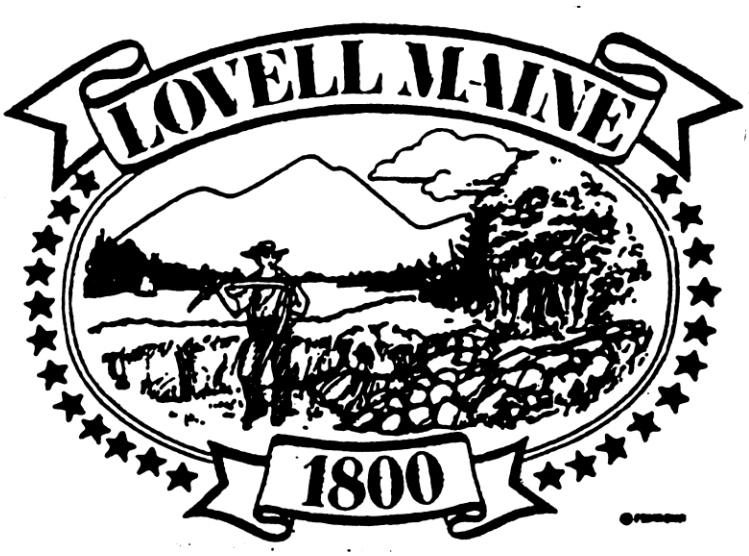
TOWN OF
LOVELL, MAINE



TOWN ORDINANCES

INCLUDING

ZONING ORDINANCE, ADOPTED MARCH 2, 1996
WITH AMENDMENTS THROUGH MARCH 2, 2024

FLOODPLAIN MANAGEMENT ORDINANCE
TOWN BEACHES, LANDINGS PROPERTY AND RUBBISH DISPOSAL
PARKING
SOLID WASTE MANAGEMENT
AUTOMOBILE GRAVEYARDS
MASS GATHERING
BARKING DOGS
Cemetery Ordinance

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LOVELL, MAINE ZONING ORDINANCE

ARTICLE I
PREAMBLE

1.1 Authority.

This ordinance has been prepared in accordance with the provisions of Title 30-A M.R.S.A., Sections 3001, 4314, 4324, 4326, 4327, 4352, and 4353 and Title 38 M.R.S.A., Sections 435-449.

1.2 Short Title.

This ordinance and the accompanying Official Zoning Maps shall be known as and may be cited as the "Lovell Zoning Ordinance."

1.3 Purpose.

The purpose of this ordinance is to protect the health, safety, and general welfare of the residents of the town of Lovell; to control building sites, placement of structures, and encourage appropriate use of land throughout the municipality; to promote traffic safety; to provide safety from fire and other elements; to prevent development in unsuitable areas; to provide an allotment of land area in new developments sufficient for all the requirements of community life; to conserve natural resources and visual character; and to provide for adequate public services, to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to conserve shore cover, and visual as well as actual points of access to water bodies; and to anticipate and respond to the impacts of development in shoreland areas and lake watersheds, all as an integral part of the implementation of the policies and strategies of the Lovell comprehensive plan.

1.4 Jurisdiction.

The provisions of this ordinance shall govern all land and all structures within the boundaries of the Town of Lovell.

1.5 Rules of Construction.

Captions and headings within this ordinance are an integral part of the ordinance and are intended to be utilized in determining the meaning and applicability of the sections they identify.

ARTICLE II
DEFINITIONS OF TERMS USED IN THIS ORDINANCE

2.1 Construction of Language.

In the interpretation and enforcement of this ordinance, all words other than those specifically defined in the ordinance shall have the meaning implied by their context in the ordinance or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this ordinance and any map, illustration, or table, the text shall control.

The word "person" includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.

The present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.

The word "shall" and "will" are mandatory, the word "may" is permissive.

The word "lot" includes the words "plot" and "parcel".

The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The words "town" or "municipality" mean the Town of Lovell, Maine.

2.2 Definitions.

In this ordinance the following terms shall have the following meanings:

Accessory Dwelling Unit**:** A dwelling unit that is incidental and subordinate to the principal single-family dwelling unit located on the same lot and that is either located within the detached principal single-family dwelling unit or within a separate, detached structure on the same parcel as the principal single-family dwelling unit.

Accessory Use or Structure: a use or structure which is customarily and in fact both incidental and subordinate to the principal use or structure. The term "incidental" in reference to the principal use or structure shall mean subordinate and minor in significance and in close proximity to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Active Recreation: Recreation activities which necessitate some degree of structural or mechanical components for participation in the activity, such as ball fields, playgrounds, and tennis courts.

Acre: An area of land measuring 43,560 square feet.

Aggrieved party: an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; the Lovell Planning Board; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture: The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green-house products. Agriculture does not include forest management and timber harvesting activities.

Alteration: any change, addition, or modification in construction, other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams, or girders.

Animal Husbandry: The keeping of any domestic animals other than customary household pets.

Antenna: - shall mean any exterior apparatus designed for telephonic, radio, television, or similar communications through the sending and/or receiving of electromagnetic waves.

Aquaculture - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Authorized Agent: Anyone having written authorization to act in behalf of a property owner, signed by the property owner.

Automobile Graveyard: A yard, field or other area used as a place of storage, other than temporary storage by an establishment or place of business which is engaged primarily in doing auto body repair

work for the purpose of making repairs to render a motor vehicle serviceable, for three or more unserviceable, discarded, worn out or junked motor vehicles.

Automobile Repair Garage: A place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; over-all painting and under-coating of automobiles.

Automobile Service Station: A place where gasoline, or any other automobile engine fuel, kerosene, or motor oil and lubricants or grease are retailed directly to the public on the premises; including the sale of minor accessories and the servicing and minor repair of automobiles, not including storage of unlicensed vehicles and not including body, frame or fender straightening and repair.

Basal Area - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basal Area, Residual – Repealed.

Basement: Any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Bed & Breakfast/Inn: An establishment which includes a dwelling in which lodging and meals are offered to the general public for compensation, offering no more than twelve rooms for lodging purposes.

Boardinghouse: Any residential structure where lodging or lodging and meals are provided for compensation for a period of at least two weeks, and where a family residing in the building acts as proprietor or owner. There is no provision for cooking in any individual room.

Boat Launching Facility - a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Body of Water: shall include the following:

Great pond: any body of water which in a natural state has a surface area in excess of ten acres, and any body of water artificially formed or increased which has a surface area in excess of 30 acres except for the purposes of this Ordinance, where the artificially formed or increased body of water is completely surrounded by land held by a single owner. Great ponds shall include the following bodies of water: Back Pond, Bradley Pond, Cushman Pond, Dan Charles Pond, Farrington Pond, Heald Pond, Horseshoe Pond, Kezar Lake, Middle Pond and Mill Pond.

Great pond classified GPA - any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

River: a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of 25 square miles to its mouth. In Lovell this includes the Kezar Outlet from Kezar Lake to the Fryeburg town line and the Old Course of the Saco River.

Stream:

(1) a free-flowing body of water from the outlet of a great pond or freshwater wetland: or

(2) that portion of a perennial stream flowing below the confluence of two perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area; or

(3) that portion of a perennial stream outside of the above areas that is within a 100-year floodplain, as designated on the most recent FEMA Flood Insurance Rate Map.

Building: Any structure having a roof supported by walls for the housing or enclosure of persons, animals, or personal property.

Business Sign: An attached or freestanding structure which directs attention to a business or profession conducted on the premises.

Camp: An establishment, licensed by the Maine Department of Human Services, Division of Health Engineering, which provides recreational, spiritual, or educational programs and instruction for participants as well as meals and/or lodging.

Campground: Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy – the more or less continuous cover formed by tree crowns in a wooded area.

Channel: A natural or artificial watercourse with definite beds and banks to confine and conduct continuously or periodically flowing water. Channel flow is water flowing within the limits of the defined channel.

Club: Any association of persons organized for social, religious, benevolent, or academic purposes, including fraternities and sororities, whose facilities are open to members and guests.

Code Enforcement Officer: A person appointed by the Municipal Officers to administer and enforce this ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

Co-Location: - shall mean the location of more than one telecommunications facility (use) on a tower or alternative tower structure.

Commercial Recreation: Any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to: racquet clubs, health facility and amusement parks, but not including amusement centers.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Conditional Use: A use permitted only after review and approval by the Planning Board. A Conditional Use is a use that would not be appropriate without restriction, but which is permitted provided that all performance standards and other requirements of this ordinance are met.

Congregate Housing: A multi-family development with central dining facilities and medical or social services provided for the residents.

Constructed: Includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered as part of construction.

DBH – the diameter of a standing tree measured 4.5 feet from ground level.

Day Care Center: An establishment, including a private residence, where three or more children under the age of six are cared for in return for compensation.

Deck: An uncovered structure with a floor, elevated above ground level.

Dock: a floating structure connected to the pier or shore by a walkway and held in place by anchors or other means, for berthing of watercraft.

Decorative Changes: Repainting or re-siding; removing or replacing trim, railings, or other non-structural architectural details; or the addition, removal or change of location of windows and doors.

Development: any activity which requires a permit under this ordinance.

Dimensional Requirements: numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

District: A specified portion of the town, delineated on the Official Zoning Maps, within which certain regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

Driveway: a vehicular access-way less than 500 feet in length serving two lots or less.

Dwelling: Any building or structure or portion thereof designed or used for residential purposes.

Single-Family Dwelling: a building containing only one dwelling unit for occupation by not more than one family.

Two-Family Dwelling: a building containing only two dwelling units, for occupation by not more than two families.

Multi-Family Dwelling: a building containing three or more dwelling units, such buildings being designed for residential use and occupancy by three or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

Dwelling Unit: A room or suite of rooms designed and equipped exclusively for use by one family as a habitation and which contains independent living, cooking, sleeping, bathing and sanitary facilities. The term includes manufactured housing but not recreational vehicles or motel units. Within the shoreland zone, the term shall include any rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented.

Electric Vehicle Charging Station: A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy by conductive or inductive means to a battery or other energy storage device in an electric vehicle.

Electric Vehicle Charging Station, Public: An Electric Vehicle Charging Station accessible by visitors/ customers or the general public.

Electric Vehicle Charging Station, Restricted: An Electric Vehicle Charging Station to which access is restricted (e.g., single-family dwelling, designated employee parking, assigned parking at two-family or multi-family dwelling, public fleet parking).

Emergency operations - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential Services: Gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of a Structure: an increase in the footprint or height of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Expansion of Use: the addition of weeks or months to a use's operating season; additional hours of operation; or the use of more footprint or ground area devoted to a particular use.

FAA: - shall mean the Federal Aviation Administration.

FCC: - shall mean the Federal Communications Commission.

Family: One or more persons occupying a premises and living as a single housekeeping unit.

Filling: Depositing or dumping any matter on or into the ground or water.

Flea Market: The sale of used merchandise customarily involving tables or space leased or rented to vendors.

Float or Swim Float: a floating platform anchored near a shoreline for use by swimmers or boats.

Flood Insurance Rate Map: The map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard and the risk premium zones applicable to the Town, dated February 17, 1989.

Flood Plain: The lands shown on the Flood Insurance Rate Map as being within the area of special flood hazard, that is having a one percent chance of flooding in any year.

Floodway: The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floor Area: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Forested Wetland: A wetland which is dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Forest Management Activities: timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning,

regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

Forest Stand - a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

Formula Business: A type of commercial business establishment with ten or more other locations, that maintains across the majority of its locations two or more of the following features: (i) substantially similar array of merchandise or substantially similar menu; (ii) substantially similar facade; (iii) substantially similar décor or color scheme; (iv) required uniform apparel for employees; (v) substantially similar signage; or (vi) a trademark registered with the United States Patent and Trademark Office; provided, however, a "Formula Business" shall not include an automated, standalone vending machine.

Footprint – the entire area of ground covered by the structures on a premises, including cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

Foundation - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

Frontage, Street: The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the front lot line.

Frontage Shore: The horizontal distance, measured in a straight line, between the intersections of the lot lines with the shoreline at normal high water line.

Functionally Water-dependent Uses: those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, water bodies and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, waterfront dock and port facilities, marinas, shoreline structures necessary for erosion control purposes, industrial uses requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to water bodies. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

Governmental Facility: A facility operated by local or state governments for the provision of necessary public services including sand and salt storage facilities, public works garaged, police, fire and rescue stations and facilities and administrative offices, but not including a facility for the disposal of solid waste, special waste, or hazardous waste or a criminal justice facility.

Ground cover – small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Guide Services: accepting any form of remuneration in exchange for accompanying or assisting any person in the fields, forests or on the waters or ice within the jurisdiction of the State of Maine while hiking, climbing, hunting, fishing. trapping, boating, snowmobiling, using a n all- terrain vehicle, or camping at a primitive camping area.

Harvest Area - Repealed.

Height: - shall mean, when referring to a tower or other structure, the distance measured from the mean original (prior to construction) grade of the ground at the downhill side of the structure, to the highest point on the tower or other structure, even if said highest point is an antenna.

Height, Building: The vertical distance measured between the mean original (prior to construction) grade of the ground at the downhill side of the building and the highest point of the roof, not including chimneys, spires, towers, , **roof-mounted PSSES,** or similar accessory structures or appurtenances that have no floor area (see also section 6.4, Maximum Building Height).

Height, Threshold: - shall mean 35 feet, the height below which a telecommunications facility does not need review and approval for a Conditional Use Permit.

Home Occupation: An occupation or profession which is customarily conducted on or in a residential structure or property and which is clearly incidental to and compatible with the residential use of the property and surrounding residential uses.

Home Occupation, Type 1: A home occupation that has no sign and generates a maximum of 10 vehicle trips per day.

Home Occupation, Type 2: A home occupation that either has a sign or generates more than 10 vehicle trips per day.

Hospital: An institution providing, but not limited to, overnight health services, primarily for in-patients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central services facilities, and staff offices.

Hotel/Motel: A building or group of buildings in which lodging, or meals and lodging are offered to the general public for compensation and which provides more than 12 rooms for lodging purposes. A hotel/motel may contain such accessory services and facilities as news-stands, personal grooming facilities and restaurants. Any transient accommodations which do not meet the definitions of bed and breakfast/inn or tourist cabins shall be deemed to be a hotel/motel for the purposes of this ordinance.

Increase in nonconformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual Private Campsite: an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fireplaces, or tent platforms.

Industrial - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Institutional – a non-profit or quasi-public use, or institution such as a religious assembly, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Junkyard: A yard, field or other area used as place of storage for:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
2. Discarded, scrap and junked lumber;
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous material; and
4. Garbage dumps, waste dumps, and sanitary fills.

Kennel: Any place, building, tract of land, abode, enclosure, or vehicle where six or more dogs or six or more cats, owned singly or jointly are kept for any purpose, including but not limited to breeding, hunting, show, field trials or exhibition, or where one or more dog or other pet is kept for their owners in return for a fee. This definition shall not apply to dogs or cats under the age of six months.

Kilowatt (kW): a unit for measuring power that is equivalent to 1,000 watts.

Land Management Road - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Large Scale Solar Energy Systems (LSSES): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Large Scale Solar Energy Systems may consist of one or more free-standing ground, or roof, or wall mounted solar collector devices or solar related equipment and other accessory structures and buildings including light reflectors, concentrators, inverters, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures. LSSES are Solar Energy Systems with any array greater than 21,780 square feet (0.5 acres) on any one lot and less than ten (10) acres on any one lot.

Licensed Forester - a forester licensed under 32 M.R.S.A. Chapter 76.

Lot: A parcel of land with discernible boundaries, created by lease, deed, or plan.

Lot Area: The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body and areas beneath roads serving more than two lots.

Lot, Corner: A lot with at least two contiguous sides abutting upon a street or right of way.

Lot Coverage: The percentage of the entire lot covered by all buildings. Within the Shoreland Limited Residential, Stream Protection and Resource Protection Districts, lot coverage shall be defined as the percentage of the portion of the lot within these Districts, covered by buildings, structures, walkways, patios, decks or any other non-vegetated surfaces. See section 6.3.G.

Lot, Interior: Any lot other than a corner lot or through lot.

Lot Lines: The lines bounding a lot as defined below:

Front Lot Line: On an interior lot the line separating the lot from the street or right of way. On a corner or through lot, the line separating the lot from both streets or rights of way.

Rear Lot Line: The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

Side Lot Line: Any lot line other than the front lot line or rear lot line.

Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the Oxford County Register of Deeds.

Lot, Shorefront: Any lot abutting a body of water or wetland.

Lot, Through: A lot having frontages on two more or less parallel streets or rights of way or between a street and a body of water, or a right of way and a body of water, or between two bodies of water, as distinguished from a corner lot. All sides of through lots adjacent to streets, rights of way, and bodies of water shall be considered frontage, and front yards shall be provided as required.

Lot Width, Minimum: The shortest distance between the side lot lines of the lot measured at the front setback line. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Manufactured Housing Unit: Structures, transportable in one or two sections, which were constructed in a manufacturing facility and transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

Manufacturing: The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations.

Marina: A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities.

Market value: the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mechanized Recreation: Recreation activities which require the use of motors or engines for the operation of equipment or participation in the activity.

Medical and Healthcare Services*:* The provision of medical and healthcare services to humans by acupuncturists, counselors, doctors, nurses, occupational therapists, physical therapists, physician's assistants,psychiatrists. psychologists, or social workers.

Megawatt (MW): a unit for measuring power that is equivalent to one million watts, or 1,000 kilowatts.

Mineral Exploration: hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral Extraction: any operation within any 12 month period which removes more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and

transport the product removed away from the extraction site.

Mobile Home: A manufactured housing unit constructed prior to June l5, l976.

Mobile Home Park: A parcel of land in one ownership designed and/or used to accommodate two or more manufactured housing units.

Mooring: shall mean any device designed to float, which is anchored to the bottom, which is used to secure a watercraft to the bottom.

Mounting: The manner in which a Solar Energy System is affixed to the ground, a wall, or a roof.

Multifamily Development: A lot which contains one or more multifamily dwellings, two or more duplexes, three or more single family dwellings, or any combination of buildings containing three or more dwelling units, except a mobile home park.

Native – indigenous to the local forests.

Net Residential Acreage: The acreage available for development of a subdivision, excluding the area for streets or access and the areas which are unsuitable for development. *See definition of "unsuitable for development."*

Net Residential Density: The number of dwelling units (excluding accessory dwelling units allowed under 30-A M.R.S.A. § 4364-B) per net residential acre allowed within a subdivision.

Non-Conforming Development: A use which is a permitted use within the district, which does not conform to the standards in Section 7 or section 8.

Non-Conforming Lot of Record: A lot shown on a plan or deed recorded prior to the effective date of this ordinance or amendment which does not meet the area, frontage, width or depth requirements of the district in which it is located.

Non-Conforming Structure: A structure that does not meet all of the following dimensional requirements: set-backs, height, and lot coverage.

Non-Conforming Use: Use of land, structures, premises, or parts thereof, that is not permitted in the district in which it is located.

Normal High Water Line: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Nursing Home: A facility which provides meals, lodging and nursing care for compensation.

Office Use: Conducting the administrative or clerical affairs of a business, financial institution, industry or government, without the provisions of any goods or services, and generally furnished with desks, tables, files, and communication equipment.

Open Space Use: A use not involving: a structure; earth-moving activity; or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

Parking Space: An area of 175 square feet, exclusive of drives or aisles for the parking of vehicles.

Passive Recreation: Outdoor recreational activities which involve no structural or mechanical components or facilities, or earth moving, such as hiking, fishing, hunting, etc.

Patio: An uncovered floor, usually made of concrete, brick or other masonry material, which is not elevated above the surface of the ground in any manner.

Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Personal Services: Provisions of barber, beauty salon, hair care, nail care, skin care, shoe repair, and/or dry cleaner's agency services.

Personal Property: Property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Personal Scale Solar Energy Systems – Major (PSSES – Major): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. Personal Scale Solar Energy Systems-Major are accessory to the principal use on the parcel, consist of one or more freestanding ground, or roof, or wall mounted solar collector devices or solar related equipment, and are intended to primarily reduce on-site consumption of utility power or fuels. The sale and distribution of excess energy to a public utility for distribution shall be incidental to PSSES-Major and shall not be its primary purpose. PSSES-Major are Solar Energy Systems with an array greater than 1200 square feet and less than 21,780 square feet (0.5 acres) on any one lot.

Personal Scale Solar Energy Systems – Minor (PSSES – Minor): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power primarily for on-site use. Personal Scale Solar Energy Systems-Minor are accessory to the principal use on the parcel, consist of one or more free-standing ground, or roof or wall mounted solar collector devices or solar related equipment, and are intended to primarily reduce on-site consumption of utility power or fuels. The sale and distribution of excess energy to a public utility for distribution shall be incidental to PSSES-Minor and shall not be its primary purpose. PSSES-Minor are Solar Energy Systems with an array less than or equal to 1200 square feet on any one lot.

Pier: a fixed structure attached to the shore for berthing of watercraft.

Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line or Within a Wetland:

Temporary: Structures which remain in or over the water for less than seven months in any period of twelve consecutive months.

Permanent: Structures which remain in or over the water for seven months or more in any period of twelve consecutive months.

Prepared Food Establishments: An establishment open to the public and primarily engaged in the preparation and serving of food or beverage for immediate consumption on or off the premises. For the avoidance of doubt, no prepared food establishment may contain a drive-thru window but may contain an external window to allow for expedient pick-up of food orders by patrons.

Prepared Food Establishment, Restaurant, Fast Food: A prepared food establishment engaged in the preparation and serving of meals for consumption on or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meals, which are served in disposable containers.

Prepared Food Establishment, Food Truck: A prepared food establishment conducted from a structure or vehicle that is movable or portable.

Prepared Food Establishment, Limited Service: A prepared food establishment for which the food or beverages prepared and served are available upon a short waiting time and packaged and presented in such a manner that they can be readily eaten on or off the premises but does not meet the definition of a Restaurant or a Food Truck.

Prepared Food Establishment, Restaurant, Standard: A prepared food establishment primarily engaged in the preparation and serving of meals for immediate consumption on the premises, requiring moderate amounts of time between the period of ordering and serving of the meal.

Prime Open Space: Areas shown as wildlife habitat or critical areas on Map Number 2 of the Lovell Comprehensive Plan maps.

Principal Structure: The structure in which the primary use of the lot is conducted.

Principal Use: The primary use to which the premises are devoted.

Private Road: A private way meeting the road construction standards for preparation, sub-base, and base specified in the Town's subdivision review standards.

Private Way: A road serving as the access between a street and more than two lots or dwelling units which is not open to travel by the general public.

Professional Services: Provisions of the services of accountants, advertising and marketing agents, architects, engineers, financial advisors, insurance agents, lawyers, real estate agents, realtors, and surveyors.

Public facility - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent floodplain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

Recreational Vehicle: A vehicle or attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement System: a subsurface wastewater disposal system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

Residential Use: Any land use which includes a dwelling unit.

Residual Stand - Repealed.

Restaurant: An establishment where meals are prepared and served to the public for consumption.

Standard Restaurant: A business involving the preparation and serving of meals for consumption on the premises, requiring moderate amounts of time between the period of ordering and serving of the meal.

Fast Food Restaurant: A business involving the preparation and serving of meals for consumption on the premises or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meals which are served in edible or disposable containers.

Retail Store: A location primarily used for the sale or lease of new or used goods directly to the ultimate consumer (and not for trade or resale) but excluding Prepared Food Establishments.

Retail Store, Antique/Vintage/Used: A retail-store with less than 2,000 square feet of floor space. primarily engaged in the sale of previously used goods, including but not limited to clothing and household items.

Retail Store, Arts and Crafts: A retail store with less than 2,000 square feet of floor space, primarily engaged in the display and sale of artwork and/or crafts.

Retail Store, Books: A retail store with less than 2,000 square feet of floor space, primarily engaged in the sale of books, newspapers, and magazines.

Retail Store, Clothing: A retail store with less than 2,000 square feet of floor space, primarily engaged in the sale of clothing.

Retail Store, Gifts: A retail store with less than 2.000 square feet of floor space, primarily engaged in the sale of gifts, novelty merchandise, souvenirs, greeting cards. seasonal and holiday decorations, and curios.

Retail Store, Hardware: A retail store with less than 4,000 square feet of floor space and less than 4,000 square feet of exterior storage space, primarily engaged in the sale or lease of tools, equipment, and supplies utilized in building construction, renovation, maintenance and repair, or landscaping and gardening; may also sell housewares and household appliances.

Retail Store, Neighborhood Convenience: A retail store with less than 1,500 square feet of floor space intended to service the convenience of a residential neighborhood with such items as but not limited to, basic foods, newspapers, emergency home repair articles, and other household items.

Retail Store, Sporting Goods: A retail store with less than 2,000 square feet of floor space, primarily engaged in the sale of goods meant to support sports and recreational activities.

Retail Store, Vehicles Sales: A retail store that is primarily engaged in the sale or lease of new or used cars, trucks, motorcycles, campers, far m equipment, recreational vehicles, mobile homes, boats, or similar products.

Riprap: rocks, irregularly shaped, and at least six inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two units horizontal to one unit vertical or less.

River - a free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

Road: a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for the repeated passage of motorized vehicles, excluding a driveway as defined.

Satellite Receiving Dish: An antenna designed to receive signals from satellites.

Schools:

Public and Private, including Parochial, Schools: Institutions for education or instruction where any branch or branches of knowledge is imparted, and which satisfies either of the following requirements:

1. the school is not operated for a profit or a gainful business; or
2. the school teaches courses of study which are sufficient to qualify attendance there as compliance with State compulsory education requirements.

Commercial Schools: An institution which is commercial or profit-oriented. Examples thereof are dancing, music, riding, correspondence, aquatic schools, driving or business.

Service drop - any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service
   a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
   b. the total length of the extension is less than one thousand (1,000) feet.
2. in the case of telephone service
   a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
   b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: The horizontal distance from the lot lines or the center of the right of way of a public street from which the lot is accessed to the nearest part of a structure.

Setback, front: The horizontal distance from the center of the traveled way of the frontage street from which the lot is accessed, to the nearest part of a structure.

Setback, side or rear: The horizontal distance from the side or rear lot lines to the nearest part of a structure.

Setback from Water: The nearest horizontal distance from the normal high water line of a waterbody or tributary stream, or the upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shoreland Zone: the land area located within 250 feet, horizontal distance, of the normal high water line of any great pond, or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; or within 75 feet, horizontal distance, of the normal high water line of a stream. The Shoreland Zone also includes any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

Shoreline – the normal high-water line, or upland edge of a freshwater wetland.

Sign: A display surface, fabric or device containing organized and related elements (letters, pictures, products, or sculptures) composed to form a single unit, designed to convey information visually and which is exposed to public view. In cases where matter is displayed in a random or unconnected manner without an organized relationship, each such component shall constitute a sign.

Skid Road or Skid Trail - a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

Solar Array: Multiple solar panels combined together to create one Solar Energy System.

Solar Energy: Radiant energy (direct, diffuse and/or reflective) received from the sun.

Solar Energy System: An interconnected assembly of any equipment, products, or devices which use mechanical, physical, or chemical means to collect and convert solar energy into an alternative form of energy. A Solar Energy System includes Solar Energy Equipment and associated, newly-installed transmission lines. A Solar Energy System

may be roof-mounted, ground-mounted, or wall-mounted, and may be any of the following sizes: PSSES-Minor, PSSES-Major, and LSSES

Solar Panel: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

Solar Related Equipment: The parts and components of a Solar Energy System. These parts and components include: any solar photovoltaic cell, module, panel, or array; any solar hot air or water collector device panels; lines, pumps, batteries, mounting brackets, framing, foundations, or other similar components; and, other structures used for or intended to be used for collection of solar energy.

Street: An existing state, county, or town way; a way dedicated for public use and shown upon a plan approved by the Planning Board and recorded in the Oxford County Registry of Deeds; or a way dedicated for public use and shown on a plan recorded in the Oxford County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term "street" shall not include those ways which have been discontinued or abandoned.

Structure: Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, commercial park rides and games, satellite receiving dishes, carports, decks, and other building features, but not including signs, sidewalks, fences, driveways, parking lots and, except in the shoreland zone, utility service installations. Within the Shoreland Zone, the word "structure" shall be defined as anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Subdivision: The word subdivision shall be defined as in Title 30-A M.R.S.A. 4401, as amended.

Substantial Expansion: Floor space increase of 25% or new materials or processes not normally associated with the existing use.

Substantial start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Sustained slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Swimming Beach, Private: a beach used and/or maintained by an association of landowners, a commercial enterprise, private club, private camp, or similar organization.

Telecommunications Facility: - shall mean any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services. Telecommunications Facilities shall be considered a principal use. Pre-existing accessory use towers/antennas shall be exempt from this definition.

Timber harvesting and related activities - timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Tourist Cabins: An establishment for the accommodation of the traveling public which is made up of two or more one story detached units, each consisting of a kitchen and sleeping and bathing facilities, provided the individual units are no larger than 625 square feet.

Tower: - shall mean any structure, whether freestanding or in association with a building or other permanent structure, that is designed and constructed primarily for the purposes of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and similar structures.

Tower Structure, Alternative: - shall mean clock towers, bell steeples, light poles and water towers, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Towers/Antennas, Pre-existing Accessory-use: - shall mean existing communications towers/antennas and alternative tower structures, which have been installed as an accessory use to a permitted use in the district in which it is located as of the date of the first public hearing on this zoning amendment (March 5, 2003). Enlargements of pre-existing accessory use towers/antennas beyond the threshold height of 35 feet shall be considered a Telecommunications Facility and requires a Conditional Use Permit and must conform to the regulations of Section 8.23.

Trailer, Utility: A vehicle without motive power, designed to be towed by a passenger automobile but not designed for human occupancy and which may include a utility trailer, boat trailer, horse trailer, or snowmobile trailer.

Tributary Stream: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term “stream” as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Undue Hardship:

A. The land in question cannot yield a reasonable return unless a variance is granted;

B. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

C. The granting of a variance will not alter the essential character of the locality; and

D. The hardship is not the result of action taken by the applicant or a prior owner.

Unsuitable for Development: Land with a slope exceeding 25% or with wetland soils.

Upland Edge of a freshwater wetland: the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Used Merchandise Sales: The outdoor sale of used articles conducted for more than five consecutive days or for more than two weekends per year. Used merchandise sales include flea markets.

Utility Service Installations: utility poles and wires for electric and telecommunications services and transformers for service to the lot on which the transformer is located.

Utility Structure: A facility other than an office building, business office, storage yard or vehicle or equipment maintenance or repair facility, operated by an electrical utility, telecommunications company, public water supplier. Such facilities include one story buildings or structures that house telecommunications equipment and are large enough to allow maintenance personnel to work inside sheltered from the elements, transformers, standpipes, pump stations, network interface equipment, subscriber loop carriers, service drops. Such facilities do not include microwave, radio, television and other telecommunication transmitters or towers.

Variance: A relaxation of the terms of this ordinance granted in order to relieve undue hardship created by the restrictions of this ordinance. Variances permissible under this ordinance are limited to dimensional and area requirements. No variance shall be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of nonconformities in the immediate or adjacent areas.

Vegetated Buffer Strip: An undeveloped land area with sufficient plant life to control storm water runoff and limit the export of the nutrient phosphorus. A vegetated buffer that is “wooded” is one that is in a naturally wooded state, including an undisturbed organic layer. A vegetated buffer that is “non-wooded” has a dense and complete cover of vegetation.

