ES and D-CI	15 feet	15 feet	50 feet Buffer to other Subdistricts
This property:	_____ feet	_____ feet	_____ feet	_____ feet

Note: You may be required to submit Exhibit F: Documentation for Exceptions to Buffering Requirements. (See instructions)

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7. SOIL DISTURBANCE, FILLING AND GRADING AND EROSION CONTROL (Note: Exhibit may be required. See instructions.)

7.1 Will your project involve disturbing soil or filling and grading? YES NO

*If YES, please answer the following questions. **If NO, go to Section 8.***

7.2 What is the total area of proposed soil disturbance or filling and grading?..... sq. ft.

7.3 What is the total square feet of soil disturbance or filling and grading within 250 feet of a body of standing water, flowing water, or wetland?..... sq. ft.

7.4 Will soil disturbance or filling and grading be done when the ground is frozen or saturated?..... YES NO

If YES, you will need to submit Exhibit G: Erosion and Sedimentation Control Plan.

7.5 Will all fill used be free of hazardous or toxic materials, trash, and rubbish? YES NO

7.6 How and when will disturbed areas be seeded or stabilized at the end of the construction season and at the completion of the project?

7.7 What will you do (during site preparation, construction, cleanup, and post-construction) to stabilize disturbed soil and prevent sediment from entering water, wetlands, natural drainage systems, catch basins, culverts, or adjacent properties?

7.8 What is the average slope of land between the area to be disturbed and the nearest waterbody or wetland?..... % slope

7.9 What will the sustained slope of land be between the area to be disturbed and the nearest waterbody or wetland?..... % slope

7.10 Please explain how your project will not create an undue adverse impact on the resources and uses in the area. Include information about erosion control devices and other plans to stabilize the site:

 Be sure to include the following information on your site plans (Exhibits D1 and D2): the size and location of the area to be disturbed and its proximity to water bodies, flowing waters, and wetlands.

8. LAND AND WETLAND ALTERATION (Note: Exhibit or Supplement may be required. See instructions.)

8.1 Will your proposal alter a total of one acre or more of land area, whether upland or wetland?..... YES NO

If YES, you must also complete Exhibit G: Erosion and Sedimentation Control Plan and Supplement S-3: Requirements for Wetland Alterations.

If the total area of soil disturbance on your property will be one acre or more you must submit a Maine Construction General Permit (MCGP) Notice of Intent to the Maine Department of Environmental Protection (https://www.maine.gov/dep/land/stormwater/mcgp_noi.pdf).

8.2 Will your proposal alter any amount of land that is mapped P-WL Subdistrict or any ground below the normal high water mark of any lake, pond, river, stream, or intertidal area?..... YES NO

If YES, you must also complete Supplement S-3: Requirements for Wetland Alterations.

9. APPLICATION FEE (see worksheet in the instructions)

Check one of the following:

I would like to pay my application fee online, please email me with the necessary information

I will send the fee via check after LUPC staff have confirmed my application fee

	BP	
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Tracking No.

Permit No.

EXHIBIT D-1: SITE PLAN

Prepare a bird's-eye view site plan that shows your entire property and includes all the elements described for **Exhibit D** in the instructions. Do not use colors. Refer to the instructions for a sample site plan.

A large grid for drawing a site plan. The grid is composed of 20 columns and 20 rows of squares, providing a space for the applicant to draw a bird's-eye view of their property.

Notes/Legend:

Tracking No.

BP

Permit No.

EXHIBIT D-2: AFTER SITE PLAN (OPTIONAL*)

***REQUIRED ONLY IF ALL PROPOSED CHANGES CANNOT BE CLEARLY SHOWN ON EXHIBIT D-1.**

Prepare a bird's-eye view site plan that shows your entire property and includes all the elements described for **Exhibit D** in the instructions. Do not use colors. Refer to the instructions for a sample site plan.

A large rectangular area filled with a uniform grid of squares, intended for the user to draw a site plan. The grid is approximately 30 squares wide and 25 squares high.

Notes/Legend:

Four horizontal lines provided for the user to write notes or create a legend for their site plan.

CHECKLIST OF REQUIRED FEES, EXHIBITS, AND SUPPLEMENTS

Please check off the following for the application fee, exhibits, and supplements. Use the requirements based on certain questions and the instructions in Required Fees, Exhibits and Supplements to determine which are required for your application. Please check off if the exhibit is required and if it has been provided, and note that the supplements may also require additional exhibits. Please check with Commission staff if you have any questions.

