

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1262

H. P. 916

House of Representatives, March 2, 1971

Referred to Committee on Natural Resources. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hardy of Hope.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Provide for Landscaping of Parking Areas.

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

R. S., T. 38, c. 3, sub-c. I, Art. 7, additional. Subchapter I of chapter 3 of Title 38 of the Revised Statutes, as amended, is further amended by adding a new Article 7, to read as follows:

**ARTICLE 7, LANDSCAPING OF
PARKING AREAS**

§ 489. Definitions

As used in this article:

1. Commission. "Commission" means the Environmental Improvement Commission.
2. Landscaped. "Landscaped" and variations thereof means surrounded or covered, in whole or in part, by trees, shrubs, grass or flowers.
3. Parking area. "Parking area" means any lot or parcel of land $\frac{1}{2}$ acre or more which is covered with asphalt, gravel, crushed stone or is otherwise paved, and is used for the parking, stopping or storing of automotive vehicles. The term "parking area" shall not include any multi-level parking garage.
4. Person. "Person" means any individual, corporation, partnership, firm, association, municipality, municipal agency, quasi-municipal body, state agency or other legal entity.

§ 490. Certificate of approval

No person shall construct, maintain or operate a parking area unless the parking area is landscaped in accordance with a landscape plan for which a certificate of approval has been issued by the commission. Parking areas operated prior to January 1, 1971 shall have until October 1, 1976 to be in compliance with this law.

§ 490-A. —application, commission action and criteria

1. Application. Applications for certificates of approval shall be submitted by the owner of the parking area in such manner and on such forms as the commission may by regulation prescribe.

2. Commission action. Within 30 days of receipt of a proper application the commission shall:

- A. Approve the application, or
- B. Approve the application with reasonable conditions thereof, or
- C. Deny approval of the application, setting forth its detailed reasons for such denial.

3. Considerations. In reaching its decision on applications for approval the commission shall consider:

- A. The nature, use, size and location of the parking area;
- B. The nature of the environment surrounding the parking area;
- C. Whether the landscaping plan adequately provides for
 - (1) Fitting the parking area harmoniously into the environment;
 - (2) Safe traffic movement into, within and out of the parking area;
 - (3) Screening from adjacent areas;
- D. The scenic impact of the proposed landscaping.

4. Conditions. While the commission shall have discretion in determining the adequacy of a landscaping plan, each plan shall provide that at least 15% of the total area being used for a parking area shall be landscaped.

5. Suspension. If the commission, at any time, determines that a parking area is not being maintained in accordance with an approved landscaping plan it may suspend the certificate of approval until such time as the parking area conforms to said plan.

§ 490-B. Appeals

Any person aggrieved by any decision of the commission under this article may, within 30 days after notice of such decision, appeal therefrom to the Superior Court. The Superior Court shall have the power to affirm the decision of the commission or remand it to the commission for further consideration.

STATEMENT OF FACT

Most of the parking areas surrounding shopping centers, industrial parks and other commercial and industrial areas consist of an asphalt wasteland disruptive to the health, safety and general welfare of our citizens. Not only are these parking areas objectionable from a scenic aspect but also result in a high concentration of toxic automotive exhaust gases and represent a great safety hazard to the public by virtue of the uncontrolled traffic movement these areas encourage. In many areas of the country, parking areas are transformed by good landscaping into safe, healthful and scenic malls which not only improve the visual impact of these areas but attract increased visitors to commercial areas.

It is the purpose of this law to require that all parking areas of $\frac{1}{2}$ acre or more be landscaped by October 1, 1976.

Civil and criminal remedies are provided in Title 38, sections 453 to 454.