

Sewer Extension Application

Project Name: _____

Applicant: _____

Address: _____

Phone number: _____

Engineering firm: _____

Contact Person: _____

Address: _____

Phone number: _____

Contractor: _____

Contact Person: _____

Address: _____

Phone number: _____

Location of the proposed extension Tax Map # _____ Block # _____ Lot # _____

Street Address: _____

Does the Sewer Extension have frontage on the collection system **Yes** [☐] **No** [☐]

Is this expansion for industrial or commercial use? **Yes** [☐] **No** [☐]

If yes will the user have to comply with US EPA Pretreatment Standards **Yes** [☐] **No** [☐]

Is this property in the resource protection, shore land protection, critical edge, flood plain zone or in a sand dune area? **Yes** [☐] **No** [☐]

Do you have the necessary environmental permits to do the project ? **Yes** [☐] **No** [☐]

Will this project require planning board approval in any way ? **Yes** [☐] **No** [☐]

The Sewer Extension will be

- A. Within the public way [☐]
- B. On private property only [☐]
- C. On both public and private property [☐]

Description of Sewer Extension

Linear feet of pipe in the public way. _____

Linear feet of pipe on private property. _____

Number of new sewer units to be served:

On the public way _____

On private property _____

Estimated start date of construction? _____

Estimated completion date? _____

General Description of extension: _____

All applications must include the following:

A survey showing the location and the proposed sewer extension

A copy of the survey and the engineering drawing's, will be submitted on a 3.5 inch computer disk in the DWG format for use with AutoCAD along with the paper drawings.

A list of all the property owners and mailing address that are within two hundred (200) feet of the proposed sewer extension. This list must be submitted on a 3.5 computer disk and be able to be used with MS Word.

Proof of the owner of the project to secure a letter of credit, equal to the amount of 125% of the estimated cost of the project. This letter will be issued to The Town of Kennebunkport before approval of the project is given.

In consideration of the granting of this application, the undersigned agrees to the following:

To accept and abide by all the rules and regulations of the Town of Kennebunkport Sewer Dept. and the State of Maine Dept. of Environmental Protections and the US Environmental Protection Agency and all pertinent ordinances and regulation.

Approval of this application is only for the concept of the sewer extension. Approval of the construction plans and specifications will be needed before any construction can begin.

If approval is given for this project, two (2) complete sets of plans and specifications must be given to the Sewer Superintendent for his approval. The plans and specifications must be approved by the Superintendent at least 30 day before the start of the project.

To submit a sewer connection application for each building that will be connecting into the collection system, due to this sewer extension and pay all the appropriate fees.

Application Fees:

\$5.00 / foot of pipe in the sewer extension. \$ _____

\$500.00 / sewer unit served by this project. \$ _____

All fees will be based on the higher amount of the per foot costs or the per units cost.

Date: _____ Signed: _____

(Applicant or if a corporation the president only)

\$ _____ Application Fees paid _____
(Certification by)

Date of approval from The Board of Selectman: _____

Date of Town Meeting: _____

Date of Acceptance or Rejection at Town Meeting: _____

Please review Article VI of the Sewer Use Ordinance (Attached) and return only the first three pages.

ARTICLE VI - SEWER EXTENSIONS

Sec. 1. Sewer Extensions within Public Way at Public Expense. Sewer extensions to be located within public ways and individual building sewers to the property line may be constructed by the Town at public expense if the voters of the Town acting at an annual or special town meeting authorize such an extension and appropriate the necessary funds therefore. Under this arrangement, each property owner shall pay for and install the building sewer from the public sewer to his or her residence or place of business in accordance with the requirements of Article V. Property owners may request that an article authorizing such a sewer extension and appropriating the necessary funds therefore be included in the warrant of the next annual town meeting by filing a written petition signed by a majority of the benefiting property owners with the Selectmen at least ninety (90) days prior to the annual meeting. Prior town meeting approval is required before the project may be built at public expense.

Sec. 2. Sewer Extensions within Public Way at Private Expense. If the Town does not elect to construct a sewer extension within a public way at public expense, or upon proper application, any property owner, builder or developer may offer to make an unconditional gift to the Town of a sewer extension to be constructed within a public way at the property owner's own expense under a private contract. The property owner, builder, or developer offering to make such an unconditional gift to the Town shall follow the requirements outlined below:

(A) Submission Requirements:

The applicant will submit an application provided by the Sewer Department to the Superintendent along with the following materials:

- An application fee in an amount equal to the greater of Five dollars (\$5.00) per linear foot of pipe for the proposed sewer extension, or Five hundred dollars (\$500.00) per sewer unit charge which will be assessed under Article XIII, Sec. 2 against the buildings which the applicant intends to construct, develop or provide with sewer service in connection with the proposed sewer extension. These fees shall also include any sewer units that are on abutting properties that will be able to connect to this extension. Such application fees shall be placed in a separate non-lapsing account to be used by the Town for the purpose of paying the costs of publishing legal notices, holding public hearings, reviewing sewer extension applications and studying the impacts thereof in accordance with the provisions of this Article.
- Conceptual drawings and specifications for the project. Project drawings and specification must be submitted electronically and on paper copies.

