

# MAINE STATE LEGISLATURE

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NEW DRAFT OF: H. P. 680, L. D. 879

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ONE HUNDRED AND FOURTH LEGISLATURE

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Legislative Document

No. 1547

H. P. 1215

House of Representatives, May 23, 1969

Reported by Mr. Eustis from Committee on Natural Resources. Printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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AN ACT Relating to Realty Subdivisions.

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

Sec. 1. R. S., T. 12, Part 6, additional. Title 12 of the Revised Statutes is amended by adding a new Part 6 to read as follows:

PART 6

REALTY SUBDIVISIONS

CHAPTER 423

MINIMUM LOT SIZE

§ 4801. Not served by public sewer or water supply

In all areas of the State whether subject or not to less stringent local zoning, subdivision control or other police power land use controls, a lot or parcel of land which is not served by public or private community sewer whether created by plat or laid out in metes and bounds shall not be used for single family residential purposes unless such lot or parcel of land is at least 20,000 square feet in size.

Lots of less than 20,000 square feet in size may be used for single family residential purposes if approved by the Department of Health and Welfare on the bases of percolation tests, soil type, soil observation holes made in a representative manner, and recommendations by a registered engineer, unless in conflict with more stringent regulations of the municipality. The results of such tests and the engineering recommendations shall be submitted in a

written report by the landowner to the Department of Health and Welfare for approval. The department shall issue a written notice of its decision within 30 days after a proposed use of such lot has been submitted, and if its disapproval is indicated, reasons for the same shall be listed. An appeal may be taken from the decision of the department to the Superior Court within 90 days.

#### § 4802. Multiple unit housing

A lot or parcel of land as described in section 4801 which is used for multiple unit housing or any other land use activity which housing or activity must dispose of wastes in excess of the waste disposal requirements of normal single family residential use, must have a minimum lot size which is greater than the requirements stated in section 4801 in the same proportion as the actual waste disposal requirements of these multiple units of housing or other activities is greater than that of single family residential use.

#### § 4803. Planned unit development

Notwithstanding the provisions of section 4802, a developer who contemplates clustering house units or creating a planned unit development may have the State's minimum lot size requirements waived with respect to his development upon a showing that suitable alternative arrangements have been made for the entire development proposed for waste disposal and water supply or that a permanently reserved open area may suitably be used as a drainage area and that the State's waiver will in no way pose a threat to health, safety or the general welfare. Compliance with local zoning, subdivision control or any other land use controls, if any, is in no way affected by this provision.

#### § 4804. Exemption

Any lots sold or under a valid and enforceable purchase and sale agreement prior to the effective date of this Act or for which a plan has been recorded in accordance with law prior to January 1, 1970 shall be exempt from this chapter.

#### § 4805. Charge for services of department

The Department of Health and Welfare shall charge \$10 per lot to service applications for approval, but not more than \$50 for any one subdivision.

#### § 4806. Penalty

Any person, firm or corporation building in violation of this chapter is guilty of creating a nuisance and shall be subject to a fine of up to \$1,000.

Sec. 2. R. S., T. 30, § 4956, sub-§ 1, ¶ C, amended. The 2nd sentence of paragraph C of subsection 1 of section 4956 of Title 30 of the Revised Statutes, as enacted by section 3 of chapter 401 of the public laws of 1967, is repealed as follows:

~~Where no public sewerage disposal system or no public water supply system, or neither, is available to a subdivision, lots shall contain not less than 15,000 square feet of land~~