

**Town of Wells , Maine Review Checklist**  
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Project Name/District: The Shops at Post and Stewart / General Business District  
 - Tax Map 129, Lot 3

Date of Review: 07/13/17; 1/11/18

Prepared By: Office of Planning & Development

Company Name: Town of Wells

**Article V District Regulations**

**A. Purpose.**

The purposes of the General Business District is to provide areas for a wide range of business and commercial uses which serve the entire Town and for lodging and related facilities which serve the tourists.

<b>§ 145-26. General Business District.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
<b>B.</b>	Permitted uses. The following uses are permitted upon obtaining any required permits from the Code Enforcement Officer:				
(1)	Agriculture, limited to the raising of crops and plants out of doors.			<b>NA</b>	
(2)	Cemetery having an area less than 20,000 square feet and containing no buildings.			<b>NA</b>	
(3)	Dwelling, one-family. (See also ' 145-55.)	<b>Y</b>			1 dwelling unit under construction/renovation within the existing 3 story building. Dwelling to be located on 2 <sup>nd</sup> floor of the existing building.
(4)	Dwelling, two-family.			<b>NA</b>	
(5)	Dwelling, multifamily. (See ' 145-48.)			<b>NA</b>	
(6)	Livestock, domestic (small), limited to lots with a minimum lot size of 40,000 square feet. <b>[Added 6-9-2015<sup>[1]</sup></b> <small>[1] Editor's Note: This ordinance also provided for the renumbering of former Subsection B(6) and (7) as Subsection B(8) and (9), respectively.</small>			<b>NA</b>	
(7)	Poultry, domestic (small), all lots, except lots less than 10,000 square feet in area shall be limited to no more than five fowl. <b>[Added 6-9-2015]</b>			<b>NA</b>	
(8)	Recreation, passive.			<b>NA</b>	
(9)	Timber harvesting.			<b>NA</b>	
<b>C.</b>	Permitted uses requiring the approval of a site plan. The following uses are permitted upon obtaining site plan approval and any required permits from the Code Enforcement Officer:				
(1)	Agriculture which includes any structures.			<b>NA</b>	
(2)	Bank.			<b>NA</b>	
(3)	Bed-and-breakfast/small inn. (See ' 145-52.)			<b>NA</b>	
(4)	Business, contractor.			<b>NA</b>	

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		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
(5)	Business, office.			NA	
(6)	Business, personal service.			NA	
(7)	Business, retail, including the manufacturing of any goods offered for sale on the premises.	Y			A Business retail use is proposed on the 1 <sup>st</sup> floor of the existing building.  Total floor area of retail use is noted to be 1,983 SF of sales floor area (287 SF on porch and 1,696 SF on the 1 <sup>st</sup> floor of the building).
(8)	Business, service.			NA	
(9)	Business, wholesale, having a gross floor area of less than 5000 square feet.			NA	
(10)	Cemetery larger than 20,000 square feet in area.			NA	
(11)	Church.			NA	
(12)	Club.			NA	
(13)	Congregate care facility. <b>[Added 6-8-2011]</b>			NA	
(14)	Day-care home.			NA	
(15)	Day-care center/nursery school.			NA	
(16)	Drug abuse shelter. <b>[Added 6-14-2011]</b>			NA	
(17)	Elderly housing <b>[Amended 4-26-1996]</b>			NA	
(18)	Freestanding residential detoxification program. <b>[Added 6-14-2011]</b>			NA	
(19)	Function hall.			NA	
(20)	Hotel/motel. (See ' 145-52.)			NA	
(21)	Housing, congregate.			NA	
(22)	Life care facility. <b>[Amended 4-26-1996]</b>			NA	
(23)	Medical care facility.			NA	
(24)	Municipal facility.			NA	
(25)	Museum.			NA	
(26)	Neighborhood convenience store.			NA	
(27)	Nursing home. <b>[Amended 4-26-1996]</b>			NA	
(28)	Parking lot, commercial.			NA	
(29)	Private non-medical institution (PNMI). <b>[Added 6-14-2011]</b>			NA	

