

**Town of Wells, Maine Review Checklist**  
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Project Name/District: Wesley by the Sea Phase 4 - Rural & 75' Shoreland  
 Overlay District - Tax Map 79, Lots 2-10

Date of Review: 02/10/22

Prepared By: Office of Planning & Development

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	

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§ 145-30. Rural District.		Application Meet Requirements			
		Yes	No	NA	Comments
(4)	Dwelling, one-family. (See also § 145-55)	Y			<p>A total of 11 single family dwelling units exist within the residential cluster development (Wesley by the Sea Phase 3).</p> <p>Lot 1 has 2 single family dwellings that exist. Lot 2 and 9 also had existing single family dwelling units at the time of Phase 3 approval. Lot 10 was approved as remaining land consisting of 9.172 acres.</p> <p>With this amendment application, Lot 10 is proposed to be further subdivided into 6 lots for single family dwelling units. The development would have a total of 16 dwelling units. Lot 10 is proposed to remain as 'remaining land' at 4.476 acres.</p> <p><b><u>Is future development of Lot 10 (4.476 acres of "remaining land") anticipated? If so, a note on the plan must indicate the remaining land proposed cannot be developed unless approved by the Planning Board for additional dwelling units.</u></b></p>
(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. <b>[Added 6-9-2015<sup>LU</sup>]</b>			NA	
(8)	Livestock, domestic (large), limited to lots with a minimum lot size of five acres. <b>[Added 6-9-2015]</b>			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. <b>[Added 6-9-2015]</b>			NA	
(10)	Poultry, domestic (large), limited to lots with a minimum lot size of five acres. <b>[Added 6-9-2015]</b>			NA	
(11)	Recreation, passive.			NA	

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<b>§ 145-30. Rural District.</b>		<b>Application Meet Requirements</b>				
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>	
	(12)	Timber harvesting.			<b>NA</b>	
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)			<b>NA</b>	
	(2)	Cemetery larger than 20,000 square feet in area.			<b>NA</b>	
	(3)	Church.			<b>NA</b>	
	(4)	Club.			<b>NA</b>	
	(5)	Congregate care facility, in areas served by public water and sewer. <b>[Added 6-8-2010]</b>			<b>NA</b>	
	(6)	Day-care home.			<b>NA</b>	
	(7)	Day-care center/ nursery school.			<b>NA</b>	
	(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. <b>[Added 4-14-2000; amended 11-5-2002]</b>			<b>NA</b>	
	(9)	Kennel.			<b>NA</b>	
	(10)	Mineral extraction. (See also § 145-53)			<b>NA</b>	
	(11)	Municipal facility.			<b>NA</b>	
	(12)	Museum having a gross floor area less than 5,000 square feet.			<b>NA</b>	
	(13)	Neighborhood convenience store.			<b>NA</b>	
	(14)	Public utility facility.			<b>NA</b>	
	(15)	Recreation, active.			<b>NA</b>	
	(16)	Recreation, low-intensity commercial.			<b>NA</b>	
	(17)	Restaurant (standard) containing fewer than 75 seats.			<b>NA</b>	

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<b>§ 145-30. Rural District.</b>		<b>Application Meet Requirements</b>			
		Yes	No	NA	Comments
(18)	Sawmill.			<b>NA</b>	
(19)	School, public and private.			<b>NA</b>	
(20)	School, vocational-technical, served by public water and sewer and located east of the turnpike and south of Route 109. <b>[Added 4-18-1995]</b>			<b>NA</b>	
(21)	Tent and recreational vehicle park.			<b>NA</b>	
(22)	Transmission tower, radio.			<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 accessory uses.	<b>Y</b>			
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>NA</b>	All uses proposed shall be conforming/ permitted uses.
F.	Dimensional requirements.				
(1)	Minimum lot size:				
(a)	One hundred thousand square feet of net area.			<b>NA</b>	

