

## **Frequently Asked Questions**

### **What information does my LUPC representative need to help me research a property?**

It depends on the question, but at least be prepared with the town/ township the property is located in, the name of the current owner, and the map, plan and lot number of the property.

### **What do I provide for a land division history?**

Staff need any deed and lease information for any parcels created from what was the original parcel 20 years ago.

### **How do I know if the property and structures I'm buying are in compliance with LUPC rules and regulations?**

You can request a Certificate of Compliance, but sometimes an Advisory Ruling is needed – see back for more information.

### **Can my LUPC representative tell me if a property is “buildable”?**

Sometimes this is a simple answer, but other times can only be answered in response to the submission of a detailed proposal as part of a Building Permit application or request for an Advisory Ruling.

### **May I seek permit approval before I purchase a property?**

Yes, if you have a Purchase and Sales Agreement you may submit a Building Permit Application before you purchase the property.

## **Helpful Links**

**LUPC Zoning Map:** [www.maine.gov/dacf/lupc/plans\\_maps\\_data/digital\\_maps\\_data.html#viewer](http://www.maine.gov/dacf/lupc/plans_maps_data/digital_maps_data.html#viewer)

**Deed Records:** <https://www.maineregistryofdeeds.com/>

**LUPC Application Forms:** [www.maine.gov/dacf/lupc/application\\_forms/](http://www.maine.gov/dacf/lupc/application_forms/)

**Local Plumbing Inspectors:** [www.maine.gov/dhhs/mecdc/environmental-health/plumb/lists.htm](http://www.maine.gov/dhhs/mecdc/environmental-health/plumb/lists.htm)

**Septic Permits:** [apps.web.maine.gov/cgi-bin/online/mecdc/septicplans/index.pl](http://apps.web.maine.gov/cgi-bin/online/mecdc/septicplans/index.pl)

## **Need Help?**

**Contact the LUPC office that serves your area**

### **AUGUSTA OFFICE** *Tel. (207) 287-2631*

18 Elkins Lane, 4<sup>th</sup> Floor  
22 State House Station  
Augusta, ME 04333-0022

### **NORTHERN OFFICE** *Tel. (207) 435-7970*

Serving most of Aroostook County and Northern Penobscot and Piscataquis Counties  
45 Radar Road  
Ashland, ME 04732-3600

### **DOWNEAST OFFICE** *Tel. (207) 592-4448*

Serving Hancock, Kennebec, Knox, Lincoln, Sagadahoc, and Waldo Counties; most of Washington County; and all coastal islands in LUPC service area  
106 Hogan Road, Suite 8  
Bangor, ME 04401

### **EASTERN OFFICE** *Tel. (207) 485-8354*

Serving southern Penobscot and Aroostook Counties, and portions of Piscataquis and northern Washington Counties  
191 Main Street  
East Millinocket, ME 04330

### **MOOSEHEAD OFFICE** *Tel. (207) 349-0941*

Serving Somerset County and most of Piscataquis County  
43 Lakeview Street  
P.O. Box 1107  
Greenville, ME 04441

### **WESTERN OFFICE** *Tel. (207) 670-7493*

Serving Franklin and Oxford Counties  
932 US Route 2 East  
Wilton, ME 04294



# **Buying and Selling Property**

**What you should know before you divide, buy, or sell land in LUPC service areas**

For additional information, visit our website at [www.maine.gov/dacf/lupc](http://www.maine.gov/dacf/lupc)



## Is your land in the UT?

The LUPC service area consists of all the unorganized territories of the State (townships) along with some towns and plantations that elect to have LUPC provide land use rules for them.

### Selling Land

If the LUPC (or LURC) has issued a permit for development on a property, an up to date Certificate of Compliance can assure a potential buyer that the property is in compliance with no unresolved violations. For a pre-Commission (prior to 1971) structure that never required a permit from either the LURC or from the LUPC, an owner could instead request an Advisory Ruling to determine whether the property and all structures are legally existing. If there are any violations at the property, it is best to identify them early so that they can be resolved before impacting the timing of the sale.

