
VARIANCE REQUESTS ON VACANT PROPERTY

ORDINANCE REGARDING NEW SYSTEM VARIANCE REQUESTS ON VACANT PROPERTY

Enacted January 3, 1995
Effective Date February 3, 1995

SECTION 1 - SUBSURFACE WASTEWATER DISPOSAL VARIANCES FOR RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT

For an application for a New System Variance under the Maine State Plumbing Code to be approved and signed by the Town Manager on behalf of the Town Council prior to submission to the Department of Human Services, all of the following conditions must be met:

- A. The site must score a minimum of 75 points on the variance rating system of said Code or there must be two sites that each scores between 65 to 74 points on the variance rating system of said Code and that are accessible to the proposed structure, as determined by the Code Enforcement Officer;
- B. The site must be a lot which has existed in its present size and shape since January 1, 1980; and
- C. The lot must meet the minimum lot size for the zoning district in which it is located.

This Section 1 applies to improved properties proposed to be improved by residential dwellings or by non-residential structures or buildings requiring a new system variance for subsurface waste disposal systems.

SECTION 2 - VARIANCES FOR HOLDING TANK SYSTEMS FOR COMMERCIAL INDUSTRIAL DEVELOPMENT

For an application for a New System Variance under the Maine State Plumbing Code (to install a holding tank) to be approved and signed by the Town Manager on behalf of the Town Council prior to submission to the Department of Human Services, the following conditions must be met, which conditions are in addition to any and all conditions and requirements of the Maine State Plumbing Code, as amended from time to time:

- A. The applicant shall submit evidence that no other reasonable disposal alternative is available on the site;
- B. The installation of holding tank systems shall be limited to proposed commercial or industrial uses which generate one hundred (100) gallons or less per day.
- C. The proposed use shall not require or provide any rest room facilities for use by the general public;
- D. The owner of the holding tank system shall install a water meter and shall submit to the Licensed Plumbing Inspector on a quarterly basis, evidence of dates and quantities of wastewater removed and water usage records, names of person(s) or firms(s) contracted to remove the wastewater, as well as any other evidence or information that is requested by the Licensed Plumbing Inspector.
- E. The site must be a lot which has existed in its present size and shape since January 1, 1980; and
- F. The lot must meet the minimum lot size for the zoning district in which it is located.

This Section 2 applies only to unimproved properties proposed to be improved by structures or buildings for commercial or industrial uses requiring a new system variance for the installation of a holding tank.

SECTION 3 - APPLICATION REQUIREMENTS

A completed application shall consist of the following submissions:

- A. A completed HHE-200 Form or other suitable documentation prepared by a licensed site evaluator; and
- B. A completed Holding Tank Pumper Agreement between the property owner or lease holder and a licensed septic tank service.

SECTION 4 - APPROVAL REQUIREMENTS

As part of the approval, the Town of Gorham requires that deed covenants be established which:

- A. Note that the subsurface waste water disposal system was installed with a variance and has a possibility of failure or that the holding tank was installed with a variance and requires regular maintenance; and
- B. Require that the lot remain the same in terms of use, size and shape unless changes are approved by the Planning Board or the dwelling, structure, or building is connected to a public sewer system.

SECTION 5 - REPEAL OF THE “POLICY FOR NEW SYSTEM VARIANCE REQUESTS ON VACANT PROPERTY

The “Policy for New System Variance Requests on Vacant Property” adopted by the Gorham Town Council on September 3, 1985 and amended on November 12, 1985 is hereby repealed.