Vegetation: all live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

Vehicle trips per day: The total number of one-way trips, that either begin or end at a particular use or location, within a 24 hour period. A single visit during one day, involving an arrival and a departure, shall count as two vehicle trips per day. The term "vehicle trips" as defined in this Ordinance shall be the equivalent of the term "trip ends," as defined by the Institute of Transportation Engineers (ITE), Trip Generation Manual, 6th Edition, or subsequent updates.

Veterinary Hospital or Clinic: A building used for the diagnosis , care and treatment of ailing or injured animals which may include overnight accommodations. The overnight boarding of healthy animals shall be considered a kennel.

Volume of a Structure: The volume of all portions of a structure enclosed by a roof and fixed exterior walls, as measured from the exterior faces of the walls and roof.

Water body: any great pond, river or stream.

Watercraft: shall mean any craft capable of floating on or in the water, with or without power, regardless of size. For purposes of this ordinance a swimming platform will be considered a watercraft.

Water crossing - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland, Freshwater: swamps, marshes, bogs and similar areas other than forested wetlands which are:

1. of ten 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
2. Inundated or saturated by surface or ground water 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 definition.

Wetlands Associated with Great Ponds and Rivers: wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

Wetland Soils: The following soils, as described and identified in the publications preliminary to the Oxford County Soil Survey:

Charles silt loam	Peacham
Searsport muck	Vassalboro mucky peat
Vassalboro mucky peat, ponded	Wonsqueak mucky peat

Windfirm - the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

Woody Vegetation - live trees or woody, non-herbaceous shrubs.

Yard: The area between a structure and the property boundary.

Yard Sale: All general sales, open to the public, conducted from or on a residential premises for the purpose of disposing of personal property. Yard sale includes garage sales, tag sales, and the like. Unless they occur on more than five consecutive days or for more than two weekends a year, they

shall not be considered to be "used merchandise sales" as defined in this ordinance and shall not require a permit from the Code Enforcement Officer.

ARTICLE III
OFFICIAL ZONING MAP

3.1 Official Zoning Map.

Districts are located and bounded as shown on the Official Zoning Map which is a made a part of this ordinance. The Official Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map. The Aquifer Protection Overlay, Shoreland, Resource Protection, and Stream Protection District boundaries are determined by the terms of the section creating those districts, and any delineation of them on the Official Zoning Map shall be for reference only and shall not supersede or modify such boundaries as created in the terms of the text of those sections.

3.2 Certification of Zoning Map.

The Official Zoning Map is certified by the attested signature of the Town Clerk under the following words: "This is the Official Zoning Map referred to in Section 3.2 of the Zoning Ordinance of the Town of Lovell," together with the date of the adoption of this ordinance. The official copy shall be located in the office of the Town Clerk.

3.3 Changes of the Official Zoning Map.

Amendments to the Official Zoning Map shall be governed by the requirements of Article XI. If changes are made in the district boundaries or other matter portrayed on the Official Zoning Map such changes shall be made on the Official Zoning Map within l4 days after the amendment has been adopted together with an entry on the Official Zoning Map as follows:

"On (insert date) by official action of the Town, the following change(s)was (were) made: (insert brief description of the nature of change)." Immediately beneath the entry the Town Clerk shall sign the map.

3.4 Replacement of Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions the legislative body shall adopt a new Official Zoning Map.

ARTICLE IV
ESTABLISHMENT OF ZONING DISTRICTS

4.1 Zoning Districts.

For the purpose of this ordinance, the town is hereby divided into the following districts, based on the recommendations of the future land use plan of the Lovell Comprehensive Plan, 1995:

Village District

Medium Density Residential District

Rural District

Route 5 Rural District

Limited Commercial District

Commercial Industrial District

Resource Protection District

Shoreland Limited Residential District

Stream Protection District

Aquifer Protection Overlay District

4.2 District Boundaries.

The zoning districts are shown on the Official Zoning Map. However, due to the scale of the map, district boundaries can not be precisely shown, particularly the Resource Protection District. Therefore the following written descriptions of district boundaries are included. Where there is a conflict between the Official Zoning Map and the written descriptions below, the written descriptions shall prevail. Unless otherwise specifically called for, all references to streets shall mean the centerline of the right of way, and references to a body of water refer to the thread of the water body. References to Lovell Assessors' maps shall mean the maps used for the 2004 assessment of taxes; changes in property ownership subsequent to the adoption of this ordinance shall not change the district boundaries.

A. Village Districts

1. Lovell Village

That area bounded by a line beginning on Route 5 at Prays Brook and proceeding downstream 500 feet; thence easterly 500 feet south of and parallel to Route 5 to a point which is 2,000 feet northeasterly of Route 93; thence northwesterly 1,000 feet perpendicular to and crossing Route 5 to a point 500 feet northwest of Route 5; thence southwesterly 500 feet northeasterly of and parallel to Route 5 to a point 500 feet east of Christian Hill Road; thence northerly 500 feet east of and parallel to Christian Hill Road to a point 1,200 feet north of Route 5; thence westerly 1,000 feet perpendicular to and crossing Christian Hill Road; thence southeasterly 500 feet west of and parallel to Christian Hill Road to a point 500 feet north of Route 5; thence southwesterly 500 feet north of and parallel to Route 5 to Prays Brook; thence downstream to Route 5 and the point of beginning.

2. North Lovell Village

That area bounded by a line beginning on Route 5 at a point 200 feet west of West Stoneham Road and proceeding northerly 1,000 feet to a point; thence easterly 1,000 feet north of and parallel to Route 5 to McKeen Road; thence southerly along McKeen Road and Bradley Pond Road to a point 1,000 feet south of Route 5; thence westerly 1,000 feet south of and parallel to Route 5 to a point perpendicular to 200 feet west of West Stoneham Road; thence northerly to Route 5 and the point of beginning.

B. Medium Density Residential Districts

1. Those areas within 1,000 feet on both sides of the following streets:

a. Shave Hill Road, within one half mile of Route 5;

b. Christian Hill Road, from a point 1,200 feet north of Route 5 to the Narrows Bridge Road;

c. Hatches Hill Road;

d. Pleasant Point Road, within one half mile of Route 5;

e. Route 5A;

f. Eastman Hill Road, within one half mile of Route 5;

g. Sabattus Road, from Route 5 to Martin Brook;

h. Route 5:

i. from a point 2,000 feet northeasterly of Route 93 to the north end of Lovell Assessors' Map R1, Lot 45;

ii. from its southern intersection with Old Route 5 to its intersection with Pleasant Point Road;

iii. from a point 1,000 northeast of its northern intersection with Route 5A to Severance Lodge Road; and

iv. from its intersection with McKeen Road to the Stoneham town line;

i. West Stoneham Road, between a point 1,000 feet north of Route 5 to a point one half mile north of Route 5;

j. McKeen Road, within one half mile of Route 5;

k. Old Waterford Road, within one half mile of Route 5;

l. Fern Drive; within one half mile of Old Waterford Road; and

m. Allen Road (Old Route 5);

2. The area within 1,000 feet of the south side of Slab City Road from a point 500 feet east of Route 5 to Little Trout Brook;

C. Route 5 Rural District

500 feet both sides of Route 5 between the Severance Lodge Road and a point 200 feet west of West Stoneham Road.

D. Limited Commercial District

500 feet both sides of Route 5:

1. From the north side of the Christian Ridge subdivision in Lovell Village to southern crossing of Route 5 by Alder Brook;

2. From Old Waterford Road north to the southerly intersection of Allen Road (Old Route 5);

3. From the northern crossing of Route 5 by Alder Brook to the northerly intersection of Allen Road (Old Route 5); and

4. Within 1,000 feet of both sides of the northerly intersection of Route 5A.

E. Commercial/Industrial Districts

The area between Fern Drive, the Kezar River and the Sweden town line.

F. Rural District

All land in the Town of Lovell not described as being in the above districts.

G. Resource Protection Districts

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed need not be included within the Resource Protection District:

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated “moderate” or “high” value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.
2. Flood plains along Kezar Outlet and the Old Course of the Saco River, as defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps;
3. Areas of two or more contiguous acres with sustained slopes of 20% or greater;
4. Areas of two or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a wetland as defined, and which are not surficially connected to a water body during normal spring high water. These areas usually consist of forested wetlands abutting water bodies as well as non-forested wetlands.
5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

   The exact boundaries of the Resource Protection District shall be determined on a case by case basis thorough an on-site inspection by the Code Enforcement Officer to determine the presence of the features listed above. Such a determination shall not be construed as the changing of district lines by the Code Enforcement Officer but the on-site establishment of the existing boundaries and their application to a particular property.

H. Shoreland Limited Residential Districts.

The area within 250 feet, horizontal distance, from the normal high water mark of rivers, great ponds and the upland edge of freshwater wetlands and 75 feet, horizontal distance from the normal high water mark of streams except those areas described in Section 4.2.G above. The depiction of these districts on the Official Zoning Map is merely illustrative of their general location. The boundaries of these districts shall be determined by measurement of the distance indicated on the maps from the high water mark of the water body or the upland edge of wetland vegetation, regardless of the location of the boundary shown on the map. Boundaries indicated as following or paralleling shorelines or the upland edge of wetlands shall be construed to follow such shorelines or upland edge, and in the event of change shall be construed as moving with the actual shoreline or upland edge.

I. Stream Protection Districts

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland or resource protection district associated with that water body or wetland.

J. Aquifer Protection Overlay District.

The Aquifer Protection Overlay District is established over the high yield sand and gravel aquifers as an interim measure until it is determined that a particular aquifer is not needed as public drinking water source. The district is established to preserve the water quality of the aquifer to assure the availability of the ground water resources to meet the future needs of the community. Sources for the exact delineation of the Aquifer Protection Overlay District shall be those areas indicated as “ATYPE = 1,” with expected yields of 10 to 50 gallons per minute, as depicted in the Maine Geological Survey map, entitled “Significant Aquifer Polygons,” Published July 24, 2006 by the Maine Office of Geographic Information Systems.

4.3 Overlay Districts.

The Aquifer Protection Overlay District established in Section 4.1 shall overlay the other districts created by this ordinance, and the terms shall supersede any requirements of the underlying districts, unless the underlying requirements are more restrictive than those of the overlay district, in which case the more restrictive shall govern. In order to be permitted, a use must be shown in Section 6.2 as permitted in both the Aquifer Protection Overlay District and the underlying district.

4.4 Interpretation of District Boundaries

The Code Enforcement Officer shall be the municipal official responsible for making determinations regarding the location of District boundaries and interpreting the Official Zoning Map. Decisions of the Code Enforcement Officer regarding the location of district boundaries may be appealed to the Board of Appeals, pursuant to section 10.5 of this Ordinance.

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ARTICLE V
GENERAL PROVISIONS

5.1 Land Use Requirements.

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, or altered and no new lot shall be created unless in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in this Article. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

5.2 Non-Conformance.

A. General.

1. Continuance, Enlargement, Reconstruction.

   Any non-conforming development, non-conforming use or non-conforming structure may continue to exist but may not be extended, reconstructed, enlarged, or structurally altered except as specified below.

2. Transfer of Ownership.

   Non-conforming structures, non-conforming lots of record, non-conforming developments and non-conforming uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot subject to the provisions of this ordinance.

3. Restoration or Replacement.

   This ordinance allows the normal upkeep and maintenance of non-conforming developments, uses and structures; repairs, renovations, or modernizations; and such other changes in a non-conforming development, use or structure as federal, state, or local building and safety codes may require. Any non-conforming use or structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or his agent, may be restored or reconstructed within one year of the date of said damage or destruction, provided that:

   a. The nonconforming dimensions of any restored or reconstructed structure shall not exceed the non-conforming dimensions of the structure it replaces;

   b. Any non-conforming structure shall not be enlarged except in conformity with this ordinance and the *Maine Subsurface Wastewater Disposal Rules*; and

   c. Any non-conforming use shall not be expanded in area.

   Nothing in this section shall prevent the demolition of the remains of any building so damaged or destroyed.

B. Non-Conforming Use.

1. Resumption Prohibited.

   A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use, even if the owner has not intended to abandon the use. This provision shall not apply to the resumption of the use of a residential structure provided that the structure has been used for residential purposes during the preceding five year period.

2. A Structure Non-Conforming As To Use.

   Except for single family dwellings, a building or structure non-conforming as to use shall not be enlarged unless the non-conforming use is terminated. Except in a Resource Protection district, single family dwellings which are non-conforming uses may be enlarged as long as the dimensional requirements of the district in which they are located are met. A non-conforming use of part of a building or structure shall not be extended throughout other parts of the building or structure unless those parts of the building or structure were manifestly arranged or designed for such use prior to the adoption of this ordinance or of any amendment making such use non-conforming.

3. Change of Use.

   An existing non-conforming use may be changed to another non-conforming use provided that the proposed use is equally or more appropriate to the district than the existing non-conforming use, and the impact on adjacent properties is less adverse than the impact of the former use as determined by the Appeals Board. The case shall be heard as an administrative appeal. The determination of appropriateness shall require written findings on the probable changes likely to result from such change of use, including:

   traffic (volume and type) and parking,

   noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances,

   effects on public health and safety,

   erosion and sedimentation, water quality, fish and wildlife habitat,

   vegetative cover,

   visual and actual points of public access to waters,

   floodplain management,

   archaeological and historic resources, and

   functionally water-dependent uses.

   The performance standards in Articles VII and VIII of this ordinance shall apply to such requests to establish new non-conforming uses.

4. Use of Land.

   A non-conforming use of land may not be extended into any part of the remainder of a lot of land. A non-conforming use of land which is accessory to a non-conforming use of a building shall be discontinued at the same time the non-conforming use of the building is discontinued.

   In the case of earth removal operations, the removal of earth may not be extended as a non-conforming use beyond the required set-back lines of the specific parcel upon which such operations were in progress when such use became non-conforming, as required by the performance standards for extractive industries. Adjacent parcels in the same or different ownership shall not be eligible for exemption under the non-conforming use provisions unless earth removal operations were in progress on these parcels before these provisions were enacted.

   The provision of required off-street parking for an existing non-conforming use shall not be considered the expansion of the use.

C. Non-Conforming Structures.

1. Enlargements Controlled.

   A non-conforming structure shall not be added to or enlarged unless the addition does not increase the non-conformity of the structure in accordance with the standards of this section; or a variance is obtained. In addition, state laws must be adhered to.

   a. The addition of an open patio with no structures elevated above ground level shall not constitute the expansion of a non-conforming structure, except in the Shoreland Zone. The addition of steps or the enclosure of an existing deck shall not constitute the expansion of a non-conforming structure, provided the enclosure does not expand the volume of the structure

by 30% or more and is outside the Shoreland Zone. But the addition of a deck shall constitute the expansion of a non-conforming structure and shall meet all the dimensional requirements of this ordinance.

b. Outside of the Shoreland Zone, the placing of a foundation below a lawfully existing non-conforming structure shall not constitute the expansion of the structure provided that:

1. the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board basing its decision on the criteria specified in subsection 2, “Relocation,” below;

2. that the completed foundation does not extend beyond the exterior dimensions of the structure;

3. the floor area of the first floor of the structure is not increased; and

4. that the foundation does not cause the structure to be elevated by more than three feet.

c. Construction or expansion of a foundation under an existing dwelling which does not meet all four provisions of paragraph b above shall be considered an expansion. Construction or expansion of a foundation under an existing dwelling which expands habitable space shall be considered an expansion and shall be subject to the State Plumbing Laws (Title 30-A, M.R.S.A., §4211, Sub§3) requiring documentation of wastewater disposal capabilities.

d. Within the Shoreland Zone only, all new principal and accessory structures, excluding functionally water- dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 6.5.D.2. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subsection 1. below.

1. Within the Shoreland Zone only, expansion of any portion of a structure partially or entirely within 25 feet from the normal high water line of a water body, tributary stream, or upland edge of a wetland, is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high water line of a water body, tributary stream or upland edge of a wetland than the principal structure is prohibited, even if expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.

2. All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section C.1.d or Section C.1.d.1 above

i. For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

ii. For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section C.1.d.2.i above.

iii. In addition to the limitations in subsections (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section C.1.d.2.i above.

3. An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 35 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority. No building permit will be issued without proof that the approved plan was properly recorded at the registry of deeds.

e. Within the Shoreland Zone only, whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 2 Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section C.1.b above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

2. Relocation.

A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

(a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed, or removed.

(b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

3. Reconstruction or Replacement.

Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section (C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section (C)(2) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is damaged or destroyed, regardless of the cause, by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the code enforcement officer within one year of such damage, destruction or removal.

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent, the Planning Board shall consider in addition to the criteria in paragraph 2 above, the physical condition and type of foundation present, if any.

4. Lack of Required Parking or Loading Space.

A building or structure which is non-conforming as to the requirements for off-street parking and/or loading space shall not be enlarged, added to, or altered unless off-street parking and/or loading space is provided to bring parking and/or loading space into conformance with the requirements of this ordinance for both the addition or alteration and for the original building or structure, or a variance is obtained.

D. Non-Conforming Lots.

1. Vacant Lots.

A vacant non-conforming lot of record as of the effective date of this ordinance or subsequent amendment may be built upon without the need for a variance provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this ordinance except lot size, width, road frontage, and shore frontage can be met. Variances relating to setback or other requirements not involving area, width, road frontage or shore frontage shall be obtained only by action of the Board of Appeals.

2. Built Lots.

A non-conforming lot that was built upon prior to the enactment or subsequent amendment of this ordinance is subject to the following restrictions. The structure(s) may be repaired, maintained, or improved, and may be enlarged in conformity with all dimensional requirements of this ordinance except lot area, lot width, or lot frontage. If the proposed enlargement of the structure(s) cannot meet the dimensional requirements of this ordinance a variance shall be obtained from the Board of Appeals.

3. Contiguous Built Lots.

   If two or more contiguous lots are in common ownership of record at the time of adoption of this ordinance, if all or part of the lots do not meet the dimensional requirements of this ordinance, and if a principal use exists on each lot, the non-conforming lots may be conveyed separately or together, providing the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with. If two or more principal structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

4. Contiguous Lots - Vacant or Partially Built.

   If two or more contiguous lots are in common ownership of record at the time of or since adoption or amendment of this ordinance, if any of these lots do not individually meet the dimensional requirements of this ordinance or subsequent amendments, and if two or more of the lots are vacant or contain only an accessory structure, the lots shall be combined to the extent necessary to meet the dimensional standards, except when the lots are located in a subdivision approved by the Lovell Planning Board and meet the minimum dimensional requirements in effect at the time of approval.

   Within the shoreland zone, if two or more contiguous lots are in common ownership of record at the time of or since adoption or amendment of this ordinance, if any of these lots do not individually meet the dimensional requirements of this ordinance or subsequent amendments, and if one or more of the lots are vacant or contain only an accessory structure, the lots shall be combined to the extent necessary to meet the dimensional standards.

E. Non-conforming Developments.

   A nonconforming development is permitted to continue. Expansion of the use in any manner shall require conformance to all requirements of this ordinance.

5.3 Lots Divided by District Boundaries.

When a lot is divided by a district boundary, other than the boundary of the Aquifer Protection overlay, Shoreland or Resource Protection Districts, the following rules shall apply.

A. On lots 85,000 square feet or less in area, the lot shall be used as if the entire lot were in the district which comprises the larger portion.

B. On lots larger than 85,000 square feet, the district regulations shall be followed in each portion.

ARTICLE VI
DISTRICT REGULATIONS

6.1 Basic Requirement.

A. Permitted Uses and Conditional Uses in all districts shall conform to all applicable specifications and requirements. A Plumbing Permit, Building Permit, Land Use Permit and/or Certificate of Occupancy shall be required for all buildings, uses of land, uses of buildings, and sanitary facilities, according to the provisions of this ordinance.

B. For purposes of this ordinance, cannabis establishments, including cannabis stores, cultivation facilities, products manufacturing facilities and testing facilities are defined as set forth in 28-B M.R.S.A. § 102, as may be amended from time to time. Cannabis establishments, including cannabis stores, cultivation facilities, products manufacturing facilities, and testing facilities, are expressly prohibited in Lovell. No person or organization shall develop or operate a business that engages in sales of cannabis or any cannabis product, both as defined by 28-B M.R.S.A. § 102. Notwithstanding the foregoing, nothing in this Section shall be interpreted to limit the rights and privileges afforded by the Maine Medical Use of Cannabis Act, 22 M.R.S. § 2421, et seq.

6.2 District Regulations.

Land uses permitted in each district, in conformance with the General Performance Standards in Article VII and, where appropriate, the Specific Performance Standards of Article VIII are shown in the following table. (See also Sect. 9.2)

Notwithstanding anything to the contrary contained in this ordinance, any land use that constitutes a Formula Business is prohibited within the Town of Lovell.

Key:

* - subject to Specific Performance Standards in Article VIII.
N - Not Permitted
Y - Permitted Use, no permit required
P - Permitted Use, requires permit from Code Enforcement Officer
C - Conditional Use, requires review under Article IX
SE Special Exception, requires review under Article IX
BFP Permit Required from Maine Bureau of Forestry

V - Village District
MR - Medium Density Residential District
R - Rural District
R5 - Route 5 Rural District
LC - Limited Commercial District
CI - Commercial Industrial District
RP - Resource Protection District
SLR - Shoreland Limited Residential District
SP Stream Protection District
APO - Aquifer Protection Overlay District

Land Use	V	MR	R	R5	LC	CI	RP	SLR	SP	APO
Accessary Dwelling Unit	P6	P6	P6	P6	P6	N	SE6	P6	N	C6
Agriculture*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Animal Husbandry*	P3	P3	P3	P3	P3	P3	P3	P3	P3	P3
Automobile Graveyard or Junkyard*	N	N	N	N	N	C	N	N	N	N
Automobile Repair Garage	C	N	N	N	C	C	N	N	N	N
Automobile Service Station	C	N	N	N	C	C	N	N	N	N
Auto Washing Facility	C	N	N	N	C	C	N	N	N	N
Bed & Breakfast/Inn*	P	P	P	P	P2	N	N	P	N	C
Boardinghouse	P	N	N	N	P	N	N	P	N	C
Bottle Club	C	N	N	N	C	N	N	N	N	C
Camp	N	C	C	C	N	N	N	C	N	C
Campground*	N	N	C	C	N	N	N	C	N	C
Chemical and bacteriological laboratory	N	N	N	N	N	C	N	N	N	N
Club*	C	C	C	N	C	N	N	C	N	C
Commercial Recreation*	C	N	N	N	C	N	N	N	N	C
Commercial painting, wood preserving, and furniture stripping	N	N	N	N	C	N	N	N	N	N
Congregate Housing*	N	N	C	N	C	C	N	N	N	N
Day Care Center	C1	N	N	N	C1	N	N	C	N	C
Dry cleaning establishment	C	C	N	C	C	C	N	C	N	C
Dwelling, Single Family	P	P	P	P	P	N	SE	P	N	C
Dwelling, Two-Family	P	P	N	N	N	N	N	P	N	C
Dwelling, Multi-Family*	C1	N	N	N	C1	N	N	P	N	C
Electronic Vehicle Charging Station, Public	C	C	N	N	C	C	N	N	N	C
Electronic Vehicle Charging Station Restricted	P	P	P	P	P	P	M	P	N	P
Flea Market	P	P	P	P	P	P	P	P	P	P
Forest Management	C	N	N	N	C	C	N	N	N	C
Governmental Facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Guide Services	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	C	C	N	C	C	C	N	N	N	C

Land Use	V	MR	R	R5	LC	CI	RP	SLR	SP	APO
Home Occupation, Type 2*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hospital	N	N	N	N	N	C	N	N	N	C
Hotel/Motel*	C	N	N	N	N	N	N	N	N	N
Kennel*	C	N	N	N	N	N	N	N	N	N
Laundromat	N	N	P	N	C	P	N	N	N	N
Manufacturing, including assembly, processing, plating, polishing or finishing										
less than 2,500 sq. ft. of floor space and 6 or fewer employees on any shift	N	N	N	N	C	C	N	N	N	N
2,500 sq. ft. or more of floor space or more than 6 employees on any shift	N	N	N	N	N	C	N	N	N	N
Marina	N	N	N	N	C	N	N	C	N	C
Mechanized Recreation*	N	N	C	N	C	C	N	N	N	N
Medical and Health Care Services	C	N	N	N	C	C	N	N	N	C
Mineral Exploration*	N	N	Y	Y	N	Y	N	N	N	N
Mineral Extraction*	N	N	C	N	N	C	N	N	N	N
Mobile Home Park*	N	C	N	N	N	C	N	N	N	C
Multifamily Development*	C1	N	N	N	C1	N	N	C	N	C
Nursing Home	C	C	N	N	C	C	N	N	N	C
Office use	C	N	N	N	C	C	N	N	N	C
Open Space Use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Personal Services	C	N	N	N	C	C	N	N	N	C
Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas	C	N	N	N	C	C	N	N	N	N
Photographic processing	C	N	N	N	N	C	N	N	N	N

Land Use	V	MR	R	R5	LC	CI	RP	SLR	SP	APO
Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high line or within a wetland:										
Temporary, not projecting more than 25 feet*	P	P	P	P	P	N	P	P	P	P
Temporary, projecting more than 25 feet*	C	C	C	C	C	N	C	C	C	C
Permanent, not removable	N	N	N	N	N	N	N	N	N	N
Prepared Food Establishment, Restaurant, Standard	Y	N	N	N	C	C	N	N	N	C
Prepared Food Establishment, Restaurant, Fast Food	N	N	N	N	C	C	N	N	N	C
Prepared Food Establishment, Restaurant, Food Truck	N	N	N	N	C	C	N	N	N	C
Prepared Food Establishment, Restaurant, limited Service	C	N	N	N	C	C	N	N	N	C
Printing	C	N	N	C	N	C	N	N	N	N
Professional Offices	C	N	N	N	C2	C	N	N	N	C
Professional Services	C	N	N	N	C	C	N	N	N	C
Recreation, Passive	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Recreation, Active*	P	P	P	P	P	N	C	P	C	P
Religious Assembly.	C	C	C	N	C	N	N	C	N	C
Retail Store, Antique, Vintage, Used	C	N	N	N	C	C	N	N	N	C
Retail Store, Arts, Crafts	C	N	N	N	C	C	N	N	N	C
Retail Store, Books	C	N	N	N	C	C	N	N	N	C
Retail Store, Clothes	C	N	N	N	C	C	N	N	N	C
Retail Store, Gift	C	N	N	N	C	C	N	N	N	C
Retail Store, Hardware	N	N	N	N	C	C	N	N	N	C
Retail Store, Neighborhood Convenience Store	C	N	N	N	C	C	N	N	N	C
Retail Store, Sale of Vehicles	N	N	N	N	C	C	N	N	N	C
Retail Store, Sporting Goods	C	N	N	N	C	C	N	N	N	C

LAND USE	V	MR	R	R5	LC	CI	RP	SLR	SP	APO
Roads and Driveways*, *see below: Uses or Structures, Accessory*										
School*	N	N	C	N	C	N	N	N	N	C
Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms	N	N	N	N	C	C	N	N	N	N
Telecommunications Facilities*	C	N	C	C	C	C	C	N	C	N
Solar Energy Systems										
PSSES - Minor (Wall or Roof)	P	P	P	P	P	P	P	P	P	P
PSSES - Minor (Ground)	P	P	P	P	P	P	N	N	N	N
PSSES - Major (Wall or Roof)	P	P	P	P	P	P	P	P	P	P
PSSES - Major (Ground)	P	P	P	P	P	P	N	N	N	N
LSSES	N	N	N	N	N	C	N	N	N	N5
Timber Harvesting	BFP	BFP	BFP	BFP	BFP	BFP	BFP	BFP	BFP	BFP
Tourist Cabin	C	N	C	N	N	N	N	C	N	N
Uses or Structures, Accessory to Uses which require a Permit, including Roads and Driveways*	P	P	P	P	P	P	P	P	P	P
Uses or Structures, Accessory to Conditional Uses, including Roads and Driveways*,	C	C	C	C	C	C	C	C	C	C
Veterinary Hospital*	N	N	C	N	C	C	N	N	N	C
Warehouse, Distribution Center	N	N	N	N	C	C	N	N	N	C
Yard Sale	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Subject to the provisions herein governing lawfully existing nonconforming uses, any use not expressly listed in the above table as a permitted use (Y or P) conditional use (C), special exception (SE), or permit required from Bureau of Forestry (BFP), shall be considered prohibited in the zoning district. When there is a question about whether a proposed use is listed in the above table, the Code Enforcement Officer shall make a formal, written determination.

Notes to Table

1 Conditional use approval not necessary if a subdivision.

2 May be located only in buildings existing on the effective date of this ordinance.

3 No permit is necessary for animal husbandry activities for which the products or animals raised are used or consumed only by the owners and not sold to others.

4. Additional State permits and licensing may be required for any food processing or preparation which is derived from Agricultural products.

5. Notwithstanding any other provisions in this Ordinance related to the Aquifer Protection Overlay District, a wall, roof, or ground-mounted LSSES shall be a conditional use in any Commercial Industrial District.

6. An Accessory Dwelling Unit is prohibited if more than one Dwelling Unit has been constructed on the lot as a result of the allowance under 30 M.R.S.A. § 4364-A or 30 M.R.S.A. § 4364-B.

6.3 Dimensional Requirements.

Lots and structures in all districts shall meet the requirements of the following table.

Requirement	**V**	**MR**	**R**	**R5**	**LC**	**CI**	**SLR**
Minimum lot area of individual lots or lots within subdivisions [E,F]	[A]	2	2	2	2	1	2
Maximum net residential density of subdivisions (Dwelling units per net residential acre)	[A]	0.5	0.2[B]	0.2[B]	0.5	n/a	0.2[B]
Minimum lot width (feet)	[A]	200	200	400[C]	200	100	200
Minimum Setbacks (feet) Front, from private way	50	50	50	50	50	50	50
Minimum Setbacks (feet) Front, from public way	50	75	75	75	75	75	75
Side	20	20	20	20	20	20[D]	20
Rear	20	20	20	20	20	20[D]	20
Maximum lot coverage (%)	[A]	20	20	20	30	60	[G]

A - Minimum lot area, maximum net residential density and maximum lot coverage in the Village districts will be determined by site conditions. See section 6.5.A for the standards.

B - The maximum net residential density in a subdivision shall be 0.2 dwelling units per acre.

C - 400 foot minimum lot width is required for all new lots with frontage and direct vehicular access on existing public streets. Minimum lot width for lots without frontage or direct vehicular access on existing public streets shall be 200 feet.

D - When a lot contains or borders a zoning district boundary, the side and rear setbacks shall be 40 feet.

E - Does not apply to utility structures of 500 square feet and smaller, see Section 8.23.

F - The minimum lot area in a subdivision shall be 89,120 square feet.

G - The total footprint area of all structures, parking lots and other non-vegetated surfaces shall not exceed twenty (20) percent of the lot or portion thereof, located within the Shoreland Limited Residential District, including land previously developed.

6.4 Maximum Building Height.

No building shall exceed 35 feet in height from the average finished grade of the ground, except in the shoreland zone where the height shall be measured from the mean original grade at the downhill side of the structure. This requirement does not apply to flagpoles, chimneys, steeples, windmills or similar structures having no floor area, usually erected at a greater height than the principal building. However, such

accessory structure or appurtenance requires a lot line setback distance of no less than its height unless a professional engineer, registered in the State of Maine, has certified its structural safety.

Note: Buildings in portions of the shoreland zone are subject to different height limitations. See Section 5.2.C.1.d.2.

