

Town of Wells , Maine Review Checklist
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Project Name/District: Wesley by the Sea Phase 3 - Rural & 75' Shoreland
 Overlay District - Tax Map 79, Lots 2 and 3

Prepared By: Office of Planning & Development

Date of Review: 01/25/19; 02/20/19

Company Name: Town of Wells

Article V District Regulations

A. Purpose.

The purpose of the Rural District is to maintain the open, rural character of the land within the district. Open uses of the land, such as forestry and agricultural uses, should be encouraged and large-scale residential uses discouraged. Residential development should be clustered so that significant areas of the development can be maintained as open space and, where applicable, used to buffer the development from existing Town ways.

§ 145-30. Rural District.		Application Meet Requirements			
		Yes	No	NA	Comments
B.	Permitted uses. The following uses are permitted upon obtaining any required permits from the Code Enforcement Officer:				
	(1) Animal husbandry.			NA	
	(2) Agriculture.			NA	
	(3) Cemetery having an area less than 20,000 square feet and containing no buildings.			NA	
	(4) Dwelling, one-family. (See also § 145-55)	Y			A total of 11 single family dwelling units are proposed within the residential cluster development. Lot 1 has 2 single family dwellings that exist. Lot 2 and 9 also have existing single family dwelling units.
	(5) Dwelling, two-family.			NA	
	(6) Dwelling, multifamily. (See also § 145-48)			NA	
	(7) Livestock, domestic (small), limited to lots with a minimum lot size of 40,000 square feet. [Added 6-9-2015^[1]			NA	
	(8) Livestock, domestic (large), limited to lots with a minimum lot size of five acres. [Added 6-9-2015]			NA	
	(9) Poultry, domestic (small), all lots, except lots less than 10,000 square feet in area shall be limited to no more than five fowl. [Added 6-9-2015]			NA	
	(10) Poultry, domestic (large), limited to lots with a minimum lot size of five acres. [Added 6-9-2015]			NA	

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		Yes	No	NA	Comments
(11)	Recreation, passive.			NA	
(12)	Timber harvesting.			NA	
C.	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:				No use is proposed that requires site plan approval at this time.
(1)	Bed and breakfast/small inn (See also § 145-52)			NA	
(2)	Cemetery larger than 20,000 square feet in area.			NA	
(3)	Church.			NA	
(4)	Club.			NA	
(5)	Congregate care facility, in areas served by public water and sewer. [Added 6-8-2010]			NA	
(6)	Day-care home.			NA	
(7)	Day-care center/ nursery school.			NA	
(8)	Estuarine and marine research facilities located east of U.S. Route 1. Said facilities may include a building containing a dwelling unit occupied by a resident manager and his or her family and fifteen suites or less occupied by visiting scientists conducting research with the Wells Reserve. Said suites shall not exceed 470 square feet and shall not have their own kitchen facilities. However, said building may contain a common kitchen to provide meals available only to the occupants. [Added 4-14-2000; amended 11-5-2002]			NA	
(9)	Kennel.			NA	
(10)	Mineral extraction. (See also § 145-53)			NA	
(11)	Municipal facility.			NA	
(12)	Museum having a gross floor area less than 5,000 square feet.			NA	
(13)	Neighborhood convenience store.			NA	
(14)	Public utility facility.			NA	
(15)	Recreation, active.			NA	
(16)	Recreation, low-intensity commercial.			NA	

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			Yes	No	NA	Comments
(17)	Restaurant (standard) containing fewer than 75 seats.				NA	
(18)	Sawmill.				NA	
(19)	School, public and private.				NA	
(20)	School, vocational-technical, served by public water and sewer and located east of the turnpike and south of Route 109. [Added 4-18-1995]				NA	
(21)	Tent and recreational vehicle park.				NA	
(22)	Transmission tower, radio.				NA	
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 accessory uses.		Y			
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.				NA	All uses proposed shall be conforming/ permitted uses.
F.	Dimensional requirements.					
(1)	Minimum lot size:					
(a)	One hundred thousand square feet of net area.				NA	

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§ 145-30. Rural District.				Application Meet Requirements			
				Yes	No	NA	Comments
		(b)	Forty thousand square feet if located east of the Maine Turnpike and connected to public sewer.	Y*			<p>The subject property's total area is noted to be 25 acres.</p> <p>Net area is noted as 1,022,512 SF with the stream and pond area (68,207 SF) deducted.</p> <p><u>All proposed lots are proposed as residential cluster lots per 145-49. Lot 1 is proposed at 65,734 SF, Lots 2 through 9 are proposed to be over 20,000 SF in size and lot 10 is proposed to be 9.172 acres. The Planning Board must review the proposed lot sizes and consider a reduction per 145-49 after a public hearing.</u></p> <p>The subdivision shall be connected to public sewer (WSD).</p>
	(2)		Maximum density: [Amended 4-28-1995]				
		(a)	One dwelling unit for each 100,000 square feet of net area.			NA	Parcel to be served by public sewer (WSD)

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			Yes	No	NA	Comments
	(b)	One dwelling unit for each 40,000 square feet of net area if located east of the Maine Turnpike and connected to public sewer.	Y			<p>Total parcel area is noted to be 25 acres or 1,090,719 SF.</p> <p>Net area is noted as 1,022,512 SF with the stream and pond area (68,207 SF) deducted.</p> <p>See Density Table on Sheet 1. Per 145-49B:</p> <p>1,090,719 - Brook and Pond Areas (68,207 SF) = 1,022,512 Net Area x .15 =153,377 SF deduction</p> <p>1,022,512 -153,377 = 869,135 SF</p> <p>869,135/ 40,000 = 21 dwelling units permitted</p> <p>11 dwelling units are proposed on the 10 lots cluster lots</p>
	(c)	<p>Four housekeeping cottages or seasonal cottages per acre of net area.[Amended 4-12-2003; 6-13-2006</p> <p><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></p>			NA	No cottage units exist or are permitted on this parcel.

