

**APPROVED**

**TOWN OF WELLS, MAINE  
ZONING BOARD OF APPEALS**

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June 22, 2015

Susan D. Garvey  
26 Way to the River  
W. Newbury, MA 01985

**APPEAL:**

On June 22, 2015 the Zoning Board of Appeals (ZBA) of Wells, Maine opened a public hearing to hear an appeal for a variation in nonconformance according to Article III, Section 145-12.C for a change of use. The Property is located at 327 Webhannet Drive in the Residential Beach District and further identified as Tax Assessor's Map 116 Lot 58. Luke Guerrette represented Susan D. Garvey, owner.

Deliberations and discussion took place on June 22, 2015 following the close of the public hearing.

**FINDINGS OF FACT:**

1. The ZBA has jurisdiction over this appeal under Land Use Chapter §145-67 A. (2).  
"To permit variations in nonconformance as prescribed in Article III."
2. §145-12.C states "An existing nonconforming use may be changed to another nonconforming use if the Zoning Board of Appeals determines that the impact of the proposed use on adjacent lots is equal to or less adverse than that of the existing use. This determination shall require written findings on the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors or other impacts likely to result from such change of use. The standards in Article VI (Town-Wide Regulations) and Article VII (Performance Standards) shall apply to the change of one nonconforming use to another nonconforming use."
3. §145-22.B & C address permitted uses in the RB District:  
" 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.

(2)  
Dwelling, one-family.

(3)  
Dwelling, two-family.

(4)  
Recreation, passive.

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)  
Day-care home.

(2)  
Municipal facility.

(3)  
Public utility facility.

(4)  
Recreation, active”.

4. §145-22.F (1) & (2) address dimensional requirements in the RB District:

“F.  
Dimensional requirements.

(1)  
Minimum lot size: 5,000 square feet of net area.

(2)  
Maximum density: one dwelling unit for each 5,000 square feet of net area.”

5. The property has been used as a Bed & Breakfast and single family dwelling.
6. The structure is arranged as 3 separate units including separate kitchens and sanitary facilities.

**DISCUSSION:**

The change of use will not require any change to the property, grounds and building. The change from an existing Bed & Breakfast and single family dwelling to 3 dwelling units will not result in any increase in noise, traffic, parking, litter, waste, fumes or odors.

**CONCLUSION:**

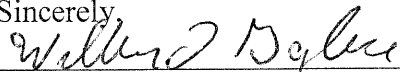
Changing to a nonconforming use of 3 dwelling units will have no more adverse impact on adjacent lots than the current nonconforming use.

**DECISION:**

Based on the Findings of Fact and the Conclusions, the Wells Zoning Board of Appeals determined on June 22, 2015 by a vote of 5 to 0 that your request for variations in nonconformance will result in an equal to or less adverse impact on adjacent lots.

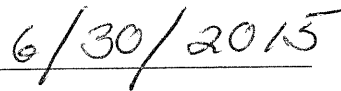
Based on the Findings of Fact and the Conclusions, the Wells Zoning Board of Appeals decided on June 22, 2015 by a vote of 5 to 0 to Grant your request for variations in nonconformance to change the current nonconforming use to a 3 dwelling unit nonconforming use.

Sincerely,



Wilber L. Gosbee

Chairman Zoning Board of Appeals

  
Date