6.5 Additional District Standards.

A. Village Districts.

1. There is no minimum lot area in the Village Districts. The maximum net residential density for subdivisions and the maximum lot coverage shall be determined by an individual assessment of the characteristics of the lot and the design of the proposed development. The Planning Board shall review all proposed developments and make a determination that the proposal complies with the standards of Articles VII and VIII and the state's Minimum Lot Size Law. Development of a lot in a subdivision approved by the Planning Board after the effective date of this ordinance shall not require individual review. However all other developments within these districts shall be reviewed as a conditional use.

2. Development approval of a parcel at a density exceeding the area requirements of the Minimum Lot Size Law may be permitted by the Planning Board, provided the applicant makes provision for and a financial contribution to the development of a public or quasi-public drinking water system and wastewater disposal system, as recommended by the Comprehensive Plan. The financial contribution required of any individual property owner or lot owner shall not exceed the prorated contribution of the projected water demand and wastewater flow for the system. Financial contribution shall be made at the time of the issuance of the building permit for the development, in addition to any fees otherwise required for the permit. The Town shall hold any contributions in an interest bearing special reserve fund which may used only for the construction of such systems. Should construction of such a system not commence within seven years of the contribution by an applicant, that applicant's contribution shall be returned, with any interest earned by the Town. A permit authorizing construction of any portion of the development which exceeds the level of development permitted pursuant to the state Minimum Lot Size Law shall not be issued until a public or quasi-public wastewater disposal system is constructed.

3. All development in the Village Districts shall conform to the design standards of Section 8.21.

B. Limited Commercial District.

1. In order to further minimize the visual impact of new construction all buildings shall be built so that the narrower dimension of the building is parallel with Route 5.

2. The maximum ground coverage of any structure shall be 12,000 square feet.

C. Route 5 Rural.

No Construction shall be permitted which blocks the views of the Kezar Lake from Route 5 north of Eastman Hill Road.

D. Shoreland Limited Residential, Stream Protection, and Resource Protection Districts.

1. Minimum Shore Frontage.

a. Residential Uses

In addition to the dimensional requirements contained in Section 6.3, lots within the shoreland zone shall contain a minimum shore frontage of 200 feet. The minimum width of any portion of any lot within 100 feet, horizontal distance, of the normal high water line of a water body or upland edge of a wetland shall be no less than 200 feet. If more than one residential dwelling unit or more than one principal structure is constructed on a single parcel, the minimum shore frontage shall be met for each additional dwelling unit or principal structure.

b. Non-Residential Uses.

In addition to the dimensional requirements contained in Section 6.3, lots within the shoreland zone shall contain a minimum shore frontage of 300 feet for governmental, institutional, commercial or industrial uses. The minimum width of any portion of any lot within 100 feet, horizontal distance, of the normal high water line of a water body or upland edge of a wetland shall be no less than 300 feet. If more than one principal structure or use is constructed on a single parcel, the minimum shore frontage shall be met for each additional principal structure or use.

2. Structure Setbacks from Waterbodies and Wetlands.

   All new principal and accessory structures shall be set back at least 100 feet, horizontal distance, from the normal high-water line of great ponds and rivers, and 75 feet, horizontal distance, from the normal high-water line of streams, tributary streams, or the upland edge of a freshwater wetland. In the Resource Protection District, the setback requirement shall be 250 feet, horizontal distances, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district, in which case the setback requirements specified above shall apply. However, the water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls.

3. Notwithstanding the requirements of paragraph 2 above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided the structure is limited to a maximum of 4 feet in width; the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland; and the applicant demonstrates that no reasonable access alternative exists on the lot

4. The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

ARTICLE VII
PERFORMANCE STANDARDS, GENERAL REQUIREMENTS

The following standards shall apply to all uses, both conditional and permitted, as appropriate, in the various districts.

7.1 Access to Lots.

A. No building permit shall be issued to erect a dwelling unit on a lot without frontage on a public way unless an access road meeting the following criteria has been constructed within a deeded right-of-way, a minimum of fifty feet in width. The access road shall be constructed to a minimum width of twelve feet if serving one dwelling unit, and fifteen feet if serving two dwelling units. The access road shall contain a minimum depth of fifteen inches of bank-run gravel and have drainage ditches and culverts at all appropriate points. Such an access road shall serve no more than two dwelling units. Any access road serving between three and eight dwelling units or a non-residential use shall meet the road design and construction standards of the Subdivision Ordinance of the Town of Lovell, but need not be paved. Any access road serving more than eight dwelling units shall meet the road design and construction standards of the Subdivision Ordinance of the Town of Lovell.

B. No building permit shall be issued to erect a dwelling unit on a subdivision lot approved by the Planning Board of the Town of Lovell, which is located more than 100 feet from a public or private street unless an access road meeting the construction standards of Section 7.1.A has been constructed.

C. Subsections A and B above shall not apply to lots created without subdivision review, nor to any lots of record, recorded at the Oxford County Registry of Deeds prior to February 2, 1997.

7.2 Archaeological Sites.

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least 20 days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the commission prior to rendering a decision on the application.

7.3 Buffer Areas.

No industrial or commercial buildings or uses shall be established abutting a residential district or use

unless a landscaped buffer strip is provided to visually screen the uses. Where no natural vegetation can be maintained or due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffering shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, vehicle parking, mineral extraction, waste collection and disposal areas. Where a potential safety hazard to small children would exist, physical screening/barriers shall be used to deter entry to such premises. The buffer areas shall be maintained and vegetation, as necessary, replaced to insure continuous year round screening.

7.4 Explosive Materials.

Flammable or explosive liquids, solids or gases shall be stored in bulk above ground in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

7.5 Glare.

Lighting may be used which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent street. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings.

7.6 Landscaping.

A. The landscape shall be preserved in its natural state insofar as practical, by minimizing tree removal and grade changes in keeping with the general appearance of neighboring developed areas. Landscaping shall be designed to soften, screen, or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use on abutting land uses. All parking lots shall be landscaped along the property boundaries with shrubbery, trees and other landscape materials. Parking lots larger than 20,000 square feet in area shall provide a 2 1/2" caliper shade tree per 20 parking spaces (6 trees per acre) located at representative points throughout the lot.

B. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting in the Shoreland Limited Residential, Resource Protection, and Stream Protection Zones

1. Within a shoreland area zoned for Resource Protection abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

   Elsewhere, in any Resource Protection District the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

2. Except in areas as described in Paragraph 1, above, and except to allow for the development of permitted uses, within a strip of land extending 100 feet, horizontal distance, inland from the normal high-water line of a great pond or a river, and 75 feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a freshwater wetland, a buffer strip of vegetation shall be preserved as follows:

   a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six feet in width as measured between tree trunks and/or shrub stems is permitted provided that a cleared line of sight to the water through the buffer strip is not created.

   b. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of this section a “well-distributed stand of trees” adjacent to a great pond or river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 - <4 in.	1
4 - <8 in.	2
8 - <12 in.	4
12 in. or greater	8

Adjacent to other water bodies, tributary streams, and freshwater wetlands, a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
(ii) Each successive plot must be adjacent to, but not overlap a previous plot;
(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
(v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this Section, "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover, and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees 4 inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any 10 year period.

c. In order to protect water quality and wildlife habitat, existing vegetation under three feet in height and other ground cover including leaf litter and the forest duff layer, shall not be cut, covered or removed, except to provide for a footpath or other permitted uses as described in this section.

d. Pruning of tree branches, on the bottom 1/3 of the tree is permitted.

e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

The provisions contained in paragraph 2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

3. At distances greater than 100 feet, horizontal distance, from a great pond, and 75 feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a freshwater wetland, there shall be permitted on any lot, in any ten year period, selective cutting of not more than 40 percent of the volume of trees four inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40 percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

   In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or 10,000 square feet, whichever is greater, including land previously cleared.

4. Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.

5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

7.7 Noise.

A. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity shall be limited by the time period and zoning district listed below. Sound levels shall be measured at least 4 feet above ground at the property boundary.

	Sound Pressure Level Limits (Measured in dB(A) scale)	
	7 a.m. - 10 p.m.	10 p.m. - 7 a.m.
Village and Limited Commercial Districts	60	50
Commercial/Industrial District	65	50
All other Districts	55	45

B. The levels specified may be exceeded by 10 dB(A) for a single 15 minute period per day. Noise shall be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the American National Standards Institute (ANSI S1. 4-1961) "American Standard Specification for General Purpose Sound Level Meters".

C. No person shall engage in construction activities on a site abutting any residential use between the hours of 10 p.m. and 7 a.m. which exceed those limits established for non-commercial districts. Otherwise the following activities shall be exempt from these regulations:

1. Sounds emanating from construction and maintenance activities conducted between 7a.m. and 10 p.m.
2. Sounds emanating from safety signals, warning devices, emergency pressure relief valves and other emergency activities.
3. Sounds emanating from traffic on public transportation facilities.

7.8 Off-Street Parking and Loading.

A. General.

A permitted use in any district shall not be extended, and no structure shall be constructed or enlarged, unless off-street automobile parking space is provided in accordance with the following requirements.

1. Parking areas with more than two parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.
2. Except in the Village districts, required off-street parking for all land uses shall be located on the same lot as the principal building or facility. Within the Village districts, on street parking within 500 feet and public off street parking within 1,000 feet may be counted toward meeting the requirements of Section 7.8.C.3.i for non-residential uses.
3. The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that the parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.
4. Parking spaces shall be provided as required and made available for use prior to the issuance of the Certificate of Occupancy.

B. Additional Requirements for Commercial and Industrial Establishments.

1. Access points from a public street to commercial and industrial operations shall be located to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character.
2. All parking areas, driveways and other areas serving 10 or more vehicles shall be constructed of a 12 inch gravel sub-base and at least six inches of crushed gravel with no stone larger than two inches in diameter.
3. All driveway entrances and exits shall be kept free from visual obstructions higher than three feet above street level for a distance of 25 feet measured along the intersecting driveway and street lines in order to provide visibility for entering and exiting vehicles.
4. Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers for loading or storage shall not be located upon any town way.

5. The following minimum off-street loading bays or berths shall be provided and maintained in the case of new construction, alterations, and changes of use:

   a. Retail, office, consumer services, wholesale, warehouse and industrial operations with a gross floor area of more than 5,000 square feet require the following:

5,001 to 20,000 sq. ft.	1 bay
20,001 to 50,000 sq. ft.	2 bays
50,001 to 100,000 sq. ft.	3 bays
100,001 to 150,000 sq. ft.	4 bays
150,001 to 300,000 sq. ft.	5 bays

   b. Each 150,000 square feet over 300,000 square feet requires one additional bay.

   No loading docks shall be on any street frontage. Provision for handling all freight shall be on those sides of any buildings which do not face on any street or proposed streets.

6. Off-street parking and loading spaces, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than six feet in height and fifteen feet in width along exterior lot lines adjacent to residential properties, except that driveways shall be kept open to provide visibility for entering and leaving. No off-street parking and loading shall be permitted within the front setback or any setback adjoining a public street, except as specifically authorized in this ordinance.

C. Parking Lot Design Criteria (Not applicable to single family dwellings and duplexes).

1. Vehicular Entrance and Exit.

   a. Entrances and exits should be clearly identified by the use of signs, curb cuts, and landscaping.

   b. Entrance/exit design shall be in conformance with the standards of Section 7.18.B.

2. Interior Vehicular Circulation.

   a. Major interior travel lanes should be designed to allow continuous and uninterrupted traffic movement.

   b. Enclosures, such as guardrails, curbs, fences, walls, and landscaping, should be used to identify circulation patterns of parking areas and to restrict driving movements diagonally across parking aisles, but not to reduce visibility of oncoming pedestrians and vehicles.

   c. Entrance/exits shall be designed to allow adequate stacking of vehicles without blocking interior vehicle circulation lanes.

3. Parking.

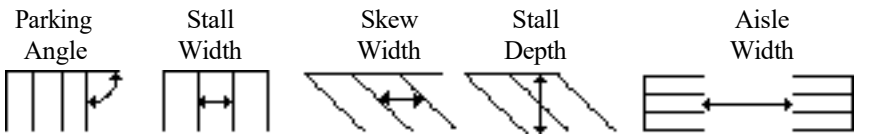
   a. Access to parking stalls should not be from major interior travel lanes, and shall not be immediately accessible from any public way.

   b. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring moving any other motor vehicles.

   c. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.

   d. All parking spaces and access drives shall be at least five feet from any side or rear lot line, except for the additional requirements in buffer yards.

   e. Parking stalls and aisle layout shall conform to the below standards.



Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9’ 0”		18’ 6”	24’ 0”
60°	8’ 6”	10’ 6”	19’ 0”	18’ 0” - one way only
45°	8’ 6”	12’ 9”	16’ 6”	13’ 0” one way only
30°	8’ 6”	15’ 0”	15’ 0”	12’ 0” one way only

f. In paved parking areas painted stripes shall be used to delineate parking stalls. Stripes should be a minimum of four inches in width. Where double lines are used, they should be separated a minimum of one foot on center.

g. In aisles utilizing diagonal parking, arrows should be painted on the pavement to indicate proper traffic flow.

h. Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent streets, restrict pedestrian movement on adjacent walkways, or damage landscape materials.

i. Parking spaces shall be provided to conform with the number required in the following schedule:

ACTIVITY	MINIMUM REQUIRED PARKING
Residential	
with 2 or more bedrooms	2 spaces per dwelling unit
with 1 bedroom	1.5 spaces per dwelling
Elderly Housing	1 space per dwelling unit
Accessary Dwelling Unit	0 spaces per dwelling unit
Bed & Breakfast, boarding house, motel/hotel, inn	1 space per room/unit rental and 1 for each employee on the largest shift
Religious Assembly	1 space per three seats based upon max. seating capacity
Schools	
Primary	1.5 spaces per classroom
Secondary	8 spaces per classroom
Post-Secondary	1 space for each student and 1 space for each faculty and staff member
Day care center	1 space for every 4 children facility is licensed to care for
Private Clubs or Lodges	1 space per every 75 square feet of floor space.
Theater, Auditoriums, Public Assembly Areas	1 space per three seats based upon max. seating capacity
Funeral Homes	1 space for every 100 square feet of floor space.
Hospital	1 space for every 3 beds and every 2 employees on the maximum working shift.
Offices, Banks, Government Facility	1 space for every 150 square feet of floor space.
Medical and Healthcare Services	10 spaces for each doctor, dentist, or other medical practitioner
Veterinarian clinic, kennel	5 spaces/veterinarian
Retail (All Types) Personal Services, and Professional Services	1 space for every 200 sq. ft. of floor space.
Prepared Foods Establishment	1 space per three seats based upon max. seating capacity
Industrial Businesses	1 space/employee on the maximum

	working shift.
Warehouse, wholesale	1 space/500 sq. ft. floor area business
Flea Market	3 spaces/table
Automobile repair garages and gasoline filling stations	5 spaces for each bay or area used for repair work.
Library, museum, art gallery	1 space for every 1250 sq. of floor space.
Marina	1 space for each slip and mooring
Commercial recreation facility, fitness spa	1 space for each 100 sq. ft. of floor area
Motor vehicle sales	1 space reserved for customers per thirty vehicles displayed on the lot.
Mixed Use	Total of individual users.

Notes

1. Where the calculation of the aforementioned parking spaces results in a fractional part of a complete parking space, the parking spaces required shall be construed to be the next highest number.
2. The above are minimum standards, and additional parking spaces shall be required if these prove to be inadequate.
3. Where floor space is to be used in calculating the number of required parking stalls, gross floor area shall be used unless otherwise noted.

D. Additional Requirements within the Shoreland Zone.

1. Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities may be reduced to no less than 50 feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.
2. Parking areas shall be designed to prevent storm water runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.

7.9 Refuse Disposal.

The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. In reviewing conditional use applications, the Planning Board shall consider the impact of particular industrial or chemical wastes or by-products upon the town's facilities (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable State and Federal regulations. The Board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.

7.10 Roads and Driveways.

The following standards shall apply to the construction of roads and/or driveways, drainage systems, culverts and other related features.

A. Roads and driveways shall be set back at least 100 feet, horizontal distance, from the normal high-water line of a great pond or river, and 75 feet, horizontal distance, from the normal high-water line of streams, tributary streams, or the upland edge of a freshwater wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than 50 feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid

sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than 20 percent the road and/or driveway setback shall be increased by 10 feet for each five percent increase in slope above 20 percent.

This section shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of this Section except for that portion of the road or driveway necessary for direct access to the structure.

B. An existing public street may be expanded within the legal road right-of-way regardless of its setback from a water body.

C. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District, the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

D. Road and/or driveway banks shall be no steeper than a slope of two horizontal to one vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in section 7.15. Road grades shall be no greater than 15% except for short segments of less than 200 feet. In the Shoreland Limited Residential, Stream Protection, and Resource Protection Districts, road and driveway grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.

E. In order to prevent road and/or driveway surface drainage from directly entering water bodies, roads and/or driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least 50 feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Road and/or driveway surface drainage which is directed to an unscarified buffer strip shall diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

G. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

1. Within the shoreland zone, ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road and/or driveway at intervals no greater than indicated in the following table:

Road/Driveway Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

On road and/or driveway sections having slopes greater than ten percent, ditch relief culverts shall be placed across the road and/or driveway at approximately a 30 degree angle downslope from a line perpendicular to the centerline of the road.

2. Outside of the shoreland zone, ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road and/or driveway at intervals no greater than indicated in the following table:

Road/Driveway Grade (Percent)	Spacing (Feet)	Skew Angle (degrees)
0-2	500	10
3-5	400	15
6-10	300	20
11-15	200	30

16-20	150	30
21+	100	40

3. Drainage dips may be used in place of ditch relief culverts only where the road and/or driveway grade is ten percent or less.
4. Ditch relief culverts shall be sufficiently sized, but with no less than a 15 inch inside diameter, and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
5. Ditches with grades of 20% or more shall be lined with rock or erosion control matting.

H. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and/or driveways shall be maintained on a regular basis to assure effective functioning.

7.11 Sanitary Provisions.

A. The approval of building permit applications shall be subject to presentation of a completed site evaluation form (HHE-200) which evidences adequate site conditions for wastewater disposal.

B. When two or more lots or buildings in different ownership share a common subsurface disposal system, the system shall be owned and maintained in common by an owners' association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

7.12 Satellite Receiving Dish.

Within the Village districts, no satellite receiving dish may be located between a building and a public way.

7.13 Setbacks and Screening.

A. Exposed storage areas, exposed machinery, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse shall have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge eight feet or more in height) to provide a visual buffer sufficient to minimize their impact on other land uses and properties in the area.

B. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and maintained in good condition.

7.14 Signs and Lights.

A. General Provisions.

1. No sign shall have more than two faces.
2. Signs on residential property are permitted to convey the inhabitants' names, the property name, and safety and caution messages. Such signs shall not be placed on the roof of the building and shall be no larger than two square feet on each face.
3. Rental vacancies may be advertised on the premises only, with a non-illuminated sign no larger than two square feet.
4. The sale of real estate may be advertised by non-illuminated temporary signs, no larger than six square feet in area on each face. Each broker or person advertising the sale shall be permitted only one sign per thousand feet of street frontage on any premises. All such signs shall be removed upon the completion of the sale.
5. Signs shall relate to the premises on which they are located and shall only identify the occupant of such premises or advertise the product or service available within the premises. There shall be no temporary promotion signs, banners, streamers, or placards erected, suspended, posted or affixed in any manner outdoors or on the building exterior of premises except as provided in this ordinance. Product advertising is prohibited except where the product is specific to the business.
6. Illumination of Signs.
   a. A sign shall not contain or be illuminated with flashing, moving, or animated-type lights, nor contain any moving parts.

b. Light fixtures shall be designed and placed in such a manner that the light source is not directly visible off of the lot.

7. No sign or light shall be erected or placed within the right of way of a public way. Any sign or light erected or placed within a public way shall be removed by the code enforcement officer. No sign shall be placed on Town property unless expressly authorized by the Board of Selectmen or its designee.

8. Signs relating to trespassing and hunting shall be allowed on private properties without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

B. In addition to the signs permitted in subsection A above, in the Commercial Industrial district the following signs shall be permitted.

1. On each premises there is permitted one sign affixed to the exterior of a building for each occupancy therein. Signs shall not be placed on the roof of a building.

2. Free-standing signs are limited in number to one per building. In addition, where more than three businesses occupy a single structure, one sign identifying the property name shall be permitted and one sign or collection of individual signs hanging from the same supports shall be permitted. The top edge of any such free-standing sign shall not be higher than sixteen feet vertical measure above the grade of the street nearest the sign support(s). For traffic safety, where vision may be obscured entering a public street, the whole of the sign board or display elements of any free-standing sign shall be either below three feet in height or above eight feet in height above the street grade. A free-standing sign may be located within the front yard space, but shall be no closer than twenty feet to either of the lot side lines.

3. No sign shall have a signboard area (or display area, if no signboard) exceeding twenty-four square feet for each face. The gross area is the measure of the area within a line connecting and completely enclosing the extreme most points of the sign.

C. In addition to the signs permitted in subsection A above, in the Limited Commercial and Village districts, the following signs shall be permitted.

1. In the Village and Limited Commercial districts, free-standing signs are limited in number to one per lot. In addition, where more than three businesses occupy a single structure, one sign identifying the property name shall be permitted and one sign or collection of individual signs hanging from the same supports shall be permitted. The top edge of any such free-standing sign shall not be higher than sixteen feet vertical measure above the grade of the street nearest the sign support(s). For traffic safety, where vision may be obscured entering a public street, the whole of the sign board or display elements of any free-standing sign shall be either below three feet in height or above eight feet in height above the street grade. A free-standing sign may be located within the front yard space, but shall be no closer than 20 feet to either of the lot side lines.

2. On each premises there is permitted one sign attached to the building for each occupancy.

a. If attached to the structure by way of a frame or bracket, which overhangs a pedestrian walkway or public sidewalk, it shall not extend beyond five feet of the structure face to which attached and have a vertical height clearance between the sign bottom and/or sidewalk/pedestrian walkway of 10 feet.

b. If the proposed sign is to be attached to the structure surface without the use of overhanging frames or brackets, the “wall sign” shall not extend or project more than l2 inches from the structure surface. Cut out letters should not project more than six inches from the building wall.

c. No sign shall be permitted on the roof of any building.

3. No sign shall have a signboard area (or display area, if no signboard) exceeding twenty square feet for each face. The gross area is the measure of the area within a line connecting and completely enclosing the extreme most points of the sign.

D. The above regulations shall not apply to the following:

1. Flags and insignia of any government.

2. Legal notices, identification, information, or directional signs erected or required by governmental bodies.

3. Integral decorative or architectural features of buildings except letters, trade marks, moving parts, or moving or flashing lights.

4. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter or commercial identification.

5. Lights installed by a public utility.

6. Traffic and safety signs erected by utilities, or town or state governments.

E. Temporary promotion signs, banners, streamers, or placards for special events may be posted in any district without a permit from the Code Enforcement Officer. A temporary sign shall be posted for a period not to exceed fourteen days. The event holder shall remove said signs upon termination of the event. No temporary sign shall project over a public right of way. No temporary sign shall be larger than six square feet in area.

7.15 Soils, Subsurface Wastewater Disposal, and Erosion Control.

A. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The report will identify the location of wells and other water supplies on neighboring properties. Areas of wetland soils shall be identified, regardless of size. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist**.**

B. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

C. Erosion Control.

1. No building shall be constructed on a site with a slope of 25% or more.

2. On any site with a slope of 10% or more, and within the shoreland zone, all activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

   a. Mulching and revegetation of disturbed soil.

   b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
   c. Permanent stabilization structures such as retaining walls or riprap.

   In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

4. Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In addition:

   a. Where mulch is used, it shall be applied at a rate of at least one bale per 500 square feet and

shall be maintained until a catch of vegetation is established.

b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

d. Permanent vegetation and/or other erosion control measures should be installed prior to completion of the construction. The time allowance for such measures to be accomplished may be extended by the Code Enforcement Officer, provided effective temporary erosion control measures are in place

5. The top or bottom of a cut or fill shall not be closer than ten feet to a property line unless otherwise mutually agreed to by the affected landowner and town but in no instance shall said cut or fill exceed a 2:1 slope.

6. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be stabilized with vegetation or lined with rip-rap.

7.16 Storage of Materials.

All materials stored outdoors shall be stored in such a manner as to prevent the breeding and harboring of insects, rats or other vermin. This shall be accomplished by enclosures in containers, raising materials above ground, separation of material, prevention of stagnant water, extermination procedures or other means.

7.17 Storm Water Management.

A. All new construction and development, whether or not served by a storm water collection system, shall be designed to reflect or resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity and location of runoff. If runoff after development would exceed predevelopment runoff conditions, the off-site impact must be evaluated in terms of potential soil erosion and sedimentation, drainage capacity, and land use/land cover characteristics. Appropriate methods of reducing off-site impact shall be employed. Storm water management evaluations and designs shall be based on a 24-hour, 25 year recurrence interval storm.

B. All development plans shall define maintenance requirements and identify parties responsible for maintenance of the storm water management system. When methods of reducing storm water impact are necessary or desirable, storm water management plans shall include:

1. Control methods effective both during and after construction;

2. Control methods compatible with upstream and downstream characteristics;

3. Documentation by the designer that increasing the volume and rate of runoff from the proposed development will not aggravate conditions downstream or upstream;

4. Provisions for on-site storage and gradual discharge of excessive flows, or contribution toward increasing downstream capacity (e.g. by enlarging existing culverts), when the channel downstream is not able to accommodate the increased volume or rate of runoff created by the proposed development;

5. Consideration of the following factors:

a. impact: on-site, downstream, upstream and basin-wide;

b. costs: initial, amortized, operation and maintenance;

c. intensity of rainfall;

d. timing of rainfall: (e.g., falling of snow or during the spring snowmelt);

e. amount of precipitation in the basin during the five days preceding the storm in question;

f. hydrologic soil groups throughout the basin (i.e., the soil's rate of water infiltration and transmission);

g. hydrologic conditions throughout the basin (soil's moisture content, humus/organic content,

temperature, and whether or not it is frozen);

h. the amount and type of vegetative cover throughout the basin (vegetation helps soil dry out after a rainfall, intercepts some precipitation during the rainfall, slows down the flow of water over the land, and forest cover exports less phosphorous than lawns or unvegetated surfaces);

i. area of land covered by impervious surfaces throughout the basin (roads, sidewalks, roofs, driveways, patios, etc.);

j. topography throughout the basin (slopes affect the rate of runoff; marshland reduces peak discharge rate by slowing down the rate of runoff);

k. size and shape of watershed (peak discharge rates are slower in long, narrow watersheds); and

l. vulnerability of downstream waterbodies to increases in nutrient concentrations (increased runoff rates are associated with increases in phosphorus concentrations in lakes, which can lead to accelerated eutrophication and declines in water quality).

C. Storm water runoff systems should be designed to maximize infiltration to ground water and facilitate aquifer recharge in order to minimize nutrient runoff, and when it is advantageous, to compensate for ground water withdrawals or reductions in infiltration. Conversely, designs should avoid recharge where ground water effects might be harmful. Design of permanent storage facilities should consider safety, appearance, recreational use, and cost and effectiveness of maintenance operations, in addition to the primary storage function. Natural overland flows, and open drainage channel and swale locations should be the preferred alignments for major components of a residential drainage system. The use of enclosed components (such as underground piping) should be minimized where the existing natural systems are able to accommodate storm runoff. Energy dissipators (to reduce high flow velocities) and other forms of outfall protection shall be employed where enclosed drains discharge onto erodible soils.

7.18 Traffic Impacts and Street Access Control.

A. General.

Provision shall be made for vehicular access to the development and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and within the development, to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within the development. More specifically, for uses other than single family dwellings, access and circulation shall also conform to the following standards and the design criteria below.

1. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is less potential for traffic congestion and for hazards to traffic and pedestrians.

2. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, driveways and traffic controls within public streets.

3. Accessways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.

4. Where topographic and other conditions allow, provision shall be made for circulation driveway connections to adjoining lots of similar existing or potential use

a. when such driveway connection will facilitate fire protection services as approved by the Fire Chief; or

b. when such driveway will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.

B. Driveway Design.

The following provisions shall apply to the design and construction of driveways and other vehicular accesses onto Route 5, except in the Village districts.

1. General. Driveway design shall be based on the estimated volume using the driveway classification defined below.

a. Low Volume Driveway: Less than 25 vehicle trips per day.

b. High Volume Driveway: 25 vehicle trips per day or more.

2. Sight Distances. Driveways shall be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder, with the height of the eye 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement. A sight distance of ten feet for each mile per hour of posted speed limit shall be maintained or provided.

3. Vertical Alignment. A driveway shall be flat enough to prevent the dragging of any vehicle undercarriage. Low Volume driveways shall slope upward or downward from the edge of pavement on a straight slope of 2 percent or less for at least 25 feet followed by a slope of no greater than 10 percent for the next 50 feet. The maximum grade over the entire length shall not exceed 15 percent. High volume driveways should slope upward or downward from the gutter line on a straight slope of 2 percent or less for at least 25 feet. Following this landing area, the steepest grade on the driveway shall not exceed 8 percent.

4. Low Volume Driveways.

a. Skew Angle. Low Volume driveways shall be two-way operation and shall intersect the street at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.

b Curb Radius. The curb radius shall be between 5 feet and 15 feet, with a preferred radius of 10 feet.

c. Driveway Width. The width of the driveway shall be between 12 feet and 16 feet, with a preferred width of 16 feet.

d. Curb-Cut Width. Curb-cut width shall be between 22 feet and 46 feet, with a preferred width of 36 feet.

5. High Volume Driveways.

a. Skew Angle. High volume driveways shall be either one-way or two-way operation and shall intersect the street at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.

b. Curb Radius. Curb radii will vary depending if the driveway is one-way or two-way operation. On a two-way driveway the curb radii shall be between 25 feet and 40 feet, with a preferred radius of 30 feet. On one way driveways, the curb radii shall be 30 feet for right turns into and out of the site, with a 5 foot radius on the opposite curb.

c. Width. On a two-way driveway the width shall be between 24 and 26 feet, with a preferred width of 26 feet. However where truck traffic is anticipated, the width may be no more than 30 feet. On a one-way driveway the width shall be between 16 feet and 20, with a preferred width of 16 feet.

d. Curb-Cut Width. On a two-way driveway the curb-cut width shall be between 74 feet and 110 feet with a preferred width of 86 feet. On a one-way driveway the curb-cut width shall be between 46 feet and 70 feet with a preferred width of 51 feet.

6. Driveway Location and Spacing.

a. Minimum Corner Clearance. A minimum corner clearance of 50 feet shall be provided from any intersection. Corner clearance shall be measured from the point of tangency (PT) for the corner to the point of tangency for the driveway. In general the maximum corner clearance should be provided as practical based on site constraints.

Where the minimum standard cannot be met, only a special case driveway where turning is limited to right turn shall be permitted. If based on the above criteria, full access to the site cannot be provided on either the major or minor streets, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

b. Driveway Spacing. Driveways shall be separated from adjacent driveways a minimum of 75 feet and from property lines a minimum of ten feet, in order to allow Route 5 to effectively

serve its primary function of conducting through traffic.

C. Number of Driveways.

The maximum number of driveways onto a single street is controlled by the available site frontage and the requirements above. In addition, the following criteria shall limit the number of driveways independent of frontage length.

