

Town of Lowell Land Use Ordinance

Section 1. Authority and Purpose

This ordinance is prepared pursuant to Maine Revised Statutes, Title 30-A, sections 1917 and 2125, for the purpose of promoting the health and safety of the public and the occupants and users of buildings and other structures in the Town of Lowell.

Section 2. No Retroactive Effect.

This ordinance shall not apply to buildings or structures which existed before this ordinance became effective. If an existing structure has been destroyed by damage or casualty, it may be rebuilt in the same location and same size even though it would otherwise violate this ordinance.

Section 3. Definitions

- A. The word "person" includes the firm, association, organization, partnership, Trust Co., Corporation, as well as individual.
- B. The word "lot" means a parcel of land defined by boundaries.
- C. "Structure" shall mean anything constructed or erected with a fixed location on or in the ground.
- D. "Building" shall mean any structure having a roof. It shall include mobile homes, but shall not include travel trailers used as temporary residence incidental to travel, recreation, or vacation.
- E. "Frontage" shall mean the straight line distance between two boundaries adjoining a road or body of water. All lot lines shall be perpendicular to the water line or road line.
- F. "Body of Water" shall mean any great pond, river, stream, or brook.
- G. "Waterline" shall mean the Normal High Water Mark.
- H. "road" shall mean any roadway, public or private, providing access to two or more lots.¹

¹ It is the intent of this ordinance that the Board of Appeals shall be liberal in granting variances as may be sought to permit continued use of lots in existence at the time of this ordinance. Lowell Land Use

Section 4. Code Enforcement Officer:

There shall be a Code Enforcement Officer appointed by the Selectmen for a term of one year. An assistant Code Enforcement Officer may be appointed by the Selectmen for a term of one year. The Selectmen shall be authorized to set their compensation.

Section 5. Building Permits:

- A. No building shall be constructed or moved until a written permit has been issued by the Code Enforcement Officer. Such permits must be available at the site until the work has been completed.
- B. A non-refundable fee shall be paid to the Town with each application. All permit fees shall be established by the Selectmen.
- C. Each completed application for a building permit shall be signed by the applicant. The town shall provide the necessary forms.
- D. Building permits shall expire in two years from the date of issue or upon completion of the structure named in the permit, whichever occurs first.

Section 6. Board of Appeals:

- A. The Board of Appeals shall be governed by the provisions of the Maine Revised Statutes Title 30-A Section 2411.
- B. The Board of Appeals may modify or set aside a decision of the Planning Board or Code Enforcement Officer. 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 the ordinance.

Section 7. Set Back Requirements:

- A. No building shall be constructed within 100 feet of the normal high water mark of any Great Pond, within 60 feet from the centerline of any Public traveled way, or within 25 feet from the edge of a private way, within 75 feet from the high water mark of any river or stream, or within 15 feet of any other lot boundary line.
- B. No wells 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:

- A. No dwelling or other building which would normally utilize a water supply or sewage disposal system shall be erected on any lot of less than 40,000 square feet in area and such lots shall be at least 200 feet square.
- B. 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 Square feet 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 strict conformance with State of Maine Plumbing Codes.

Section 11. Electrical:

All electrical work shall be inspected by a licensed electrician and be in strict compliance with the National Electrical Code.

Section 12. Foundation:

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

Section 13. Exterior Finish:

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

Section 14. Roof Coverings:

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

Section 15. Chimneys:

- A. Chimneys constructed of masonry shall extend through the roof at least two feet above the highest point of the roof, and shall rest on a foundation, extending at least three feet below ground level. Prefabricated chimneys shall be acceptable if approved by the National Board of Fire Underwriters.
- B. All chimneys shall have a clean out at or near the bottom. All masonry chimneys shall be lined.

Section 16. Saving Clause:

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

Section 17. Violations:

Any building constructed 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 Code Enforcement Officer, shall be considered in violation and may be subject to a penalty or fine. Each day the violation; and may be subject to a penalty or fine. Each day the violation continues it shall constitute a separate offense under this section.

Section 18. Amendments:

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

Section 19. Jurisdiction and Effective date:

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

Approved April 8, 2000

Lynda Wakefield
Town Clerk