

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 614

H.P. 449

House of Representatives, March 6, 1989

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

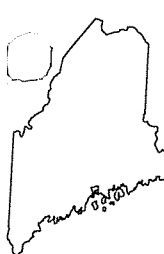
EDWIN H. PERT, Clerk

Presented by Representative DEXTER of Kingfield.
Cosponsored by Representative LORD of Waterboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

**An Act Regarding Parcels of Land Separated by a Road in the Site
Location of Development Subdivision Provisions.**



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

3 **38 MRSA §482, sub-§5**, as amended by PL 1987, c. 737, Pt. C,
5 §§90 and 106, and c. 864, §§1, 2 and 18, and as repealed and
7 replaced by c. 812, §§7 and 18, is repealed and the following
9 enacted in its place:

11 5. Subdivision. "Subdivision" means the division of a
13 parcel of land of 20 or more acres into 5 or more lots to be
15 offered for sale or lease to the general public during any 5-year
17 period except for the following:

19 A. All the lots are at least 10 acres in size and the
21 aggregate land area makes up a total of 100 acres or less,
23 unless the subdivision is located wholly or in part in the
25 shoreland zone, in which case the exemption does not apply;

27 B. When:

29 (1) All lots are at least 5 acres in size;

31 (2) All lots less than 10 acres in size are of such
33 dimensions as to accommodate within the boundaries of
35 each a rectangle measuring 200 feet and 300 feet which
37 abuts at one point the principal access way or the lots
39 have at least 75 feet of frontage of a cul-de-sac which
41 provides access;

43 (3) The aggregate land area makes up a total of 100
45 acres or less;

47 (4) The subdivision is not located wholly or in part
49 in the shoreland zone; and

51 (5) The municipality in which the subdivision is
 located has adopted a subdivision ordinance, or its
 municipal reviewing authority has adopted subdivision
 regulations, pursuant to Title 30-A, section 4551;

C. Lots of 40 or more acres but not more than 500 acres
 shall not be counted as lots except when:

(1) The proposed subdivision is located wholly or
 partly within the shoreland area as defined in section
 435;

C-1. Lots of more than 500 acres in size shall not be
 counted as lots;

D. Five years after a subdivider establishes a
 single-family residence for that subdivider's own use on a

1 lot and actually uses the lot for that purpose during that
2 period, that lot shall not be counted as a lot;

3
4 E. Unless intended to circumvent this article, the
5 following transactions shall not be considered lots offered
6 for sale or lease to the general public:

7
8 (1) Sale or lease of lots to an abutting owner or to a
9 spouse, child, parent, grandparent or sibling of the
10 developer; or

11
12 (2) Personal, nonprofit transactions, such as the
13 transfer of lots by gift or devise; and

14
15 F. In those subdivisions which would otherwise not require
16 site location approval, unless intended to circumvent this
17 article, the following transactions shall not, except as
18 provided, be considered lots offered for sale or lease to
19 the general public:

20
21 (1) Sale or lease of common lots created with a
22 conservation easement as defined in Title 33, section
23 476, provided that the Department of Environmental
24 Protection is made a party.

25
26 The exception described in paragraph F does not apply, and the
27 subdivision requires site location approval whenever the use of a
28 lot described in paragraph F changes or the lot is offered for
29 sale or lease to the general public without the limitations set
30 forth in paragraph F. For the purposes of this subsection only,
31 a parcel of land is defined as all contiguous land in the same
32 ownership provided that lands located on opposite sides of a
33 public or private road shall be considered each a separate parcel
34 of land unless that road was established by the owner of land on
35 both sides of the road subsequent to January 1, 1970. Such
36 parcels of land located on opposite sides of a public or private
37 road shall not be considered as a common scheme of development.

38
39
40 **STATEMENT OF FACT**

41
42 This bill amends the site location of development
43 subdivision provision to clarify that parcels of land separated
44 by a public or private road that was established prior to January
45 1, 1970, are considered by the Department of Environmental
46 Protection as separate parcels of land and not as a common scheme
47 of development. This amendment makes clear that the department
48 will not consider such separate parcels of land as a common
49 scheme of development when the parcels come into common ownership.