Required*		Provided		Exhibit	*Required
YES	NO	YES	NO		
√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Application Fee	Required unless a waiver is granted by the LUPC Director in very specific and limited circumstances.
√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit A – Location Map	Required unless already on file with the LUPC.
√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit B – Deed, Lease or Sales Contract.....	Required unless already on file with the LUPC and no changes have been made to the lot or covenants/restrictions or easements from what is on file.
√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit C – Site Photographs	Required unless already on file with the LUPC and photos are representative of current conditions.
√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit D-1 –Site Plan	Required. Show all existing and proposed structures and features.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit D-2 – After Site Plan.....	Required if all proposed changes cannot be clearly shown on Exhibit D-1.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit E – Subsurface Wastewater Disposal	Required if the answer to question 4.2 is YES or as otherwise required by the Maine State Plumbing Code.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit F – Documentation for Exceptions to Buffering Requirements.....	Required if the answer to question 6.7 is YES and any of the answers in the table are less than the required buffer.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit G – Erosion and Sedimentation Control Plan	Required if you will alter, disturb or fill a total of one acre or more of land, whether upland or wetland or if the answer to question 7.4 is NO.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit H –Driveway/Entrance Permit	Required if you propose to construct a new driveway or entrance or change an existing driveway in a way that will increase traffic volume, or create a safety or drainage concern regarding a State or State Aid Roadway or if required by the County, Town or Plantation.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Supplement S-1: Questions for Home Occupations	Required if you are proposing a Home Occupation as noted in Section 4.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Supplement S-3: Requirements for Wetland Alterations	Required if the answer to either question 8.1 or 8.2 is YES.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Supplement S-4: Requirements for Development in Flood Prone Areas	Required if the answer to question 5.1 is YES.

APPLICANT INFORMATION

Print the legal names and mailing addresses of all persons or companies with title, right or interest in the property associated with this application. Persons with "title, right or interest" are those listed on any deed, lease or sales contract for the property.

1. PROJECT LOCATION AND PROPERTY DETAILS

Tax Map, Plan and Lot Numbers: The tax map, plan and lot numbers are listed on your property tax bill.

Book/Page Numbers or Lease Lot Numbers: The book and page numbers are listed on your deed. Check your lease or ask your lessor whether a unique lease lot number has been assigned to your property. Unless already on file with the LUPC, you will need to submit **Exhibit B: Deed, Lease or Sales Contract** with your application. (see instructions)

Zoning: Locate your property on a LUPC Land Use Guidance Map and identify all the subdistricts covering your lot AND those where the development will be located. The Subdistrict(s) for your property can also be found at the LUPC website by viewing the LUPC Zoning Maps www.maine.gov/dacf/lupc/plans_maps_data/zoning_maps/index.shtml or the LUPC Zoning & Parcel Viewer http://mapserver.maine.gov/conservation/LUPC_master.php.

Lot Coverage: Calculate the area of your property that will be covered by structures, driveways, parking lots, and other non-vegetated surfaces after your proposed activities are completed. Include all existing and proposed structures and features on your lot. *For example, a lot with: a 28 foot by 35 foot (980 sq. ft.) dwelling, 10 foot by 12 foot (120 sq. ft.) patio, 20 foot by 20 foot (400 sq. ft.) garage, 20 foot by 50 foot driveway (1,000 sq. ft.), and 20 foot by 20 foot (400 sq. ft.) parking area, would have a total lot coverage of 2,900 sq. ft.*

Road and Water Frontage: Measure road frontage along the traveled portion of the road, between the points of intersection of side property lines and the road. Measure water frontage in a straight line between the points of intersection of side property lines and the normal high water mark of the shoreline.

LUPC Approved Subdivision: If your lot is part of a subdivision approved by the Commission, provide the subdivision number and lot number that represents your lot. This information is usually included in your deed description. If your lot is part of a subdivision approved by the LUPC, you do NOT need to complete a land division history.

Land Division History: Before a permit can be issued, the LUPC needs to know your property's subdivision history. Using your deed, lease or sales contract as a starting point, trace the ownership history and configuration changes of your property back to 20 years from today. Unless already on file with the LUPC, list all of the changes in ownership and all divisions of those lots from which your property originated. Be sure to include any land transfers to neighboring land owners as well as property gifted to relatives. (Use an extra sheet of paper if needed). You will also need to submit **Exhibit B: Deed, Lease, or Sales Contract**, if not already on file with the LUPC. (see instructions)

📌 *If you lease your property, contact your lessor before submitting this application to the LUPC. You may need to get written permission from the lessor for your proposal first.*

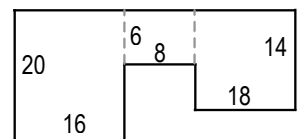
📌 *If you own or are under contract to buy the property to be developed, your county registry of deeds office or the previous owner of the property may provide you some helpful information. If you lease your property, contact your lease company for information on the lease history of your lot.*

2. EXISTING STRUCTURES AND EXISTING BUILDING PERMIT

Existing Building Permit Number: Complete if you are aware that a building permit has already been issued for your property.

Types of Structures. Include a house, camp, garage, bunkhouse, porch, deck, shed, driveway, parking area, etc. For each structure that exists on your property, fill out the appropriate information in the table.

Exterior Dimensions: Calculate the dimensions (length, width and height) of each structure along its exterior surfaces. Measure the height of the structure from the peak of the roof (excluding chimneys or antennae) to the mean original grade of the structure along the downhill side. If the structure is irregularly shaped, write in its detailed dimensions. *For example, a structure that is 24 feet high and is shaped like this..... would have these dimensions: 16x20x24; 6x8x24; 14x18x24.*




Type of Foundation: Describe the type of foundation that supports the structure. Types of foundations include full foundations, basements, frost walls, slabs, posts, sono tubes, etc.


