

**Town of Wells , Maine Review Checklist**  
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Project Name/District: 1690 House Bakeshop & Cafe / General Business District - Tax Map 135, Lot 10

Date of Review: 04-12-19

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.	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.			NA	
(2)	Cemetery having an area less than 20,000 square feet and containing no buildings.			NA	
(3)	Dwelling, one-family. (See also ' 145-55.)	Y			1 single family dwelling exists and will remain
(4)	Dwelling, two-family.			NA	
(5)	Dwelling, multifamily. (See ' 145-48.)			NA	
(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>			NA	
(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>			NA	
(8)	Recreation, passive.			NA	
(9)	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:				
(1)	Agriculture which includes any structures.			NA	
(2)	Bank.			NA	
(3)	Bed-and-breakfast/small inn. (See ' 145-52.)			NA	
(4)	Business, contractor.			NA	
(5)	Business, office.			NA	

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		Yes	No	NA	Comments
(6)	Business, personal service.			NA	
(7)	Business, retail, including the manufacturing of any goods offered for sale on the premises.	Y			300 SF of Business Retail space exists in the 1 <sup>st</sup> floor of the barn/ cabana hut.
(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	
(30)	Public Transportation Center. <b>[Amended 11-6-2007]</b>			NA	
(31)	Public utility facility.			NA	
(32)	Recreation, active.			NA	
(33)	Recreation, high-intensity commercial.			NA	
(34)	Recreation, low-intensity commercial.				

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		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
(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>Y</b>			A 20 seat Standard Restaurant use exists in the 1 <sup>st</sup> floor of the barn/ cabana hut.
(38)	Restaurant, fast-food.	<b>Y</b>			A 300 SF Fast-Food Restaurant use exists in the 1 <sup>st</sup> floor of the barn/ cabana hut.
(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 2 <sup>nd</sup> floor of the barn and shed are accessory to the residence and business uses.
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>			The parcel is 1.038 acres in size. See note 4, the parcel is served by public sewer.
(2)	Maximum density:				
(a)	One dwelling unit for each 20,000 square feet of net area if served by public sewer.	<b>Y</b>			1 single family dwelling exists and is served by public sewer. See note 5.
(b)	One dwelling unit for each 40,000 square feet of net area if not served by public sewer.			<b>NA</b>	No such use is proposed.

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<b>§ 145-26. General Business District.</b>				<b>Application Meet Requirements</b>			
				Yes	No	NA	Comments
	(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>			<b>NA</b>	No such use is permitted or exists.	
	(d)	Twenty hotel/motel units per acre of net area. <b>[Amended 4-28-1995]</b>			<b>NA</b>	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.	<b>Y</b>			This parcel has approximately 164.52' of street frontage along Route One.	
	(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>	<b>Y</b>			Prior approved coverage was 24.9%.  Based on existing site conditions the lot coverage is 20.4% (9,270 SF).  Proposed lot coverage is 28.4% with the addition of 3,600 SF of gravel/ pavement.	
	(5)	Maximum building height: 34 feet, not to exceed three stories. (See ' 145-35I.)	<b>Y</b>			See note 4.	
	(6)	Setbacks.	<b>Y</b>				
	(a)	All structures shall be at least:					
		[1] Fifteen feet from any lot line.	<b>Y</b>			15' setbacks shown.	
		[2] Twenty-five feet from the boundary of any cemetery.	<b>Y</b>			Parcel does not abut any known cemeteries.	
		[3] Twenty-five feet from any lot line abutting any street right-of-way.	<b>Y</b>			Parcel does not abut the boundary of any street row.	

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				Yes	No	NA	Comments
		[4]	Forty feet from any lot line abutting the right-of-way of any state highway.	Y			40' setback requirement shown. The existing structure on this parcel does not meet this lot line setback from the state highway. 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	
	(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	No such use exists or is proposed.

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(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	No building reconstruction or building additions are proposed.  This property is located within 500 feet of Route One and is north of the intersection of Route 1 and Harbor Road.
(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.				
(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.				

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				Yes	No	NA	Comments
		(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