

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1440

H. P. 1104

House of Representatives, March 12, 1973

Referred to the 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 Relating to Definition of Subdivision under Site Selection Law.

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

R. S., T. 38, § 482, sub-§ 5, repealed and replaced. Subsection 5 of section 482 of Title 38 of the Revised Statutes, as enacted by section 3 of chapter 613 of the public laws of 1971, is repealed and the following enacted in place thereof:

5. Subdivision. 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 on leasing recorded in the registry of deeds of the county where the parcel is located or in the owner affidavit recorded in the municipal office of the political entity where the parcel is located:

- (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.

STATEMENT OF FACT

The purpose of this legislation is to provide an understandable and workable definition of a land subdivision for the Environmental Improvement Site Selection Statute, the definition being the same as that proposed for the Municipal Planning Board and Land Use Regulation Commission statutes together with appropriate safeguarded exclusions.