Setback Distances: All setback distances should be measured horizontally. Road setbacks should be measured as the distance from the edge of the pavement or traveled way to the nearest portion of the structure. Property line setbacks should be measured as the distance from the property boundary line to the nearest portion of the structure. Setbacks from lakes, ponds, rivers, streams and wetlands should be measured as the distance from **the normal high water mark** to the nearest portion of the structure.

📌 *The **normal high water mark** is the line on the shores and banks of non-coastal wetlands which is identifiable by the different character of the soil or vegetation due to the influence of surface water. This mark is not necessarily the water line! Call the LUPC if you need help identifying this mark.*

3. PROPOSED ACTIVITIES

Check the appropriate box to describe whether your proposal is for residential use only, includes a home occupation, or will be used as a personal campsite (e.g., will not be rented or made available to the public). For each structure that you are proposing to build or alter, fill out the appropriate information in the table. Instructions for calculating exterior dimensions and setback distances are listed in question 3 above.

 If you are proposing a personal campsite and do not intend for it to be rented or used by the public, you must complete Section 4.3. A campsite is intended for use by tents, registered campers, trailers, and RVs for no more than 120 days in a calendar year, but with limited structures and no access to a pressurized water supply. More intensive use of a camper or RV will be treated as a residential dwelling and may require on-site sewage disposal. If you are proposing a campsite that is intended to be rented or used by the public you will need to obtain a Development Permit and cannot use this Building Permit application.

 If you are proposing a Home Occupation you must complete **Supplement S-1 Questions for Home Occupations**. Contact the LUPC office that serves your area or download at www.maine.gov/dacf/lupc/application_forms/index.shtml

New structure: Check this box if you plan to build a new principal structure or a new accessory structure.

Reconstruct: Check this box if you plan to reconstruct an existing structure or if you plan to reconstruct a deck attached to an existing structure, and answer the questions below the table. Reconstruction is the rebuilding of a structure after more than 50% of its structural components (including walls, roof or foundation) has been destroyed, damaged, demolished or removed. Leaving one or two walls or the floor of a structure in place while rebuilding the remainder of the structure is considered a reconstruction.

Expand: Check this box if you plan to enlarge or add on to an existing structure or if you plan to increase a structure's height.


Relocate: Check this box if you plan to move an existing structure to another place on your lot.

Remove: Check this box if you plan to remove an existing structure completely from your lot.

Enclose deck or porch: Check this box if you plan to enclose or partially enclose an existing deck or porch.


Permanent foundation: Check this box if you plan to add a permanent foundation or replace 50% or more of an existing permanent foundation beneath a structure, and answer the questions below the table. Permanent foundations are any supporting substructures that extend below the frost line or permanently withstand freeze-thaw conditions (such as full foundations, basements, slabs, frost walls). Sono tubes or posts installed with augers are not considered permanent foundations.


Change setbacks or dimensions: Check this box if you wish to change setbacks or dimensions of a structure that was approved by the LUPC under a valid (not expired) permit.

 If you answer YES to question 4.5.a, or it is required by the County, Town or Plantation, you must submit **Exhibit H: Driveway/Entrance Permit** with your application! (see instructions).

4. SUBSURFACE WASTEWATER DISPOSAL (SEPTIC SYSTEM)

Indicate what type of existing sewage disposal system is currently serving your lot by checking the appropriate box. If your proposal includes adding new bedrooms, bathrooms, plumbing fixtures, pressurized water, or the potential for human habitation, or otherwise generating additional wastewater, you will likely need to contact a Licensed Site Evaluator, your Local Plumbing Inspector, or the Division of Environmental Health to determine what requirements you must meet to comply with the Maine State Plumbing Code. If you have questions about the plumbing code, wish to contact your Local Plumbing Inspector, or need a list of Licensed Site Evaluators, contact the Division of Environmental Health, Drinking Water Program, Subsurface Wastewater Unit at (207)287-5672 or go to the Division's website at www.maine.gov/dhhs/eng/plumb/.

 If you answer YES to question 5.2 you must submit **Exhibit E: Subsurface Wastewater Disposal** with your application! (see instructions).

 If you are proposing to use a self-contained RV or camper at a personal campsite (e.g., will not be rented) you do not need to submit **Exhibit E: Subsurface Wastewater Disposal**. However, all waste water must be disposed of properly and in accordance with the plumbing code. You should check with campgrounds in the area to see if they can accept your waste water or if there is a septic tank pumper that can regularly pump out your RV or camper while you are camping at your lot.

5. DEVELOPMENT IN FLOOD PRONE AREAS (the term also includes special flood hazard areas)

Indicate whether your proposed activity will be located within a mapped P-FP (Flood Prone Area Protection) Subdistrict on the LUPC Land Use Guidance Map, a mapped flood zone on a FEMA (Federal Emergency Management Agency) Flood Insurance Rate Map or Flood Hazard Boundary Map, or in an unmapped area prone to flooding.