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		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
(30)	Public Transportation Center. <b>[Amended 11-6-2007]</b>			<b>NA</b>	
(31)	Public utility facility.			<b>NA</b>	
(32)	Recreation, active.			<b>NA</b>	
(33)	Recreation, high-intensity commercial.			<b>NA</b>	
(34)	Recreation, low-intensity commercial.				
(35)	Recreation, medium intensity commercial. <b>[Added 6-11-2013]</b>			<b>NA</b>	
(36)	Registered marijuana dispensary. <b>[Added 6-14-2011]</b>			<b>NA</b>	
(37)	Restaurant, standard.			<b>NA</b>	
(38)	Restaurant, fast-food.			<b>NA</b>	
(39)	Sawmill producing less than 100,000 board feet of lumber per year.			<b>NA</b>	
(40)	School, public and private.			<b>NA</b>	
(41)	Tent and recreational vehicle park. (See ' 145-50.)			<b>NA</b>	
(42)	Transportation facility.			<b>NA</b>	
(43)	Stand-alone registered marijuana dispensary. <b>[Added 6-14-2011]</b>			<b>NA</b>	
D.	Accessory uses. Accessory uses are permitted when they are clearly incidental to the permitted use; subordinate, individually and in the aggregate, to the permitted use; and located on the same lot as the permitted use being served. Home businesses as regulated in ' 145-51 are permitted accessory uses.	<b>Y</b>			The building basement and 3 <sup>rd</sup> floor are to be utilized as storage areas only and accessory to the dwelling unit use.
E.	Uses prohibited. Except as permitted in ' 145-12, Nonconforming uses, and in Article VI, Town-Wide Regulations, uses not identified in Subsections B, C and D are prohibited within this district.	<b>Y</b>			
F.	Dimensional requirements.				
(1)	Minimum lot size: 20,000 square feet on net area if served by public sewer; 40,000 square feet of net area if not served by public sewer.	<b>Y</b>			<u>The parcel is 17,807 SF in size. This parcel is non-conforming and grandfathered with regard to lot size.</u>  <u>See note 6, the parcel is served by public sewer.</u>
(2)	Maximum density:				

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§ 145-26. General Business District.			Application Meet Requirements			
			Yes	No	NA	Comments
	(a)	One dwelling unit for each 20,000 square feet of net area if served by public sewer.	Y			The parcel is 17,807 SF in size. This parcel is non-conforming with regard to lot size. The lot is a legal lot of record. 1 dwelling is permitted.  See note 6, the parcel is served by public sewer.
	(b)	One dwelling unit for each 40,000 square feet of net area if not served by public sewer.			NA	Parcel served by public sewer.
	(c)	Four housekeeping cottages or seasonal cottages per acre of net area. <b>[Amended 4-28-1995; 4-12-2003; 6-13-2006]</b>  <i>Editor's Note: This ordinance provided that it shall be retroactive to any application for site plan approval and any application to amend an existing site plan to the extent the amendment proposes additional cottage units that has not received final approval from the Planning Board on 4-25-2006.</i>			NA	No such use is permitted or exists.
	(d)	Twenty hotel/motel units per acre of net area. <b>[Amended 4-28-1995]</b>			NA	No such use is proposed.
	(3)	Minimum street frontage per lot: 100 feet, which may be reduced to 75 feet for frontage entirely on a cul-de-sac.	Y			This parcel has approximately 101.09' of street frontage along Route One. 177.59' of frontage exists along Stewart Street.
	(4)	Maximum lot coverage: 65% (20% within the Shoreland Overlay District) or 2500 square feet, whichever is greater, except that the maximum lot coverage shall be 40% of the entire lot on any lot that was legally created prior to January 1, 1994, if at least 75% of the lot is located within the Shoreland Overlay District. <b>[Amended 4-14-2000]</b>	Y*			Existing lot coverage is 39.6%  <b>Proposed lot coverage is 34%. This assumes the building entry way, per note 9, shall not exceed 180 SF.</b>
	(5)	Maximum building height: 34 feet, not to exceed three stories. (See ' 145-351.)	Y			
	(6)	Setbacks.	Y			
	(a)	All structures shall be at least:				
	[1]	Fifteen feet from any lot line.	Y			15' setbacks shown.

