**MINIMUM LOT SIZE ORDINANCE**

for the Town of Georgetown, Maine

 Enacted March 5, 1977 Amended June 18, 1983 Amended June 14,2008

 Amended June 19, 1982 Amended June 16, 1990 Amended June 12, 2010

 Amended June 13, 2015

1.0 PURPOSE:

Georgetown is a rural coastal community facing the possibility of continued population growth, building construction, and change such as the Town has experienced in recent years. Such change is not without problems. Shallow soils and ledge outcrops characterize the Town and limit the availability of suitable sites for the installation of subsurface waste disposal systems. This situation becomes more critical as the better pieces of land are developed and more marginal sites begin to be utilized. The adequacy and quality of water supplies are also issues.

This Ordinance seeks to protect the public health, safety, and welfare by establishing a two-acre minimum lot size throughout Georgetown. For the purposes of this Ordinance, every new lot is considered a potential building site. The Ordinance uses the disposal of wastes by subsurface systems and the two-acre minimum to establish lot sizes for various uses. This will help both in ensuring the adequate functioning of private disposal systems and in protecting private water supplies. The Ordinance will also help control the density of development and help preserve the rural character of Georgetown.

2.0 APPLICABILITY:

2.1 This Ordinance shall apply to lots created by gift, sale, lease, or devise on or after the effective date of this Ordinance.

2.2 This Ordinance shall apply to all uses of land which are proposed to commence on or after the effective date of this Ordinance.

2.3 This Ordinance shall apply to mobile homes. One mobile home shall be treated as a single family residence under Section 3.2.1. Two mobile homes shall be treated as multiple family housing under Section 3.2.2. Three or more mobile homes constitute a mobile home park (see 30-A MRSA § 4358).

3.0 SPECIFICATIONS:

3.1 Minimum Lot Size: All lots created after the effective date of this Ordinance shall have a minimum area of two acres, exclusive of wetlands,except those lots which meet the requirements of sections 4.1 or 4.2. In every instance, each lot shall be laid out so that a 150' square can fit within the area of its lot lines. In no case can any existing non-conforming lot be made less conforming.

3.2 Lot Size and Waste Generation: In all areas of Georgetown, notwithstanding any other provisions of State or local law or regulation, no person shall:

3.2.1 Dispose of wastes from any single family residence by means of subsurface waste disposal unless the lot of land on which such single family residence is located has an area of at least two acres or is exempt under sections 4.1 or 4.2.

3.2.2 Dispose of wastes from any multiple family housing by means of subsurface waste disposal unless the lot of land on which such multiple family housing is located has an area of at least three-quarters of an acre per bedroom or is exempt under section 4.2.

3.2.3 Dispose of wastes from any other land use activity by means of subsurface waste disposal unless the lot of land on which such land use activity is located has an area of one acre per 300 gallons of waste generated per day or is exempt under section 4.2.

The wastewater design flows in the Maine State Plumbing Code, revised May 1, 1981 (and subsequent revisions thereof), shall be used in determining the volume of wastes likely to be generated by various land use activities. The volume of wastes shall be used in the following formula to determine lot sizes for other land uses (two-acre minimum):

total gallons/day ÷ 300 gallons x 1 acre = required lot size

4.0 EXCEPTIONS:

4.1 Single Family Residences:

4.1.1 Existing Lots: Persons intending to build a single family residence on a lot existing prior to the date of adoption of this Ordinance shall be exempt from the provisions of this Ordinance.

4.1.2 Existing Single Family Residences: Single family residences constructed on lots prior to the date of adoption of this Ordinance shall be exempt from the provisions of this Ordinance if the waste disposal systems of such single family residences were in conformance with all State laws and local ordinances, or were properly exempt from same, on the date of the installation of the waste disposal systems.

4.2 Suitable Soils: Persons intending to create a lot or lots in areas where soils suitable for two separate subsurface waste disposal systems exist may apply to the Code Enforcement Officer for up to a fifty percent reduction in the required two-acreminimum lot size by submitting a lot size reduction permit application. The CEO may grant such a reduction if the applicant submits documentation prepared by a licensed site evaluator indicating that the soils ofeach lotofless than two acreswill support two separate subsurface disposal systems, designed so that all required minimum setback distances are met by both locations, and that the two disposal areas are separated by a distance equal to two times the width of the disposal area, with a minimum separation distance of 40 feet.

5.0 BOARD OF APPEALS:

The Georgetown Board of Appeals, established in accordance with 30-A MRSA § 2691, is vested with the authority to hear and decide appeals from decisions of the CEO.

6.0 ENFORCEMENT:

6.1 The Local Plumbing Inspector shall not issue a plumbing permit for a waste disposal system for any lot which does not meet the provisions of this Ordinance. The LPI shall notify the CEO of possible violations.

6.2 The Code Enforcement Officer shall act in all cases of violations of this Ordinance by notifying, in writing, the person who created the lot, the owner ,and the lessee of the lot, the Board of Selectmen, and the Planning Board of the nature of the violation and the correction of same if possible.

6.3 The Board of Selectmen is charged with the prosecution for all violations of the provisions of this Ordinance. In cases where the notices referred to in paragraph 6.2 are not promptly complied with after their receipt, the Selectmen shall take such complaints to the courts as, in their judgment, are proper, or the Selectmen may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove, or punish such violations.

6.4 Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof shall, upon conviction, be punished by a fine of not more than $100.00 and each day on which such violations shall continue shall constitute a separate offense.

7.0 DEFINITIONS:

**Coastal Wetlands**: All tidal and sub-tidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt-water or estuarine habitat; and any swamp, marsh, bog, beach, flat, or other contiguous lowland which is subject to tidal action or normal storm flowage at any time except during periods of maximum storm activity. Coastal wetlands may include portions of coastal sand dunes.

**Freshwater Wetlands**: Freshwater swamps, marshes, bogs, and similar areas which are:

A. Of 10 or more contiguous acres, or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream, or brook, such that, in a natural state, the combined surface area is in excess of 10 acres; and

B. Inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this subsection.

**Lot**: A parcel of land described on a deed, plot plan, or similar legal document which document has been legally recorded in the Sagadahoc County Registry of Deeds.

**Maine State Plumbing Code**: The "State of Maine Subsurface Wastewater Disposal Rules" prepared by the State Department of Health and Human Services.

**Multiple Family Housing**: A building or buildings designed for occupancy by two or more families, each living in its own quarters.

**Single Family Residence**: A room or group of rooms equipped for use as permanent, seasonal, or temporary living quarters for only one family at a time, containing cooking, sleeping, and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

8.0 EFFECTIVE DATE:

This Ordinance was adopted June 18, 1983. Changes included herein become effective when adopted by Town Meeting.