If you answer YES to question 5.1, you must complete **Supplement S-4: Development in Flood Prone Areas**. Contact the LUPC office that serves your area or download at www.maine.gov/dacf/lupc/application_forms/index.shtml

If you are unsure whether your property is in a mapped Flood Prone Area Protection Subdistrict or a mapped FEMA flood zone, check Appendix E of the Commission's Land Use Districts and Standards (www.maine.gov/dacf/lupc/laws_rules/rule_chapters/Ch10_Appendix.pdf); check FEMA's map service center (<https://msc.fema.gov/portal>); or contact [the LUPC office that serves your area](#).

6. VEGETATIVE CLEARING

If you will be clearing any vegetation as part of your proposal, identify the total size of the cleared area, answer the questions concerning the amount of clearing at certain distances from lakes or ponds, and insert the approximate distances between the edge of the cleared area and the nearest public road, river or stream, lake or pond. If you answer NO to any of the clearing questions you will need to explain how your proposal will not create an undue adverse impact on the resources and uses in the area.

The LUPC regulates how much vegetation can be cleared for development and how vegetated buffers are to be maintained. These rules affect the type and amount of trees, shrubs, groundcover and other vegetation that may be removed. Clearing is especially limited within 100 feet of lakes and rivers, 75 feet of small ponds and streams, and 50 feet of public road ways. See Section 10.27,B of Chapter 10 *Land Use Districts and Standards* for more details on what is required.

6.7 Buffering in Prospectively Zoned Areas. If you are within a prospectively zoned area, you must complete this section verifying that you will be in compliance with the standards for vegetative buffers in these areas. Standards for these areas differ from the jurisdiction-wide standards in a number of ways. For instance, vegetated buffers are required along all roads, not just public roads. Contact the LUPC office serving your area for more details or see Section 10.25,B of the Commission's Chapter 10 *Land Use Districts and Standards*.

If the vegetative buffers or any other feature of your property will NOT screen the proposed development from view from the road and adjacent properties, you must submit **EXHIBIT F: Documentation for Exceptions to Buffering Requirements** with your application in order to apply for a waiver for the additional buffering requirements for prospectively zoned areas. (see instructions)

7. SOIL DISTURBANCE, FILLING AND GRADING AND EROSION CONTROL

Soil disturbance includes areas that are stripped, graded, grubbed or otherwise result in exposed soil at any time during the site preparation for, or construction of, a project. If you are proposing to disturb soil or fill and grade, you must complete this section. If you answer NO to any of the questions you will need to explain how your proposal will not create an undue adverse impact on the resources and uses in the area.

The LUPC requires that development be accomplished in such a way that the smallest area of soil is exposed for the shortest amount of time possible. If your property is near a lake, pond, river, stream or wetland, it is important that these resources be protected from sedimentation. See Section 10.27,F and Appendix B of [Chapter 10 Land Use Districts and Standards](#) for more details on what is required.

If the total area of soil disturbance or fill will be one acre (43,560 square feet) or more, or if soil disturbance will occur when the ground is frozen or saturated, you must submit **EXHIBIT G: Erosion and Sedimentation Control Plan** with your application. (see instructions)

8. LAND AND WETLAND ALTERATION

Alteration means removing or displacing soil, sand, vegetation or other material; dredging; bulldozing; draining or dewatering; filling; or any other construction, repair or alteration of a permanent structure. P-WL Subdistricts (Wetlands) include lakes, ponds, rivers, streams, bogs, marshes, intertidal areas and other types of wetlands identified on the LUPC's Land Use Guidance Map. Mapped wetlands usually show on the maps as three types: P-WL1, P-WL2, or P-WL3 subdistricts. However, small streams are also considered P-WL subdistricts, even if they are not shown on the LUPC's maps.

If you answer YES to question 8.1, you must submit **EXHIBIT G: Erosion and Sedimentation Control Plan AND Supplement S-3: Requirements for Wetland Alterations**. (see Instructions)

If you answer YES to question 8.2, you must only submit **Supplement S-3: Requirements for Wetland Alterations**. (see instructions)

REQUIRED FEES AND EXHIBITS

APPLICATION FEE (nonrefundable). Unless otherwise indicated, all applications require an application fee; receipt of an application fee is required for a complete application. **After-the-Fact permits: triple the standard fee.** This sheet is available for user convenience; Chapter 1 of the Commission's supersede any errors below.