- A survey showing the location of the property and the proposed sewer extension. This information shall be submitted as a paper drawing and also, if possible, electronically in the DWG format for use with AutoCAD.
- A list of all the property owners and mailing addresses that are within two hundred (200) feet of the proposed sewer extension property boundaries. This list shall be submitted on paper and electronically and be able to be used with MS Word format.
- Proof of the ability to secure an irrevocable letter of credit or post cash or other cash equivalent in a form acceptable to the Board of Selectmen in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of the project. The letter of credit or the cash security will remain in effect until after the guaranty has expired.
- Any other information the Town may require on a case-by-case basis.

If any easements, rights, title, or interests to other properties are required for the construction of the sewer extension, the property owner, builder, developer or applicant must have acquired them before the Town will make any review.

(B) Review of Extension Application:

The Superintendent shall immediately give the completed application to the Secretary of the Planning Board who shall refer it to the Planning Board. The Planning Board shall schedule a public hearing to be held within sixty (60) days of receipt of a completed application as determined by the Superintendent.

At least ten (10) days prior to the hearing date, the Secretary to the Planning Board shall publish a notice of the hearing in a newspaper of general circulation in the Town. The notice shall identify generally the route of the proposed extension, the name of the applicant, and the time and place of the public hearing.

Notice of the hearing shall be sent by the Town by certified mail to the owners of all property within two hundred (200) feet of the property boundaries of the project at least seven (7) days in advance of the hearing. The owners of abutting property shall be considered to be those shown on the tax lists as those against whom taxes are assessed. The Planning Board shall maintain as a part of the record for each case a completed list of all property owners so notified. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate the action of the Planning Board.

At the hearing, the applicant, Superintendent, and any other interested person may be heard. The public hearing may be continued to a later date at the discretion of the Planning Board.

With the approval of the Town Manager, the Planning Board may arrange for a study of the likely impacts of the proposed sewer extension. Such study shall address but not be limited to the following issues:

- (a) Whether there are reasonable alternative methods of sewage disposal at the site or sites to be served by the proposed extension;
- (b) Whether the proposed extension will result in significant benefit or harm to environmental quality;
- (c) Whether the proposed extension will provide economic benefits or will significantly increase costs to the Town;
- (d) Whether the proposed extension will tend to significantly increase residential, commercial or industrial development in the area to be served by the extension and whether such increase is compatible with the Town's Comprehensive Plan; and
- (e) Such other issues as the Planning Board may direct.

Within forty-five (45) days of the close of the public hearing or receipt of the results of the Planning Board's study, whichever is later, the Planning Board shall issue a written recommendation to the Board of Selectmen as to whether the sewer extension project should be built and whether the proposed unconditional gift of such extension to the Town should be accepted or refused and shall state the reasons for its recommendation.

With the approval of the Town Manager, the Sewer Superintendent may arrange for a study of the likely impacts of the proposed sewer extension. Such study may address but not be limited to the following issues:

- (a) Whether the proposed extension will significantly increase or decrease user fees within the Town;
- (b) Whether the proposed extension will be compatible with future or planned extensions of the sewer system within the Town;
- (c) Whether the increase in sewage resulting from the proposed extension can be adequately handled by the existing treatment plant, pumping stations and other facilities;
- (d) Such other issues as the Superintendent may direct.

Within forty-five (45) days of the close of the Planning Board's public hearing or receipt of the results of the Superintendent's study, whichever is later, the Superintendent shall issue a written recommendation to the Board of Selectmen as to whether the sewer extension project should be built and whether the proposed unconditional gift of such extension to the Town should be accepted or refused and shall state the reasons for its recommendation.

The studies requested by the Planning Board and/or the Sewer Superintendent shall be paid for from the non-lapsing account established under this Section or by such other monies as may be properly authorized. In the event that the costs associated with any of the studies exceed (80%) eighty percent of the application fees, the applicant will be assessed additional fees to cover the cost of doing the studies.

Following the receipt of the Planning Board's and Superintendent's recommendations, the Board of Selectmen shall approve or deny the project.

(C) Acceptance of Unconditional Gift by Town Meeting:

All sewer extensions, including any pumping stations, constructed at the property owner's or applicant's expense, together with a sewer easement in a form satisfactory to the Selectmen, must be offered to the Town as an unconditional gift.

