

§4402. Exceptions

This subchapter does not apply to: [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).]

1. Previously approved subdivisions. Proposed subdivisions approved by the planning board or the municipal officials before September 23, 1971 in accordance with laws then in effect; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).]

2. Previously existing subdivisions. Subdivisions in actual existence on September 23, 1971 that did not require approval under prior law; [PL 1997, c. 51, §1 (AMD).]

3. Previously recorded subdivisions. A subdivision, a plan of which had been legally recorded in the proper registry of deeds before September 23, 1971; [PL 1997, c. 323, §1 (AMD).]

4. Airports with an approved airport layout plan. Any airport with an airport layout plan that has received final approval from the airport sponsor, the Department of Transportation and the Federal Aviation Administration; [PL 2017, c. 104, §2 (AMD).]

5. Subdivisions in existence for at least 20 years. A subdivision in violation of this subchapter that has been in existence for 20 years or more, except a subdivision:

A. That has been enjoined pursuant to section 4406; [PL 1997, c. 323, §3 (NEW).]

B. For which approval was expressly denied by the municipal reviewing authority, and record of the denial was recorded in the appropriate registry of deeds; [PL 1997, c. 323, §3 (NEW).]

C. For which a lot owner was denied a building permit under section 4406, and record of the denial was recorded in the appropriate registry of deeds; or [PL 1997, c. 323, §3 (NEW).]

D. That has been the subject of an enforcement action or order, and record of the action or order was recorded in the appropriate registry of deeds; or [PL 2017, c. 104, §3 (AMD).]

[PL 2017, c. 104, §3 (AMD).]

6. Division of new or existing structures. Beginning January 1, 2026, a division of a new or existing structure into 3 or more dwelling units whether the division is accomplished by sale, lease, development or otherwise in a municipality where the project is subject to municipal site plan review.

A. For the purposes of this subsection, "municipal site plan review" means review under a municipal ordinance that sets forth a process for determining whether a development meets certain specified criteria, which must include criteria regarding stormwater management, sewage disposal, water supply and vehicular access and which may include criteria regarding other environmental effects, layout, scale, appearance and safety. [PL 2019, c. 174, §2 (NEW); PL 2019, c. 174, §3 (AFF).]

B. The municipal reviewing authority in each municipality shall determine whether a municipal site plan review ordinance adopted by the municipality meets the requirements of paragraph A. [PL 2019, c. 174, §2 (NEW); PL 2019, c. 174, §3 (AFF).]

[PL 2025, c. 385, §21 (AMD); PL 2025, c. 385, §23 (AFF).]

SECTION HISTORY

PL 1989, c. 104, §§A45,C10 (NEW). PL 1997, c. 51, §§1,2 (AMD). PL 1997, c. 323, §§1-3 (AMD). PL 2017, c. 104, §§2-4 (AMD). PL 2019, c. 174, §2 (AMD). PL 2019, c. 174, §3 (AFF). PL 2025, c. 385, §21 (AMD). PL 2025, c. 385, §23 (AFF).

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