1. No low volume traffic generator shall have more than one two-way driveway onto a single roadway.
2. No high volume traffic generator shall have more than two driveways onto a single roadway.

D. Construction Materials/Paving.

1. All driveways entering a curbed street shall be curbed with materials matching the street curbing. All driveways shall be paved with bituminous concrete pavement within the street right-of-way, if the street is paved. All commercial driveways regardless of driveway volume shall be paved with bituminous concrete pavement within 30 feet of the street right-of-way.

7.19 Water Quality.

A. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous, or solid materials of such nature, quality, obnoxiousness, toxicity, or temperature that run-off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life.

B. All above ground storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, shall be located on impervious pavement, and shall be completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a 25-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for "home heating oil" and diesel fuel, not exceeding 275 gallons in size, may be exempted from this requirement unless located in the Aquifer Protection Overlay district.

C. Phosphorus Protection

The increase in the concentration of phosphorus dissolved or suspended in surface water runoff presents a threat to the quality of lake waters. Therefore this section is designed to protect long term lake water quality by minimizing increases in phosphorus run-off to no more than the levels recommended in Table 4 of the Lovell Comprehensive Plan. The provisions of this section shall apply only to development activity in the watershed of a great pond.

1. New development shall be designed and constructed to limit the phosphorus export to the values contained in the table below.

Per Acre Phosphorus Allocation, by Great Pond Watershed

Note: Assumption is that Greater Lovell Land Trust land is not available for development

Great Pond Watershed	Per Acre Allocation (lbs. P/acre/yr.)
Back Pond	.038
Bradley Pond	.045
Cushman Pond	.055
Dan Charles Pond	.043
Farrington Pond	.050
Heald Pond	.046
Horseshoe Pond *	.100
Lake Kezar, North Basin	.042
Lake Kezar, South Basin	.046
Middle Pond	.041
Mud Pond	.067
Noah Eastman Pond	.043

*Horseshoe Pond has a higher number due to large amount of watershed considered to be

protected as part of the Greater Lovell Land Trust

2. The following types of development qualify for a simplified method of determining the phosphorus export.

   a. A new single family dwelling or two-family dwelling with a cumulative driveway length not exceeding 450 feet, not located in a subdivision approved by the Lovell Planning Board after the effective date of this ordinance.

   b. Non-residential development and multifamily housing with less than 20,000 square feet of disturbed area including parking, driveway, lawn, septic system, infiltration area, building and a road not exceeding 200 linear feet.

   These uses shall be deemed to comply with the phosphorus export standards of Section 7.19.C.1 above if a permanent, vegetated buffer strip is located downhill from the developed portion of the lot according to the requirements of the tables in Appendix A of this Ordinance, whichever applies according to great pond watershed. On an existing lot of record that is smaller in size than what is required in the table, the applicant shall meet the buffer width requirement to the maximum extent possible.

   The "Clearing Restricted" buffer widths shall apply on those lots on which clearing of wooded vegetation is restricted, by deed covenants and permit conditions to no more than 12,500 square feet in area.

3. Developments which do not meet the criteria for the simplified review shall prepare a phosphorus export analysis in accordance with the methodology contained in *Phosphorus Control in Lake Watershed: A Technical Guide to Evaluating New Development,* published by the Maine Department of Environmental Protection, September, 1992 Revision. An applicant for a development which qualifies for the simplified review, but who chooses to not meet the buffer strip requirements contained in Appendix A may, instead, use the methodology in the *Technical Guide* to show that the proposed development will meet the phosphorus export standards of Section 7.19.C.1.

4. Occupants and property owners shall maintain vegetated buffer strips and, if applicable, other phosphorus control measures in accordance with the buffer maintenance requirements contained in Section 5.3 of the *Technical Guide*.

7.20 Water Supply.

Prior to the issuance of any occupancy permit for any structure with a potable water supply system, a water quality analysis demonstrating that the *Maine Safe Drinking Water Guidelines* are met shall be submitted to the code enforcement officer.

7.21 Wildlife Habitat.

No structure shall be located within 300 feet of an area designated as a high or moderate value deer wintering area as identified by the Maine Department of Inland Fisheries and Wildlife. These areas are designated on Lovell Comprehensive Plan Map No. 2. An applicant may be permitted to build within 300 feet of a designated area, following presentation of a written report from a biologist with the Department indicating the area shown on the map is no longer a high or moderate value wintering area.

ARTICLE VIII
PERFORMANCE STANDARDS, SPECIFIC ACTIVITIES AND LAND USES

8.1 Agriculture and Animal Husbandry.

A. The following standards shall apply only within the Shoreland Zone.

1. All spreading or disposal of manure shall be accomplished in conformance with the-*Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

2. All manure shall be stored or stockpiled at least 100 feet, horizontal distance, from any great pond; and shall be located at least 75 feet, horizontal distance, from other water bodies, tributary streams, or freshwater wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Facilities existing at the time of the adoption of this section which do not meet the above setback requirements may remain, but shall meet the no discharge provision above.

3. Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area, or the spreading, disposal or storage of manure within the shoreland zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of the plan shall be considered to be a violation of this Ordinance.

4. There shall be no new tilling of soil within 100 feet, horizontal distance, of the normal high-water line of a great pond, within 75 feet, horizontal distance, from other water bodies; nor within 25 feet, horizontal distance, of tributary streams, and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

5. Newly established livestock grazing areas shall not be permitted within 100 feet, horizontal distance, of the normal high-water line of a great pond; within 75 feet, horizontal distance of other water bodies, nor within 25 feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

B. When located on a lot smaller than three acres, animal husbandry shall meet the following standards:

1. All pasture, barns, barnyards, and other areas where the livestock, animals, or fowl are kept, housed, fed, or cared for shall be a minimum of 20 feet from all lot lines.

2. All feed and grain shall be stored in rodent proof containers.

3. All paddocks, pastures, barnyards or other enclosures must be adequately fenced to contain livestock, animals or fowl.

8.2 Automobile Graveyards and Junkyards.

Automobile graveyards and junkyards shall meet the following standards:

A. Prior to issuance of the municipal permit, the applicant shall present either a permit from the Maine Department of Environmental Protection (DEP) or a letter from the DEP stating that a permit is not required.

B. Site Considerations.

1. No motor vehicles or material shall be located on a sand and gravel aquifer or on an aquifer recharge area as mapped by the Maine Geological Survey or a licensed geologist.

2. No motor vehicles or material shall be located within the 100 year flood plain.

3. A visual buffer capable of completely screening from view all portions of the automobile graveyard or junkyard shall be established and maintained along all property lines.

4. No motor vehicles or material shall be stored within 500 feet of any dwelling or school.

5. No motor vehicles or material shall be stored within 300 feet of any water body.

C. Operational Considerations.

1. Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid, and engine coolant shall be drained into watertight, covered containers. No discharge of any fluids from any motor vehicle shall be permitted into or onto the ground.

2. Within 30 days of receiving a motor vehicle, the vehicle shall be disassembled and those parts which are to be retained for resale shall be stored within a building. Parts which are not to be resold shall be removed from the site within 30 of disassembly.

8.3 Bed & Breakfast/Inn.

A. The application for approval shall include a scale drawing of the lot showing the location of existing buildings, existing and proposed parking, and existing and proposed sewage disposal systems.

B. There shall be no less than one parking space for each rental room in addition to the spaces required for any dwelling unit.

C. There shall be one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.

D. Each rental room shall have not less than ten by twelve feet horizontal dimensions.

E. Each rental room shall be equipped with an approved smoke detector.

8.4 Campgrounds.

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following (in cases of possible conflict, the stricter rule shall apply):

A. General.

1. A campground must be constructed on at least 10 acres of land, and all camping units or structures shall be located at least 100 feet from any property line and 200 feet from any residence (except residences belonging to the campground owners)

2. Campsites shall be laid out and screened in such a manner that none are within view from public streets, rivers, existing residences or approved subdivision lots. Any combination of evergreen planting, landscaped earthen berms, or solid fencing may be used to achieve this screening standard, when campsites would otherwise be visible from the locations described above.

3. No trailers other than recreational vehicles or utility trailers, shall be permitted within any campground, temporarily or otherwise. No camping unit shall be stored or exhibited for sale for commercial purposes within the park.

4. Tent sites and sites for recreational vehicles (RV's) shall be laid out so that the density of each developed acre of land does not exceed the standards below (in terms of sites per acre of land, excluding circulation roads and driveways). Land supporting wetland vegetation, and land below the normal high water line of a water body shall not be included in calculating the number of sites per acre of land.

	Non-Shoreland	**Shoreland Zone**
Tent sites	14 per acre	8 per acre
RV sites	11 per acre	7 per acre

5. The minimum frontage of a campsite along any shoreline shall be 100 feet. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of 100 feet from the normal high water line of a great pond, and 75 feet from the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland.

B. Parking and Circulation.

1. A minimum of three hundred square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site. Recreational vehicles shall be parked in spaces so that:

a. there shall be a minimum of 50 feet between vehicles; and

b. there shall be a minimum of 75 feet between all recreational vehicles and tents, and all public rights-of-way located inside the boundaries of the campground.

2. Vehicular access shall be provided onto a hard-surfaced road adequate for the volume and type of traffic likely to be generated. Roads shall be constructed of at least 12 inches of bank-run gravel (no stone larger than 4 inches), 2 inches of crushed gravel (l/2 inch chips). The minimum width of roadways shall be 12 feet for one way roads and 22 feet for two-way roads. No vehicle parking shall be permitted on the roadway. Parking areas may be grassed, reinforced with open concrete blocks.

3. Roads, parking, campsites and required facilities shall be planned to minimize road length, increase accessibility, and preserve open space. Roads shall be laid out as loops to the greatest extent that is practicable, although "cul-de-sacs" or "dead-ends" may be allowed to serve up to twenty campsites.

C. Health and Safety.

1. Each recreational vehicle, tent, or shelter site shall be provided with a picnic table and trash receptacle. The park management shall dispose of refuse from containers by transporting the refuse in a closed truck or in enclosed containers or bags to an approved disposal area at least once every three days.

2. A campground shall provide water and sewerage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State Wastewater Disposal Rules. In no case shall less than one toilet and lavatory be provided for each sex for every ten camping and tent sites. All recreational vehicle sites shall be equipped with water and sewage hook-ups, connected to approved distribution or disposal systems.

3. Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that every campground may be readily serviced in emergency situations. 24 hour emergency communication service (*e.g.* telephones) shall be provided.

4. Each campsite shall be provided with a masonry or metal fireplace approved in writing by the Fire Chief.

D. A soil erosion and sedimentation control approved by the Oxford County Soil and Water Conservation District shall be submitted.

8.5 Groundwater and/or Spring Water Extraction and/or Storage.

A. Permit Required.

The removal of more than 1,000 gallons per day of ground water or spring water shall require a Conditional Use Permit. The Planning Board shall grant approval if it finds that the proposal, with any reasonable conditions, will conform with the requirements of this section.

B. Submission Requirements.

The application together with a site plan shall include the following information:

1. Statement of the quantity of ground water to be extracted, expressed as the annual total, the maximum monthly rate by month, and the maximum daily rate;

2. A letter from the Maine Department of Human Services approving the facility as proposed where the Department has jurisdiction over the proposal;

3. Where appropriate, letters from the Department of Environmental Protection when the Site Location Law is applicable or a discharge permit is required.

4. Applicants shall present a written report of a hydrogeologic investigation conducted by a certified professional geologist or registered professional engineer, except for spring water extraction facilities which meet the following conditions: the spring enhancement shall not increase the combined spring's catchment capacity by removing more than four cubic yards of earth and not increase this spring's depth by more than four feet where the discharge drain is no lower than the

existing spring water level, where gravity alone (without the aid of a siphon) is used to withdraw the spring water to other facilities on site, and where other improvements do not threaten ground water levels. This report shall include the following information:

a. A map of the aquifer tributary to the spring(s), well(s) or excavation(s) from which water is to be extracted in sufficient detail to support a calculation of sustained yield during a drought with a probability of one in ten years, as well as an estimate of any potential interaction between this aquifer and adjacent aquifers.

b. The results of the investigation shall establish the aquifer characteristics, the rates of draw-down and rebound, the sustainable yearly, monthly (by month) and daily extraction rates, the cone of depression which may develop about the proposed facility, and other impacts on the water table in the tributary aquifer and such other private or public wells within 1,000 feet of the proposed extraction facilities shall be assessed.

C. Performance Standards.

1. The quantity of water to be taken from ground water sources will not substantially lower the ground water table beyond the property lines, cause undesirable changes in ground water flow patterns, or cause ground subsidence, based on the conditions of a drought with a probability of occurrence of once in ten years.

2. The proposed facility shall not cause water pollution or other diminution of the quality of the aquifer from which the water is to be extracted.

3. Safe and healthful conditions shall be maintained at all times within and about the proposed use.

4. The proposed use shall not cause sedimentation or erosion.

5. The proposed facility is not within the defined aquifer recharge area of a public water supply, unless notice is given to the operator thereof and the Board has considered any information supplied by the operator and finds that no adverse affect on a public water supply will result.

6. The operator shall make monthly operating records of the quantity of water extracted, stored and removed from the site available to the Code Enforcement Officer or a designee.

7. Nothing in this procedure and no decision by the Planning Board shall be deemed to create groundwater rights other than those rights which the applicant may have under Maine law.

D. Existing Operations.

1. Any operation involving the extraction of ground water or spring water in lawful operation at the time this Section becomes effective and which meet the criteria for requiring a Conditional Use Permit may operate for a period of five years from the effective date without Planning Board approval. Existing operations, however, must submit to the Planning Board within 90 days of the effective date of this ordinance a map indicating the property from which ground water is being extracted, showing the location of the extraction in relation to neighboring wells, surface water bodies, and property lines. Failure to submit the above map within ninety days shall result in the loss of grandfathered status for that operation.

Within 15 days of the effective date of this Section, the Code Enforcement Officer shall notify by certified mail, return receipt requested, the owners of all property which, to the best of the Code Enforcement Officer's knowledge, contain existing operations, informing them of the requirements of this section.

2. Discontinuation of any existing operation for a period of more than one year shall result in the loss of grandfathered status for that operation.

8.6 Home Occupations.

A home occupation shall be permitted if it complies with all of the requirements of this section:

A. The use of a dwelling unit for a home occupation shall clearly be incidental and subordinate to its use for residential purposes.

B. There shall be no more than two employees who are not residents of the dwelling unit.

C. A home occupation may not alter the residential character of the structure, neighborhood or change the character of the lot from its principal use as a residence,

D. The home occupation shall be carried on wholly within the principal or accessory structures. The outside storage or display of materials or products shall be prohibited.

E. The performance standards in Article VII of this ordinance shall apply. If additional parking spaces are provided, they shall be located to the rear or side yard of the principal structure, but not within the required yard setbacks.

F. A Home Occupation, Type 1, shall have no sign erected on the premises. At a Home Occupation, Type 2, one non-illuminated sign no larger than two square feet may be erected on the premises.

G. A home occupation may involve the provision of professional, technical or business services, individual or small group private instruction, or the sale of products. However, the sale of products shall be limited to:

1. those products which are crafted, assembled, or substantially altered on the premises, or
2. catalog items ordered off the premises by retail customers, or
3. retail items which are accessory and incidental to a service which is provided on the premises, or
4. retailing of small, previously-owned items, not including large appliances, mattresses, heavy furniture, and the like.

H. A home occupation, type 1, shall generate a maximum of 10 vehicle trips per day. A home occupation, type 2, shall generate a maximum of 20 vehicle trips per day.

I. The uses “automobile graveyard,” “automobile repair garage,” and “automobile service station,” as defined in Article 2 of this Ordinance, shall not be permitted to be established as home occupations.

8.7 Hotels, Motels.

For traffic safety on and immediately adjoining each motel, hotel and to assure health, safety and welfare of occupants and of the neighborhood generally, the following land, space, building, traffic, utility, and service design requirements shall be complied with. For the purposes of this section, the terms hotel and motel are used interchangeably.

A. No part of any building on a motel lot shall be closer than 60 feet to the front lot line, rear lot line or either side line of such lot. A buffer strip not less than 20 feet wide shall be maintained open and green with grass, bushes, flowers or trees all along each side lot line, the rear lot line, the front line of such lot, except for entrance and exit driveways. The buffer strip shall not be used for automobile parking.

B. If cooking or eating facilities are provided in hotel rental units, each rental unit shall be considered a dwelling unit and the hotel shall be required to meet all the standards for multifamily developments in this ordinance including the residential density requirements of the appropriate district unless the water supply to each unit is inoperable in the winter.

C. Each motel rental unit shall contain not less than two hundred square feet habitable floor area enclosed by walls and roof exclusive of any adjoining portions of roofed or covered walkways. Each motel rental sleeping room shall not be less than twelve by fifteen feet horizontal dimensions exclusive of bath. Each rental unit shall include private bathroom facilities.

D. On each hotel lot, one dwelling unit may be provided for a resident owner, manager, or other responsible staff person.

E. Hotel building construction plans shall be reviewed and approved by the State Fire Marshall's Office.

8.8 Individual Private Campsites

Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:

A. One campsite per lot existing on the effective date of this Ordinance, or 30,000 square feet of lot area within the shoreland zone, whichever is less, may be permitted.

B. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 100 feet from the normal high-water line of a great pond and 75 feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

C. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.

D. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to 1,000 square feet.

E. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

F. When a recreational vehicle, tent or similar shelter is placed on-site for more than 120 days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the *Maine Subsurface Wastewater Disposal Rules*.

8.9 Kennels and Veterinary Hospitals.

A. Structures or pens for housing or containing the animals shall be located not less than l00 feet from the nearest residence other than the owners' existing at the time of permit.

B. All pens, runs, or kennels, and other facilities shall be designed, constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties, and other similar factors.

C. The owner or operator of a kennel shall maintain the premises in a clean, orderly, and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in a manner that they will not provide a breeding place for insects, vermin or rodents.

D. Temporary storage containers for any kennel or veterinary wastes containing or including animal excrement shall be kept tightly covered at all times, and emptied no less frequently than once every four days. Such containers shall be made of steel or plastic to facilitate cleaning, and shall be located in accordance with the setbacks required for outdoor runs.

E. If outdoor dog runs are created, they shall be completely fenced in, and shall be paved with cement, asphalt or a similar material to provide for cleanliness and ease of maintenance.

F. Any incineration device for burning excrement-soaked waste papers and/or animal organs or remains shall be located a minimum distance of 400 feet from nearest residence other than the applicants, and shall have a chimney vent not less than 35 feet above the average ground elevation. The applicant shall also provide evidence that he has obtained approval from the Maine Department of Environmental Protection for the proposed incinerator, and that it meets state standards for particulate emissions, flue gas temperature, and duration of required flue temperatures.

G. All other relevant performance standards in Article VII of this ordinance shall also be observed.

8.10 Manufactured Housing – Individual Manufactured Homes and Mobile Home Parks.

A. Any mobile home to be moved into the town after the effective date of this Ordinance shall meet the requirements of the Lovell Building Code.

B. Manufactured housing units shall not be located within the Village District.

C. Mobile Home Parks.

1. Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable State laws and local ordinances or regulations. Where the provisions of this section conflict with specific provisions of the Lovell Subdivision Regulations, the provisions of this section shall prevail.

2. Location of Parks

   a. Mobile home parks shall be located within 0.75 miles of a fire station. Distance shall be measured in a straight line from the nearest part of the mobile home park lot to the nearest part of the fire station lot.

   b. A mobile home park shall not have frontage on Route 5.

3. Lot Area and Lot Width Requirements.

   The plan submitted to the Planning Board shall indicate the boundaries of individual lots. Notwithstanding the dimensional requirements table located in Section 6.3 of this ordinance, lots in a mobile home park shall meet the following lot area and lot width requirements.

   a. Lots served by individual subsurface waste water disposal systems

      Min. lot area: 20,000 square feet
      Min. lot width: 100 feet

   b. Lots served by a central subsurface waste water disposal system approved by the Maine Department of Human Services:

      Min. lot area: 12,000 square feet
      Min. lot width: 75 feet

   c. The overall density of any park shall not exceed one dwelling unit per 20,000 square feet of total park area.

   d. Lots located within the shoreland zone shall meet the lot area, lot width and shore frontage requirements for that district.

4. Unit Setback Requirements.

   a. Structures shall not be located less than 15 feet from any boundary lines of an individual lot.

   b. On lots which abut a public way either within the park or adjacent to the park, or on lots which are located within the shoreland zone, structures shall meet the front setback and setback from high water mark requirements in the dimensional requirements table in Section 6.3 of this ordinance.

5. Buffering.

   a. If a park is proposed with a residential density at least twice the density of adjacent development in existence, or at least twice the density permitted in the zoning district in which the park is located if the neighboring land is undeveloped, the park shall be designed with a continuous landscaped area not less than 50 feet in width which shall contain no structures or streets. The first 25 feet of the buffer strip as measured from the exterior boundaries of the park, shall contain evergreen shrubs, trees, fences, walls or any combination which forms an effective visual barrier to be located on all exterior lot lines of the park, except that driveways shall be kept open to provide visibility for vehicles entering and leaving the park.

   b. The phosphorus control standards of Section 7.18.C shall be met.

6. Street Design, Circulation, and Traffic Impacts.

   Streets within a park shall be designed by a Professional Engineer registered in the State of Maine.

   a. Streets which the applicant proposes to be dedicated as public ways shall be designed and constructed in accordance with the standards for streets in the Lovell Subdivision Regulations.

   b. All streets shall have a minimum right of way width of 23 feet and a minimum traveled way width of 20 feet. The traveled way shall be paved with bituminous concrete.

   c. Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets. Any street within a park with an average daily traffic of 200 trips per day or more, shall have at least two street

connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.

d. No individual lot within a park shall have direct vehicular access onto an existing public street.

e. The intersection of any street within a park and an existing public street shall meet the following standards.

i. Angle of intersection. The desired angle of intersection shall be 90°. The minimum angle of intersection shall be 75°.

ii. Maximum Grade within 75 feet of intersection. The maximum permissible grade within 75 feet of the intersection shall be 2%.

iii. Minimum Sight Distance. A minimum sight distance of 10 feet for every mile per hour of posted speed limit on the existing street shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3.5 feet above the pavement and the height of object 4.25 feet.

iv. Distance from other intersections. The centerline of any street within a park intersecting an existing public street shall be no less than 125 feet from the centerline of any other street intersecting that public street.

f. The application shall contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generation shall be based on the *Trip Generation Manual*, 1991 edition, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trip ends per day, the application shall also include a traffic impact analysis, by a registered professional engineer with experience in transportation engineering.

7. Ground Water Impacts.

a. Assessment Submitted. Accompanying the application for approval of any mobile home park shall be an analysis of the impacts of the proposed mobile home park on ground water quality. The hydrogeologic assessment shall be prepared by a Certified Geologist or Registered Professional Engineer experienced in hydrogeology, and shall contain at least the following information.

i. A map showing the basic soils types.

ii. The depth to the water table at representative points throughout the mobile home park.

iii. Drainage conditions throughout the mobile home park.

iv. Data on the existing ground water quality, either from test wells in the mobile home park or from existing wells on neighboring properties.

v. An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a great pond, projections of the development's impact on groundwater phosphate concentrations shall also be provided.

vi. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.

b. Standards for Acceptable Ground Water Impacts.

i. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

ii. No mobile home park shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No mobile home park

shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

iii. If ground water contains contaminants in excess of the primary standards, the applicant shall demonstrate how water quality will be improved or treated.

c. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Plan.

8. No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board, and must meet the appropriate residential density, lot size, lot width, setback and other requirements. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.

a. The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.

b. No dwelling unit other than a manufactured housing unit shall be located within the park.

8.11 Mineral Extraction.

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than 100 square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

A. Permit Required.

Topsoil, rock, sand, gravel and similar earth materials may be removed from locations where permitted under the terms of this ordinance only after a Conditional Use Permit for such operations has been issued by the Planning Board. The following earth-moving activity shall be allowed without a Conditional Use Permit from the Planning Board.

1. The removal or transfer of less than 100 cubic yards of material from or onto any lot in any twelve month period.

2. The removal or transfer of material incidental to construction, alteration or repair of a building or in the grading and landscaping incidental thereto; and

3. The removal or transfer of material incidental to construction, alteration or repair of a public or private way or essential service.

All other earth-moving, processing and storage shall require a Conditional Use Permit from the Planning Board.

B. Submission Requirements.

1. Applications to the Planning Board for a Conditional Use Permit for the excavation, screening or storage of soil (including topsoil), peat, loam, sand, gravel, rock, or other mineral deposits shall be accompanied by a plan prepared according to the performance standards herein.

2. The applicant shall submit plans of the proposed extraction site showing the property lines and names of abutting owners and ways, indicating not greater than five foot contour intervals; the location and slope of the grades, existing and as proposed upon completion of the extraction operation; and detailing proposed fencing, buffer strips, signs, lighting, parking and loading areas, entrances and exits; together with a written statement of the proposed method, regularity, working hours and total proposed rehabilitation and restoration of the site upon completion of the operation.

3. The Board may require the additional submission of a hydrogeologic study to determine the effects of the proposed activity on groundwater movement and quality within the general area.

C. Performance Standards.

1. No part of any extraction operation shall be permitted within 150 feet of any property or street line, except that drainage ways to reduce run-off into or from the extraction area may be allowed up to 100 feet of such line. No part of any extraction operation, including drainage and runoff control features shall be permitted within 100 feet of the normal high-water line of a great pond, and within 75 feet of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. No part of any mineral extraction operation shall be visible from Route 5. Natural vegetation shall be left and maintained on the undisturbed land.

2. Excavation may not occur within 3 feet of the seasonal high water table, except in the Aquifer Protection District where excavation may not occur within 5 feet of the seasonal high water table. If the application for conditional use approval does not include the determination of the elevation of the seasonal high water table, the elevation shall be estimated from nearby waterbodies and wetlands, and drinking water wells and the operator shall, at the request of the Code Enforcement Officer, dig a test pit at least required separation depth to demonstrate compliance with this standard. The bottom of the excavated area shall be no less than one foot above the elevation of the 100 year flood plain and not less than 200 feet from the normal high water line of any body of water.

3. If any standing water accumulates, the site shall be fenced in a manner adequate to keep children out. Measures shall be taken to prevent or halt the breeding of insects.

4. No slopes steeper than 2 feet horizontal to 1 foot vertical shall be permitted at any extraction site unless a fence at least 6 feet is erected to limit access to such locations.

5. Before commencing removal of any earth materials, the owner or operator of the extraction site shall present evidence to the Planning Board of adequate insurance against liability arising from the proposed extraction operations, and such insurance shall be maintained throughout the period of operation.

6. Any topsoil and subsoil suitable for purposes of revegetation shall, to the extent required for restoration, be stripped from the location of extraction operations and stockpiled for use in restoring the location after extraction operations have ceased. Such stockpiles shall be protected from erosion, according to the erosion prevention performance standards of this section.

7. Sediment shall be trapped by diversions, silting basins, terraces and other measures designed by a professional engineer.

8. The sides and bottom of cuts, fills, channels, and artificial water courses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to the *Best Management Practices for Erosion and Sedimentation Control during Construction* published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991.

9. The hours of operation at any extraction site shall be limited as the Planning Board deems advisable to ensure operational compatibility with nearby residences.

10. Loaded vehicles shall be suitably covered to prevent dust and contents from spilling or blowing from the load, and all trucking routes and methods shall be subject to approval by the Road Commissioner. No mud, soil, sand, or other materials shall be allowed to accumulate on a public street from loading or hauling vehicles.

11. All access/egress roads leading to or from the extraction site to public ways shall be treated with suitable materials to reduce dust and mud for a distance of at least 200 feet from such public ways.

12. No equipment debris, junk or other material shall be permitted on an extraction site. Any temporary shelters or buildings erected for such operations and equipment used in connection therewith shall be removed within 30 days following completion of active extraction operations.

13. A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements below. Within six months of the completion of extraction operations at any extraction site or any one or more locations within any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve(12)

month period, ground levels and grades shall be established in accordance with the approved reclamation plan, meeting the following standards:

a. All debris, stumps, boulders, and similar materials shall be removed or disposed of in an approved location. No inorganic materials or materials generated from off the site shall be buried on the site.

b. The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.

c. Storm drainage and water courses shall leave the location at the original natural drainage points and in a manner such that the amount of drainage at any point is not significantly increased.

d. At least four inches of topsoil or loam shall be retained or obtained to cover all disturbed areas, which shall be reseeded and stabilized with vegetation native to the area, and properly restored to a stable condition.

e. No slope greater than 3 feet horizontal to 1 foot vertical shall be permitted. Within the Shoreland Limited Residential, Resource Protection, and Stream Protection Districts, the final graded slope shall be two and one-half to one (2.5:1) slope or flatter.

D. Existing Operations.

1. Any operation involving the excavation, processing, or storage of soil, earth, loam, sand, gravel, rock or other mineral deposits in lawful operation at the time this Section becomes effective, and which meets the criteria for requiring a Conditional Use Permit, may operate for a period of five years from the effective date without Planning Board approval. Existing operations, however, must submit to the Planning Board within 90 days of the effective date of this ordinance a map indicating the area within which earth removal activity is anticipated within the five year period, and the area which has already been subject to earth removal activity. Failure to submit the above map within ninety days shall result in the loss of grandfathered status for that operation.

   Within 15 days of the effective date of this Section, the Code Enforcement Officer shall notify by certified mail, return receipt requested, the owners of all property which, to the best of the Code Enforcement Officer's knowledge, contain existing operations, informing them of the requirements of this section.

2. Discontinuation of any existing operation for a period of more than one year shall result in the loss of grandfathered status for that operation. Discontinuation is defined as being the excavation, processing or storage of less than 100 cubic yards of material.

8.12 Multi-Family Developments.

A. Multi-family developments may be approved by the Planning Board in accordance with the Land Use Table of this ordinance. All proposals to construct multifamily developments shall be in conformance with the General Performance Standards of Article VII and the design requirements listed below.

B. If a multifamily development is not a subdivision, the application for approval shall include: a map of the area; dimensions, boundaries and principal elevations of the land for which approval is sought; the names of all property owners within 100 feet of the proposed site, as found on the most recent tax list; building layout and general construction plans; a site plan of all driveways and parking areas proposed to be constructed; and other information which addresses all appropriate performance standards and design requirements and all appropriate factors to be considered in evaluating proposals.

C. Design Requirements.

1. The maximum residential density standards of Section 6.3. shall be met.

2. A high-intensity soil survey map certified by a Registered Soil Scientist licensed in the State of Maine shall be submitted. No building shall be constructed on soil classified as being very poorly drained.

3. The applicant shall demonstrate the availability of adequate supply and quality of water for both domestic and firefighting purposes.

4. Evidence of compliance with the *Maine Subsurface Wastewater Disposal Rules* shall be submitted. If the multifamily development is the change of use or expansion of use of an existing building, the provisions of Title 30-A M.R.S.A., §4211, sub§3 shall be met.

5. It shall be the responsibility of the owner to provide for rubbish disposal, snow removal, and site maintenance. All outdoor storage areas for waste collection shall be enclosed by a wooden or masonry screen at least six feet in height.

