

Subdivisions

Basic Training for Code Enforcement Officers

January 2011

30-A M.R.S.A. §4401

Subdivisions

Definitions:

1. Densely developed area
 - 10 or more acres
 - 1 principle structure per 2 acres
4. Subdivision
 - 3 or more lots or dwelling units, 5 year period
 - B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

30-A M.R.S.A. §4403

Subdivisions

Municipal Review and Regulation:

1. The municipal reviewing authority shall review all requests for subdivision approval. On all matters concerning subdivision review, the municipal reviewing authority shall maintain a permanent record of all its meetings, proceedings and correspondence.
2. The municipal reviewing authority may, after a public hearing, adopt, amend or repeal additional reasonable regulations governing subdivisions which shall control until amended, repealed or replaced by regulations adopted by the municipal legislative body.
6. In all instances, the burden of proof is upon the person proposing the subdivision.

30-A M.R.S.A. §4404 Subdivisions

Review Criteria:

9. The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any.
10. Specific requirements for shorelines and outstanding river segments: A.(2) The frontage and setback provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning...or within areas *designated by ordinance* as densely developed.
- 14-A. Farmland. SWCD can help map.

30-A M.R.S.A. §4405

Subdivisions

Access to direct sunlight:

The *municipal reviewing authority* may, to protect and ensure access to direct sunlight for solar energy systems, prohibit, restrict or control development through subdivision regulations. The regulations may call for subdivision development plans containing restrictive covenants, height restrictions, side yard and setback requirements or other permissible forms of land use controls.

- Legislation adopted last year was for solar energy *devices*.

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