Following the Selectmen's approval of the project but prior to the Selectmen's insertion of an article in the warrant, the property owner, builder or developer must submit plans and specifications for the proposed sewer extension to the Sewer Superintendent for his review, including a complete set of drawings on paper and on a computer disk in the Auto-Cad format (DWG), showing the equipment as proposed to be installed. The Superintendent must approve said plans and specifications before any work is commenced and before an article can be placed in the warrant.

Following the Superintendent's approval of the plans, specifications and drawings, the Selectmen shall insert an article in the warrant of the next annual or special town meeting to see if the Town will vote to accept the proposed unconditional gift of the sewer extension. A special town meeting may be called to address this one item if the applicant agrees to bear the cost of the meeting. The recommendations of the Planning Board and Sewer Superintendent may be set forth as an informational item beneath the article in the warrant calling the annual or special town meeting.

The article included in the warrant shall require as a condition to acceptance of the proposed gift that the applicant shall furnish the Town with an irrevocable letter of credit or cash or cash equivalent in a form acceptable to the Board of Selectmen to ensure proper completion of the project. The guarantee shall be in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of the project and shall remain in effect until after the contractor's warranty period has expired or until any adjustments are made by the Sewer Superintendent as referenced in Section E below. The amount of the guarantee shall be increased if the cost of the project, as determined by final bids, is significantly higher than the estimated costs furnished to the Planning Board. The Town Manager shall order such adjustment to be made if needed to provide security equal to one hundred twenty-five (125%) of the cost of the project. The article included in the warrant shall also provide that acceptance of a sewer extension to be constructed at private expense shall be subject to prior approval of the contractor and the terms of the construction contract by the Selectmen.

(D) Construction and Inspection after Approval by Town Meeting:

If the Town votes to accept the proposed gift of a sewer extension to be constructed in a public way under private contract, the applicant must obtain all permits required under existing ordinances and state law, including a permit from the Board of Selectmen. All construction shall at least meet the minimum design and construction specifications provided by the Town, which shall be given to the property owner, builder or developer at the time a permit is obtained. No construction or work on the sewer extension project may begin until (1) the Superintendent has approved the plans and specifications submitted by the property owner, builder or developer, and (2) the unconditional gift of the sewer extension has been accepted by the Town meeting.

Each building sewer must be installed and inspected as required in Article V and the fees required under Article V shall be paid. The installation of the sewer extension shall be subject to periodic inspection by the Superintendent or his authorized representatives, who shall include a full time inspector if the Superintendent determines it to be in the Town's best interests. The expenses for said inspection shall be paid for by the owner, builder or developer. The Superintendent's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass all tests required in Article V before it is to be used.

It is the responsibility of the applicant to ensure compliance with all of the applicable requirements of the Maine Department of Environmental Protection (DEP), the federal Environmental Protection Agency (EPA) and the Town.

(E) Town Acquisition of All Sewer Extensions:

Within (30) thirty days after the installation and inspection of the project as described in Section 2(D) above, the owner shall convey title to said sewer extension to the Town, together with a perpetual sewer easement and maintenance easement. Said sewers and pump stations, after conveyance to the Town, shall be guaranteed by the property owner, builder, or developer against defects in materials or workmanship for twelve (12) months after acceptance by the Town, provided, however, that after completion of construction of the sewer line extension and acceptance thereof by the Town, but prior to the expiration of the twelve (12) month warranty period, the Sewer Superintendent shall have discretion to release to the owner up to ninety percent (90%) of the guarantee amount upon the Superintendent's determination that the sewer extension has been properly constructed, is free of defects in materials or workmanship and is operationally sound. The guarantee shall be in a form and in an amount acceptable to the Town Manager, who may act in consultation with the Selectmen, the Sewer Superintendent, the Town's attorney, and any other appropriate persons.

Sec. 3. Sewer Extensions Located on Private Property at Private Expense. Any property owner may request permission of the Town to construct at the property owner's own expense a sewer extension on private property serving two (2) or more buildings. The property owner, builder, or developer shall offer to make an unconditional gift to the Town of a sewer extension to be

constructed on private property at the property owner's own expense under a private contract. The property owner, builder, or developer offering to make such an unconditional gift to the Town shall follow the requirements outlined in Section 2(A) and (B) above.

Following the Selectmen's approval of the project, the property owner, builder or developer must submit plans and specifications for the proposed sewer extension to the Sewer Superintendent for his review, including a complete set of drawings on paper and on computer disk in the Auto-Cad format (DWG), showing the equipment as proposed to be installed. The Superintendent must approve said plans and specifications before any work is commenced.

Construction of a sewer extension on private property at private expense, however, need not be delayed until after a Town meeting vote to accept the proposed unconditional gift of the extension. Although the property owner, builder or developer must offer the sewer extension to the Town as an unconditional gift, if the unconditional gift is rejected the sewer extension will remain the property of the property owner and not the Town.