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<b>§ 145-30. Rural District.</b>				<b>Application Meet Requirements</b>			
				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>The subdivision is considered a Residential Cluster development per 145-49.</p> <p>All approved lots are residential cluster lots per 145-49. Lot 1 is 65,734 SF, Lots 2 through 9 are proposed to be over 20,000 SF in size and lot 10 is 9.172 acres. On 3/11/19 the Planning Board voted to allow the lot sizes and granted a reduction per 145-49.</p> <p><b><u>The proposed lots, 11 to 16, are proposed as residential cluster lots. Lot 10 (remaining land) is to be reduced in area from 9.172 acres to 4.476 acres. Planning Board to consider allowing the proposed lot sizes and granted a reduction per 145-49 after the public hearing.</u></b></p> <p>The subdivision shall be connected to public sewer (WSD).</p>
	(2)		Maximum density: <b>[Amended 4-28-1995]</b>				
		(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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§ 145-30. Rural District.			Application Meet Requirements			
			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 Calculation 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>A total of 16 dwelling units are proposed on the 15 lots.  <b><u>Lot 10 is noted to be "remaining land." No development of lot 10 part of this approval?</u></b></p>
	(c)	<p>Four housekeeping cottages or seasonal cottages per acre of net area.<b>[Amended 4-12-2003; 6-13-2006</b></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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<b>§ 145-30. Rural District.</b>		<b>Application Meet Requirements</b>			
		Yes	No	NA	Comments
(3)	<p>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.</p>	Y*			<p>The plan identifies 251.07' of frontage along HARRISSECKET ROAD; 606.38' of frontage along Willow Way.</p> <p>Dorfield Way is proposed to be extended to satisfy frontage for proposed lots 11 to 16.</p> <p>Lots 1 – 9 are approved to 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 street frontage reduction was granted by the Planning Board on 3/11/19.</p> <p>Lot 1 is proposed to have frontage off of HARRISSECKET ROAD (172.28) and Willow Way (191.03') as well.</p> <p>Lot 10 is proposed to further reduce its street frontage along Dorfield Lane to 50 feet. <b><u>Planning Board to consider this reduction, per 145-49, after the public hearing.</u></b></p> <p>Lots 11- 16 are proposed to have a minimum of 100' + of street frontage along Dorfield lane. <b><u>Per 145-49 the cluster lots are permitted to ask the Planning Board to reduce street frontage requirements to a minimum of 50.' This street frontage reduction to be considered by the Planning Board after the public hearing.</u></b></p>

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	(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>Residential Cluster maximum 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). On 3/11/19 the Planning Board voted to permit increased coverage lots smaller than 40,000 SF in area.</p> <p><b><u>Lots 11 – 16 are proposed to be smaller than 40,000 SF. The Planning Board may consider voting to permit increased coverage for lots 11 – 16 after a public hearing.</u></b></p> <p>Lot 10 exceeds 40,000 SF in area and shall have a maximum lot coverage of 20%.</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.
		[1]	Twenty-five feet from any lot line.	Y*			<p>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.</p> <p><b><u>Lot line setbacks for lots 11-16, 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></b></p>



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§ 145-30. Rural District.					Application Meet Requirements			
					Yes	No	NA	Comments
			[2]	Twenty-five feet from any lot line abutting any street right-of-way.	Y*			<p>A 25' setback is required for lots along HARRISSECKET Road and Willow Way.</p> <p><b><u>A 20' setback is permitted with Planning Board approval for lots 11-16 located along Dorfield Lane within the residential cluster subdivision. The Planning Board to consider a setback reduction after a public hearing.</u></b></p> <p>A 20' setback is permitted for lots 1-10, located along Dorfield Lane within the residential cluster subdivision. The Planning Board granted this setback reduction on 3/11/19.</p>
			[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 Merriland River (including Hobbs Pond), the Webhannet River, Ogunquit River, Perkins Brook and West Brook.			NA	Parcel does not abut such rivers or brooks.
		(c)		<p>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></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 such uses exist or are permitted on the parcel.

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<b>§ 145-30. Rural District.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
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.		<b>Y</b>			
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.	<b>Y</b>			A residential cluster subdivision is proposed per 145-49.