Fees are nonrefundable and are the sum of the following:

$$\begin{array}{r}
 \text{Base Fee} \\
 + \text{ Activity Specific Fee} \\
 + \text{ Fees for Uses Allowed by Special Exception (if applicable)} \\
 + \text{ After-the-Fact Fee (if applicable)} \\
 \hline
 = \text{ Application Fee}
 \end{array}$$

		Applicable Base Fee	Maximum Fee	Enter the applicable base fee
Base Fee	Sites located on lots within Commission approved subdivisions	\$50.00	\$750.00	\$
	Sites <u>not located on lots within</u> Commission approved subdivisions	\$75.00	\$1,000.00	
	Home-based Business	\$100.00	\$1,500.00	

Enter the applicable measurement ¹ (e.g., square feet, # for each 1,000 sft) ↗			Applicable Fee	Sub-Total
Disturbed areas	Square feet of disturbed area within 25 feet of shoreline, and wetland impact areas:	x	\$0.40 per square foot	\$
	Square feet of all other disturbed areas more than the first acre <i>(i.e., there is no charge for the first acre)</i>	x	\$1.00 per 1,000 square feet	\$
Structures	...on lots within Commission approved subdivisions:	x	\$0.15 per square foot (footprint) ²	\$
	... <u>not on lots within</u> Commission approved subdivisions:	x	\$0.20 per square foot (footprint) ²	\$
Special Exceptions	Includes one or more uses allowed by special exception?	+	\$100.00	\$

Total Application Fee: \$ _____
(confirm this amount does not exceed the maximum fee)

See the next page...

¹ Only one activity fee applies to any specific square foot or acre

² For the purpose of interpreting the provisions of Section 1.02(B)(2)(e) only, "footprint" of solar panels shall be the square footage of all footings and foundations.

All application fees are nonrefundable, but can be paid utilizing one of the following methods:

1. Digital/Online Fee Payment.

If you intend to pay the application fee online, please indicate that point on your application (see item# 9). Our staff will provide a link to the online payment option via email, which will identify the applicable permit fee and a tracking number.

However, please be advised, the following third-party surcharges apply to digital/online fee payments:

- For debit payments: \$0.25, regardless of the transaction amount
- For credit card payments: 3% of the transaction amount

These additional fees can be avoided if the application fee is paid by check or money order.

2. Check or money order (must be issued from a US financial institution)

If you intend to pay the application fee by check or money order, please submit with your application a check or money order payable to "Treasurer, State of Maine" for the appropriate fee.

EXHIBIT A: LOCATION MAP. Submit a copy of the Commission's Land Use Guidance Map or another equivalent map (such as a U.S.G.S. topographic map or a tax parcel map) on which you have clearly marked the boundaries of your property.

EXHIBIT B: DEED, LEASE OR SALES CONTRACT. Submit complete, signed copies of all deeds, leases, and other covenants, restrictions or easements that demonstrate the applicant's title, right or interest in all of the land addressed in this application. Or submit a current binding option to purchase all necessary interest in the land, or a similar contractual agreement that establishes terms for future title and provides a description of the property. If you are submitting a contractual agreement, you must also submit complete, signed copies of all deeds or leases that demonstrate the current land owner's title, right or interest in all of the land addressed in this application.


 *If you are leasing your property, read your lease carefully and contact the lessor before submitting this application to the LUPC. You may need to get written permission from the lessor for your proposal first.*

EXHIBIT C: SITE PHOTOGRAPHS. Attach a series of photographs taken within the past two years that show the features and structures on your property as they currently exist. **Print or mount the photos on 8½ x 11 inch paper** and include an explanatory caption and date for each photo. Or if filing electronically submit them with the application (please note we cannot accept texts of photos)

EXHIBIT D: SITE PLAN. Prepare a bird's-eye view site plan that shows your entire property. Draw the plan to scale on an 8½ x 11 inch sheet of paper or on the attached grid paper. Do not use colors as they do not photocopy. Refer to the site plan on the next page as an example. Include the following features:

- Property boundary lines and dimensions (including road and water frontage).
- Wooded areas, open fields, rivers, streams, lakes, ponds, wetlands, and other natural features.
- Existing and proposed structures and features (including dwellings, garages, decks, walkways, driveways, parking areas, signs, etc.):
 - Identify the distances of each structure from the nearest property line, road, lake, pond, river, stream and wetland.
 - Mark all existing structures that will be expanded, reconstructed, removed, relocated or otherwise altered.
- Areas that are or will be stripped, graded, grubbed, filled, or otherwise result in exposed soil, their dimensions and distances from waterbodies, roads and property lines.
- Areas that are or will be cleared of vegetation, their dimensions and distances from waterbodies, roads and property lines.
- Proposed erosion, sedimentation and drainage control measures (hay bales, silt fencing, level spreaders, culverts, water bars, etc.)

If you are proposing many changes to your property, submit two site plans – one showing the existing lot layout (as Exhibit D-1) and one showing the proposed layout (as Exhibit D-2). For this purpose, two blank site plans are provided as part of this application form.

EXHIBIT E: SEWAGE DISPOSAL. If any of your proposed new or altered structures have or will include bedrooms, bathrooms, plumbing or water fixtures, or otherwise generate waste water, you must contact a Licensed Site Evaluator, your Local Plumbing Inspector or the Division of Health Engineering to ensure that your development complies with the Maine Plumbing Code. You may need to hire a Licensed Site Evaluator to test the soils on your property, design a sewage disposal system, and complete an HHE-200 form ("Application for Subsurface Waste Water Disposal"). If so, you must submit a signed HHE-200 form with this application. **Please see Wastewater Disposal in Additional Helpful Instructions for more information and details.**

EXHIBIT F: DOCUMENTATION FOR EXCEPTIONS TO BUFFERING REQUIREMENTS. This applies only to townships or plantations that are subject to Prospective Zoning, on property that has less than the required buffers (see question 6.7).