6. Except in the Village districts, a fifty foot landscaped buffer shall be provided along all property boundaries.

7. Storm water and surface drainage systems shall be designed in accordance with the town subdivision standards.

8. Access, Circulation, and Parking.

   a. The proposed development shall provide for safe access to and from public or private streets. Safe access shall be assured by providing an adequate number and location of access points with respect to sight-distances, intersections, schools, and other traffic-generators.

   b. The proposed development shall not have an unreasonable adverse impact on the public street system, and shall assure safe interior circulation within its site by separating pedestrian and vehicular traffic and by providing adequate parking and turn-around areas.

   c. Any development expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets. Any street within a development with an average daily traffic of 200 trips per day or more, shall have at least two street connections leading to existing public streets, other streets within the development, or other streets shown on an approved subdivision plan.

9. Recreation and Open Space.

   All multifamily developments of 25 dwelling units or more shall provide a developed play area no smaller than 5,000 square feet.

8.13 Open Space Retention Standards

The purpose of this section is to implement the goals and policies of the comprehensive plan regarding preservation of natural features, landscape and scenic character.

A. Within the areas designated as "Scenic Views" on Map #2 of the Lovell Comprehensive Plan developments shall be sited and designed to minimize their impact on the scenic resources of the town. Impacts can be minimized by one or more of the following methods.

   1. Placement of structures in a wooded area rather than in open fields.

   2. Placement of structures within low spots or behind knolls so views from streets or other public places are minimized.

   3. Alignment of buildings so that the narrow dimension faces the street.

   4. Use of architectural styles and details which resemble nearby nineteenth century structures.

B. Residential Subdivisions.

   1. Purpose. The purpose of these provisions is to maintain the rural character of Lovell by allowing residential development yet providing for the permanent set aside of open space and preservation of the natural resource features of importance identified in the comprehensive plan. All subdivisions shall be designed in accordance with the provisions of this section.

   2. Design Requirements.

      a. Open space preservation developments shall meet the requirements of all other applicable town ordinances, and the Performance Standards of Article VII of this ordinance.

      b. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered. The developer shall illustrate the placement of buildings and the treatment of spaces, paths, roads, service and

parking and in so doing shall take into consideration all requirements of this section and of other relevant sections of this ordinance.

c. A high-intensity soil survey shall be submitted. No building shall be constructed on soil classified as being very poorly drained.

d. Unless a community sewage collection and treatment system is provided, no lot shall be smaller in area than 85,000 square feet.

e. When a subdivision is located adjacent to dedicated open space, the open space in the subdivision shall be located adjoining the existing open space to the extent soil conditions allow construction elsewhere in the subdivision.

f. No individual lot or dwelling unit shall have direct vehicular access onto a public street existing at the time of development except in the Village and Medium Density Residential Districts. Except in these districts, vehicular access to the subdivision from any existing paved or improved road which is maintained year-round shall be limited to a single point.

g. Shore frontage shall not be reduced below the minimum normally required in the zone.

h. Where a subdivision abuts a river or great pond, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common land. The frontage of any common land intended to provide access to a water body shall be the minimum shoreline frontage required plus 50 feet for each lot or dwelling unit which is granted the right to use the common land. Such common land intended to provide access to a water body shall be contiguous with the subdivision.

i. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, solar energy and natural drainage areas in accordance with an overall plan for site development. All structures shall be located in such a manner as to not be visible from adjacent public streets except in the Village and Medium Density Residential Districts. Except in these districts, buildings shall be screened from view by a natural or landscaped vegetative barrier.

j. The applicant shall demonstrate the availability of water adequate for domestic purposes as well as for fire safety. The Planning Board may require the construction of storage ponds and dry hydrants. The location of all wells shall be shown on the plan.

k. The location of subsurface wastewater disposal systems and an equivalent reserve area for replacement systems shall be shown on the plan. The reserve areas shall be restricted so as not to be built upon. The report of a Licensed Site Evaluator shall accompany the plan. If the subsurface disposal system is an engineered system, approval from the Department of Human Services, Division of Health Engineering shall be obtained prior to Planning Board approval.

3. Dedication and Maintenance of Common Open Space and Facilities.

a. In the Rural or Route 5 Rural Districts only no less than 60% of that portion of the land in a subdivision not in lots five acres or larger in area shall be placed in common open space. Common open space shall be dedicated upon approval of the project. There shall be no further subdivision of this land, which shall be used only for non-commercial recreation, agriculture, silviculture or conservation. However, easements for public utilities, or structures accessory to non-commercial recreation, agriculture or conservation, may be permitted. A conservation easement naming the town or a not for profit organization organized for land conservation purposes as the holder shall be recorded, limiting the development of the open space.

b. The common open space shall be shown on the development plan with appropriate notation to indicate that the common open space shall not be used for future building lots.

c. If any or all of the common open space is to be reserved for use by the residents, the by-laws of a proposed homeowners association shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to approval.

i. Covenants for mandatory membership in the association, setting forth the owners' rights and interest and privileges in the association and the common land, shall be reviewed by the Planning Board and included in the deed for each lot.

ii. This homeowners association shall have the responsibility of maintaining the common open space(s), and other common facilities.

iii. The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open space, other common and recreational facilities and town assessments.

iv. The developer shall maintain control of such open space(s) and be responsible for their maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Planning Board upon request of the homeowner's association or the developer.

8.14 Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland.

The Board of Selectmen shall establish reasonable fees for permits issued under this section.

A. No more than one pier, dock, wharf, or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 6.5.D, a second structure may be allowed and may remain as long as the lot is not further divided.

B. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion, sedimentation and siltation.

C. The location shall not interfere with existing developed or natural beach areas.

D. The dock system shall be located so as to minimize adverse effects on fisheries, spawning areas or other wildlife. In making this determination the Code Enforcement Officer may request that the applicant submit a letter from the Maine Department of Inland Fisheries and Wildlife or alternate expert at the applicant's expense.

E. The dock system shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area. See subsection M below for specific standards.

F. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

G. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

H. Vegetation may be removed in excess of the standards of Section 7.6 of this Ordinance in order to conduct shoreline stabilization of eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

A permit pursuant to the Natural Resources Protection Act is required from the Maine Department of Environmental Protection for shoreline stabilization activities.

1. When necessary, the removal of trees and other vegetation to allow access for construction equipment to stabilize the site by land be limited to no more than 12 feet in width. When the stabilization project is complete, the construction equipment accessway must be appropriately restored.

2. Revegetation must occur in accordance with Section 15(S) of the Maine Department of Environmental Protection's Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinance.

I. All piers and docks shall be constructed so that they may be easily dismantled and removed from the water.

J. New permanent piers and docks are not permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Maine Department of Environmental Protection pursuant to the Natural Resources Protection Act.

K. Structures built on, over or abutting a pier or wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

L. **Submission Requirements**.

No pier or dock may be installed or otherwise put into service without first receiving a permit from the Code Enforcement Officer. The applicant shall submit the following:

1. A description of materials used, i.e., size of pilings, deck percent open area, the types of wood preservatives used in the construction materials, distance between the pilings supporting the structure, and flotation materials.
2. A description of the construction process, including the method for pile installation.
3. An accurate, detailed drawing showing type of construction, size, means for mooring if floating, exact location, depth of water within 50 feet of each side and at the end of the structure, mean high water line and mean low water line within 200 feet of the proposed structure, and general topography of the surrounding area within 200 feet of the proposed structure;
4. A note on the plan indicating the site for winter storage of docks and method of hauling (if any);
5. A statement regarding the effect of the structure on recreation and/or commercial use, including:
    a. location of all piers, docks, floats, and moorings, or other structures within a 200-foot radius of the proposed structure;
    b. distance from proposed structure to property lines and property line extensions;
    c. distance to all navigational channels, or to centerline of channel if no designated or customary channel exists, and boat mooring areas within 300 feet; and
    d. distance to all boat ramps, public landings, or public swimming beaches within 300 feet.
6. The applicant must supply a copy of a deed showing deeded rights to sufficient shore frontage in order to construct a pier or dock, consistent with Section 6.5.D of this Ordinance, or to otherwise demonstrate that the subject property may be developed as a non-conforming lot of record pursuant to Section 5.2 of this Ordinance. If a property owner does not own enough shore frontage to meet this standard, the applicant may co- apply with an abutter or abutters, and must demonstrate that in combination with such abutting property, this standard will be met. The agreement for partitioning maintenance and repair costs, outlining pier location and partitioning access, including any property easements, must be duly recorded with the Oxford County Registry of Deeds in the deeds of all affected properties.

M. Specific Performance Standards.

1. The water depth along the perimeter of a pier or dock system, wherever the stern of a motorboat is made fast, shall be a minimum of 5 feet at the time of mean high water level.

2. No pier or dock or combination thereof shall project more than 50 feet beyond the mean high water line or 1/5 of the way across a water body, whichever is less, or otherwise prohibit or unreasonably impede legitimate passage along the shore or through navigation over the waters. Under circumstances where shallow water depth demands an extension of a pier or dock into a waterbody to reach a depth of 5 feet, the Code Enforcement Officer may allow additional length to be added.

3. The maximum surface area of the total assembly of pier, dock, wharf, or other components and attached accessories, extending over or below the normal high-water line, shall be 320 square feet. The computation of maximum surface area does not include any portion of the assembly which extends upland of the mean high-water mark. If shallow water depth demands additional dock or pier projection into the waterbody, the additional surface area necessary to reach 5-foot depths should be subtracted from the maximum surface area allowed.

4. The minimum allowable width of any dock, wharf, pier, or lateral projection shall be 4 feet and not wider than 6 feet.
5. Boats at the pier or dock shall not be allowed to leak oil or other pollutants into water, nor shall oil or fuel be stored on the dock or pier.
6. The landward connection to a pier or dock shall not harm vegetation on a freshwater wetland or bank.
7. The pier or dock shall be designed so that the active berthing area of the pier or dock or any approach paths to be used shall be no closer than 50 feet to any wetland.
8. All docks must be oriented away from adjacent wetlands.
9. Over wetlands the decking surface shall have a minimum of 65% open area.
10. No portion of pier or dock shall be within:

    a. 20 feet of a property line or property line extension;

    b.100 feet of a boat channel or boat mooring area;

    c. 100 feet of a public swimming beach on water bodies where boats with motors are permitted; or

    d. 50 feet of another pier or dock.

11. If treated lumber is used as a construction material, only state-approved non-leaching types of preservative shall be allowed. Use of paints and stains shall be prohibited. The applicant shall submit specifications of materials to indicate compliance with this section; and
12. Dock lighting must be motion activated, downcast, and serve solely to assist berthing after dark.

N. Marinas

A marina shall provide facilities for the docking and servicing of watercraft only. New and existing docks shall be permitted in an area measured along the frontage of the marina parcel, not be placed outside the safety zone. Docks shall be attached to the adjacent upland. The number of watercraft which may be present at the marina's facilities shall be limited to the number of parking spaces meeting the criteria of Article VII, Section 7.8 which the marina can provide. Any required shoreland zoning or Department of Environmental Protection permit or submerged lands lease required shall be obtained prior to construction of any dock.

8.15 Recreational Facility.

All recreation facilities shall meet the provisions below:

A. There shall be provided adequate off-street parking for the anticipated maximum attendance at any event.

B. Containers and facilities for rubbish collection and removal shall be provided.

C. Adequate screening, buffer area, or landscape provisions shall be built, planted, or maintained to protect adjacent residences from adverse noise, light, dust, smoke, and visual impact.

D. Sanitation facilities meeting the Maine Subsurface Wastewater Disposal Rules shall be provided.

8.16 Renting Rooms and Accessory Apartments.

As an accessory use in a single-family dwelling, the renting of rooms or a single apartment in a dwelling existing prior to the effective date of this ordinance shall be permitted, without the need for additional lot area, provided the following conditions are satisfied.

A. There shall be no new external construction to increase the size of the structure to accommodate the accessory use.

B. The water and sewage facilities meet all existing laws and codes. The provisions of Title 30-A M.R.S.A., §4211, sub§3 shall be met.

C. The building is owner-occupied.

8.17 Prepared Foods Establishment

A. The application for a permit shall state the maximum seating capacity of the restaurant. Any expansion or enlargement over the stated capacity shall require a new permit.

B. All parking and loading facilities shall be screened from abutting residences within 200 feet. Screening shall be comprised of a continuous landscaped area not less than eight feet in width containing evergreen shrubs, trees, fences, walls, berms, or any combination, forming a visual barrier not less than six feet in height.

C. Restroom facilities for the patrons shall be provided on the premises.

D. No Food Truck may offer more than 24 outdoor seats.

E. No Food Truck may be located within 200 feet of an intersection.

8.18 Schools, Colleges, Religious Assembly, Fraternal Organizations, and Not-for-Profit Clubs

Public and private schools, colleges, religious assembly, fraternal organizations, and not-for-profit clubs shall meet the provisions below.

A. A green strip, suitably landscaped, at least 20 feet wide shall be provided along all property lines, except where driveways enter and exit.

B. No building shall be closer than fifty feet from a property line.

C. When residences are located within 200 feet, parking areas and outdoor activity areas shall be effectively screened from view by a continuous vegetative barrier or stockade fence not less than six feet in height.

8.19 Small Scale Utility Facilities.

Utility structures of 500 square feet and smaller need not meet the minimum lot area and maximum lot coverage requirements of Section 6.3. The lot area required shall be large enough for the proposed utility structure, the required setbacks, and off-street parking for service vehicles. Utility structures 200 square feet in ground area and less require parking for one service vehicle. Utility structures larger than 200 square feet in ground and no more than 500 square feet in ground area require parking for two or more service vehicles.

8.20 Timber Harvesting.

Repealed.

8.21 Village District Design Standards.

Within the Village Districts all new structures and additions to existing structures shall meet the following standards:

A. Exterior siding of the structure shall be clapboards, shingles, and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles and shakes; or brick; and

B. Roofs shall be either peaked or mansard in design.

8.22 Essential Services

Within the Shoreland Zone only the following standards shall apply.

A. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

B. The installation of essential services, other than road-side distribution lines, is not permitted in a Resource Protection district or Stream Protection District, except to provide services to a permitted use within the district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, essential service structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

C. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

8.23 Telecommunications Facilities

A. Purpose. This section is designed and intended to balance the interests of the residents of the Town of Lovell, telecommunications providers, and telecommunications customers in the siting of telecommunications facilities within the town. These standards are also intended:

1. To minimize the adverse impacts of such facilities including - visual impacts, environmental impacts, impacts to historically significant areas, health and safety impacts and property value impacts,
2. To encourage co-location of carriers and minimize the total number of towers located within the town,
3. To permit the construction of new towers only where all other reasonable opportunities have been exhausted,
4. To encourage the users of towers and antennas to configure them in a way that minimizes the need for additional towers in the Town of Lovell,
5. To provide for the removal of structures which are no longer being used for telecommunications purposes.

B. Permits Required

All new telecommunications facilities which exceed 35 feet in height shall be Conditional Uses and must conform to the requirements of this section prior to the applicant requesting a building permit from the Code Enforcement Officer.

New telecommunications facilities below the threshold height shall be considered a permitted accessory use, and shall need only a building permit from the Code Enforcement Officer, if such telecommunications facility is accessory to a principal use (permitted or conditional) on the lot and is used for the private communications of the owner of or business located on the lot.

All telecommunications facilities proposed for location or co-location on existing towers or alternative tower structures below the threshold height as set forth above shall be considered Conditional Uses and must conform to the requirements of this section prior to the applicant requesting a building permit from the Code Enforcement Officer.

All other telecommunications facilities below the threshold height as set forth above shall be considered conditional uses and must conform to the requirements of this section prior to the applicant requesting a building permit from the Code Enforcement Officer.

C. Submissions Requirements, Review Process and Hearing Requirements

1. All applications under this section shall be reviewed as a Conditional Use by the Planning Board in accordance with the procedure, standards and submission requirements of this section and of Section 9.8.
2. The Planning Board shall conduct a public hearing, review the application, and issue Findings of Fact which outline the reasons it approves or denies the Telecommunications Structure application. The Board shall use the standards identified in Section 9.8, as well as those noted below to make its decision. The Planning Board may establish reasonable conditions to ensure conformity with the purposes of this Ordinance and the adopted Town of Lovell Comprehensive Plan.

   Factors Considered in Making Decisions:

a. Height of proposed tower or other structure does not exceed that which is essential for its intended use and public safety.

b. Proximity of tower to residential development or zones.

c. Nature of uses on adjacent and nearby properties.

d. Surrounding topography.

e. Surrounding tree coverage and foliage.

f. Design of the tower, antenna, or facility with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

g. Proposed ingress and egress to the site.

h. Availability of suitable existing towers and other alternative tower structures as discussed in Section D.5, below.

i. Visual impacts on view sheds, ridge lines, and other impacts by means of tower location, tree and foliage clearing and placement of incidental structures.

j. That the proposed facility/tower/dish will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or major view corridor.

k. That the proposed facility/tower/dish is not constructed in such a manner as to result in needless height, mass, and guy-wire supports, with documentation having been provided and reviewed regarding the design capacity and/or the remaining co-location capacity of the tower/facility.

3. The Planning Board may use any technical and professional services necessary to assist in their review of a Facility. Services may include but are not limited to: an analysis of shared use, an analysis of visual impact, an analysis of the structure satisfying federal and state requirements, an analysis of alternative sites, and other issues required to satisfying requirements of this section. The applicant shall be required to pay all costs involved with these professional services.

4. The Code Enforcement Officer may use professional and technical services to inspect construction of an approved project. The applicant shall pay all costs incurred for these inspection services.

D. Performance Standards and Dimensional Requirements

1. Height - Towers, antennas and facilities shall not exceed a height of 190 feet. No telecommunications facility shall exceed a height of 190 feet.

2. Setbacks

a. All telecommunications towers shall be setback from the lot lines of any residential use or residential zoning district a distance equal to at least 125% of the tower height. The tower height used shall be no more than the design height approved for the site.

b. Tower, guys and accessory facilities shall meet the minimum zoning district setback requirements.

3. Aesthetics, Landscaping, Buffers and Fencing

a. Towers shall have a galvanized steel finish or be painted a neutral color so as to reduce visual obstructiveness.

b. All telecommunications structures shall maintain the required setbacks as undisturbed vegetated buffers, except for the access road. The Planning Board may require additional plantings in the buffer area to enhance the quality and effectiveness of the buffer area to serve as a visual screen. The size and quantity of plantings shall be subject to Planning Board approval.

c. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screenings and landscaping that will blend the tower facilities to the natural setting and built environment.

d. Towers shall not be artificially lighted, unless required by the FAA or other Federal or State authority. If lighting is required, the Planning Board may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding properties and views.

e. Road access to the telecommunications structure shall be the minimum size necessary to allow safe access.

f. The base of a telecommunications tower may not be located in a wetland or floodplain.

g. A security fence or wall not less than eight (8) feet in height from the finished grade shall be provided around the tower. Access to the tower shall be through a locked gate.

4. Investigation of Existing Alternative Towers, Sites, and Structures - Applicants shall identify all existing and proposed (on file in Town Hall) towers, including their heights, located in the town and within a one mile of the town boundaries. Applicants must provide evidence of the lack of antenna space on all such towers, (except in cases where tower access is denied by tower owner), and shall identify alternative tower structures and sites which have been investigated as an alternative to constructing a *new* tower. Applicant shall address the pros and cons of utilizing co-location and other alternative tower structures with respect to their application and shall demonstrate that they cannot provide adequate communication service utilizing such existing towers or structures.

5. Co-Location - The applicant and owner shall allow other future wireless service carriers, and including providing space at no charge to public agencies (namely police, fire, ambulance, communications and highway if requested at the time of review by the Planning Board), using functionally equivalent personal wireless technology to co-locate antennae, equipment and facilities on a telecommunications tower and site, unless satisfactory evidence is presented and the Planning Board concurs that technical constraints prohibit co-location. Applicant and other wireless service carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for reasonable sharing of cost in accordance with industry standards. (A reasonable charge for shared use is based on generally accepted accounting principles. This charge may include, but not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance, financing, return of equity, depreciation and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference, all being pertinent to the Southern Maine Market area.) To ensure co-location, the Planning Board may require co-location on a tower so as to prevent the need for new carriers to build new towers, may deny an application for a telecommunications facility because of inadequate provisions and/or arrangements for co-location and may require an existing tower to be extended in height (provided that a structural analysis indicates that such extension is structurally feasible and safe) in order to provide for co-location; provided, however, that the Planning Board may do so only if the co-location fee or payment required of the applicant by the owner of the existing tower is no more than 10% above the industry average for similar co-location arrangements.

6. Other Requirements

a. Building Codes and Safety Standards - To ensure the structural integrity of telecommunications facilities, the owner shall ensure that it is designed, constructed and maintained in conformance with applicable Federal, State and Local building, electrical and safety codes.

b. Advertising - No advertising or signage is permitted on telecommunications facilities.

E. Plan Requirements - Each applicant requesting a Conditional Use permit under this section shall submit a scaled plan and application in accordance with the following submission requirements:

1. Location of the proposed structure, including map/lot number and street address.

2. Name of owner or operator of the telecommunications facility and owner of property.

3. Proof of right, title and interest to use the property on which the telecommunications facility is proposed.

4. Name of company(ies) responsible for constructing and/or maintaining the telecommunication facility.
5. Date the telecommunication facility was initially constructed or is proposed to be constructed.
6. A description and construction detail of the telecommunication, facility, including: plot plan identifying location of the tower on the property; dimensions of the tower; structural supports, if any; lighting; color; and equipment located on the structure, if any. This description shall also identify any accessory structures that are essential to operation of the telecommunication facility.
7. A topographic map, drawn at a scale of 1 inch = 50 feet (or other appropriate scale as determined by the Planning Board) of the property proposed as location of the structure. The topographic map shall identify: accurate dimensions of the property; contours at not less than 5 foot intervals (or other appropriate scale as determined by the Planning Board); existing vegetation, particularly noting height, diameter, density, quality, and type (deciduous or evergreen) of existing trees; wetlands, floodplains, streams and open bodies of water; ledge outcrops; soils data, medium intensity; all existing structures on the property; and any rights-of-way, easements, or similar encumbrances on the property; and other significant features.
8. A locus map drawn at a scale of not less than 1 inch = 100 feet (or other appropriate scale as determined by the Planning Board) that identifies all properties; all residences, all non-residential structures, all roads and the natural topography (vegetation and contours at 20 foot intervals) of the area located within a radius of 1,000 feet of the proposed telecommunication facility location.
9. A landscape plan prepared at a scale of 1 inch = 50 feet (or other appropriate scale as determined by the Planning Board) that identifies how the applicant shall satisfy landscape, screening and buffering requirements.
10. A visual impact analysis prepared by a landscape architect or other qualified professional that quantifies the amount of visual impact on properties located within 500 feet, within 2,500 feet and within 2 miles of the proposed telecommunication structure. This analysis will include recommendations to mitigate adverse visual impacts on such properties.
11. An analysis prepared by a qualified professional that describes why this site and structure is critical to the operation for which it is proposed. The analysis shall address, at a minimum; existing and proposed service area maps; how this structure is integrated with other company operations, particularly other structures in Lovell and surrounding communities; future expansion needs in the area; the affect on company operations if this structure is not constructed in this location; other sites evaluated for location of this structure and how such sites compare to the proposed site; other options, if any, which could be used to deliver similar services, particularly if the proposed equipment can be co-located (shared use) on an existing structure; and an analysis to the projected life cycle of this structure and location.
12. Certification by a structural engineer that construction of the structure shall satisfy all Federal, State and Local building code requirements as well as be able to satisfy the needs of maximum permitted co-location at the site (as approved by the Planning Board) per the height limits of the applicable zoning district.
13. Payment of all required performance guarantees as a condition of plan approval with a note on the plan so stating.
14. Payment of the permit application fees.
15. A letter of intent from a licensed carrier indicating interest in locating on the tower.

F. Performance Guarantees and Removal of Abandoned/Unused Facilities

1. General Guarantee
   a. No building permit may be issued until the applicant has filed a performance guarantee as provided in Section 9.8.I with the Board of Selectmen equal to 100% of the cost of completing the following improvements:
      (1) the construction of any drainage systems involving piping, culverts, or retention or detention facilities; and

(2) the construction of erosion and sedimentation control measures or landscaping required to meet the standards of this section; and

(3) other site improvements required by the Board to meet the standards of this section.

2. Removal of Abandoned/Unused Facilities

The owner of a telecommunications facility shall be required to remove the tower should it not be used for the use or uses approved for a period of twelve (12) consecutive months. An applicant for a Conditional Use Permit under this section shall post a performance guarantee with the Town prior to obtaining a permit that is equal to 125% of the cost of removing the structure.

The performance guarantee covering such removal shall be for a minimum term of five years. It must contain a mechanism, satisfactory to the Town, for review of the cost of removal of the structure every five years, and a mechanism for increasing the amount of the guarantee should the revised cost estimate so necessitate.

8.24. Solar Energy Systems.

A. Purpose. This section is designed and intended to regulate the development and installation of solar energy systems in the Town of Lovell. It is intended to balance the interests of the residents of the Town of Lovell and the users and installers of all solar energy systems by providing clear standards for the siting, design, construction, operation, monitoring, modification, and removal of such systems, and to address public safety. These standards are also intended:

1. To minimize the adverse impacts of solar energy systems on surrounding land use, including: visual impacts, environmental impacts, impacts to historically significant areas, health and safety impacts, and property value impacts;

2. To allow the Town to protect the public health, safety, and welfare;

3. To support the goals and policies of the Town's Comprehensive Plan; and,

4. To provide for the decommissioning and removal of solar panels and associated transmission lines which are no longer being used for energy generation and transmission purposes.

B. Permits Required

1. **LSSES.** All new Large-Scale Solar Energy Systems (LSSES) and associated solar equipment lines shall be a Conditional Use in any Commercial Industrial District. LSSES shall not be a permitted use in any other District. A LSSES must conform to the requirements of this section. The requirements of this section are in addition to the requirements for conditional use permits generally. To the extent that this section conflicts with other requirements for conditional use permits, the more restrictive requirements shall control. LSSES are not permitted in any Resource Protection, Stream Protection, or Shoreland Limited Residential District.

2. **PSSES**: All PSSES shall be permitted as a use by right in all zoning districts and shall require a building permit from the Code Enforcement Officer, except that:

a. No ground-mounted PSSES shall be constructed or installed in any Resource Protection, Stream Protection, Shoreland Limited Residential, or Aquifer

Protection Overlay Districts.

b. PSSES-Minor with an aggregate collection and/or focusing area of 100 square feet or less are exempt from this Ordinance except that minimum yard setbacks shall apply and shall be equivalent to the principal structure setback in the underlying zoning district for systems of 10 square feet or more.

c. PSSES-Minor with an aggregate collection and/or focusing area of 100 square feet or less do not require a building permit.

3. All PSSES and LSSES shall conform to the requirements of this section and the other applicable provisions of this Ordinance. Whenever the requirements of this section are inconsistent with the requirements of this Ordinance, any other Ordinance, or code or statute, the more restrictive requirements shall apply.

4. This section shall implement the goals and policies of the comprehensive plan regarding preservation of natural features, landscape and scenic character. Within the areas designated as "Scenic Views" on Map #2 of the Lovell Comprehensive Plan all LSSES and PSSES shall be sited and designed to minimize their impact on the scenic resources of the town.

5. **Application Fee**

a. For any LSSES, the application fee shall be $10,000. An applicant shall deposit the application fee with the Town at the time the application is filed. All costs incurred by the Town relating to the review and processing of the application, including the cost of services necessary to review an application that are provided by outside engineers, attorneys, planners, environmental specialists, and other consultants or experts shall be billed against the deposit. The applicant shall maintain a minimum of $5,000 in the account until the review process and construction (if approved) is completed. If the balance in the account drops below $5,000, the applicant shall deposit additional money to bring the account balance to $7,500 within five (5) business days. The Town will refund any remaining balance in the account within 60 days after the final inspection of the constructed solar energy system. In the event that the account balance is not brought up to $7,500 within five (5) business days, the LSSES application shall be deemed automatically suspended.

b. For any PSSES-Major, the application fee shall be $500.

c. Subject to the provisions of section 8.24(b)(2), subsection (c), the application fee shall be the standard building permit fee.

C. Personal Scale Solar Energy Systems – General

1. PSSES-Minor and PSSES-Major are accessory to the principal use on the parcel, consist of one or more ground, roof or wall-mounted systems, and are intended to primarily reduce on-site consumption of utility power or fuels and may be used to reduce the onsite consumption of utility power or fuels on immediately adjacent lots. The sale and/or distribution of excess energy to a public utility for distribution shall be incidental to any PSSES and shall not be its primary purpose.

2. PSSES constructed 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 an existing PSSES

whether or not existing prior to the effective date of this Ordinance that materially alters the PSSES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a building permit.

D. Personal Scale Solar Energy Systems - Minor (PSSES-Minor)

1. PSSES-Minor are Solar Energy Systems with an array less than or equal to 1200 square feet on any one lot. Subject to section 8.24(B)(2)(a), PSSES-Minor shall be permitted as a use by right in all zoning districts. No more than one PSSES-Minor shall be permitted on any one lot.
2. All PSSES-Minor shall be placed such that concentrated solar radiation or glare does not project anywhere off site.
3. No noise produced by any PSSES-Minor shall be 10 decibels (dB) greater than the preconstruction / existing background level, as measured from any other street or lot.

4. Roof and Wall-Mounted PSSES-Minor:

    a. A roof-mounted or wall mounted PSSES-Minor may be located on a principal or accessory building.
    b. The total height of a building with a PSSES-Minor shall not exceed the maximum building height specified for principal or accessory buildings within the underlying zoning district.

    c. Wall-mounted PSSES-Minor shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.

    d. Solar panels shall not extend beyond any portion of the roof or wall edges. For firefighter access, a minimum three (3) foot buffer zone is required from the ridge and one (1) edge of the roof or parapet.

    e. Subject to the provisions of section 8.24(b)(2), subsection (c), any building permit issued for a PSSES-Minor shall be approved by the Code Enforcement Officer. Prior to approval, the Code Enforcement Officer, in consultation with the Fire Chief, shall determine that any roof or wall-mounted PSSES-Minor does not present any unreasonable safety risk to a structure, including but not limited to, weight load, wind resistance, and emergency ingress and egress.

5. Ground Mounted PSSES – Minor

    a. Ground mounted PSSES-Minor shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
    b. The height of ground mounted PSSES-Minor solar panels and related equipment and supports shall not exceed the height requirements of the underlying zoning district.
    c. The minimum height of ground mounted PSSES-Minor solar panels shall be 4 feet.

    d. Ground mounted PSSES-Minor shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

E. Personal Scale Solar Energy Systems - Major (PSSES-Major)

1. PSSES-Major are Solar Energy Systems with an array greater than 1200 square feet and less than 21,780 square feet (0.5 acres) on any one lot. No more than one PSSES-Major shall be permitted on any one lot.

2. PSSES-Major shall be permitted as a use by right in all zoning districts and shall require a building permit from the Code Enforcement Officer, except that ground-mounted PSSES-Major shall not be constructed or installed in any Resource Protection, Stream Protection, Shoreland Limited Residential, or Aquifer Protections Overlay Districts.

3. Upon completion of installation, the PSSES-Major shall be maintained in good working order. Failure of the operator or property owner to maintain the PSSES-Major in good working order is grounds for appropriate enforcement actions pursuant to Article X of this Ordinance. Enforcement may include orders for decommissioning and removal.

4. All on-site, newly-installed utility, collector, or transmission lines connected to a PSSES-Major shall be placed underground.