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§ 145-26. General Business District.				Application Meet Requirements			
				Yes	No	NA	Comments
		[2]	Twenty-five feet from the boundary of any cemetery.	Y			Parcel does not abut any known cemeteries.
		[3]	Twenty-five feet from any lot line abutting any street right-of-way.	Y			25' setback from Stewart St noted.
		[4]	Forty feet from any lot line abutting the right-of-way of any state highway.	Y*			The existing structure on this parcel does not meet this lot line setback from Route 1. The structure is nonconforming but is grandfathered as no new construction is proposed to make this nonconformity more nonconforming.
		(b)	All structures and parking lots shall be at least 200 feet from the high-water line of the Merriland River, the Webhannet River and the Ogunquit River.			NA	Parcel is not within 200 feet of such rivers.
		(c)	Each housekeeping cottage or seasonal cottage shall be placed at least 25 feet from any other housekeeping or seasonal cottage on the site. <b>[Added 6-13-2006</b>  <i>Editor's Note: This ordinance provided that it shall be retroactive to any application for site plan approval and any application to amend an existing site plan to the extent the amendment proposes additional cottage units that has not received final approval from the Planning Board on 4-25-2006.</i>			NA	
G.	Special provisions. <b>[Amended 6-14-2016]</b>						
	(1)	If a person or entity owns parcels of land on the east and west sides of Route 1 within the General Business District, the parcels may be treated as a single lot of land, provided that the property owner grants the Town a conservation easement over a portion of the land on the east side of Route 1. The easement shall cover a land area which, in conjunction with the parcels on the west side of Route 1, is adequate to support the proposed use as regulated in the district. The lot on the west side of Route 1 shall meet the minimum lot size requirement. Any proposed easement shall be reviewed and approved by the Planning Board.				NA	

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		Yes	No	NA	Comments
(2)	A municipal facility use or a public school use is allowed a maximum building height of 54 feet if constructed with a roof with a minimum slope of 7/12 and if it does not have a floor higher than 35 feet above the average finished grade.			NA	
(3)	Commercial building design. Proposed buildings or reconstruction of existing buildings or building additions greater than 50% of the existing building footprint shall conform to the following architectural requirements when any portion of the building is located within 500 feet of the Route One right-of-way and north of the intersection of Route One and Route 109 and north of the intersection of Route One and Harbor Road: [Added 6-13-2017]			NA	Parcel is not located north of Route 109 or north of Harbor Road intersections.
	(a) Reconstruction of exterior facades and additions to existing buildings shall be in the architectural style of the original building, and the materials used shall duplicate the original or be similar in appearance to the original materials or materials commonly used in the Town when the building was constructed.				
	(b) New construction and reconstruction shall use external building features which are similar to those buildings in the district constructed in the 18th and 19th centuries. Modern materials which duplicate the original or are similar in appearance to the original used in construction in the 18th and 19th centuries may be used on any buildings.				
	(c) Any new building or reconstructed roof shall have a roof with a minimum slope of 7/12 (30.26°) on 80% of the roof area, and the remaining roof shall be greater than a 3/12 pitch (14.0°).				
	(d) The siding on new buildings or reconstructed buildings shall be wooden clapboard, wooden shingles, brick, stone or materials which duplicate the original or be similar in appearance to the original in shape, texture and appearance.				

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				Yes	No	NA	Comments
		(e)	Roofs shall be shingled, slate, or constructed of materials which duplicate the original or be similar in appearance to materials used in construction in the 18th and 19th centuries.				
		(f)	No internally illuminated signs or electronic message signs shall be permitted.				
		(g)	See § <a href="#">145-76</a> , Design guidelines, established by the Planning Board.				
Note: See also ' ' 145-13, Nonconforming structures, 145-14, Nonconforming lots, 145-33, Shoreland Overlay District, 145-48, Multifamily developments, 145-49, Residential cluster development, and 145-54, Affordable housing				<b>Y</b>			145-13, 145-14 apply