

Town of Wells , Maine Review Checklist
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Project Name/District: Atlantic Pines Oral Surgery / RC District - Tax Map 61, Lot 16

Date of Review: 05-10-19

Prepared By: Office of Planning & Development

Company Name: Town of Wells

Article V District Regulations

A. Purpose.

The purposes of the Residential-Commercial District is to provide areas for the economic use of older residential areas along highways while preserving the character and architectural scale of the areas.

§ 145-24. Residential-Commercial 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)	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.)			NA	
(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. [Added 6-9-2015^[1]			NA	
(7)	Livestock, domestic (large), limited to lots with a minimum lot size of five acres. [Added 6-9-2015]			NA	
(8)	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	
(9)	Poultry, domestic (large), limited to lots with a minimum lot size of five acres. [Added 6-9-2015]			NA	
(10)	Recreation, passive.			NA	
(11)	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)	Bank.			NA	
(2)	Bed-and-breakfast/small inn.			NA	
(3)	Business, contractor.			NA	

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(4)	Business, office.			NA	
(5)	Business, personal service.	Y			The applicant is seeking a change of use. The existing business office use of both buildings (4720 SF + 1200 SF + 130 SF new vestibule = 6,050 SF) to become Personal Service Business.
(6)	Business, retail, including the manufacturing of any goods offered for sale on the premises. [Amended 11-7-2000]			NA	
(7)	Business, service.			NA	
(8)	Business, wholesale.			NA	
(9)	Cemetery larger than 20,000 square feet in area.			NA	
(10)	Church.			NA	
(11)	Club.			NA	
(12)	Congregate care facility. [Added 6-8-2010]			NA	
(13)	Day-care home.			NA	
(14)	Day-care center/nursery school.			NA	
(15)	Drug abuse shelter. (Note: A drug abuse shelter will only be permitted on a lot within this district which lot either has frontage along Route One, or is located within 150 feet of Route One.) [Added 6-14-2011]			NA	
(16)	Elderly housing			NA	
(17)	Freestanding residential detoxification program. (Note: A freestanding residential detoxification program facility will only be permitted on a lot within this district which lot either has frontage along Route One, or is located within 150 feet of Route One.) [Added 6-14-2011]			NA	
(18)	Function hall without commercial-type cooking facilities.			NA	
(19)	Housing, congregate.			NA	
(20)	Medical care facility, excluding hospitals.			NA	
(21)	Municipal facility.			NA	
(22)	Museum.			NA	
(23)	Neighborhood convenience store, excluding sale of motor vehicle fuels and including a restaurant area not exceeding 15 seats.			NA	

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(24)	Nursing home.			NA	
(25)	Private non-medical institution (PNMI). [Added 6-14-2011]			NA	
(26)	Public utility facility.			NA	
(27)	Recreation, active.			NA	
(28)	Recreation, medium intensity commercial. [Added 6-11-2013⁵¹]			NA	
(29)	Registered marijuana dispensary. (Note: A registered marijuana dispensary will only be permitted on a lot within this district which lot either has frontage along Route One, or is located within 150 feet of Route One.) [Added 6-14-2011]			NA	
(30)	Restaurant, standard, containing 36 seats or fewer and located west of Route 1 and east of the turnpike on Route 109.			NA	
(31)	School, public and private. [Amended 10-6-1998]			NA	
(32)	Stand-alone registered marijuana dispensary. [Added 6-14-2011]			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 permitted accessory uses.			NA	The existing 10' x 12' shed on the property to be removed.
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 are permitted.
F.	Dimensional requirements.				

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		Yes	No	NA	Comments
(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.	Y*			The parcel is 25,871 SF in size. (25,871 SF area includes the MDOT Route 109 taking of 631 SF). *Prior approved site plan incorrectly noted lot size to be 26,341 SF. Note 4 revisions needed. The property is served by private septic system. <u>The lot is a nonconforming lot as it does not meet the minimum lot size requirements of 40,000 SF as it is not served by public sewer. Note 4 to be revised.</u>
(2)	Maximum density:				
(a)	One dwelling unit for each 20,000 square feet of net area if served by public sewer.			NA	No dwelling exists or is proposed on this lot.
(b)	One dwelling unit for each 40,000 square feet of net area if not served by public sewer.			NA	No dwelling exists or is proposed on this lot.
(c)	Four housekeeping cottages or seasonal cottages per acre of net area. [Amended 4-28-1995; 4-12-2003; 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 proposed on this lot.
(3)	Minimum street frontage per lot: 100 feet.	Y			The lot has 155' of street frontage along Route 109 (Sanford Road).
(4)	Maximum lot coverage: 60% (20% within the Shoreland Overlay District) or 2500 square feet, whichever is greater.	Y*			RC zone maximum lot coverage is noted to be 60%. Prior approved lot coverage was 53%. Proposed/Existing lot coverage is _____ %

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(5)	Maximum building height: 30 feet, not to exceed three stories. (See ' 145-351.)	Y			See note 5	
(6)	Setbacks. All structures shall be located at least:					
(a)	Fifteen feet from any lot line.	Y*			Setback line shown on the site plan.	
(b)	Twenty-five feet from the boundary of any cemetery.	Y			Parcel does not contain a known cemetery. A cemetery on the abutting lot is greater than 25 feet from the property line of this parcel.	
(c)	Twenty-five feet from any lot line abutting any street right-of-way.			NA	Parcel does not abut a non-state highway street right-of-way	
(d)	Forty feet from any lot line abutting the right-of-way of any state highway.	Y*			Setback line from Route 109 shown on the site plan.	
(e)	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 proposed.	
Note: See also ' ' 145-13, Nonconforming structures, 145-14, Nonconforming lots, 145-33, Shoreland Overlay District, 145-48, Multifamily developments, and 145-49, Residential cluster development.		Y			The existing 13,300 gross SF building is non-conforming with regard to the Special Provisions of the RC zone.	
G.	Special provisions.					

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(1)	No building shall contain more than 5000 square feet of gross floor area, except that a building located in the section of the Residential-Commercial District running along both sides of Route 109 located west of Route 1 and east of the Maine Turnpike containing a medical clinic may contain more than 5000 square feet of gross floor area, provided that it is located on a lot larger than five acres of land. [Amended 4-16-1999]	Y			Each building floor area on this parcel does not exceed 5,000 SF in gross floor area.
(2)	Within any building existing on January 1, 1994, an accessory dwelling unit shall be permitted as regulated in ' 145-55B shall not apply. All other dimensional requirements, except residential density, of the district, including minimum lot size, shall be met.	Y			No dwelling units are located on this lot.
(3)	All business uses and related storage, except for the sale of vegetables, fruits, plants and natural Christmas trees and wreaths, shall be located entirely within an enclosed structure.	Y*			<u>This standard shall be noted on the site plan.</u>
(4)	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 : [Amended 6-13-2017]			NA	This property is not located within 500 feet of Route 1.
(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.				

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	(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.				
	(g)	See § 145-76 , Design guidelines, established by the Planning Board.				
(5)		If a building is located less than 70 feet from a street right-of-way, no parking serving a business shall be located in the area between the building and the street right-of-way.	Y			The existing buildings are located more than 70 feet from Route 109. Parking is permitted between the buildings and the street r.o.w.