

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 682

H.P. 502

House of Representatives, March 7, 1989

Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.

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

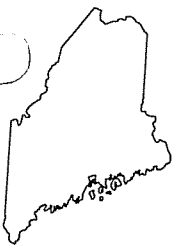
Presented by Representative DEXTER of Kingfield.

Cosponsored by Representative GOULD of Greenville.

STATE OF MAINE

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

**An Act to Replace the Large Lot Exceptions Under the Site Location of
Development Law with a Low-density Exception.**



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

3 Sec. 1. 38 MRSA §482, sub-§5, ¶A, as repealed and replaced by
PL 1987, c. 812, §§7 and 18, is repealed.

5 Sec. 2. 38 MRSA §482, sub-§5, ¶A-1 is enacted to read:

7 A-1. When:

9
11 (1) The average density of a residential subdivision
is not greater than one lot for every 5 acres of
developable land in the parcel;

13
15 (2) At least 50% of the developable land in the parcel
is preserved through conservation easement or deed
restriction in units not less than 10 acres in size and
of such dimensions as to accommodate within each unit's
boundaries a rectangle measuring 250 feet by 500 feet;

17
19 (3) The conservation easements or deed restrictions
preserve the land as natural area, for low-intensity
agriculture, for low-intensity recreation or for
forestry management which maintains old growth, canopy
closure and ground cover vegetation;

21
23 (4) No development occurs on areas with slopes in
excess of 30%;

25
27 (5) All significant wildlife habitats as defined by
the Natural Resources Protection Act are preserved by
conservation easement or deed restriction;

29
31 (6) The subdivision is not located wholly or in part
within the shoreland zone of a great pond;

33
35 (7) Adequate long-term measures to control phosphorus
have been taken if the subdivision is located in the
watershed of a great pond;

37
39 (8) Adequate erosion and sedimentation control
measures are taken during construction; and

41
43 (9) The subdivider notifies the department in writing
that this exemption is being utilized and that the
subdivider understands and will comply with the
provisions of this subsection.

45
47
49 The developable land in the parcel includes all land in
contiguous ownership except for any areas greater than one
acre in size which are inundated or saturated by surface or
ground water at a frequency and duration sufficient to
support, and under normal circumstances do support, a

1 prevalence of hydrophytic vegetation adapted for life in
2 hydric soils.

3

4 Sec. 3. 38 MRSA §482, sub-§5, ¶B, as repealed and replaced by
5 PL 1987, c. 812, §§7 and 18, is repealed.

6

7
8 **STATEMENT OF FACT**

9

11 The Site Location of Development Law currently exempts all
12 subdivisions with lot sizes in excess of 10 acres and many
13 subdivisions with lot sizes greater than 5 acres. This exemption
14 encourages sprawling development which, despite its low density,
15 has a high per unit environmental impact, particularly on
16 wildlife and water quality. This bill replaces the current 5 and
17 10 acre lot exemptions with an exemption for subdivisions with
18 similar average density but with no minimum lot size
19 requirement. The new exemption requires that at least 50% of the
20 parcel's area be preserved by conservation easement or deed
21 restriction as natural area or for low-intensity forest,
22 agricultural or recreational use. The bill also requires that
23 certain minimum standards, such as erosion and sedimentation
24 control measures, be adopted in the subdivision. The bill
25 provides a means for developers of environmentally sound,
26 low-density subdivisions to avoid the lengthy review process at
27 the Department of Environmental Protection. It will also result
28 in the voluntary preservation of reasonably sized units of open
29 space, while reducing the subdivision's up-front development
30 costs.