If the vegetative buffers or other features of your property will not screen your proposed development from the road and adjacent properties, check the appropriate reason(s) below and submit any required documentation.

- The proposed use is compatible with adjacent development and is acceptable to all abutting land owners. Submit letters of agreement from abutters.
- Extensive clearing and development existed before January 1, 2001. Submit historical photographs documenting such clearing and development.
- The establishment of buffers would eliminate or interfere with scenic views existing before January 1, 2001. Submit historical photographs documenting such scenic views.
- The adjacent area has at least 80% of the street developed with buildings (a “Main Street” setting); or side or rear property line buffers would interfere with pedestrian circulation or access. Submit photographs documenting a “Main Street” setting.
- **EXHIBIT G: EROSION AND SEDIMENTATION CONTROL PLAN.** If the total area of soil disturbance on your property will be one acre (43,560 square feet) or more you must submit a Maine Construction General Permit (MCGP) Notice of Intent to the Maine Department of Environmental Protection (https://www.maine.gov/dep/land/stormwater/mcgp_noi.pdf). Also if soil disturbance is one acre or more within the direct watershed of a body of standing water 10 acres or greater in size, or if soil disturbance activities will occur when the ground is frozen or saturated, you must submit an erosion and sedimentation control plan to with this application that includes the following information:
 - A map (drawn to scale) identifying vegetation type and location, slopes, and other natural features such as streams, gullies, berms, and drainage ditches on your property.
 - A timeline identifying the sequence of construction events on your property, including stripping and clearing; rough grading; construction of utilities, infrastructure and buildings; and final grading and landscaping. Also identify the expected date on which clearing will begin, the estimated duration of exposure of cleared and disturbed areas, the location of cleared and disturbed areas, the sequence of installation of temporary erosion and sedimentation control measures, and the planned date of establishment of permanent vegetation.
 - A detailed description of all temporary and permanent erosion and sedimentation control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quality of mulching for both temporary and permanent vegetative stabilization measures.
 - A summary of the provisions that will be used for continued maintenance and inspection of erosion and sedimentation control devices or measures, including estimates of the cost of maintenance, plans for meeting maintenance expenses and inspection schedules.
 - you must submit a Maine Construction General Permit (MCGP) Notice of Intent to the Maine Department of Environmental Protection (https://www.maine.gov/dep/land/stormwater/mcgp_noi.pdf)

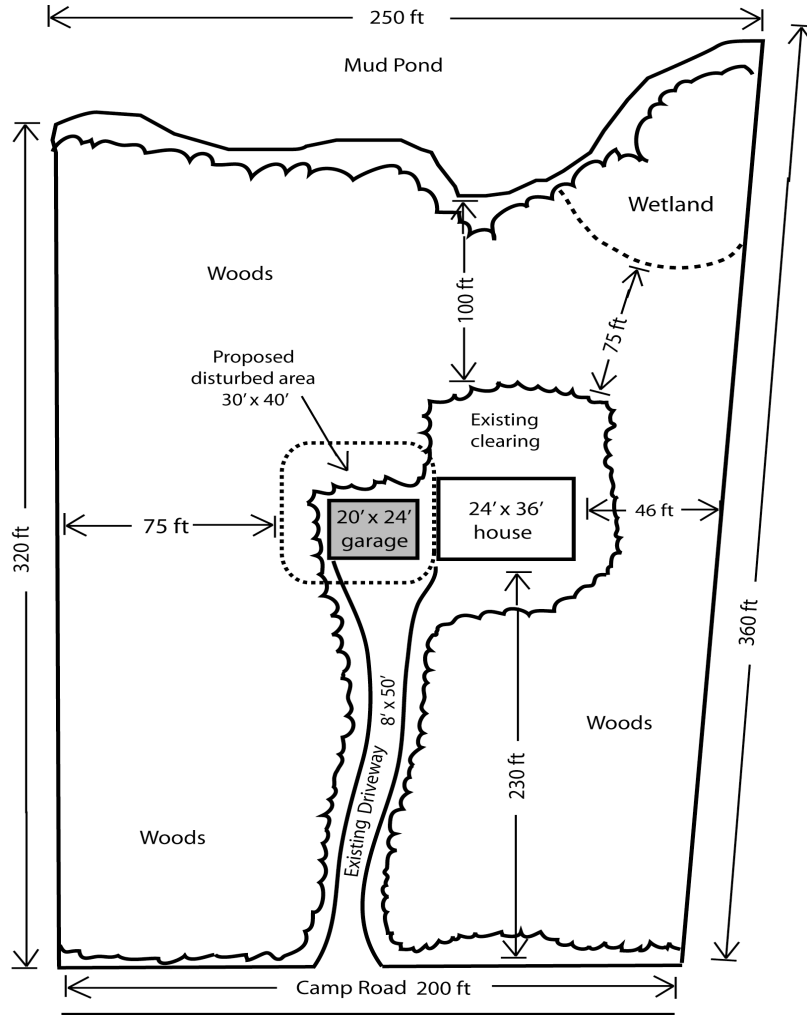
EXHIBIT H: DRIVEWAY/ENTRANCE PERMIT. If you are proposing to construct a driveway or entrance regarding a state or state-aid road, or if you are proposing to increase traffic volume or potentially create a safety or drainage concern, you must obtain a Driveway/Entrance Permit from the Maine Department of Transportation (MDOT) and submit it with your application. For more information, contact the regional MDOT office that serves your area or go to the Department’s website at www.maine.gov/mdot/. In addition, if a permit is required for new driveways off of County, Town or Plantation roads in your area, you must obtain this permit and submit it with your application. Please contact your County Commissioners’ office or Town/Plantation office for information on what is required.




