

Town of Lowell, Maine

Land Use Ordinance

Revised May 16, 2024

## Section 1. Authority and Purpose

This ordinance is presented pursuant to 30-A MRSA, Sections 3001 & 3002 in the interest of promoting the health, safety and general welfare of the public and of the occupants and users of buildings and other structures in the Town of Lowell, Maine.

## Section 2. No Retroactive Effect

This ordinance shall not apply to buildings or structures which existed or were under construction when this ordinance became effective. Also, if any pre-existing structure is destroyed or damaged by causality that is beyond the owner's control, it may be rebuilt in the same location and in the same size, even though it would violate these regulations, provided that such rebuilding is commenced within eighteen (18) months after the casualty.

## Section 3. Definitions

- The word "lot" means a parcel of land under separate ownership from adjacent property.
- The word "building" shall mean any independent roofed structure and any exterior addition larger than one hundred (100) square feet.
- The word "frontage" shall mean a straight-line distance between two boundaries adjoining a road or body of water. All lot lines shall be perpendicular or radial to the applicable water line or road line.
- The word "road" shall mean any roadway, public or private, providing access to more than two lots.
- The word "structure" shall mean anything constructed or erected with a fixed location on or in the ground.
- The term "body of water" shall mean any great pond, river, stream or brook.
- The term "water line" shall mean the normal high-water mark.

#### Section 4. Code Enforcement Officer

There shall be a Code Enforcement Officer (CEO) appointed by the Board of Selectmen (BOS) with the primary duty of enforcing all regulations relative to this land use ordinance, including the receipt of applications for and the issuance of permits.

#### Section 5. Permits

- A building permit shall be obtained from the CEO prior to beginning construction or movement of any building. Any demolition work must outline how the materials are going to be disposed of.
- Each application for a permit shall be in writing and signed by the applicant. The permit will expire upon completion of the proposed building or (2) two years after the permit approval date on the permit. If there is not a substantial start within the (2) two-year window the applicant may apply for an extension.
- Commercial projects are to be reviewed by the Planning Board. Commercial projects should include site plans, and mapping of wetlands.
- If an after-the-fact permit application is filed with the CEO, permit fees are doubled.

#### Section 6. Board of Appeals

- The Board of Appeals shall be governed by the provision of the 30-A MRSA Section 2691.
- The Board of Appeals may modify or set aside a decision of the Planning Board or CEO. They may permit a variation from the terms of these regulations where they find it necessary to avoid undue hardship, provided there is no substantial departure from the intent of this ordinance.

## Section 7. Set Back Requirements

- No building shall be constructed within 100 feet of the normal high-water mark (250 feet in resource Protection) of any great pond, within 60 feet from the center line of any traveled road, or within 25 feet from the edge of a private road, within 75 feet from the normal high-water mark of any river or stream, or within 15 feet of any other lot boundary.
- No well shall be located within 500 feet of the toe of the closed Burlington/Lowell landfill, unless there is no other site within the lot boundaries.

## Section 8. Lot Sizes

- No dwelling or other building which would normally utilize a water supply or sewage disposal system shall be erected on any lot or less the 40,000 square feet in area and such lots shall be at least 200 feet square.
- Such lot shall be at least 200 feet square minimum 200 feet road frontage.
- The Board of Appeals may grant a variance from the requirements of this ordinance as to the minimum lot size and frontage, so as to permit cluster lots, provided that the land to be developed has set aside land equal to the above Section 8 requirements of 40,000 Sq. Ft. to be used in common. The developer must present plans in advance to the Planning Board to assure that they have met the requirements.

## Section 9. Maintenance of Lot Standards

All lots shall be maintained so that they conform to all standards stated in this ordinance, including minimum lot size, road frontage and setback requirements from external boundaries.

## Section 10. Plumbing

All plumbing and sewage disposal shall be in conformance with State of Maine Plumbing Code.

### Section 11. Electrical

All electrical work shall be inspected by a licensed electrician and be in conformance with the State of Maine Electrical Code.

### Section 12. Foundation

All buildings used as dwellings shall be built on stone, masonry, or concrete foundations, or on masonry posts, or wooden posts which have been treated with a preservative.

### Section 13. Exterior Finish

- All buildings shall be finished on their exterior walls with wood, brick, stone or external finish material. Tar paper house wrap and insulation are prohibited as an exterior finish.
- The exterior finish including paint and siding must be completed within the two-year duration of the permit.

### Section 14. Roof Covering

Every roof hereafter erected shall be covered with an approved fire-resistant roofing material.

### Section 15. Chimneys

- Chimneys constructed of masonry shall rest on a foundation extending at least three feet below ground level. All masonry chimneys shall be lined.
- Prefabricated chimneys shall be acceptable if approved by the National Board of Fire Underwriters, "UL" approved. All chimneys shall have a clean out at or near the base.
- All chimneys are required to extend at least two feet above the highest point where they pass through the roof of a building, and at least two feet higher than any portion of a building within 10 feet. Where chimneys are installed within or near buildings, a minimum 2" air space clearance between the chimney and combustibles shall be maintained.

## Section 16. Commercial Solar

Solar Energy Systems (SES) are subject to location and permitting requirements as set forth in the Land Use Ordinance. All SES shall be designed, erected and installed in accordance with all applicable local, state and federal codes, regulations and standards. A SES approved for construction prior to the effective date of this Ordinance shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to any existing SES, whether or not existing prior to the effective date of this Ordinance that expands or relocates the footprint of the SES, shall require approval under this Ordinance. Routine maintenance or replacements do not require a permit. Solar Energy Systems for single family residence are exempt from this ordinance.

## Section 17. Additional Dwelling Units

Per 30-A MRSA, Section 4364-B, Additional Dwelling Units (ADU's) are allowed, contingent upon all CEO, Planning Board, notification, review and permitting requirements defined above herein.

## Section 18. Saving Clause

Any declaration by the courts that a section or part of a section of this ordinance is unconstitutional or invalid shall not affect the validity of the remainder of the provisions.

## Section 19. Violations

Any construction or work performed in violation of the provisions of this ordinance or any building built without first obtaining a permit issued by the Planning Board, or CEO, shall be considered a violation and may be subject to a penalty or fine of not less than \$100 no more than \$2500 for each day violation is in existence. However, in a resource protection district the maximum penalty is increased to \$5000.

## Section 20. Amendments

These regulations may be amended by a majority of the Town of Lowell at any Town Meeting after public hearing and due notice.

Section 21. Jurisdiction and-effective date

These regulations shall apply throughout the Town of Lowell, and shall take effect when adopted at any warranted Town Meeting.

Hearing Date: \_\_\_\_\_

Approved at Town Meeting: \_\_\_\_\_

Acceptance of this Ordinance supersedes all others.

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Appendix 1

Requirements for a permit

Have a soil test done if interior plumbing, grey water system, or pit privy.

Following documents to CEO:

- Approved soil test with system design approved by plumbing inspector
- Lot map with dimensions, buildings, well, septic
- Systems etc. Located on the map
- For new construction you must have an electrical permit

After you have completed your project, it must be inspected and approved by plumbing inspector before you occupy the residence or building.

Code enforcement officer and plumbing inspector:

Dwight Tilton 207-794-4434 (mobile) or 207-732-5177 (town office)