

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

H.P. 630 - L.D. 970

An Act to Support Affordable Housing Development

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §488, sub-§30 is enacted to read:

30. Exemption for construction of new dwelling units at existing development.

New construction of dwelling units at an existing development that has been permitted pursuant to this article is exempt from review under this article if:

A. The additional disturbed area not to be revegetated does not exceed 40,000 square feet ground area in any calendar year and does not exceed 80,000 square feet ground area in total;

B. Any new dwelling units to be constructed that are designed to accommodate more than 4 families are connected to a public water and sewer system;

C. The new construction is not contrary to the terms or conditions of the permit, other than by the addition of new disturbed area for dwelling units. An area designated by the permit for storm water management or for natural resource or visual buffers may not be developed under this exemption. Subsurface wastewater disposal systems or wells may not be constructed in an area excluded by the permit for the placement of those systems; and

D. The permittee annually notifies the department of any new construction conducted during the previous 12 months that is eligible for the exemption under this subsection. The notice must identify the type, location and ground area of the new construction. With the annual notification, the permittee shall provide to the department development plans certified by a professional engineer for the new construction undertaken pursuant to this subsection.

When review under this article is required at an existing development permitted pursuant to this article, the permittee shall provide plans for the new development, as well as for any activities that have been previously undertaken pursuant to this subsection. The permittee shall demonstrate that activities undertaken pursuant to this subsection met the requirements for storm water management in effect when the activities were undertaken and that were applicable to the activity considering the entirety of the development.

For purposes of this subsection, "dwelling unit" means any part of a structure that, through sale or lease, is intended for human habitation, including single-family and multifamily housing, accessory dwelling units, condominiums, apartments and time-share units.