

## Guidance

Conversion of Single Family Residences from Seasonal to Year-round Use for Residences that are Exempt from the Wastewater System and Potable Water Supply Rules until July 1, 2007

Issued

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On July 1, 2007, a number of single-family residences in the state will be subject to the requirements of the Wastewater System and Potable Water Supply Rules (Rules) for the first time. These residences are currently exempt under various provisions of the Rules. One of the requirements that will apply is that converting a residence from seasonal to year-round use will require a permit under the Rules. This document provides guidance to owners of certain exempt single-family residences on what must happen and what steps must be taken before July 1, 2007 for the residence to be considered a year-round residence.

A single family residence will be considered to be a year-round residence when it meets the requirements for one or more exemptions under §1-403(a) of the Rules and has been occupied for at least 180 days per year as a primary residence. The building need not be owner occupied. A building that has met these requirements, but has subsequently been occupied for shorter periods of time and/or not as a primary residence, shall maintain its status as a year-round residence unless there has been specific actions taken to limit the use to seasonal use or to convert the building to other than use as a single family residence. Examples of such limitation include, but are not limited to: a deed restriction, legal agreement with the municipality in which the building is located to limit or convert the use, or a building deteriorated to the point where it no longer meets the requirements for being improved that remains unimproved for a period beyond that allowed for reconstruction of buildings destroyed or voluntarily removed.

In addition to being considered as a year-round residence based on actual occupancy as described above, a single-family residence will be considered to be a year-round residence in the following instances:

- A. The single family residence is subject to a permit under these Rules, unless the permit limits the use, the application on which the permit is based states that the application is not for year-round use, or the supporting information submitted as part of the application specifically indicates that the residence does not qualify for year-round use;
- B. The single family residence is exempt from these Rules, but was not occupied as a year-round residence prior to July 1, 2007, provided the residence was constructed pursuant to a municipal ordinance or zoning by-law that requires the application of specific technical standards for the design and construction of wastewater systems unless the municipal permit limits the use, the

application on which the permit is based states that the application is not for year-round use, or the supporting information submitted as part of the application specifically indicates that the residence does not qualify for year-round use; or

C. The single family residence is constructed in accordance with §1-403(a)(3).

Note: In some cases, a person may wish to obtain a permit now for a conversion that will occur after July 1, 2007. Based on the Commissioner's earlier determination that we can accept applications for projects that do not currently require permits, we will do so for these proposed conversions. The Rules do not include requirements for the conversion to year-round use when there is no increase in design flow. Prior to revision of the Rules to provide the specific guidance the Agency will proceed as described below:

1. The existing water supply and wastewater systems can continue to be used unless they are failed.
2. A building with a surface water intake, that meets the definition of being improved, can continue to use the lake water intake.
3. If the existing water supply is not fully complying, an area for a fully complying water system must be identified.
4. Each lot shall have either a fully complying wastewater disposal system currently in use or an area where a fully complying system can be installed. If the existing system is failed, it must be replaced with a fully complying system prior to issuance of the permit. If the permit will be based on future construction of a fully complying system, the area that will be used must be owned or controlled by the applicant. A proposed connection to a municipal wastewater collection system may be accepted when there is a non-revocable permission from the municipality, any R.O.W. issues are addressed, and the future construction of the sewer line is economically practical, which must be decided on a case by case basis. (See the existing guidance for making this decision)

Note: Notwithstanding the provisions of subsections §1-403(a)(6) or (7), if a single family residence has been issued a permit for conversion from seasonal to year-round, the residence shall continue to comply with that permit until the permit is amended.