

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1438

H. P. 1102

House of Representatives, March 12, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Dyar of Strong.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Defining Subdivision under Land Use Regulation Law.

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

R. S., T. 12, § 682, sub-§ 2, repealed and replaced. Subsection 2 of section 682 of Title 12 of the Revised Statutes, as enacted by chapter 494 of the public laws of 1969 and as last repealed and replaced by section 28-B of chapter 544 of the public laws of 1971, is repealed and the following enacted in place thereof:

2. **Subdivision.** A subdivision shall be the division of any contiguous parcel of land held under one title into 5 or more lots, any one of which is less than 5 acres in size, during a 3-year period.

A. Less than 5 acres. Except that any parcel of land less than 5 acres may be sold, leased or used without being subject to the regulation of this chapter, provided that there is complete compliance with the following mandatory requirements:

- (1) Use of the parcel must be single family residence;
- (2) Observance of all local zoning law provisions;
- (3) Recording in the registry of deeds in the county where the parcel is located of a warranty deed of conveyance or a notarized lease, or an owner affidavit in the municipal office of the political entity where the parcel is located, the document of record containing the following covenants;
 - (a) Minimum area of the parcel being 20,000 square feet;
 - (b) The parcel is not situated within 250 feet of navigable water;
 - (c) Slope of the parcel is not more than 60%;

- (d) Elevation of the parcel is under 2,500 feet;
- (e) Road frontage of the parcel is at least 50 feet;
- (f) Satisfaction of the requirements of soil and percolation tests and sanitation and sewerage requirements of the State or municipality;
- (g) Prohibition of any further subdividing or subletting of the parcel.

B. Five to 20 acres. Any parcel of land containing 5 to 20 acres and located not within 250 feet of navigable water may be sold, leased or used without being subject to site selection approval, provided that there is complete compliance with the following requirements, to be covenants set forth in the document of conveyance, or of leasing, recorded in the registry of deeds of the county where the parcel is located, or set forth in the owner affidavit recorded in the office of the State Tax Assessor:

- (1) Use of the parcel must be single family residence;
- (2) Observance of all applicable State and local zoning provisions;
- (3) Observance of all applicable provisions of the state sanitary, sewerage and plumbing statutes;
- (4) Prohibition of further subdividing or subletting of the parcel for a period of 10 years from the date of conveyance or leasing.

No sale, leasing or use of any lot or parcel shall be considered a subdivision, if such lot or parcel is more than 20 acres in size, except where the intent of such conveyance is to avoid the objectives of this statute.

STATEMENT OF FACT

The purpose of this legislation is to provide an understandable and workable definition of a land subdivision for the Land Use Regulation Commission Statute, being the same definition as proposed for the municipal planning board and environmental protection site selection statutes together with appropriate safeguarded exclusions for this statute.