### Certificate of Compliance

A Certificate of Compliance (COC) is an agency determination issued after a compliance inspection to ensure that the development and all permit conditions were completed. The COC is similar to a Certificate of Occupancy required in many municipalities prior to occupancy of a dwelling. In some situations, a condition of the LUPC permit requires a COC prior to occupancy. A COC can be beneficial as it demonstrates to potential buyers that the property is in compliance with all land use laws and rules. If a Building Permit has not been issued, the property owner may be in violation of our standards. Note that violations travel with the property from one owner to the next. Please also note that a COC does not include inspection of the sewage disposal system. The permitting and inspection for plumbing and sewage disposal is conducted by a local plumbing inspector that has been assigned to each area.

### Buying Land

#### Purchasing an undeveloped lot

A Building Permit is required for almost all new construction. Chapter 10 of the Commission's rules ([www.maine.gov/dacf/lupc/laws\\_rules/index.shtml](http://www.maine.gov/dacf/lupc/laws_rules/index.shtml))

provides the setbacks, dimensional regulations and activity-specific standards for all of the subdistricts within the LUPC service area. Note that even though a property may meet the Commission rules and requirements, there may still be other issues that could affect a permit decision such as soils, wetlands, and subsurface wastewater, etc. Note also that permitting and inspection for plumbing and sewage disposal is conducted by a local plumbing inspector independent of the LUPC.

### Property with a dwelling constructed before September 1971

If legally existing structures don't meet the current dimensional standards, they are nonconforming structures to which tailored rules regarding reconstruction and expansion apply. For nonconforming structures, Building Permits are required for all expansions (any increase in height or floor area) and reconstructions (more than 50% of structural components or adding a permanent foundation). If the structure is within 100 feet of any water body, you are advised to contact your regional LUPC office to discuss the specifics.

### Property with a dwelling constructed after September of 1971

Contact us before you buy any property with a dwelling constructed after 1971. With few exceptions any dwelling built after 1971 required issuance of a Building Permit. The permit, and all conditions associated with that permit, stay with the property. If the present owner cannot produce a copy of the permit, please contact us and we will do our best to provide you with a copy.

### Dividing Land

A subdivision is defined, in part, as "a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period...". The creation of a subdivision requires a permit from the LUPC. While there are numerous exemptions and allowances for dividing land to be certain that you are not creating a subdivision. If you subdivide and sell a lot without prior permit approval, you may be in violation of subdivision law and the new owners may not be able to develop the lots.

Since neither the LUPC nor the town or plantation are involved in the real estate transaction, we may not be aware of an illegal subdivision until after a buyer applies for a building permit. All Building permit applications must include a land division history. Therefore, it is extremely beneficial for both the seller and buyer to ensure that the land was divided legally. For complex and division matters, the best way of ensuring a proposed division complies with the law is to request an Advisory Ruling from the LUPC.

### Advisory Rulings

An Advisory Ruling is a document that provides advice and guidance as to how certain requirements apply to a particular situation. It can be requested by the landowner or any other party with a title, right, or interest in the property, such as a potential purchaser with a purchase and sales agreement. While an Advisory Ruling is not a permit or a COC, it is issued by the LUPC based on the application of law and rules in effect at the time and provides written advice and guidance. Advisory Rulings are most often requested to clarify land division question or to establish the status of a legally existing nonconforming structure.

### Violations

Violations of land use laws and rules administered by the LUPC travel with the property and not with the owner or the person committing the violation. Any violation that has not been resolved, no matter who committed the violation, may adversely affect the sale of a property.

While LUPC cannot and does not prevent the sale of a property with a violation, occasionally a sale is delayed or lost because a potential buyer will not purchase a property with a known violation. When a property is sold with an outstanding violation, the new property owner will be responsible for correcting the violation committed by a previous land-owner. In order to prevent this, contact LUPC and ask about obtaining a COC or an Advisory Ruling to determine if the property that you are buying or selling is in compliance. Also in some cases where a violation exists on a property, we cannot process future applications for that property until that violation is resolved.