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			Yes	No	NA	Comments
(3)	Minimum street frontage per lot: 200 feet, which may be reduced to 150 feet for lots fronting entirely on a cul-de-sac. The minimum street frontage for a lot containing a one-family dwelling (in conjunction with a one-family dwelling, a day-care home or day-care center/nursery school may be permitted if the driveway is paved to a width of at least 16 feet and has a gravel base of at least 20 feet in width), an agricultural, animal husbandry or a timber harvesting use may be reduced to 50 feet provided that the total lot area is at least 200,000 square feet; the access driveway shall extend to the house and shall not be longer than 750 feet with a grade and width adequate to permit access by fire, police and other emergency vehicles; and any structure on the lot shall be located at least 50 feet from any lot line. No more than two such lots shall have contiguous street frontage.	Y*			<p>The plan identifies 251.07' of frontage along HARRISSECKET ROAD; 606.38' of frontage along Willow Way.</p> <p>The existing Dorfield Lane to be relocated.</p> <p><u>Lots 1 – 10 shall have a minimum of 100' of street frontage on Dorfield Lane. Per 145-49 the cluster lots are permitted to ask the Planning Board to reduce street frontage requirements to a minimum of 50.' This reduction to be considered after a public hearing.</u></p> <p>Lot 1 is proposed to have frontage off of HARRISSECKET ROAD (172.28) and Willow Way (191.03') as well.</p>	
(4)	Maximum lot coverage: 20% or 4,000 square feet, whichever is the greater.	Y*			<p>See note 11. Rural zone max. lot coverage is noted to be 20%.</p> <p><u>Residential Cluster max. lot coverage can be increased to 40%, with Planning Board approval, for lots smaller than 40,000 SF in area. (Lots 2, 3, 4, 5, 6, 7, 8 and 9 are smaller than 40,000 SF). The Planning Board shall consider allowing increased coverage for applicable lots after the public hearing.</u></p>	
(5)	Maximum building height: 40 feet, not to exceed three stories. (See § 145-35I.)	Y			See note 11	
(6)	Setbacks.				See note 11	
(a)	All structures shall be at least:				Setback requirements are detailed in note 11 for the Rural zone and Residential Cluster Developments.	

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§ 145-30. Rural District.				Application Meet Requirements			
				Yes	No	NA	Comments
		[1]	Twenty-five feet from any lot line.	Y*			A 25' setback is required from all lot lines. However, per 145-49 a 50' setback is required from all lot lines of abutting residential lots not within the cluster development. <u>Lot line setbacks for lots within the cluster development may be reduced by the Planning Board from 25' to 15'. This setback reduction to be considered after the public hearing.</u>
		[2]	Twenty-five feet from any lot line abutting any street right-of-way.	Y*			A 25' setback is required for lots along HARRISSECKET Road and Willow Way. <u>A 20' setback is permitted with Planning Board approval for lots located along Dorfield Lane within the residential cluster subdivision. The Planning Board to consider a setback reduction after a public hearing.</u>
		[3]	Forty feet from any lot line abutting the right-of-way of any state highway.			NA	The subdivision does not abut a state highway.
		[4]	Twenty-five feet from the boundary of any cemetery.	Y			A 25' setback/no disturb area is required from the boundary of any cemetery.
		(b)	All structures and parking lots shall be located at least 200 feet from the high-water line of the Merrilland River (including Hobbs Pond), the Webhannet River, Ogunquit River, Perkins Brook and West Brook.			NA	Parcel does not abut such rivers or brooks.

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§ 145-30. Rural District.			Application Meet Requirements			
			Yes	No	NA	Comments
		(c) Each housekeeping cottage or seasonal cottage shall be placed at least 25 feet from any other housekeeping or seasonal cottage on the site. [Added 6-13-2006 <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 uses exist or are permitted on the parcel.
Note: See also §§ 145-13, Nonconforming structures, 145-14, Nonconforming lots, 145-33, Shoreland Overlay District, 145-48, Multifamily developments, and 145-49, Cluster residential development.			Y			
G.	Special provisions. All proposed residential subdivisions containing more than four dwelling units shall be developed according to the provisions of § 145-48, Multifamily developments, or § 145-49, Residential Cluster Development. The Planning Board may waive this requirement for projects containing fewer than 20 lots if it determines that a cluster development as regulated in § 145-49 is not practical because of the configuration of the original lot or because of its natural features.		Y			A residential cluster subdivision is proposed per 145-49.