

DRAFT MINIMUM LOT SIZE ORDINANCE DRAFT

for the Town of Georgetown, Maine

Enacted March 5, 1977
 Amended June 19, 1982
 Amended June 13, 2015
 Amended June 13, 2026

Amended June 18, 1983
 Amended June 16, 1990
 Amended June 18, 2022

Amended June 14, 2008
 Amended June 12, 2010
 Amended June 17, 2023

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, devise or order of court 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).

2.4 In areas subject to the Shoreland Zoning Ordinance, the standards set forth in that Ordinance shall control if more restrictive.

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. In every instance, each lot shall be laid out so that a 150' square can fit within the area of its lot lines. If the lot borders on a coastal or

freshwater wetland or water body, it shall have a minimum frontage on said water body as provided for in the Shoreland Zoning Ordinance. Frontage on a pond or lake not covered by the Shoreland Zoning Ordinance shall be at least 100 feet. In no case can any existing non-conforming lot be made less conforming.

3.2 Waste Disposal: In all areas of Georgetown, notwithstanding any other provisions of State or local law or regulation, or compliance with the minimum lot size requirements or exemptions otherwise set forth in this Ordinance, 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 may accommodate a septic system with a design capacity of at least 90 gpd per bedroom

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 may accommodate a septic system with a design capacity of at least 120 gpd per bedroom.

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.

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):

$$\text{total gallons/day} \div 300 \text{ gallons} \times 1 \text{ acre} = \text{required lot size}$$

4.0 EXCEPTIONS:

4.1 Single Family Residences:

4.1.1 Existing Lots of Record: Persons intending to build on a lot existing as a matter of deeded record (including lots separately described on the same deed) or on an approved, recorded subdivision plan, prior to the date of enactment of this Ordinance shall be exempt from the provisions of this Ordinance.

4.1.2 Existing Lots Not of Record: Lots that when created were described in town property tax records as being buildable lots, i.e. greater than or equal to two acres, but are subsequently determined to be less than the two-acre minimum requirement, may still be considered to be buildable lots. However,

- (1) The lot must be at least one acre
- (2) The decrease in determined acreage must not have occurred due to any actions taken by the property owner or his or her predecessors in title
- (3) The actual lot size must be demonstrated by reasonable evidence as shown by a survey

performed by a professional land surveyor registered in the State of Maine. Examples of situations eligible for this exemption include, but are not limited to, loss of acreage due to taking by eminent domain, erosion or other natural causes, or from an error in a prior survey or assessment record. The Georgetown Board of Appeals may grant a further reduction in minimum lot size upon demonstration of undue hardship, as defined by 30-A M.R.S. 2691, by the owner. In any event, the proposed structure must meet all setback requirements.

4.1.3 Existing Structures: A structure constructed on a lot prior to the date of enactment of this Ordinance shall be exempt from the provisions of this Ordinance if the waste disposal system serving the structure was properly permitted on the date of the installation of the waste disposal systems.

5.0 BOARD OF APPEALS:

The Georgetown Board of Appeals, established in accordance with 30-A MRSA § 2691 and the Town's Board of Appeals Ordinance, is vested with the authority to hear and decide appeals arising from decisions to grant or deny permits in accordance with the standards of this Ordinance.

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 or installed a waste disposal system in violation of this Ordinance, the owner, the lessee of the lot, and the Board of Selectmen of the nature of the violation and the correction of same if possible.

6.3 The Board of Selectmen shall have authority to prosecute all violations of the provisions of this Ordinance. In cases where the notices referred to in paragraph 6.2 are not promptly complied with, 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 in accordance with 30-A M.R.S. § 4452.

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 subject to fines, penalties, court and legal fees, and injunctive relief as set forth in 30-A M.R.S. 4452 with fines ranging from \$100 to \$2,500 to be set in the court's discretion and chargeable for each day the violation is not remedied after notice.

7.0 DEFINITIONS:

Wetlands: Coastal or Freshwater Wetlands as defined below:

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.

Lot of Record: A parcel of land separately described on a deed, plot plan, or similar legal document which 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 March 5, 1977. Changes included herein become effective when adopted by Town Meeting.