5. The operator or landowner of a PSSES-Major shall provide, as part of the application filed with the Code Enforcement Officer, written confirmation that, if a connection is planned, the utility company to which the PSSES-Major will be connected has been informed of the customer's intent to install a grid connected system and that the utility company has approved, or conditionally approved of such connection. Off-grid systems shall be exempt from this requirement.

6. No portion of the PSSES-Major shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any

   equipment of the PSSES-Major, provided they comply with the prevailing sign regulations.

7. All PSSES-Major shall be placed such that concentrated solar radiation or glare does not project anywhere off site.

8. No noise produced by any PSSES-Major shall be 10 decibels (dB) greater than the preconstruction / existing background level, as measured from any other street or lot.

9. The issuance of a permit under this Ordinance does not create in the property owner, its, his, her or their successors and assigns in title, or create in the property itself the right to remain free of shadows and/or obstructions to solar energy caused by development or growth of any trees or vegetation on other properties.

10. Permit Requirements

    1. Zoning and/or building permit applications shall document compliance with this Ordinance and any applicable land use requirements not otherwise covered in this Ordinance and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the PSSES-Major is constructed.

2. The zoning and/or building permit(s) shall be void if the PSSES-Major, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the PSSES-Major not to be in conformity with this Ordinance.

3. A PSSES-Major must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare. In the event of a violation of any of the foregoing provisions, the Code Enforcement Officer shall give written notice specifying the violation to the operator or landowner of the PSSES-Major which includes the required remedy.

11. Decommissioning

1. Each PSSES-Major and all solar related equipment shall be removed within 12 months of the date when the use has been discontinued, or abandoned, or upon termination of the useful life of same.

2. A PSSES-Major shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of 6 continuous months. See Section 8.24(K) for additional decommissioning considerations.

12. PSSES-Major – Roof and Wall Mounted.

1. A roof mounted or wall mounted PSSES-Major may be located on a principal or accessory building.

2. The total height of a building with a PSSES-Major shall not exceed the maximum building height specified for principal or accessory buildings within the underlying zoning district.

3. Wall mounted PSSES-Major shall comply with the setbacks for principal and accessory structures for the underlying zoning districts in which a PSSES-Major is located.

4. Solar panels shall not extend beyond any portion of the roof or wall edges. For firefighter access, a minimum three (3) foot buffer zone is required from the ridge and one (1) edge of the roof or parapet.

5. Any building permit issued for a PSSES-Major shall be approved by the Code Enforcement Officer, in consultation with the Fire Chief. Prior to approval, the Code Enforcement Officer, in consultation with the Fire Chief, shall determine that any roof or wall-mounted PSSES- Major does not present any unreasonable safety risk to a structure, including but not limited to, weight load, wind resistance, and emergency ingress and egress.

13. Personal Scale Solar Energy Systems - Major (PSSES-Major) – Ground Mounted

1. The minimum yard setbacks shall comply with the setbacks for principal and accessory structures in the underlying zoning district.

2. The height of ground mounted PSSES-Major solar panels and related equipment and supports shall not exceed the height requirements of the underlying zoning district in which a PSSES-Major is located.

3. The minimum clearance height of ground mounted PSSES-Major solar panels shall be 4 feet.

4. Impervious Coverage.

a. The area beneath the ground mounted PSSES-Major is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the applicable zoning district.

b. The surface area of the arrays of a ground mounted PSSES-Major, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located.

5. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the PSSES-Major shall be locked to prevent unauthorized access or entry.

6. Ground-mounted PSSES-Major shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

F. Large Scale Solar Energy Systems (LSSES)

1. LSSES are Solar Energy Systems with any array greater than 21,780 square feet (0.5 acres) on any one lot and less than ten (10) acres on any one lot. LSSES shall be a conditional use in any Commercial Industrial District. LSSES shall not be a permitted use in any other District. No Solar Energy System greater than 10 acres shall be permitted.

2. LSSES permitted or constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing LSSES, whether or not permitted or existing prior to the effective date of this Section, that materially alters the LSSES and any new LSSES or expansion of a LSSES shall require a Conditional Use Permit from the Planning Board under this Ordinance. Routine maintenance or like-kind replacements do not require a building permit or Planning Board approval.

3. The LSSES layout, design and installation and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), the Institute of Electrical and Electronics Engineers (IEEE) or other similar certifying organizations. The LSSES layout, design and installation and ongoing maintenance shall also comply with all applicable federal, state, and local codes, including

applicable building codes and other applicable fire and life safety requirements.

4. All on-site, newly-installed utility, collector, or transmission lines connected to a LSSES, and all upgraded transmission lines, shall be placed underground. All new-installed utility, collector, or transmission lines, including all upgraded transmission lines, constructed for purposes of delivering energy produced by an LSSES to a grid connection point or substation shall be placed underground.

5. No portion of any LSSES shall be visible from any lake or other Body of Water, including great ponds, rivers, and streams.

6. The LSSES operator or, if no commercial operator, the landowner shall provide, as part of its application for a Conditional Use Permit, written confirmation from the public utility company to which the LSSES will be connected stating that the company has been informed of the solar facility operator or land owner's intent to install a grid connected system and that it has approved, or conditionally approved of such connection.

7. No portion of the LSSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the LSSES, provided they comply with the prevailing sign regulations.

8. All LSSES shall be placed such that concentrated solar radiation or glare does not project anywhere off site.

9. No noise produced by any LSSES shall be 10 decibels (dB) greater than the preconstruction / existing background noise level, as measured from any abutting street or lot.

10. The LSSES operator or, if no commercial operator, landowner shall ensure that dust control measures are implemented and maintained, including during construction and decommissioning of the LSSES, such that dust emissions in the air do not travel beyond the property lines.

11. No trees, vegetation, or other landscaping, other than that provided for in the application or as a condition of approval of any plan, application, or permit, may be removed or altered for the installation or operation of a LSSES. For any lot on which timber harvesting or related activities has occurred or is occurring, no conditional use permit application for a LSSES shall be filed until one year after the end of any timber harvesting or related activities. Any lot owner conducting timber harvesting or related activities shall submit to the Code Enforcement officer the date on which any timber harvesting or related activities concluded.

12. Proposed site re-grading shall not be excessive and shall be kept to the minimum amount necessary. Unless waived by the Planning Board, any topsoil that must be removed shall be stored and stabilized on-site for future use, including for Decommissioning.

13. At no time will there be any use of herbicides or pesticides without the prior written approval of the Code Enforcement Officer.

14. No fuel or other hazardous material shall be stored on site, except materials associated with storage batteries. Storage batteries shall conform to Federal, State and local

requirements.

15. The LSSES operator or, if no commercial operator, landowner shall maintain a phone number and identify a person responsible for the public to contact throughout the life of the project. This information shall be provided to the Town of Lovell and to immediate abutters of the LSSES.

16. The issuance of a conditional use permit under this Ordinance does not create in the landowner, its, his, her or their successors and assigns in title, or create in the property itself, the right to remain free of shadows and/or obstructions to solar energy caused by development or growth of any trees or vegetation on any other property.

17. Permit Requirements

    a. The installation of LSSES shall be in compliance with all applicable permit requirements, codes, and regulations and this Ordinance.

    b. The LSSES operator or, if no commercial operator, the landowner shall repair, maintain and replace the LSSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the LSSES in good repair and operating condition.

18. Required LSSES Security Fencing

    a. All equipment constituting a ground-mounted LSSES, including, but not limited to, solar panels, inverters, battery storage facilities, buildings, structures, and all LSSES Solar Equipment, excepting overhead power and communication lines, shall be completely enclosed by a minimum 8 foot high, black PVC coated (min. 22 mils.) bonded to the core wire chain link fence (min. wire 8 gauge) with top rail with eight (8) foot high, black PVC coated chain link locking gate(s). The entire perimeter of the bottom of the fence shall be elevated at least six (6) inches for small terrestrial animals to pass. This fence shall be the "Required LSSES Security Fencing".
    b. Clearly visible warning signs shall be placed at all pad-mounted transformers, inverters, and substations and on the Required LSSES Security Fencing surrounding the LSSES informing individuals of potential voltage hazards.
    c. Access points through the Required LSSES Security Fencing shall be locked to prevent unauthorized access or entry.
    d. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the LSSES shall be placed within the Required LSSES Security Fencing (to the extent feasible) and locked to prevent unauthorized access or entry.

19. LSSES Size, Lot Size and Lot Coverage

    a. The maximum land area encompassed within the Required LSSES Security Fencing shall be ten (10) acres.

    b. The minimum lot size of a LSSES shall meet the requirements of the underlying zoning district.

c. The maximum lot coverage for LSSES shall meet the requirements of the underlying zoning district.

d. Lot coverage for LSSES shall be defined as the percentage of the lot covered by all buildings, driveways, parking areas, other areas where vegetation is removed, and all of the area enclosed within the Required LSSES Security Fencing.

e. No more than one LSSES shall be installed on a lot or any portion of a lot. LSSES installed on contiguous lots shall not be connected, and no Required LSSES Security Fencing shall extend beyond the perimeter of any one lot.

f. For purposes of calculating the maximum land area of 10 acres for a LSSES, the acreage of a proposed LSSES on a lot shall include both the acreage on the lot for which approval is sought, plus the acreage of any already-existing LSSES on any contiguous lots.

g. Ground mounted LSSES shall not exceed 15 feet in height.

20. LSSES Setbacks and Buffers

a. The minimum yard setbacks shall be the greater of the principal structure setbacks in the zoning district, or of the minimum buffer requirements for LSSES.

b. Buffers for LSSES are land areas used to visibly separate LSSES installations from adjacent properties through screening and distance.

c. A minimum 100-foot deep natural, undisturbed buffer shall be maintained along all exterior property lines.

d. The natural buffer shall include a minimum of 25 trees exceeding 2” in caliper at 4 feet above the ground in any 100-foot buffer length as measured at the property line. Where a buffer exceeds 100 feet in depth, the 25 trees standard may be met by including those trees within the first 200 feet of buffer depth.

e. Additional trees shall be provided where necessary to achieve the 25 trees standard. Such additional trees shall be of the same species as existing trees in the immediate area, shall be 1½” minimum caliper 4 feet up, and shall be placed to fill in the gaps. The applicant shall further demonstrate that the trees, when mature, will adequately provide a visual buffer to the LSSES.

f. The buffer requirements shall not apply at project vehicular entrance(s), utility rights-of-way, and similar required openings.

g. The ground mounted LSSES shall not be artificially lighted except to the extent required for safety or by applicable federal, state, or local authority.

21. Impervious Cover

a. The area beneath the ground mounted LSSES is considered pervious cover. However, use of impervious construction materials under the system shall be considered impervious for stormwater management purposes.

b. The surface area of the arrays of a ground mounted LSSES, regardless of the mounted angle of any solar panels, shall be considered impervious for stormwater management purposes.

22. Access

a. Adequate access, parking, and circulation, as determined by the Planning Board in consultation with the Fire Chief, for service and emergency vehicles shall be provided.

b. At a minimum, a 20' wide all-weather access way must be provided from a public way into the site.

c. The first 50 feet of any access way(s) shall be paved with 3" minimum thickness bituminous concrete including appropriate turning radii areas at the entrance.

d. The access way(s) into, around and through the site, despite the lengths, shall otherwise meet the requirements of roads and driveways in section 7.10 this Ordinance.

G. LSSES Conditional Use Permit Application Requirements

In addition to the requirements in this Section and the other applicable requirements in Article 7 and Article 9.9 of this Ordinance, the following information shall be submitted with an LSSES Conditional Use Permit Application.

1. Evidence that the solar facility operator owns the subject land or has a satisfactory land purchase agreement or lease agreement for all the land associated with the LSSES and, if lease, that the lease agreement remains in effect during the operation of the LSSES.

2. Evidence of financial capacity to construct and operate a proposed LSSES.

3. Substantive Stormwater management report and plans and details.

4. Erosion control narrative, plans, and details.

5. A study or report created for the Planning Board that identifies any endangered or protected species, flora and fauna on site or within one mile of the Required LSSES Security Fencing.

6. Evidence that the project as proposed has been presented to and reviewed by the following agencies: the Maine Natural Areas Program, the Maine Department of Inland Fisheries and Wildlife, the Maine Historic Preservation Commission, the Maine Department of Transportation, the Maine Department of Agriculture, Conservation & Forestry, and the Maine Department of Environmental Protection. The applicant shall include the written responses from each of the above agencies in its application.

7. A written opinion detailing all required permits for the construction and operation of any proposed LSSES.

8. For all required permits listed in the preceding sub-paragraph, an applicant shall submit with its conditional use application copies of all required permits issued by any and all local,

state and federal agencies for both the construction and operation of any LSSES, including any approvals required from other municipalities for uses within their jurisdiction. No LSSES conditional use permit application shall be deemed complete until all required permits have been issued.

9. A scaled plan of the LSSES showing:

    a. Changes to the landscape of the site.

    b. Grading, vegetation clearing and planting.

    c. All screening, lighting, structures, and arrays.

    d. Property line metes and bounds.

    e. All water related features onsite and in the vicinity of the Required LSSES Security Fencing, including water courses and bodies, wetlands, flood hazard areas, and vernal pools.

    f. Location of all Required LSSES Security Fencing and access roads.

    g. All existing tree lines, rock outcroppings, trails, roads, fences, buildings, structures, and foundations.

    h. Any and all existing above or below-ground utilities or transmission lines.

    i. Location of any deer wintering areas on site and within one mile of the Required LSSES Security Fencing.

10. A Phase I Environmental Site Assessment report and a response narrative from the solar facility operator or landowner of the LSSES on next steps, if any.

11. A table of required and provided zoning dimensional information (e.g. setbacks, lot coverage, height, etc.).

12. Documentation of all Solar Equipment to be used in constructing the LSSES, including manufacturer's specifications and cut sheets.

13. An explanation of any transmission or distribution lines access or upgrades required to be built as a result of the LSSES, including, but not limited to, route starting and ending points, potential impacts to trees or vegetation, and rights of ways.

14. An explanation of any new or proposed upgrades to electrical substations that are related to the LSSES including, but not limited to, location, screening, setbacks, and noise impacts.

15. Electrical diagram detailing the arrays installations, associated components, and electrical interconnection.

16. A description of the amount of energy to be produced by the LSSES.

17. A complete list and status of other expected state and federal permits needed for construction and operation of the LSSES.

18. A decommissioning plan meeting the requirements of this Ordinance.

19. Written confirmation from the public utility company to which the LSSES will be connected noting that it has been informed of the solar facility operator or landowner's intent to install the proposed grid connected system and that it has conditionally approved of such connection.

20. A written manual or guide presented to the Fire Chief providing clear response information and instructions, including disconnection locations necessary for fire/emergency response.

21. A list of possible or intended dual uses of the property.

22. The Planning Board may waive any of the above submission requirements only when it finds that the required information is not necessary for making a determination.

H. LSSES Performance Bond

1. A performance bond, of form and substance acceptable to the Municipal Officers of the Town of Lovell, shall be prepared and agreed and shall detail the conditions of the bond, the method for release of the entire bond or portions of the Town, and the procedure for the collection by the Town of Lovell. The bond documents shall specifically reference the subject LSSES. The value of the performance bond shall be based on the value of construction as reasonably agreed by the Municipal Officers of the Town of Lovell.

2. The LSSES operator or, if no commercial operator, the landowner shall notify the Code Enforcement Officer in writing if the performance bond is revoked within 30 days of the operator's receipt of notice of same. If the performance bond is revoked for any reason, the operator or landowner shall provide to the Code Enforcement Officer within 90 days a replacement bond that is reasonably acceptable to the Municipal Officers of the Town of Lovell. If an acceptable replacement bond is not provided within 90 days, any Conditional Use Permit approval(s) for the LSSES shall be void.

I. LSSES Certification and Recording

1. As Built Survey and Certification.

   a. After completion of all LSSES construction and prior to operation of an energized LSSES, the solar facility operator or landowner shall have an As-Built survey prepared by a Maine licensed Professional Land Surveyor and submitted to the Code Enforcement Officer.

   b. The As-Built survey shall include at least actual locations of any structures and their components, above and underground utilities, roads, swales, ditches, detention/retention facilities, Best Management Practices, grading, land and landscaping alterations, or other infrastructure and facilities after construction has been completed.

   c. A letter from the Maine licensed Professional Land Surveyor or from a Maine licensed Professional Engineer, shall certify that the solar facility had been constructed in accordance with any Planning Board approvals, including any conditions of approval and any accompanying plans and specifications, or

otherwise the letter shall note the significant differences.

d. The Town shall hire the licensed Professional Land Surveyor, or Professional Engineer, and the cost of these services shall be paid by an applicant's application fee.

2. Recording

a. If the Planning Board approves, or approves with conditions, a LSSES, the solar facility operator or landowner shall record in the Oxford County Registry of Deeds, a certificate (approved by the Code Enforcement Officer) indicating the name of the current property owner, identifying the lot by reference to the last recorded deed in its chain of title, and indicating that such approval was granted, including any conditions of approval, and the date on which the approval was granted. The approval(s) shall be invalid until the certificate is recorded and shall be void if the certificate is not recorded within 90 days of the date of the final written approval.

J. Large Scale Solar Energy Systems (LSSES) - Operations

1. Operations and Maintenance Plan

a. The LSSES operator or, if no commercial operator, the landowner of the LSSES shall provide and maintain, upon Planning Board approval, an Operations and Maintenance plan which shall include measures for maintaining safe access to the installation as well as other general procedures for operational maintenance of the installation.

b. The Operations and Maintenance plan shall be submitted to the Code Enforcement Officer and kept on file in his/her office.

2. Ground-mounted LSSES shall not be placed within any legal easement or right-of- way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

3. Before the start of any construction, the solar facility operator shall provide a copy of a Spill Prevention and Control Plan, or similar document, to the Code Enforcement Officer.

4. Prior to activation of the LSSES, the solar facility operator shall provide a written manual or guide to the Fire Chief and Code Enforcement Officer providing clear response information and instructions, including disconnection locations necessary for fire/emergency response.

5. Reports

a. LSSES reports produced by the LSSES operator or, if no commercial operator, the landowner for any public agencies, regulatory bodies, or power companies shall be simultaneously submitted to the Code Enforcement Officer.

b. The LSSES operator or landowner shall produce an annual report on the status of the LSSES operations, output, and maintenance, and shall submit the report to the Code Enforcement Officer by December 31 of each year.

c. Prior to operation of the LSSES, the LSSES operator or landowner shall have a letter report prepared by a Maine licensed Professional Engineer certifying that the LSSES has been constructed in accordance with any Planning Board approval(s), including conditions of approval, if any, and any accompanying plans and specifications and/or other submitted and approved documentation.

6. Any change in the ownership of a LSSES operator or any change in land ownership of the lot on which any LSSES is located shall be reported to the Code Enforcement Officer, in writing, and kept in the CEO's file. At the time of any change in ownership of an LSSES operator or lot owner, all new owners, whether persons or entities, shall be required to submit a new conditional use application and an updated Decommissioning Bond, in accordance with Section 8.24(K)(b).

K. LSSES Decommissioning, Removal, and Bonding

In addition to any state laws related to the decommissioning of solar energy systems, the following provisions apply to LSSES constructed in Lovell.

1. Any LSSES shall be considered Decommissioned when:

a. The LSSES has reached the end of its useful life, sustained casualty loss, or other significant damage, is not repaired or used or has reached a point of obsolescence and, after at least six consecutive months after any of these or similar events, the LSSES is declared Decommissioned by the Code Enforcement Officer; or,

b. The LSSES fails to operate as designed for a period of six or more consecutive months and is declared Decommissioned by the Code Enforcement Officer; or,

c. If the actions described in subsection (a) or (b) have not yet occurred, the solar facility operator or landowner may submit a written notice to the Town of Lovell declaring a Decommissioning of the LSSES, which notice shall provide a date of Decommissioning and state the status of the LSSES until the proposed decommissioning date.

2. The Date of Decommissioning shall be the date so declared by the Code Enforcement Officer or so provided in writing by the LSSES operator or, if no commercial operator, the landowner. The Code Enforcement Officer shall notify the solar facility operator or landowner by certified mail with signed receipt specifying, at a minimum, the Date of Decommissioning and that the LSSES must be removed, and the site be restored to its condition prior to development within 365 days. A copy of the notice shall be forwarded by the Code Enforcement Officer to the Select Board and Planning Board.

3. Decommissioning Process and Requirements

a. The LSSES operator or, if no commercial operator, the landowner shall commission a Phase I Environmental Site Assessment prior to any land disturbance. Should contamination be encountered or suspected, a Phase II Environmental Site Assessment shall be conducted. All discovered and encountered hazardous materials shall be removed and disposed of in accordance with all local, state, and federal regulations.

b. The LSSES operator or, if no commercial operator, the landowner shall be responsible for determining, applying for, and receiving all necessary Decommissioning permits from the Town and any state or federal agencies.

c. The LSSES operator or, if no commercial operator, the landowner shall remove all LSSES materials, including, but not limited to, all Solar Equipment, barriers, fencing, OH/UG electric wiring and conduits, foundations, auger screws, electrical equipment, panels, inverters, signage, buildings, concrete pads, batteries, transformers, and associated debris.

d. The LSSES operator or, if no commercial operator, the landowner shall remove all graveled areas and access ways unless the solar facility operator or landowner requests in writing for such to stay in place.

e. The LSSES operator or, if no commercial operator, the landowner shall remove all stormwater management and BMP's unless the solar facility operator or landowner requests in writing for such to stay in place.

f. The LSSES operator or, if no commercial operator, the landowner shall stabilize all disturbed areas as necessary to minimize erosion, including, but not limited to, spreading topsoil, and revegetating with natural grasses and trees (a minimum of 10 - 1½" caliper trees per acre) native to the immediate area. Trees shall have a 90% survival rate after 2 years or be replaced. Replacement trees shall start a new 2-year period.

4. Decommissioning Bond

a. Before issuance of any building permit for a LSSES, the applicant or initial solar facility operator, or other entity approved by the Code Enforcement Officer, shall provide a Decommissioning Bond in form and substance approved by the Municipal Officers of the Town of Lovell and made payable to the Town of Lovell for all costs associated with the Decommissioning of the LSSES.

b. The initial value of the Decommissioning Bond shall be equal to 150 percent of the estimated cost of Decommissioning the LSSES. At the end of the fifth year of operation of the LSSES and for each successive 5-year period that the LSSES is in operation, the LSSES operator or, if no commercial operator, the landowner shall be required to submit an updated cost estimate to the Code Enforcement Officer, which estimate shall be prepared by a third-party entity and shall be paid for by the LSSES operator or landowner. The Municipal Officers of the Town of Lovell shall have the authority to reasonably accept or not accept the cost estimate value(s). Within 90 days of acceptance by the Municipal Officers of the Town of Lovell, the operator or landowner shall provide the Town of Lovell with a new Decommissioning Bond in the amount equal to 150 percent of the new estimate. The value of any Decommissioning Bond shall not include the net salvage value of any Solar Related Equipment or any utility, collector, or transmission lines.

c. Any Decommissioning Bond shall be of form and substance reasonably acceptable to the Municipal Officers of the Town of Lovell and shall detail the conditions of the
bond, the method for release of the entire bond or portions of the bond to the Town

of Lovell, and the procedure for the collection by the Town of Lovell. The bond documents shall specifically reference the subject LSSES. The Decommissioning Bond shall include a provision granting and guaranteeing the Town of Lovell the authority to access the funds and property and perform the Decommissioning of the LSSES if the solar facility operator or landowner fail to meet their obligations to fully and properly remove the LSSES.

d. The LSSES operator or, if no commercial operator, the landowner shall be responsible for notifying the Code Enforcement Officer in writing if the Decommissioning Bond is revoked or is no longer valid or in force within 30 days of the operator's receipt of notice of same. Within 90 days of such an event, the operator or landowner shall provide the Town of Lovell with a replacement Decommissioning Bond that is reasonably found acceptable by the Municipal Officers of the Town of Lovell. If an acceptable replacement bond is not provided within 90 days, any Conditional Use Permit approval(s) for the LSSES shall be void.

e. The Decommissioning Bond or replacement bond must be kept in effect throughout the lifetime of the LSSES. The LSSES operator or, if no commercial operator, the landowner may apply to the Municipal Officers of the Town of Lovell for the release of the Decommissioning Bond at such time that:

i. A Certification, prepared by a Maine licensed Professional Engineer experienced in such matters, is provided by the solar facility operator or landowner reporting that the LSSES has been Decommissioned as required by this Ordinance and as required by any Town of Lovell approval or applicable conditions of approval, and

ii. All Decommissioning requirements and activities are found to be satisfactorily complete by the Code Enforcement Officer and the Municipal Officers of the Town of Lovell.

f. If the LSSES operator or, if no commercial operator, the landowner fails to Decommission the LSSES as required by this Ordinance and as required by any applicable conditions of approval, the Town of Lovell will use reasonable effort to notify the solar facility operator or landowner of its intent to use the Decommissioning Bond and use any and all legal or available means necessary to Decommission the LSSES.

g. Any LSSES Decommissioning costs exceeding the proceeds of the Decommissioning Bond and incurred by (and/or to be incurred by) the Town of Lovell shall be funded by the LSSES operator or, if no commercial operator, the landowner within 30 days of such notice. Failing receipt of such funding, the Town of Lovell shall use any and all legal or available means necessary to recover the excess costs, and any costs of such recovery, which means may include imposing a Special tax and/or a tax lien on the real estate of the LSSES.

5. Waiver

The Planning Board shall have the authority to waive any provision or requirement of this Solar

Energy Systems Section of the Zoning Ordinance of the Town of Lovell, Maine should the Planning Board determine that any requested waiver is in the public interest, is consistent with the purpose and intent of this Section, and will not have a significant, adverse effect upon public safety and the environment. To consider and grant a waiver:

a. The applicant must submit a written waiver request to the Planning Board citing the relevant Ordinance provision and stating the relief sought and the reasons for the relief.

b. To be approved, the waiver request must receive a unanimous vote from the Planning Board.

c. The Planning Board shall include in its records a statement of the waiver request and the reasons or factual findings for the granting of any waiver.

8.24 Electric Vehicle Charging Station

a. EV Charging Stations are not permitted unless the parking space is related to a structure or use listed in Section 7.8.C.3.i. The number of Electric Vehicle Charging Stations on a lot shall not exceed the minimum number of parking spaces required by Section 7.8.C.3.i.

B. Within ninety (90) days of cessation of use of an Electric Vehicle Charging Station, the property owner or operator shall restore the site to its original condition.

8.25 Accessary Dwelling Unit

Accessory Dwelling Units are permitted on any lot where a single-family dwelling is the principal structure, subject to the following standards:

A. No more than one Accessory Dwelling Unit is allowed on any lot.

B. Accessory Dwelling Units may be located within an existing dwelling unit on the lot, attached to or sharing a wall with such an existing dwelling unit, or may be located in a new structure on the same lot.

C. Accessory Dwelling Units must be at least 190 square feet in total area and may not exceed: (i) 1,200 square feet in total area, or (ii) 75% of the area of the existing principal single-family dwelling unit, whichever is less.

D. Accessory Dwelling Units are subject to the same setback requirements as the principal structure.

E. An Accessory Dwelling Unit must comply with all shoreland zoning requirements imposed by the Town of Lovell and by the Maine Department of Environmental Protection.

F. Prior to issuance of a building permit, the property owner must submit written verification that the Accessory Dwelling Unit is connected to adequate water and wastewater facilities. Proof of adequacy must be consistent with the requirements of 30-A M.R.S. § 4364-B(7), as may be amended.

G. An Accessory Dwelling Unit may not be leased or rented to a tenant for periods of less than sixty (60) days.

H. This section may not be construed to interfere with, abrogate, or annul the validity or enforceability of any valid or enforceable easement, covenant, deed restriction, or other agreement or instrument between private parties that imposes greater restrictions on Accessory Dwelling Units than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

ARTICLE IX

ADMINISTRATION, ENFORCEMENT, AND PENALTIES

9.1 Enforcement Officer.

A. The Municipal Officers shall annually appoint a Code Enforcement Officer. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this ordinance. If the Code Enforcement Officer finds that any provision of this ordinance is being violated, the Code Enforcement Officer shall notify, in writing, the person responsible for such violations, indicating the nature of the violations and ordering the action necessary to correct it. The Code Enforcement Officer shall order the discontinuance of the illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions, or shall take any other action authorized by this ordinance to insure compliance with, or to prevent violation of, its provisions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

B. The Code Enforcement Officer shall maintain a current file of all pertinent Federal, State and local statutes, ordinances, regulations, codes, and plans relating to land-use regulation including local subdivision plans.

C. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to approval. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance. The Code Enforcement Officer may enter any property at reasonable hours and enter any structure with the consent of the property owner, occupant or agent, to inspect the property or structure for compliance with the laws or ordinances set forth in this section. If consent is denied the Code Enforcement Officer should obtain an administrative warrant before entering the property.

D. Upon determining a permit required by this ordinance was issued in error, or based upon erroneous information, the Code Enforcement Officer may, in addition to any other remedial or enforcement action available under this ordinance or state law, revoke said permit and issue a stop work order. Notice of the revocation and stop work order shall be conspicuously posted at the property in question, with a copy of the revocation and stop work order being mailed, via certified mail, return receipt requested, to the permit applicant, and/or the property owner, at the address indicated on the application and/or Town tax records. In the event of failure or refusal of the permit applicant to sign the return receipt, the Code Enforcement Officer shall mail a copy of the permit revocation and stop work order to the address(ees) via first class mail, with a certificate of mailing. The applicant, or the owner of the property if the applicant was the owner's agent, may contest the permit revocation and stop work order by appealing to the Lovell Board of Appeals as provided in, Article X herein, unless the alleged violation occurred in the Shoreland Zone. Appeals of a permit revocation and Stop-Work Order for work in the Shoreland Zone shall be made to the Superior Court.

E. The Code Enforcement Officer shall attend the regular meetings of the Planning Board and provide a report of his or her activities since the last meeting.

F. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

9.2 Permit Requirement.

A permit shall be obtained prior to the commencement of construction or placement of any structure within the Town, prior to the establishment of a use or change of use of a premises, and prior to the renewal of a discontinued nonconforming use. In addition a permit shall be required prior to any use of land indicated as needing one under Section 6.2. Permit fees shall be set annually by the Municipal Officers.

The following construction activities shall not require a permit, provided that the activity is in conformance with Federal, State or local laws and does not involve any other physical modifications or changes otherwise requiring a permit under this ordinance:

A. repairs, replacement, and/or normal maintenance. B. decorative, nonstructural changes in existing structures or buildings

B. replacement of an existing road culvert as long as:

1. the replacement culvert is not more than 25% longer than the culvert being replaced; and
2. the replacement culvert is not longer than 75 feet; and
3. adequate erosion control measures are taken to prevent sedimentation of the water, and
4. the crossing does not block fish passage in the watercourse.

C. conduct of an archaeological excavation, as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

9.3 Permit Application.

A. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the Town, which shall include the following information:

1. Structures to be erected, structures to be moved, and exterior additions to existing structures:

a. The shape and location and proposed use or uses of the lot for which application is made.

b. The shape, size and location on the lot of the proposed structure, and of any proposed additions to existing structures.

c. The shape, size and location of any other existing structures on the lot.

d. The location of adjacent structures on adjacent lots, with reference to the distance from the lot line.

e. The requirements relating to construction shall not apply to alterations wholly within an existing structure.