SUPPLEMENT S-1: QUESTIONS FOR HOME OCCUPATIONS. If you will be conducting a major home occupation on your property, you must submit this supplement with your LUPC permit application. A home occupation is a business, profession, occupation or trade carried on by a resident within the dwelling or an accessory structure. Major home occupations may use no more than 50% of the floor area of the dwelling and any accessory structures, up to a limit of 1,500 square feet. Contact the LUPC office that serves your area to obtain a copy of this supplement or for help in determining whether your home occupation requires permit approval by the LUPC or go to www.maine.gov/dacf/lupc/application_forms/index.shtml.

SUPPLEMENT S-3: REQUIREMENTS FOR WETLAND ALTERATIONS. If you answer YES to either of the wetland questions (see Section 9 of this application), you must submit this supplement with your LUPC permit application. You may be required to hire a qualified professional to delineate wetlands within your project area. Contact the LUPC office that serves your area for additional information and to obtain a copy of this supplement or go to www.maine.gov/dacf/lupc/application_forms/index.shtml.

SUPPLEMENT S-4: REQUIREMENTS FOR DEVELOPMENT IN FLOOD PRONE AREAS. If you answer YES to any of the Flood Prone Area questions in Section 6 of this application, you must submit this supplement with your LUPC permit application. You may be required to hire a qualified land surveyor, architect, or professional engineer to determine the elevation of your property or of a proposed or an existing structure. Contact the LUPC office that serves your area for additional information and to obtain a copy of this supplement or go to www.maine.gov/dacf/lupc/application_forms/index.shtml.

Sample Site Plan



	Existing Structures	Total proposed disturbed area: 30' x 40' clearing and filling/grading, including 20' x 24' garage
	Proposed Structures	
	Proposed Cleared Area	

DIMENSIONAL REQUIREMENTS

for conforming residential structures and uses

The Commission's rules establish dimensional requirements for all lots on which structural development is proposed. The following chart summarizes these requirements. For complete details about the Commission's dimensional requirements, refer to Section 10.26 of the Commission's *Land Use Districts and Standards*. Residential Campsites must conform to the same dimensional requirements as single-family residential dwellings.

MINIMUM LOT SIZE *(Note: There is no lot size requirement for campsites; however, residential campsites must meet this standard.)*

For single-family residential structures served by an on-site subsurface waste water disposal system.....	40,000 square feet per dwelling unit
For single-family residential structures served by a common or community sewer.....	20,000 square feet per dwelling unit

MINIMUM FRONTAGE *(Note: There is no minimum frontage requirement for campsites; however, residential campsites must meet this standard.)*

Waters

Bodies of standing water 10 acres or greater and rivers draining 50 square miles or more	200 feet per dwelling unit
Coastal wetlands, ponds less than 10 acres, rivers draining less than 50 square miles, and P-WL1 wetlands.....	150 feet per dwelling unit

Roads

For lots with frontage on any privately or publicly owned road	100 feet per dwelling unit
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*(*Note: The road frontage requirement does not apply to lots located at the end of a road or on a circular turnaround with an outside diameter of less than 25 feet.)*

MINIMUM SETBACKS FOR RESIDENTIAL STRUCTURES, RESIDENTIAL CAMPSITES, AND HOME OCCUPATIONS

Waters

Bodies of standing water 10 acres or greater and rivers draining 50 square miles or more	100 feet
Coastal wetlands, ponds less than 10 acres, rivers draining less than 50 square miles, and P-WL1 wetlands.....	75 feet

*(*Note: The minimum shoreline setback in the P-RT Subdistrict is 125 feet)*

Roads

Traveled portion of roadways within D-RS and D-GN subdistricts	30 feet
Traveled portion of roads on coastal islands	20 feet
Traveled portion of all other roads	50 feet

Property Lines

Side and rear property lines.....	15 feet
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MINIMUM SETBACKS FOR CAMPSITES (except residential campsites)

Shoreline	75 feet*
Traveled portion of all roadways within D-RS and D-GN subdistricts	30 feet
Traveled portion of all other roads	50 feet
Property lines	25 feet

