

Town of Wells, Maine Review Checklist
Page 1 of 9

Project Name/District: Congdons Donuts/ General Business & Residential A-
Tax Map 123, Lot 5 and 6

Prepared By: Office of Planning & Development

Date of Review: 07-27-20; 2/3/21;
03/10/21

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.

§ 145-26. General Business 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:				No such uses exist or are proposed within the GB zone of the subject parcels.
	(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] [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.			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. [Added 6-9-2015]			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	

Town of Wells, Maine Review Checklist
Page 2 of 9

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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			1,350 SF Retail Business (Bakery) exists
(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. [Added 6-8-2011]			NA	
(14)	Day-care home.			NA	
(15)	Day-care center/nursery school.			NA	
(16)	Drug abuse shelter. [Added 6-14-2011]			NA	
(17)	Elderly housing [Amended 4-26-1996]			NA	
(18)	Freestanding residential detoxification program. [Added 6-14-2011]			NA	
(19)	Function hall.			NA	
(20)	Hotel/motel. (See ' 145-52.)			NA	
(21)	Housing, congregate.			NA	
(22)	Life care facility. [Amended 4-26-1996]			NA	
(23)	Medical care facility.			NA	
(24)	Municipal facility.			NA	
(25)	Museum.			NA	
(26)	Neighborhood convenience store.			NA	
(27)	Nursing home. [Amended 4-26-1996]			NA	
(28)	Parking lot, commercial.			NA	
(29)	Private non-medical institution (PNMI). [Added 6-14-2011]			NA	
(30)	Public Transportation Center. [Amended 11-6-2007]			NA	
(31)	Public utility facility.			NA	
(32)	Recreation, active.			NA	

Town of Wells, Maine Review Checklist
Page 3 of 9

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(33)	Recreation, high-intensity commercial.			NA	
(34)	Recreation, low-intensity commercial.				
(35)	Recreation, medium intensity commercial. [Added 6-11-2013]			NA	
(36)	Registered marijuana dispensary. [Added 6-14-2011]			NA	
(37)	Restaurant, standard.	Y			The existing Standard Restaurant has 115 seats.
(38)	Restaurant, fast-food.	Y			<p>A 120 SF area is designated as Fast-Food Restaurant to service the drive-thru area.</p> <p>The two 855 SF approved Food Truck areas on Lot 5 and 6 to be combined for a total of 1,710 SF Fast Food Restaurant use. This area to accommodate up to 10 food trucks.</p> <p>Based on 10 fast-food trucks (9'x 19' in dimension) that would be 1,710 SF of area used to calculate parking requirements.</p> <p>The proposed outdoor kitchen is 615 SF and is Fast-Food Restaurant use as the area is for food truck food preparation.</p> <p>1,710 + 615 = 2,325 SF.</p>
(39)	Sawmill producing less than 100,000 board feet of lumber per year.			NA	
(40)	School, public and private.			NA	
(41)	Tent and recreational vehicle park. (See ' 145-50.)			NA	
(42)	Transportation facility.			NA	
(43)	Stand-alone registered marijuana dispensary. [Added 6-14-2011]			NA	

Town of Wells, Maine Review Checklist
Page 4 of 9

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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.	Y			Portable toilets, picnic tables, kids playhouse, patio, dumpsters exist. New picnic tables are proposed. Portable toilets and dumpsters to be relocated. <u>Is a 2nd floor expansion from 462 SF to _____ ? SF proposed as the owner described at the SRC meeting? This area is accessory office space to the Restaurant use. Area to be labelled on C2.1 and described in plan note</u>
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.	Y			
F.	Dimensional requirements.				The RA and GB zone line is identified on the plan. See sheet C2.1, note11.
(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			Lots 5 and 6 to be merged and shall be identified as Tax Map 123, Lot 5. See sheet C2.1, note 1. The parcel area is noted as 15.94 acres on the Standard Boundary Survey (Sheet S1.1) prepared by Main-Land Development Consultants, Inc. dated 03-09-2020. Sheet C2.1 states the property is served by public sewer (WSD).
(2)	Maximum density:				
	(a) One dwelling unit for each 20,000 square feet of net area if served by public sewer.			NA	No such use exists or is proposed. 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	No such use exists or is proposed.

Town of Wells, Maine Review Checklist
Page 5 of 9

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			Yes	No	NA	Comments
	(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 use is permitted or exists.
	(d)	Twenty hotel/motel units per acre of net area. [Amended 4-28-1995]			NA	No such use exists or 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			The parcel street frontage totals 746.81 feet on the Standard Boundary Survey (Sheet S1.1) prepared by Main-Land Development Consultants, Inc. dated 03-09-2020. Street frontage is noted on sheet C2.1.

Town of Wells, Maine Review Checklist
Page 6 of 9

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(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. [Amended 4-14-2000]	Y*			<p>Area of the GB zone is noted on Sheet C2.1 as 7.23 acres.</p> <p>Lot 5 prior approved/grandfathered lot coverage was approved at 35,589 SF or 72.36% in the GB zone.</p> <p>Lot 6 prior approved lot coverage was approved at 38,770 SF or 15% in the GB zone, 0% in RA zone.</p> <p><u>Prior approved total lot coverage for Lots 5 and 6 was 74,359 SF, not 51,163 SF.</u></p> <p>The current amendment application proposes to merge Lots 5 and 6 and will eliminate the lot coverage issues previously identified on prior site plan approvals.</p> <p>See note 10 on sheet C2.1. 0% lot coverage proposed in RA zone. GB zone lot coverage to be noted based on area of land in GB zone. Existing GB zone coverage is 17.01%. Proposed GB zone coverage is 17.34%.</p>
(5)	Maximum building height: 34 feet, not to exceed three stories. (See ' 145-35I.)	Y			GB zone requirements are noted on sheet C2.1.
(6)	Setbacks.	Y			Setback requirements noted on sheet C2.1.
	(a) All structures shall be at least:				

Town of Wells, Maine Review Checklist
Page 7 of 9

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				Yes	No	NA	Comments
		[1]	Fifteen feet from any lot line.	Y			15' lot line setbacks shown <u>Food Trucks are not considered structures due to being annually registered vehicles. Note to be added to sheet C2.1.</u> Kids play house added to property in 2019 meets setback requirements. See note 8 on sheet C2.1 regarding hours of operation.
		[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			Parcel abuts the boundary of Rest View Lane which is labelled on sheet C2.1. A 25' setback is identified.
		[4]	Forty feet from any lot line abutting the right-of-way of any state highway.	Y*			40' lot line setback from Route 1 identified. The existing Restaurant is grandfathered as non-conforming as it does not meet the 40' setback from Route 1. No changes are proposed to the existing building that are within 10 feet of the setback requirements.
		(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. [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 use exists or is permitted.

Town of Wells, Maine Review Checklist
Page 8 of 9

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G.	Special provisions. [Amended 6-14-2016]				
(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 proposed or exists.
(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 in such areas.
(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.				

Town of Wells, Maine Review Checklist
Page 9 of 9

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	(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.				
	(g)	See § 145-76 , 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			Y			