2. All applications shall also include:

a. The name and address of the property owner.

b. The name, address and telephone number of the person, firm, or firms involved in the construction on the property.

c. The value of any proposed construction.

d. A statement of the proposed use for any new or moved structure or altered portion of an existing structure.

e. Any other information the applicant wishes to furnish.

f. Any other information requested by the Code Enforcement Officer to make the application intelligible, and to determine whether the proposed construction and/ or uses will conform to this ordinance, other local ordinances and state law. A valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the plumbing inspector, shall be submitted for any proposed construction for which plumbing is to be installed.

g. A certification that the information in the application is complete and correct to the best of the applicant's knowledge and belief.

3. For applications for development proposed to be located in whole or in part within the Shoreland Zone, preconstruction photographs of both,

a. the development site and,

d. shoreland vegetation at the time of application and prior to the start of any work under approval or permit.

4. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property; or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder.

5. All applications shall be dated, and the Code Enforcement Officer shall note upon each application the date and time of its receipt

6. A valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted along with the application, whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

7. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

B. Upon receipt of a permit application the Code Enforcement Officer shall:

1. Decide whether the information in the application is sufficient to determine whether, under the ordinance, the permit should be issued, or if the application is otherwise inadequate. If the Code Enforcement Officer feels the application is insufficient or inadequate, the Code Enforcement Officer shall at once notify the applicant in writing, indicating what necessary information is required to correct the application. If the application is not so corrected, it shall be denied.

2. When an application conforms to the provisions of this ordinance and other codes and ordinances of the town, upon payment of the required fee, the Code Enforcement Officer shall within 10 days of its receipt issue the permit. The Code Enforcement Officer shall notify the Tax Assessor and keep a copy of the application/permit in a permanent file at the municipal office. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

3. If the application does not conform, the Code Enforcement Officer shall, within 10 days, deny the permit in writing, stating therein the reasons for such denial. In the event the proposed building or structure is so constructed or is of such usage as to require a review of the application by other authorities or boards, as determined by reference to the land-use regulation file, the Code Enforcement Officer shall refer the applicant to the appropriate authority or board for review, approval or denial. Upon receipt of the decision of the reviewing authority or board, in writing, and if such decision is an approval, the Code Enforcement Officer shall issue the permit with any conditions prescribed by the reviewing authority or board. The Code Enforcement Officer shall not issue any permit if the Code Enforcement Officer has knowledge that a particular structure would be located in an unapproved subdivision, and/or if the Code Enforcement Officer has knowledge that the structure would be in violation of a particular state law for which the municipality has enforcement responsibilities, or local ordinance. In denying any permit under these circumstances, the Code Enforcement Officer shall state in writing the reasons for the denial.

C. Following the issuance of a building permit if no substantial start is made on the construction within one year of the date of the permit, it shall lapse and expire. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire. No further work on such construction authorized by an expired permit can be made, until a new application has been made and approved as aforesaid. The fee for such permit shall be charged as a renewal fee.

D. For permits or approvals issued for development to be located in whole or in part within the Shoreland Zone, no later than twenty (20) days after the completion of the work, the property owner or authorized agent shall provide the Code Enforcement Officer with post-construction photographs of (a) the development site, an (b) shoreland vegetation following completion of work under approval or permit.

E. Any permit issued which is not in conformity with the provisions of this ordinance confers no rights and is void.

F. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

9.4 Certificate of Occupancy Required.

A. A certificate of occupancy issued by the Code Enforcement Officer is required in advance of the use or occupancy of:

1. Any lot, or change of the use thereof. 2. A structure hereafter erected or a change in the use of an existing structure.

B. No certificate of occupancy shall be issued unless the use, lot or building or structure complies with all the provisions of this ordinance. A record of all certificates of occupancy shall be kept on file in the office of the Code Enforcement Officer, and a copy shall be furnished, on request, to any person having a proprietary or tenancy interest in the structure or land involved. A duplicate copy shall be filed in the office of the tax assessor and the certificate of occupancy shall state specifically the uses which it permits.

9.5 Legal Action and Violation.

Any violation of this Ordinance shall be deemed to be a nuisance. When any violation of any provision of this ordinance shall be found to exist, the Municipal Officers, upon notice from the Code Enforcement Officer are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the town. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith.

9.6 Fines.

Any person, firm or corporation being the owner, contractor or having control or use of any structure or premises who violates any of the provisions of this ordinance shall upon conviction be penalized in accordance with provisions of 30-A M.R.S.A. §4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. Fines shall be payable to the town.

9.7 Establishment of Planning Board.

A. Membership.

1. The Lovell Planning Board is hereby established. The Board shall be composed of five full members and two associate members all of whom shall be residents of the Town ofLovell.
2. Members of the Board shall be elected at the annual town meeting. The term of the each full member shall be five years. The term of an associate member shall be one year. The terms of the full members shall be staggered so that the term of only one full member expires each year.
3. The members of the Planning Board serving at the time of adoption of this ordinance shall continue to serve until the expiration of their previous terms.

B. The Planning Board shall elect a chairman, vice chairman and secretary from its membership. The chairman shall be counted to determine a quorum and shall have the same rights as other members of the Board, including the right to vote.

C. A quorum of the Board shall consist of three members. Any member who may not participate due to a conflict of interest shall not be counted towards a quorum. An affirmative vote of a majority of the members that are present and voting shall be required for any motion to pass.

D. When a full member is unable to vote due to a vacancy, absence, or conflict of interest an associate member shall be designated a voting member. When there is a vacancy in the position of a full member due to resignation, death or disqualification, the associate member with longer tenure shall assume full membership.

E. When there is a vacancy in the position of an associate member due to resignation, death, disqualification or appointment of an associate member to a voting member, the Board of Selectmen, within 60 days, shall appoint a person to serve for the unexpired term of the associate member.

F. The Board of Selectmen, after a hearing, may remove any member with a showing of cause. Failure to attend three consecutive regular meetings without prior notice and approval of the Planning Board shall constitute cause for removal. The Planning Board shall notify the Board of Selectmen when a majority of the Planning Board feels there is cause for removal of a member.

9.8 Powers and Duties of Planning Board - The Planning Board shall have the powers and duties below:

A. Subdivisions: To review and approve, approve with conditions, or deny subdivision applications in accordance with Title 30-A MRSA, §4401 through 4407, the Town's Zoning Ordinance, and Subdivision Regulations.

B. Conditional Use Permits: To review and approve, approve with conditions, or deny Conditional Use Permits, in accordance with this ordinance.

C. Ordinances: To write, revise and update the Zoning Ordinance, the Official Zoning Map, the Subdivision Regulations, the Flood Plain Management Ordinance and such other Ordinances dealing with planning and land use as may be considered by the Town in the future, subject to consideration at public hearings and decision by the voters, when required, in accordance with the Town's Ordinances, Regulations, Charter and applicable statutes.

D. Comprehensive Plan: To write, revise and update the Comprehensive Plan as mandated by 30-A MRSA, §4312, et seq., for consideration at public hearings and decision by the voters.

E. Long Range Planning: To initiate and direct long range planning studies of the Town following the guidelines, and within the framework, of the Comprehensive Plan.

F. Cooperation with other Boards or Departments: The Board may provide assistance and recommendations to the Selectmen, other Boards or Committees, or to any municipal department on matters affecting the Comprehensive Plan and land use. The Selectmen, each Town officer, and department of the Town shall give all reasonable aid, cooperation and information to the Planning Board.

9.9 Conditional Use Permits.

A. Authorization.

The Planning Board is hereby authorized to hear and decide upon applications for Conditional Use Permits, in accordance with State law and the provisions of this ordinance. The Board shall approve, approve with modifications or conditions, or disapprove an application for a Conditional Use Permit. No Conditional Use Permit shall be authorized unless specific provision for such Conditional Use is made in this ordinance.

B. Existing Conditional Use or Structure.

A Conditional Use which existed prior to the effective date of this ordinance may not be changed to another Conditional Use, nor significantly intensified, nor expanded in any floor area or volume, without review and approval of the Planning Board, to ensure conformity with all regulations of this ordinance pertaining to Conditional Uses.

No changes shall be made in any Conditional Use previously approved by the Planning Board, without approval of the change by the Planning Board.

C. Application Procedure.

A person informed by the Code Enforcement Officer that a Conditional Use Permit is required shall file an application for the permit with the Planning Board on forms provided for the purpose, with supporting information as set forth below. The applicant should request a pre-application conference with the Code Enforcement Officer or the Officer's designee, to review the application and submittal requirements, and to discuss potential waiver requests, prior to submitting the application package to the Planning Board. The applicant shall be responsible for a filing fee, which covers administrative costs, which shall be set from time to time by the Board of Selectmen. Costs for advertising and notice for the public hearing shall be paid in addition to the filing fee, pursuant to section 9.9.E below. All plans for Conditional Uses presented for approval under this section shall be drawn at a scale of not smaller than one inch equals 50 feet and shall show or be accompanied by the following information:

1. A completed conditional use application form, including the name, telephone number, and address of the applicant (and any authorized agent) plus the name of the proposed development, the assessor's map and lot number of the subject property.

2. A scaled site plan of the subject property showing the sizes and locations of existing and proposed building footprints, parking lots, drives, walkways, streets, roads, landscaping, and areas of proposed grading or clearing or areas to remain undisturbed.

3. A narrative describing the proposed project, including such details as the projected number of employees; months, days, and hours of operation; and number of customers to be served.

4. Verification that the applicant has sufficient right, title or interest in the property by deed, purchase and sales agreement, option to purchase, or some other proof of interest. A copy of the most recently recorded deed shall be provided with a copy of all deed restrictions, easements,

rights-of-way, or other encumbrances currently affecting the property.

5. The zoning district in which the proposed site plan is located and the location of any zoning boundaries affecting the site plan.

6. For applications for development proposed to be located in whole or in part within the Shoreland Zone, preconstruction photographs of both, (a) the development site and, (b) Shoreland vegetation at the time of application and prior to the start of any work under approval or permit.

7. If any portion of the site is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the Flood Insurance Rate Map, shall be delineated on the plan.

8. Proposed Deed Restrictions: A copy of any proposed deed restrictions intended to cover all or part of the subject property.

9. An indication of the type of water supply system(s) to be used at the site, including evidence of adequate ground water supply and quality for potable water. Also, an indication of an adequate supply of water for firefighting purposes, from either on or off-site, satisfactory to the fire chief.

10. An indication of the type of sewage disposal to be used at the site, and a septic system design, prepared by a Licensed Site Evaluator or Professional Engineer.

11. Estimate of Traffic Generated. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used may be taken from the most recent available edition of the *Trip Generation Manual,* published by the Institute of Transportation Engineers.

12. Permits from State or Federal Authorities. If the Board is unsure whether a permit or license from a state or federal agency is necessary, the applicant shall be required to obtain a written opinion from the appropriate agency as to the applicability of their regulations. Upon written request of the applicant, the Board may consider accepting copies of permits granted by State or Federal authorities after any public hearing is held, but in no event shall any Conditional Use be approved without such permits.

D. Additional Application Submittals

Where new construction or expansion of a use is proposed, submission of each of the following additional items shall be required as part of the application. However, if the Board finds that strict compliance with this subsection would be excessive in light of the nature of the proposed structure or activity, or where there are special circumstances of a particular plan, the Board may waive any of these following application submissions, upon written request of the applicant, provided that such waivers will not nullify the intent and purpose of the Zoning Ordinance.

1. A standard boundary survey of the parcel made and certified by a registered land surveyor licensed in Maine, relating to reference points, showing true north point, graphic scale, corners of parcel and date of survey and total acreage. The site plan may be superimposed upon the survey information, or the survey may be submitted separately.

2. Existing or proposed culverts or other stormwater management features on or adjacent to the site.

3. Existing and proposed topographic contours at an interval of 2 feet, in relation to Mean Sea Level, for any areas to be developed.

4. The location of all wetlands, rivers, streams, brooks, vernal pools and other water bodies within or adjacent to the proposed site plan, as well as any other prominent natural features.

5. For undeveloped sites, a high intensity soil survey by a Certified Soil Scientist of those areas of the site proposed to be developed.

6. A written statement from the fire chief approving all dry hydrant, fire pond, or storage tank locations or other fire protection measures deemed necessary.

7. The location, names, and present widths of existing streets, highways, easements, or parks on or adjacent to the site.

8. The location of any open space to be preserved and a description of proposed ownership, improvement and management.

9. A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, where site considerations or development design indicate greater potential of adverse impacts on ground water quality. Such considerations may include, but shall not be limited to, extensive areas of shallow to bedrock soils, or the proposed use of shared or common subsurface waste water disposal systems.

10. Traffic Impact Analysis. For proposed projects requiring 40 or more parking spaces or projected to generate more than 200 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

11. Wildlife Habitat Areas. Areas within or adjacent to the proposed site which have been identified as having a high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the Comprehensive Plan. If any portion of the site is located within an area designated as a unique natural area by the Comprehensive Plan or the Maine Natural Areas Program or Maine Department of Inland Fisheries & Wildlife Beginning With Habitat Program, or as a significant vernal pool or other wildlife habitat governed by DEP Chapter 335 Rules, the plan shall indicate appropriate measures for the preservation of the values, which qualify the site for such designation.

12. Historic or Archaeological Sites. For all areas within or adjacent to the proposed site which are either listed on or eligible to be listed on the National Register of Historic Places, or have been identified in the comprehensive plan as sensitive or likely to contain archaeological sites, the applicant shall submit a copy of the site plan and a copy of any proposed mitigation measures to the Maine Historic Preservation Commission and submit any agency comments to the Board.

13. Parking, Driveway and Street plans, in sufficient detail to meet the standards of this Ordinance.

14. A storm water management plan, prepared by a registered professional engineer in accordance with the *Maine Stormwater Best Management Practices Manual*, published by the Maine Department of Environmental Protection (2006). The Board may waive submission of the storm water management plan if the proposed site work will not involve grading which changes drainage patterns, and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the site.

15. An erosion and sedimentation control plan prepared in accordance with the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991. The Board may waive submission of the erosion and sedimentation control plan if the proposed site work will not involve grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the site.

16. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed streets and/or open spaces or other land is to be offered to the municipality, written evidence that the Board of Selectmen is satisfied with the legal sufficiency of the written offer to convey title shall be included.

17. The location and method of disposal for land clearing and construction debris.

18. For all LSSES, the applicant must demonstrate that the additional materials required by Section 8.24(F) and 8.24(G) have been satisfied.

E. Public Hearing.

If the Planning Board finds that the proposed use or structure is likely to have a significant impact on the neighborhood because of increased traffic or other factors it shall hold a public hearing on the application within 35 days of determining it has received a complete application. The Board shall notify the Code Enforcement Officer and Municipal Officers, and shall publish notice of the time, place and subject matter of hearing at least 10 days in advance in a newspaper of general circulation in the area. The applicant shall reimburse the Town for the cost of the newspaper notice(s) prior to the start of the hearing.

1. The applicant shall notify by certified mail, return receipt requested, the owners of all property within 200 feet of the property involved at least 10 days in advance of the hearing, of the nature of the application and of the time and place of the public hearing, except that the applicant for telecommunications facilities shall notify the owners of all property with 1,000 feet of the property involved at least 10 days in advance of the hearing, of the nature of the application and of the time and place of the public hearing. Notice to owners within 500 feet shall be by certified mail, return receipt requested; the remaining notices may be by first class mail. The applicant shall provide evidence of the required notification to the Board prior to the start of the hearing.
2. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Planning Board.
3. The Code Enforcement Officer or his designated assistant shall attend all hearings and may present to the Planning Board all plans, photographs or other material the Code Enforcement Officer deems appropriate for an understanding of the application.
4. The applicant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.
5. The public hearing may be continued to the next regularly scheduled meeting, or to a time mutually agreed upon by the Planning Board and the applicant, to give the applicant sufficient time to gather further information as determined by the Planning Board during the public hearing.

F. Projects Needing Board of Appeals Review

When an applicant needs a variance from a requirement in this ordinance before the Planning Board is able to approve the application as submitted, an appeal may be submitted to the Board of Appeals prior to final action by the Planning Board. If an appeal is filed with the Board of Appeals prior to the Planning Board making a final decision, the Planning Board shall table final action on the application pending the Board of Appeal’s decision and shall notify the Board of Appeals of that action.

G. Decision.

1. Within 35 days of the public hearing, or 35 days of finding an application is complete, but no public hearing is required, the Planning Board shall reach a decision on a Conditional Use permit application and shall inform, in writing, the applicant, the Code Enforcement Officer and Municipal Officers of its decision and shall prepare a detailed finding of facts and conclusions. Upon notification of the decision of the Planning Board, the Code Enforcement Officer, as instructed, shall immediately issue, issue with conditions prescribed by the Board, or deny a permit.
2. A Conditional Use Permit secured under the provisions of this ordinance shall expire if the work or change involved is not commenced within two years of the date on which the Conditional Use is authorized.
3. An appeal may be taken to Oxford County Superior Court within 45 days after a decision is rendered.

H. Standards Applicable to Conditional Uses.

It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria. The Board shall approve the application unless it makes written findings that one or more of these criteria have not been met.

1. The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat, and shall meet the standards of section 7.21. 2. The use will conserve shore cover and visual, as well as actual, access to water bodies.

2. Traffic access to the site meets the standards contained in this ordinance; and traffic congestion has been addressed in accordance with performance standards in this ordinance, pursuant to sections 7.8 and 7.18.
3. The site design is in conformance with all municipal flood hazard protection regulations found in the Floodplain Management Ordinance.
4. Adequate provision for the disposal of all wastewater and solid waste has been made.
5. Adequate provision for the transportation, storage and disposal of any hazardous materials has been made.
6. A storm water drainage system capable of handling a 25-year storm without adverse impact on adjacent properties has been designed, pursuant to section 7.17.
7. Adequate provisions to control soil erosion and sedimentation have been made, in accordance with the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991.
8. There is adequate water supply to meet the demands of the proposed use for both drinking and fire protection purposes.
9. The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odor and the like.
10. All other performance standards in this ordinance applicable to the proposed use will be met.

I. Conditions Attached to Conditional Uses.

Upon consideration of the factors listed above, the Planning Board may attach such conditions in addition to those required in this ordinance that it finds necessary to further the purposes of this ordinance. Violation of any of these conditions shall be a violation of this ordinance. Such conditions may include, but are not limited to, specifications for: type of vegetation; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational controls; professional inspection and maintenance; sureties; deed restrictions, restrictive covenants; locations of piers, docks, parking and signs; type of construction; or any other conditions necessary to fulfill the purposes of this ordinance. In evaluating each application the Board may request the assistance of the County Soil and Water Conservation District, a State or Federal agency, or consultant which can provide technical assistance.

J. Special Exceptions. In addition to the criteria specified in sub-section 9.9.G above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

(1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
(2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
(3) All proposed buildings, sewage disposal systems and other improvements are:
    (a) Located on natural ground slopes of less than 20%; and
    (b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance. If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.
(4) The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall

not be altered by variance.

(5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

K. Performance Guarantees.

1. At the time of approval of the application for Conditional Use, the Planning Board may require the applicant to tender either a certified check payable to the Town, an irrevocable letter of credit from a lending institution, or a performance bond payable to the Town issued by a surety company in an amount adequate to cover the total costs of all required improvements, taking into account the time-span of the bond and the effects of inflation upon costs. The conditions and amount of the certified check or performance bond shall be determined by the Board.

2. Prior to the release of any part of or the entire performance guarantee, the Board shall determine to its satisfaction, in part upon the report of an engineer hired by the town to inspect the development and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested. Any interest accumulated on an escrow account shall be returned with any money owed by the town to the developer after it has been determined that the proposed improvements meet all design and construction requirements.

3. If the appointed engineer finds upon inspection of the improvements performed before release of the guarantee that any of the required improvements have not been constructed in accordance with plans and specifications filed by the applicant, the engineer shall so report to the Board and Code Enforcement Officer. The Board shall then notify the applicant, and, if necessary, the bonding company or lending institution, and take all necessary steps to preserve the town's rights under the guarantee.

4. Performance guarantees, when required, shall be tendered for all improvements required under this ordinance, including but not limited to, sidewalks, drainage facilities, parking areas, lighting, signs, landscaping and buffer areas.

L. For permits or approvals issued for development proposed to be located in whole or in part within the Shoreland Zone, no later than twenty (20) days after the completion of the work, the property owner or authorized agent shall provide the Code Enforcement Officer with post-construction photographs of both, (a) the development site and, (b) Shoreland vegetation at the time of application and prior to the start of any work under approval or permit.

9.10 Fees.

A. The Municipal Officers shall annually set the amount of all fees required by this ordinance. The fee structure for conditional use permit applications shall include the fees for the Planning Board to use to hire independent consulting services to review the application, as detailed in Section 9.10.B below.

B. The applicant shall pay into a special account the cost to the Town of hiring independent consulting services. The fee shall be determined after the Planning Board has secured an estimate of the cost of the services and the applicant has seen the estimate. If the balance in the special account is drawn down by 75% prior to the conclusion of review, the Board shall notify the applicant and require an amount equivalent to 50% of the original fee be deposited by the applicant. Any balance in the account remaining after a final decision on the application shall be returned to the applicant.

9.11 Rules to be Adopted by Planning Board

The Planning Board, after a public hearing, may adopt, amend, or repeal additional further rules as needed to implement the intent and requirements of this ordinance. These rules shall control until amended, repealed or replaced by rules adopted by the legislative body. Notice of the required public hearing shall be given in the same as is required for notice of hearings on amendments to this ordinance.

ARTICLE X
BOARD OF APPEALS

10.1 Establishment and Organization.

A Board of Appeals is hereby established which shall consist of five members and two associate members. The term of office of a member or associate is five years serving staggered terms so that the term of no more than one member and one associate member expire in any year. A municipal officer or spouse may not be a member or associate member of the Board of Appeals. When a regular member of the Board is unable to act because of a conflict of interest, physical incapacity or absence, an associate member chosen by the chairperson shall act in place of that member. Members of the Board of Appeals shall be appointed by the municipal officers and shall be residents of the Town of Lovell. When there is a permanent vacancy, the municipal officers shall appoint a new member to serve for the remainder of the unexpired term. Members of the Board of Appeals may be removed from office by the municipal officers for cause upon written charges and after public hearing. "For cause" shall include failure of a board member or associate to attend three consecutive meetings. The Board of Appeals shall elect a chairman and secretary from its own membership.

10.2 Proceedings of the Board of Appeals.

The Board of Appeals shall adopt rules and procedures necessary to the conduct of its affairs, in keeping with the provisions of this ordinance and Title 30-A M.R.S.A., Section 2691. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. Meetings shall be open to the public in accordance with Title 1 MRSA, §§401-410. The Board of Appeals shall keep records of its proceedings and shall keep records of its examinations and other official actions, which shall be a public record and be filed in the municipal offices.

10.3 Powers and Duties of the Board of Appeals.

The Board of Appeals shall have the following powers:

A. Administrative Appeals.

1. To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance.

   In a review on an appellate basis, the Board of Appeals, at a public hearing duly noticed and conducted in accordance with the provisions appearing below, shall only review the record developed before the Planning Board, including but not limited to, exhibits, recorded testimony, argument of counsel or ether representatives, and minutes, findings or rulings. The Board of Appeals shall not receive or consider any new evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings or application record is inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding. The Board of Appeals may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board.

2. To hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance.

   In a de novo review, the Appeals Board may consider new evidence or information, new testimony, or hear new witnesses, and may conduct the review as if the application is being newly presented. The Board of Appeals may reverse the decision of the Code Enforcement Officer based upon its de novo investigation and deliberations.

3. To determine whether the criteria of this ordinance for administrative appeals have been met.

4. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals as an administrative appeal, if the

enforcement action is for an alleged violation within the Shoreland Zone. Such Shoreland Zone enforcement actions shall be appealable only to the Oxford County Superior Court.

5. Administrative Appeals of a decision of the Planning Board on an application for a subdivision shall be taken directly to the Oxford County Superior Court in accordance with Article 9.9 of the Lovell Subdivision Regulations.

B. Variances.

To authorize variances upon appeal in specific cases, but only within the limitations set forth in this ordinance.

10.4 Variances.

Variances may be permitted only under the following conditions:

A. Variances may be granted from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements and use restrictions.

B. Variances cannot, under any circumstances, be obtained for establishment of any uses otherwise prohibited by the Ordinance.

C. The Board shall not grant a variance unless it finds that:

1. The land in question cannot yield a reasonable return unless a variance is granted;

2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

3. A granting of a variance will not alter the essential character of the locality;

4. A hardship exists which is not the result of action taken by the applicant or a prior owner; and

5. If the proposed structure or use is in the shoreland zone, it would meet all the performance standards except for the provision which has created the non-conformity and from which relief is sought.

D. Such hardship may be found by the Board of Appeals where this ordinance, as applied to the applicant's property, substantially destroys or decreases the value of the property in question for any permitted use to which the land or property can reasonably be put. Mere inconvenience to the property owner shall not satisfy this requirement. Financial hardship alone or pleading that a greater profit may be realized from the applicant's property were a variance granted shall not be sufficient evidence of unnecessary hardship. Personal hardship shall not be considered as grounds for a variance, since the variance will continue to affect the character of the neighborhood after title to the property has passed.

E. Without the need for the determination of hardship, the Board may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. For the purposes of this paragraph, a disability has the same meaning as a physical or mental handicap under Title 5 MRSA, §4553 and the term “structures necessary for access to or egress from the dwelling” is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

F. The variance granted shall be the minimum variance that will make possible reasonable use of the land or structure in order to preserve the terms of the ordinance as much as possible, and the Board may impose such conditions to a variance as it deems necessary, to this end. The party receiving the variance shall comply with any conditions imposed. If no action is taken by the applicant to use the variance within one year of issuance it shall become void, unless the applicant applies to the Board of Appeals and receives an extension.

G. A copy of each variance request within the Shoreland Zone, including the application and all supporting information supplied by the applicant, shall be forwarded to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals

shall be made part of the record and shall be taken into consideration by the Board of Appeals. A copy of all variances granted by the Board of Appeals within the shoreland zone shall be submitted to the Department of Environmental Protection within 7days of the decision.

H. Whenever the Board grants a variance, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title, and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared, filed and recorded at the registry of deeds. No rights may accrue to the variance recipient, heirs, or assigns unless and until the recording is made within 90 days. The responsibility and cost of recording shall be borne by the applicant and a certified copy of the record entered at the Registry of Deeds, shall be returned to the Board by the applicant.

10.5 Appeal Procedure.

A. Making an Appeal.

1. An appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or Planning Board, except for enforcement-related matters as described above. Such appeal shall be taken within 30 days of the date of the official written decision appealed from, and not otherwise, except that the Board of Appeals, upon a showing of good cause, may waive the thirty (30) day requirement.

2. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal on forms provided which include:

   a. A sketch drawn to scale showing lot lines, location of existing structures and other physical features pertinent to the relief request.

   b. A concise written statement stating what relief is requested and why it should be granted.

3. When appeals are filed, they shall be examined by the Chairman of the Board of Appeals for completeness and accuracy, and particularly to determine whether all information necessary to make determinations has been supplied. Where information is lacking or inadequate at the time of submission and the deficiency cannot be remedied immediately, the applicant shall be notified in writing of the incompleteness. If the additional information is not received prior to the date the public notice of the hearing must be issued, a hearing shall not be scheduled until such deficiency is remedied.

4. Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board all the papers specifying the record of the decision appealed from. Each appeal shall be accompanied by a fee to cover advertising and administrative costs. The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of a complete written application, unless this time period is extended by mutual agreement of the Board and the applicant.

B. Procedure on Appeal.

1. At least 15 days prior to the date of the hearing on such appeal, the Board shall cause to be published in a newspaper of general circulation in the town a notice which includes:

   a. The name of the person appealing.

   b. A brief description of the property involved.

   c. A brief description of the decision appealed from, or the nature of a variance appeal.

   d. The date, time and place of the Board's hearing.

2. At least ten days prior to the date set for the hearing, the Board shall also cause the Town Clerk to give similar written notice to the Municipal Officers, Planning Board, and the Code Enforcement Officer.

3. The applicant shall notify by certified mail, return receipt requested, the applicant and the owners of all property within 200 feet of the property involved at least 10 days in advance of the hearing, of the nature of the application and of the time and place of the public hearing, except that the applicant for telecommunications facilities shall notify the owners of all property with 1,000 feet of the property involved at least 10 days in advance of the hearing, of the nature of the application and of the time and place of the public hearing. Notice to owners within 500 feet shall be by

certified mail, return receipt requested; the remaining notices may be by first class mail. The applicant shall provide evidence of the required notification to the Board prior to the start of the hearing.

The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Appeals Board.

C. Hearings.

1. The Board may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examinations as may be required for a full and true disclosure of the facts.

2. The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. All persons at the hearing shall abide by the order of the Chairperson.

3. At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause. For example, if the Board of Appeals determines that the appeal before it was inappropriately classified, the Board shall give the applicant the opportunity to amend the application and continue the hearing until the public has been properly notified of the appeal's reclassification and of the time and place when the hearing will continue.

4. The Code Enforcement Officer or a designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material deemed appropriate for an understanding of the appeal.

5. The recording of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record.

6. The record may be kept open after the hearing by order of the Chairman until a date established by the order.

10.6 Decisions of the Board of Appeals.

A. The concurring vote of a majority of five members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to pass under this ordinance, or to affect any variation in the application of this ordinance. A tie vote shall fail.

B. The Board shall decide all appeals within 35 days after the hearing, and shall issue a written decision on all appeals.

C. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented, and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed by certified mail return receipt requested or hand delivered to the petitioner, his representative or agent, the Planning Board the Code Enforcement Officer, and the Municipal Officers within seven days of the decision date.

D. Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer shall immediately issue a Permit in accordance with the conditions of the approval, unless the applicant needs a Conditional Use Permit.

E. Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within 45 days from the date of any decision of the Board of Appeals.

10.7 Stay of Proceedings.

An appeal stays all legal proceedings related to the action appealed from unless the Code Enforcement Officer certifies to the Board of Appeals, after the notice of appeal has been filed with the officer, that by reason of facts stated in the certificate a stay would, in the Code Enforcement Officer's opinion, cause irreparable harm to property or create a threat to the life or health of any person including the appellant. In

such case, the officer, if legally authorized by State law or local ordinance, may seek injunctive relief or, in appropriate cases, refer the matter to the municipal officers for prosecution.

10.8 Reconsideration.

In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may, for good cause shown, reconsider any decision within 45 days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

10.9 Fees for Variances and Administrative Appeals.

The application fee shall be established annually by the Municipal Officers payable to the Town of Lovell. If the actual cost of advertising and notification exceeds the fee paid, the applicant shall pay the balance.

ARTICLE XI AMENDMENTS

11.1 Initiation.

A proposal for an amendment to this Ordinance may be initiated by:

A. The Planning Board, by majority vote of the Board;

B. The Municipal Officers, through a request to the Planning Board;

C. An individual, through a request to the Planning Board; or

D. A written petition of a number of voters equal to at least 10% of the voters in the last gubernatorial election.

11.2 Procedure.

A. Any proposal for an amendment shall be made to the Planning Board in writing stating the specific changes requested. When a change in zoning boundaries is proposed, the application shall state the nature, extent, and location of the boundary change proposal, and shall be accompanied by a scale drawing showing the areas to be changed, with dimensions. When an amendment is proposed by other than the Municipal Officers or the Planning Board, a fee shall accompany the proposal to cover the costs of hearings and advertisements.

