

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1430

H.P. 1067

House of Representatives, March 5, 2001

**An Act to Expand Participation Between Adjoining Towns for Approval
of Subdivisions.**

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative GLYNN of South Portland.
Cosponsored by Senator BROMLEY of Cumberland and
Representatives: BAGLEY of Machias, BLISS of South Portland, HASKELL of Milford,
KASPRZAK of Newport, MURPHY of Berwick, Senator: PENDLETON of Cumberland.

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

2 **Sec. 1. 30-A MRSA §4403, sub-§1-A**, as amended by PL 1997, c.
4 226, §1, is further amended to read:

6 **1-A. Joint meetings.** If any portion of a subdivision
8 crosses municipal boundaries, all meetings and hearings to review
10 the application must be held jointly by the reviewing authorities
12 from each municipality. All meetings and hearings to review an
14 application under section 4407 for a revision or amendment to a
16 subdivision that crosses municipal boundaries must be held
18 jointly by the reviewing authorities from each municipality.
This joint review must ensure the compliance of the subdivision
with all applicable provisions of the zoning ordinances and other
local laws and regulations of each municipality. In addition to
other review criteria, the reviewing authorities shall consider
and make a finding of fact regarding the criteria described in
section 4404, subsection 19.

20 The reviewing authorities in each municipality, upon written
22 agreement, may waive the requirement under this subsection for
any joint meeting or hearing.

24 If any portion of a proposed subdivision is situated within 1,000
26 feet of an abutting municipality, the municipality in which the
28 proposed subdivision is located shall notify the abutting
30 municipality in writing within 10 days of the submission of a
32 completed application. At any time before final approval of the
34 proposed subdivision by the municipality in which the proposed
36 subdivision is situated, the abutting municipality may request,
38 in writing, joint review of the proposed subdivision if the
40 proposed subdivision is reasonably expected to affect traffic,
42 infrastructure, storm water flow or drainage, the environment or
44 the delivery of municipal services in the abutting municipality.
When this joint review is requested, all meetings and hearings to
review an application for a proposed subdivision that is situated
within 1,000 feet of an abutting municipality must be held
jointly by the reviewing authorities from each municipality.
This joint review must ensure the compliance of the subdivision
with all applicable provisions of the zoning ordinances and other
local laws and regulations of each municipality. In addition to
other review criteria, the reviewing authorities shall consider
and make a finding of fact regarding the criteria described in
section 4404.

46
48 **SUMMARY**

50 Current planning law requires a joint review by the planning
boards in abutting municipalities whenever a proposed subdivision

2 crosses a municipal boundary unless this hearing is waived by the
municipalities. Under this bill, a joint review also could be
4 requested by an abutting municipality when a proposed subdivision
is situated within 1,000 feet of the abutting municipality and is
6 reasonably expected to affect traffic, infrastructure, storm
water flow or drainage, the environment or the delivery of
8 municipal services in the abutting municipality. Additionally,
the bill clarifies that when a joint review is conducted, the
10 applicant must meet all applicable requirements in the local laws
and regulations of both municipalities.