*(*Note: The minimum shoreline setback for Remote Campsites is 25 feet except that the setback may be increased where necessary due to site conditions in order to avoid accelerated soil erosion or sedimentation of surface waters.)*

MAXIMUM LOT COVERAGE

Total for all structures, including driveways, sidewalks, parking lots, and other non-vegetated surfaces	30%
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MAXIMUM BUILDING HEIGHT

Between 100 to 500 feet of a bodies of standing water 10 acres or greater	30 feet
Beyond 500 feet of a bodies of standing water 10 acres or greater	75 feet

A GUIDE TO THE LUPC RULES FOR NONCONFORMING DEVELOPMENT

Structures and lots that were created before the Commission's rules were established or amended and which do not meet current rules are governed by the Commission as nonconforming development. The most common reason that a structure is nonconforming is that it does not meet the minimum required setback from a water body. Typically, lots are nonconforming when they do not comply with the current lot size or frontage requirements. This page provides a brief guide to some of the Commission's rules for nonconforming development. For specifics about applicable rules and regulations, refer to Section 10.11 of the Commission's Chapter 10 *Land Use Districts and Standards*.

GENERAL REQUIREMENTS

It is the Commission's policy to limit expansions of nonconforming structures and to provide incentives for lot owners to bring nonconforming development into compliance with the Commission's current standards. To obtain permit approval for changes to a nonconforming structure, you need to demonstrate that the **project will not adversely affect surrounding uses and resources** and that there is **no increase in the extent of nonconformance**. An increase in the extent of nonconformance occurs when a structure with an existing nonconforming setback is altered in such a way that it is placed closer than the minimum setback distances for water bodies, roads or property boundaries, or a setback established by a legally existing nonconforming structure, or it otherwise further exceeds the standards of Chapter 10 *Land Use Districts and Standards* upon project completion.

RECONSTRUCTING A NONCONFORMING STRUCTURE OR ADDING OR RECONSTRUCTING A PERMANENT FOUNDATION

Reconstruction is the rebuilding of a structure after more than 50% of its structural components (including walls, roof or foundation) has been destroyed, damaged, demolished or removed. Leaving one or two walls or the floor of a structure in place while rebuilding the remainder of the structure is considered a reconstruction.

Adding a permanent foundation beneath a structure **or replacing 50% of an existing foundation** also requires a permit. Permanent foundations are any supporting substructures that extend below the frost line or permanently withstand freeze-thaw conditions. Examples are full foundations, basements, slabs and frost walls. "Sono tubes" or posts installed with augers are not permanent foundations.

If a nonconforming structure has been damaged, destroyed or removed, such a structure may be reconstructed or replaced if an application is filed with the LUPC within 2 years of the date of damage, destruction or removal **and** if the structure was in active use within the past two years preceding the damage, destruction or removal.

EXPANDING A NONCONFORMING STRUCTURE

Expansion is the increase in the footprint or the increase in height of a structure. Footprint is measured by the exterior perimeter of a structure. Footprint measurements include decks, porches, balconies, and any other structural attachments. Structures or portions of structures may be expanded if certain **size limits** are met:

- Expansions within 25 feet of a water body are prohibited.
- If the portion of the structure to be expanded is located between 25 and 50 feet of a water body, the total footprints of the structure **and** all other structures within 100 feet of the water body cannot exceed **750** square feet.
- If the portion of the structure to be expanded is between 50 and 75 feet of a water body, the total footprints of the structure **and** all other structures within 100 feet of the water body cannot exceed **1,000** square feet.
- If the portion of the structure to be expanded is between 75 and 100 feet of a water body, the total footprints of the structure **and** all other structures within 100 feet of the water body cannot exceed **1,500** square feet.*

* The 1,500 sq. ft. limit does not apply to lots with frontage on flowing waters draining less than 50 square miles, water bodies less than 10 acres, or coastal wetlands.

RELOCATING A NONCONFORMING STRUCTURE

A nonconforming structure may be relocated within the boundaries of the lot provided the site of relocation conforms to the setback requirements to the **maximum extent possible** (see *Reconstructing a Nonconforming Structure*, above).

CONSTRUCTING A NONCONFORMING ACCESSORY STRUCTURE

New, detached accessory structures (such as sheds or garages) that do not meet minimum setback requirements are only permitted if the **structure cannot be physically sited on the lot to meet the LUPC's minimum setback requirements**. In such cases, the structure cannot be located closer to the water body than the principal structure, cannot be located within 25 feet of the water body, **and** must be of a size and height that does not exceed the size limitations for expansions (described above).

Reconstructed structures must be sited so that they meet the Commission's minimum setback requirements from water bodies (usually 100 feet), roads (usually 50 feet) and property lines (usually 15 feet) to the **maximum extent possible**. When evaluating your proposal, the Commission looks at many factors when deciding whether there are any physical limitations that prevent a structure from meeting current minimum setback requirements. These factors include:

- size and configuration of your lot
- slope of the land
- potential for soil erosion and export to a water body
- location of other legally existing structures on the property
- location of the septic system and suitable on-site soils
- type and amount of vegetation to be removed
- physical condition and type of any existing foundations