B. Within 35 days of receiving an amendment, the Planning Board shall hold a public hearing on the proposed amendment, and unless the amendment has been submitted by the municipal officers or by a petition, the Board, shall vote whether to forward the amendment to the Municipal Officers. The Board shall make a written recommendation regarding passage to the Municipal Officers and Legislative Body prior to any action on the amendment by the Municipal Officers.

C. Notice of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality. Public notice of the hearing shall be made in accordance with the provisions of 30-A M.R.S.A. Section 4352. The notice shall contain the time, date, and place of hearing, and sufficient detail about the proposed changes as to give adequate notice of their content. If the proposed changes are extensive, a brief summary of the changes, together with an indication that the full text is available at the municipal clerk's office shall be adequate notice. If the proposal includes a change in zoning district boundaries a map of the change shall be included in the notice.

D. If the amendment constitutes a change in zoning district boundaries or other amendment which would permit commercial, industrial or retail uses were previously prohibited, or prohibit all such uses where previously permitted, notice of the hearing must also be mailed to the owners of all property that is within or abutting the area affected by the proposed amendment.

11.3 Adoption.

Any amendment to this ordinance shall be adopted by the legislative body.

11.4 Effective Date.

A. Other than amendments which affect the shoreland zone, amendments shall be effective upon their adoption.

B. Copies of amendments which affect the shoreland zone, attested and signed by the Municipal Clerk, shall be submitted to the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Department of Environmental Protection. If the Department of Environmental Protection fails to act on any amendment within 45 days of the Department's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the 45 day period shall be governed by the terms of the amendment, if such amendment is approved by the Department.

C. Repeal of Municipal Timber Harvesting Regulation. The municipal regulation of timber harvesting is repealed on the statutory date established under 38 M.R.S.A. section 438-A(5), at which time the State of Maine Department of Conservation’s Bureau of Forestry shall administer timber harvesting standards in all districts throughout the town. On the date established under 38 M.R.S.A. 438-A(5), the following provisions of this Ordinance are repealed or amended as follows:

1. Section 6.2, District Regulations, Table of Permitted Uses, delete the symbol "P" indicated in each district next to the use "Timber Harvesting*", and replace with the symbol "BFP." Amend the table key to indicate that "BFP" means "Permit Required from Maine Bureau of Forestry"

2. Section 8.20 Timber Harvesting, repeal in its entirety.

3. Section 2.2, repeal definitions of the following terms:
   Basal area, residual
   Harvest area
   Residual stand

ARTICLE XII
LEGAL STATUS PROVISIONS

12.1 Conflict with Other Laws.

Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of this ordinance or of any other ordinance, regulation or statute, the provision imposing the greater restriction upon the use of land, buildings or structures shall control.

12.2 Availability.

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

12.3 Severability.

Should any provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

12.4 Repeal of Prior Ordinances.

A. The Lovell Zoning Ordinance adopted March 1, 1986 and amended up to the enactment of this Ordinance is hereby repealed.

B. The Lovell Subdivision Ordinance and Regulations adopted May 24, 1978 is hereby repealed effective April 1, 1996. The Lovell Planning Board is expressly authorized to adopted reasonable regulations for the control of subdivisions as authorized in Title 30-A M.R.S.A., §4403.

12.5 Effective Date.

Except for those portions which affect the shoreland zone, this ordinance shall take effect and be in force from the date of its adoption. A copy of this ordinance, attested and signed by the Municipal Clerk, shall be submitted to the Department of Environmental Protection following adoption by the municipal legislative body and those portions affecting the shoreland zone shall not be effective unless approved by the Department of Environmental Protection. If the Department of Environmental Protection fails to act on the ordinance within 45 days of the Department's receipt of the ordinance, the ordinance is automatically approved. Any application for a permit submitted to the municipality within the 45 day period shall be governed by the terms of the ordinance, if the ordinance is approved by the Department.

APPENDIX A
BUFFER STRIP REQUIREMENTS FOR DEVELOPMENTS QUALIFYING FOR SIMPLIFIED PHOSPHORUS REVIEW

The tables below shall be used to determine the minimum lot size and buffer strip required by Section 7.19.C.1. The assignment of great ponds to each table is based upon the allowable phosphorus export from Table 4 in the Lovell Comprehensive Plan. Hydrologic Soil Groups shall be determined either from the maps in the *Soil Survey of the Oxford County Area*, a site evaluation completed for an application for a subsurface wastewater disposal permit, or from a high intensity soil survey conducted by a certified soil scientist. Table 16 of the Soil Survey lists the Hydrologic Soil Group for each soil name and map symbol found in the survey. Table 8 gives a correlation between the soils classifications in the *Maine Subsurface Wastewater Disposal Rules* and Hydrologic Soil Groups.

Table 1. Development in the Watersheds of Dan Charles Pond, Farrington Pond, Mud Pond and Noah Eastman Pond (0.040-0.070 lbs/acre/yr)

	Hydrologic	Buffer Width (ft)	
Lot Size	Soil Group	Clearing Restricted	Clearing not Restricted
1 Acre	A	150	175
	B	not permitted	not permitted
	C	not permitted	not permitted
	D	not permitted	not permitted
2 Acres	A	100	125
	B	175	210
	C	not permitted	not permitted
	D	not permitted	not permitted
3 Acres	A	75	120
	B	125	150
	C	not permitted	not permitted
	D	not permitted	not permitted
4 Acres	A	35	50
	B	100	130
	C	190	not permitted
	D	not permitted	not permitted
5 Acres	A	25	35
	B	75	110
	C	100	250
	D	not permitted	not permitted
6 Acres	A	25	25
	B	25	100
	C	75	190
	D	200	not permitted
7 Acres	A	25	25
	B	25	75
	C	25	125
	D	80	not permitted
8 Acres	A	25	25
	B	25	25
	C	25	85
	D	25	not permitted
9 Acres	A	25	25
	B	25	25
	C	25	50
	D	25	200
10 Acres	A	25	25
	B	25	25
	C	25	25
	D	25	125

All lots over 10 acres shall maintain a minimum buffer of 25 feet

Table 2. Development in the Watershed of Cushman Pond
(0.050-0.059 lbs/acre/yr)

Lot Size	Hydrologic Soil Group	Buffer Width (ft) Clearing Restricted	Clearing not Restricted
1 Acre	A	130	145
	B	225	250
	C	not permitted	not permitted
	D	not permitted	not permitted
2 Acres	A	75	85
	B	130	145
	C	not permitted	not permitted
	D	not permitted	not permitted
3 Acres	A	35	50
	B	100	125
	C	not permitted	not permitted
	D	not permitted	not permitted
4 Acres	A	25	25
	B	35	100
	C	75	220
	D	250	not permitted
5 Acres	A	25	25
	B	25	75
	C	25	125
	D	25	not permitted
6 Acres	A	25	25
	B	25	25
	C	25	75
	D	25	250
7 Acres	A	25	25
	B	25	25
	C	25	25
	D	25	125

All lots over 7 acres shall maintain a minimum buffer of 25 feet

Table 3. Development in the Watersheds of Heald Pond and Horseshoe Pond (0.040-0.049) and 0.095 -0.105 lbs/acre/yr respectively)

Lot Size	Hydrologic Soil Group	Buffer Width (ft) Clearing Restricted	Clearing not Restricted
1 Acre	A	110	130
	B	190	240
	C	not permitted	not permitted
	D	not permitted	not permitted
2 Acres	A	45	100
	B	110	135
	C	250	not permitted
	D	not permitted	not permitted
3 Acres	A	25	30
	B	55	105
	C	80	250
	D	not permitted	not permitted
4 Acres	A	25	25
	B	25	60
	C	25	110
	D	60	not permitted
5 Acres	A	25	25
	B	25	25
	C	25	50
	D	25	200
6 Acres	A	25	25
	B	25	25
	C	25	25
	D	25	50

All lots over 6 acres shall maintain a minimum buffer of 25 feet

Table 4. Development in the Watershed of Bradley Pond
(0.040-0.049 lbs/acre/yr)

Lot Size	Hydrologic Soil Group	Buffer Width (ft) Clearing Restricted	Clearing not Restricted
1 Acre	A	100	110
	B	150	200
	C	not permitted	not permitted
	D	not permitted	not permitted
2 Acres	A	30	45
	B	90	125
	C	150	not permitted
	D	not permitted	not permitted
3 Acres	A	25	25
	B	25	80
	C	25	150
	D	125	not permitted
4 Acres	A	25	25
	B	25	25
	C	25	60
	D	25	225
5 Acres	A	25	25
	B	25	25
	C	25	25
	D	25	45

All lots over 5 acres shall maintain a minimum buffer of 25 feet

Table 5. Development in the Watershed of the North Basin of Lake Kezar
(0.040-0.049 lbs/acre/yr)

Lot Size	Hydrologic Soil Group	Buffer Width (ft) Clearing Restricted	Clearing not Restricted
1 Acre	A	85	100
	B	135	175
	C	not permitted	not permitted
	D	not permitted	not permitted
2 Acres	A	25	70
	B	65	110
	C	100	250
	D	not permitted	not permitted
3 Acres	A	25	25
	B	25	35
	C	25	90
	D	25	not permitted
4 Acres	A	25	25
	B	25	25
	C	25	25
	D	25	100

All lots over 4 acres shall maintain a minimum buffer of 25 feet.

Table 6. Development in the Watershed of the South Basin of Lake Kezar (0.040-0.049 lbs/acre/yr)

Lot Size	Hydrologic Soil Group	Buffer Width (ft) Clearing Restricted	Clearing not Restricted
1 Acre	A	50	75
	B	120	140
	C	not permitted	not permitted
	D	not permitted	not permitted
2 Acres	A	25	25
	B	25	75
	C	25	130
	D	125	not permitted
3 Acres	A	25	25
	B	25	25
	C	25	25
	D	25	100

All lots over 3 acres shall maintain a minimum buffer of 25 feet

Table 7. Development in the Watershed of Middle Pond (0.040-0.049 lbs/acre/yr)

Lot Size	Hydrologic Soil Group	Buffer Width (ft) Clearing Restricted	Clearing not Restricted
1 Acre	A	40	65
	B	110	135
	C	210	not permitted
	D	not permitted	not permitted
2 Acres	A	25	25
	B	25	50
	C	25	100
	D	25	not permitted

All lots over 2 acres shall maintain a minimum buffer of 25 feet.

Table 8. Hydrologic Soil Groups by Soil Profile and Conditions from the Maine Subsurface Wastewater Disposal Rules

Soil Profile	Soil Condition AI	AII	AIII	B	C	D	E
1	D	D	C	C	C	C	D
2	D	D	C	B	B	C	D
3	D	D	C	C	C	C	D
4	D	C	C	B	B	C	D
5	D	C	C	B	B	C	D
6	D	C	C	A	B	C	D
7	-	C	C	C	C	C	D
8	D	D	C	C	C	D	D
9	D	D	C	C	C	D	D
10	D	D	C	A	C	D	D
11	D	C	C	B	B	C	D

FLOODPLAIN MANAGEMENT ORDINANCE

ARTICLE I - ESTABLISHMENT

The Town of Lovell, Maine elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Lovell, Maine.

The areas of special flood hazard, Zones A, A1-A30, AE, AO, and AH, identified by FEMA in a report entitled "Flood Insurance Study - Town of Lovell, Maine, Oxford County," dated March 4, 1989 with the accompanying "Flood Insurance Rate Map" and “Flood Boundary land Floodway Map,” is hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the planning board . This permit shall be in addition to any other building permits which may be required pursuant to the codes and ordinances of the Town of Lovell, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to planning board and shall include:

A. The name and address of the applicant;

B. An address and a map indicating the location of the construction site;

C. A site plan showing location of existing and/or proposed structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and the dimensions of the lot;

D. A statement of the intended use of the structure;

E. A statement as to the type of sewage system proposed;

F. Specification of dimensions of the proposed structure;

G. The elevation in relation to Mean Sea Level or to a locally established datum in Zone A only, of the:

   1. base flood at the proposed site of all new or substantially improved structures, which is determined:

      a. in Zones A1-30, AE, AO, and AH from data contained in the "Flood Insurance Study - Town of Lovell, Maine," as described in Article I; or,

      b. in Zone A, to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building;

   2. highest and lowest grades at the site adjacent to the walls of the proposed building;

   3. lowest floor, including basement; and whether or not such structures contain a basement; and,

   4. level, in the case of non-residential structures only, to which the structure will be floodproofed.

H. A description of a base flood elevation reference point established on the site of all new or substantially improved structures;

I. A written certification by a registered land surveyor that the elevations shown on the application are accurate;

J. Certification by a registered professional engineer or architect that floodproofing methods for any non-residential structures will meet the floodproofing criteria of Articles III.G.4; VI.G; and other applicable standards in Article VI.

K. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

L. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of $100.00 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Planning Board and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision of the Planning Board may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW OF FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The planning board shall:

A. Review all applications for the Flood Hazard Development Permit to assure that proposed building sites are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have, or will be met;

B. Utilize, in the review of all Flood Hazard Development Permit applications, the base flood data contained in the "Flood Insurance Study - Town of Lovell, Maine," as described in Article I. In special flood hazard areas where base flood elevation data are not provided, the planning board shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other sources, including information obtained pursuant to Article III.G.1.b.; Article VI.J; and Article VIII.D, in order to administer Article VI of this Ordinance;

C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;

D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Office of Community Development prior to any alteration or relocation of a water course;

F. Issue a two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an application for Part II of the Flood Hazard Development Permit and shall include an Elevation Certificate completed by a registered Maine surveyor for compliance with the elevation requirements of Article VI, paragraphs F, G, H, and K. Following review of the application, which review shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; and,

G. Maintain, as a permanent record, copies of all Flood Hazard Development Permits issued and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates and Certificates of Compliance required under the provisions of Article VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

A. New construction or substantial improvement of any structure shall:

1. be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. use construction materials that are resistant to flood damage;

3. use construction methods and practices that will minimize flood damage; and,

4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

B. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

C. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

D. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. All development shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any watercourse.

F. New construction or substantial improvement of any residential structure located within:

1. Zones A1-30, AE, and AH shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,

b. at least three feet if no depth number is specified.

4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b.; Article V.B; or Article VIII.D.

G. New construction or substantial improvement of any non - residential structure located within:

1. Zones A1-30, AE, and AH shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:

a. be floodproofed to at least one foot above the base flood level so that below that elevation the structure is watertight with walls substantially impermeable to passage of water;

b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.J and shall include a record of the elevation above mean sea level of the lowest floor including basement.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from them.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

   a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,

   b. at least three feet if no depth number is specified; or,

   c. together with attendant utility and sanitary facilities be floodproofed to meet the elevation requirements of this section and floodproofing standards of Article VI, paragraph G.1.

4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b.; Article V.B; or Article VIII.D.

H. New or substantially improved manufactured homes located within:

1. Zones A1-30, AE, or AH shall:

   a. be elevated on a permanent foundation so that the lowest floor is at least one foot above the base flood elevation; and,

   b. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

      (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (homes less than 50 feet long require one additional tie per side); or by,

      (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (homes less than 50 feet long require four additional ties per side).

      (3) All components of the anchoring system described in Article VI.H.1 shall be capable of carrying a force of 4800 pounds.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from them.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

   a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,

   b. at least three feet if no depth number is specified; and,

   c. meet the requirements of Article VI.H.1.(a)(b).

4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b.; Article V.B; or Article VIII.D.

I. Recreational Vehicles located within:

1. Zones A1-A30, AH, and AE shall either:

   a. Be on the site for fewer than 180 consecutive days,

   b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

   c. Meet the permit requirements of elevation and anchoring requirements for "manufactured home" in Article VI. H. a & b.

J. Floodways

1. In Zones A1-30 and AE encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in riverine areas, for which a regulatory floodway is designated on the community's "Flood Boundary and Floodway Map," unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. In Zones A1-30 and AE riverine areas, for which no regulatory floodway is designated, encroachments,

including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

3. In Zone A riverine areas, in which the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided meeting the requirements of Article VI, paragraph J.2.

K. New construction or substantial improvement of any structure in Zones A1-30, AE, AO, AH, and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces less than three feet in height may be enclosed below the elevation requirements provided all the following criteria are met or exceeded:

1. Walls, with the exception of crawlspaces less than three feet in height, shall not be part of the structural support of the building; and,

2. Enclosed areas are not "basements" as defined in Article XIII; and,

3. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either:

   a. be certified by a registered professional engineer or architect; or,

   b. meet or exceed the following minimum criteria:

      (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;

      (2) the bottom of all openings shall be no higher than one foot above the lowest grade; and,

      (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means; and,

4. The enclosed area shall not be used for human habitation; and,

5. The enclosed area may be used for building maintenance, access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

A. The applicant shall submit an Elevation Certificate completed by:

1. a registered Maine surveyor for compliance with Article VI, paragraphs F, G, H, or K; and,

2. a registered professional engineer or architect, in the case of floodproofed non-residential structures, for compliance with Article VI.G; and,

B. The application for a Certificate of Compliance shall be submitted by the applicant in writing along with a completed Elevation Certificate to the Code Enforcement Officer.

C. The Code Enforcement Officer shall review the application within 10 working days of receipt of the application and shall issue a Certificate of Compliance, provided the building conforms with the provisions of this Ordinance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more acres, or in the case of manufactured home parks divided into two or more lots, assure that:

A. All such proposals are consistent with the need to minimize flood damage.

B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

D. All proposals include base flood elevation and, in a riverine floodplain, floodway data.

E. Any proposed development plan shall include a statement that the developer will require that structures on lots in the development be constructed in accordance with Article VI of this ordinance and that such requirement will be included in any deed, lease, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX – APPEALS AND VARIANCES

The Board of Appeals of the Town of Lovell may, upon written application of an aggrieved party, hear and decide appeals from determinations of the Planning Board in the administration of the provisions of this Ordinance. The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances shall be granted only upon:

1. a showing of good and sufficient cause; and,

2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,

3. a showing that the existence of the variance will not conflict with other state, federal or local laws or ordinances; and,

4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:

a. that the land in question cannot yield a reasonable return unless a variance is granted; and,

b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,

c. that the granting of a variance will not alter the essential character or the locality; and,

d. that the hardship is not the result of action taken by the applicant or a prior owner.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances may be issued by a community for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

1. other criteria of Article IX and Article VI-J are met; and,

2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued by a community for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places, without regard to the procedures set forth in Article IX, paragraphs A through D.

F. Any applicant who meets the criteria of Article IX, paragraphs A through E shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

1. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 Per $100 of insurance coverage;

2. such construction below the base flood level increases risks to life and property; and,

3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. The Board of Appeals shall submit to the Planning Board a report of all variance actions, including justification for the granting of the variance and an authorization for Planning Board to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

ARTICLE X – ENFORCEMENT AND PENALTIES

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to 30A MRSA sec 4452.

B. The penalties contained in 30A MRSA sec 4452 shall apply to any violation of this ordinance.

C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, or ordinance;

3. a statement that the public body making the declaration has authority to do so and a citation to that authority;

4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,

5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI – VALIDITY AND SEVERABILITY

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

ARTICLE XII – CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

ARTICLE XIII - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

1. “Adjacent Grade” - means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

2. “Area of a Shallow Flooding” - means a designated AO and AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

3. “Area of Special Flood Hazard” - means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

4. “Base Flood” - means the flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

5. “Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

6. “Building” - see “structure.”

7. “Certificate of Compliance” - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

8. “Code Enforcement Officer” - any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

9. “Development” - means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

10. “Elevated Building” - means a non-basement building (I) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, or AH, B, C, X, or D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls less than three feet in height with openings sufficient to facilitate the unimpeded movement of flood waters.

11. “Elevation Certificate” - An official form (FEMA Form 81-31, SEP 83, as amended) that (I) is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and, (ii) is required for purchasing flood insurance.

12. “Flood” or “Flooding” - means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

   (1) The overflow of inland or tidal waters.

   (2) The unusual and rapid accumulation or runoff of surface waters from any source.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event

which results in flooding as defined in paragraph (a)(1) of this definition.

13. “Flood Elevation Study” - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

14. “Flood Insurance Rate Map” (FIRM) - means an official map of a community, on which the Administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the community.

15. “Flood Insurance Study” - see “Flood Elevation Study.”

16. “Floodplain” or “Flood-prone Area” - means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

17. “Floodplain Management” - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

18. “Floodplain Management Regulations” - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

19. “Flood Proofing” - means any combination of structural and non- structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

20. “Floodway” - see “Regulatory Floodway.”

21. “Floodway Encroachment Lines” - mean the lines marking the limits of floodways on federal, state, and local floodplain maps. “Freeboard” - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

22. “Functionally Dependent Use” - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

23. “Locally Established Datum” - means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

24. “Lowest Floor” - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI of this ordinance.

25. “Manufactured Home” - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

26. “Manufactured Home Park or Subdivision” - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

27. “Mean Sea Level” - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate map are referenced.

28. “New Construction” - means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

29. “100-year flood” - see “Base Flood.”

30. “Regulatory Floodway” - (i) means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and (ii) in Zone A is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

31. “Riverine” - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

32. “Start of Construction” - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

33. “Structure” - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

34. “Substantial Improvement” - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) any alteration of a historic structure, provided that the alteration will not preclude the structures’ continued designation as a historic structure.

35. “Variance” - means a grant of relief by a community from the terms of a floodplain management regulation.

36. “Violation” - means the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XIV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

MISCELLANEOUS ORDINANCES OF THE TOWN OF LOVELL

ORDINANCE REGULATING AUTOMOTIVE GRAVEYARDS AND JUNKYARDS

All automotive graveyards and junkyards shall be screened from view on all sides. Such screening shall meet or exceed the minimum standards developed by Maine State Department of Transportation, Bureau of Highways recommendations, Title 30 MRSA, Sections 2451-2460, as amended.

Automotive graveyards and junkyards shall meet any and all other applicable requirements of the Department of Transportation.

HAZARDOUS AND NUCLEAR WASTE ORDINANCE

No High or Low level nuclear waste, toxic materials, tire or other hazardous waste disposal site which may be deemed to create a public nuisance by adversely affecting the quality of life as defined by "Section 1, Purpose" of the Lovell Zoning Ordinance, shall be established within the Town of Lovell.

AN ORDINANCE REGULATING TOWN BEACHES AND TOWN LANDINGS

1. This Ordinance shall supersede and replace all previous Town Ordinances regulating the use of Town beaches and/or landings in Lovell, Maine.
2. No bottles, cans, or other trash shall be left on any Town beach or Town landing except in containers provided by the Town for same.
3. No fires shall be permitted on any Town beach or Town landing except provided as follows:
   A. WEST LOVELL: Wood fires allowed, but only in fireplaces provided by the Town, and on the lake side of the road; charcoal fires allowed, but only in metal charcoal braziers; also self-contained camp stoves, utilizing a connected fuel supply, such as gas or white gasoline, may be used if approved by Underwriters Laboratory.
   B. HORSESHOE POND, BRADLEY POND LANDING, CUSHMAN POND LANDING, FARRINGTON POND LANDING, AND HEALD POND LANDING: No wood fires allowed; charcoal fires allowed, but only in metal charcoal braziers; also self-contained camp stoves, utilizing a connected fuel supply, such as gas or white gasoline, may be used if approved by Underwriters Laboratory.
   C. PLEASANT POINT BEACH, MILL POND LANDING, NORTH LOVELL LANDING, AND SEVERANCE LODGE LANDING: No fires of any kind permitted.
4. Use of Town Beaches and Picnic Areas is limited to the following:
   a. Residents and landowners in the Town of Lovell, members of their households and their accompanied guests;
   b. Occupants of temporary lodgings in the Town; and
   c. Participants in Town recreation programs, swimming activities, their parents or guardians, and program supervisors, while such activities are taking place.
5. No water craft shall be launched into the waters of Kezar Lake or retrieved there from at the West Lovell Town Beach except at the ramp provided for such purpose at the southerly end of said beach.
6. No water skiing is permitted within two hundred (200) feet of any Town Beach.

7. No tents and/or overnight camping is permitted at any Town Beach or Town Landing.

8. All Town Beaches and Town Landings on Kezar Lake and all parking areas in connection therewith will be closed to use from 9:00 p.m. of every evening until 6:00 a.m. of the following morning; provided that this shall not prevent watercraft from being launched and/or retrieved during the hours closed, nor the leaving of unoccupied vehicles in such areas pending return of watercraft. At the North Lovell Landing, overnight parking shall only be permitted for the owners of Birch and Sheep Islands.

9. No dogs are allowed on any Town Beach, except for service dogs.

10. On all rights-of-way leading to all town beaches and town landings, the maximum speed limit shall be 15 miles per hour.

11. No persons shall cause any tree, bush, or other vegetation, whether living or dead, to be mutilated, cut, damaged, or severed from or on any town property, but this shall not apply to persons duly authorized to manage such property by the Town of Lovell or authorized by its Selectmen.

12. No person shall put or place or cause to be put or placed in any public disposal container (not to be construed to include town dump), any garbage, rubbish, refuse or junk from any residence, cottage or other structure which was created by or from residential, cottage, or private homes; intending to prohibit hereby the dumping into such container, household type trash originating from private dwellings.

13. Any person violating any provision of this ordinance shall be punished by a fine of not less than fifty (50) dollars and not more than five hundred (500) dollars.

14. The Selectmen may adopt further regulations as necessary for Town Beaches and Landings.

[*Amended March1, 2014*]

AN ORDINANCE REGULATING PARKING ON A PART OF CHRISTIAN HILL ROAD, LOVELL, MAINE

1. On Christian Hill Road, in Lovell Village, between its junction with Route 5 and the former Jim Plummer place, vehicles shall only be parked on the southwesterly side of the street; all such parking to be parallel parking only.
2. Any person violating any provision of this Ordinance shall be punished by a fine of not less than ten dollars and not more than one hundred dollars.

AN ORDINANCE REGULATING SOLID WASTE MANAGEMENT

1. The Board of Selectmen will regulate the operation of the solid waste facility.

2. This solid waste facility is for the use of residents and taxpayers of the Town of Lovell only, except that the Selectmen, with Town Meeting approval, may contract with one or more other towns to allow the use of the facility by their residents and taxpayers. After Town Meeting approval of such an initial contract, the Selectmen shall have the authority to extend it, or to otherwise revise its terms and conditions, to ensure that the Town of Lovell recovers all of its costs for the use of the facility by any contracting towns.

3. Persons depositing refuse at the site will deposit only where designated by the attendant on duty. Deposits of refuse other than waste generated within the Town of Lovell or generated within any contracting town shall be prohibited.

4. There will be no fires ignited at the disposal site except by persons authorized by the Town of Lovell.

5. Whoever violates these Ordinances will be subject to a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100).

AN ORDINANCE REGULATING MASS GATHERINGS

MASS GATHERINGS

1. Defined

A mass gathering within this Ordinance is defined as any planned gathering of over one thousand (1000) persons.

2. Permit

Any person(s) or organization(s) planning a mass gathering shall apply for a permit to the Board of Selectmen of the Town of Lovell on a form to be provided by the Town.

a. Before said permit will be issued, the organizer(s) of said mass gathering must comply with all State of Maine and Town of Lovell rules and regulations pertaining to toe dispensing of food and liquor and to sanitation.

b. The Board of Selectmen of Lovell may reject any application if they deem it in the best interests of the Town.

c. The fee for said permit will be one hundred dollars ($100) payable in advance to the Town of Lovell..

3. Bond

The Board of Selectmen may require the organizer(s) to post a bond not to exceed five thousand dollars ($5000).

4. Penalty

Any person(s) or Organization(s) holding a mass gathering without first obtaining a permit, as set forth above, shall be subject to a fine of not less than one thousand ($1000) nor more than five thousand dollars ($5000).

5. The Board of Selectmen shall have the right to waive the permit fee in the case of events that are of a community-betterment or non-profit nature.

AN ORDINANCE REGULATING BARKING DOGS-

No owner or keeper of any dog kept within the legal limits of the Town of Lovell shall allow such dog to unnecessarily annoy or disturb any person by continued or repeated barking, howling or other loud or unusual noises any time day or night.

Upon written complaint by the person disturbed, signed and sworn to, any constable, duly qualified law enforcement official, animal control officer or person acting in that capacity of the Town of Lovell may investigate and may give written notice to the owner or keeper of such dog that such annoyance or disturbance must cease. The warning shall be made part of the complaint. Thereafter, upon continuance of such annoyance or disturbance, such owner shall be guilty of a civil violation and upon conviction thereof shall be punished by a fine of $50.00 for the first offense. Each additional conviction after the first conviction shall be punished by a fine of $50.00. All fines so assessed and attorney fees shall be recovered for the use of the Town of Lovell through District Court.

CEMETERY ORDINANCE

1-1 Title

"Cemetery Ordinance of the Town of Lovell, Maine"

1-2 Purpose
The purpose of this ordinance is to set fees for cemetery burial plots; establish regulations and procedures to govern burials, placement of monuments and decorations; ensure the safety of employees; and provide a beautiful and dignified resting place for the deceased loved ones.

1-3 Hours of Operation
All cemeteries operated by the Town of Lovell shall be open to the public from dawn to dusk every day. Any person found in a cemetery between dusk arid dawn may be charged with trespassing.

1-4 Restricted Activities
No dogs or other domestic animals shall be allowed in cemeteries. Picnics, horseplay, sports activities or any gatherings not in keeping with the purpose arid dignity of a cemetery are prohibited.

1-5 Cost of Burial
The cost of one standard grave site, 4' X 10' shall be $25 000 for a resident of the Town of Lovell and $400.00 for a nonresident. The cost of one full lot, 20 X 16 (8 adjoining grave sites) shall be $1,650.00 for a resident of Lovell, and $2,850.00 for a nonresident. The cost for a half lot 10' X 16' (4 adjoining grave sites) shall be $850.00 for residents of Lovell, and $1,450.00 for a nonresident. The price will include a quitclaim deed and 4 cornerstones provided by the Town of Lovell.

1-6 Opening and Closing of Graves
The Town of Lovell does not provide excavation services for opening or closing graves and will not bear any associated costs. Excavators and/or funeral directors must contact the Town of Lovell's Public Works Department at least 48 hours prior to any grave opening, internment or disinterment to locate and mark the correct burial space.

1-7 Placement of Headstones, Lot Markers, and Corner Markers
The Town's Public Works Department Director prior to placement shall approve the location of head stones, lot markers and corner markers. The Director shall be contacted at least 48 hours prior to placement of headstones, lot markers or corner markers.

1-8 Adornment of Grave sites
In order to ensure safety of the Town's grounds crew, artificial flowers must be placed in containers. Glass containers are prohibited.

The Town reserves the right to remove trees or shrubs planted on grave sites, which becomes dangerous or detrimental to the adjacent grounds because of encroachment of roots or branches. Such trees and shrubs may be removed only after a reasonable attempt to contact the lot owner or responsible party has been made.

No hedges, fencing, walls, curbing railings, or similar structures or enclosures shall be expected around grave sites following adoption of this ordinance. Existing structures or enclosures may be maintained but not expanded.

All winter decorations shall be removed prior to Memorial Weekend.

1-9 Authority for Removal of Items Placed on Gravesites
The Town reserves the right to trim or remove any items, which are contrary to this ordinance, or which have become unsightly and no longer contribute to the beauty and dignity of the cemetery. The Town is not responsible for any items removed.

1-10 Administration, Enforcement and Appeal
This ordinance shall be administered and enforced by the Board of Selectmen of the Town of Lovell.

Appeal of decisions made by the Selectmen or designee under the authority granted by this ordinance may be made in writing to the Board of Selectmen.

1-11 Effective Dates
The provisions of this ordinance shall take place effect as of March 2007.