

Town of Wells, Maine Review Checklist
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Project Name/District: Burnt Mill Estates Subdivision Amendment/ Rural & 75'
Shoreland Overlay Districts- Tax Map 62A, Lot 1

Date of Review: 4/6/22

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	
(4)	Dwelling, one-family. (See also § 145-55)	Y			Single family units are identified as SF within the plan set. A total of 32 single dwelling units/ lots are approved and 4 single family units exist via conveyances for a total of 36 single family dwelling units. (See Density Area Calculation Table on sheet S1)
(5)	Dwelling, two-family.	Y			Two-family units (Duplexes) are identified as DP within the plan set. A total of 118 dwelling units/ 59 lots are approved. (See Density Area Calculation Table on sheet S1)
(6)	Dwelling, multifamily. (See also § 145-48)	Y			Multifamily dwelling units are identified as MF within the plan set. A total of 20 dwelling units on 1 lot are approved. 3 buildings on this lot may consist of 3 units within one building (multifamily dwelling). (See Density Area Calculation Table on sheet S1) 20 dwelling units to remain. See Density Area Calculation on Table on sheet S1.

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		Yes	No	NA	Comments
(7)	Livestock, domestic (small), limited to lots with a minimum lot size of 40,000 square feet. [Added 6-9-2015¹¹]			NA	
(8)	Livestock, domestic (large), limited to lots with a minimum lot size of five acres. [Added 6-9-2015]			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. [Added 6-9-2015]			NA	
(10)	Poultry, domestic (large), limited to lots with a minimum lot size of five acres. [Added 6-9-2015]			NA	
(11)	Recreation, passive.			NA	
(12)	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)	Bed and breakfast/small inn (See also § 145-52)			NA	
(2)	Cemetery larger than 20,000 square feet in area.			NA	
(3)	Church.			NA	
(4)	Club.	Y*			See separate site plan approval. <u>Applicant to provide a written request to void the site plan approvals.</u>
(5)	Congregate care facility, in areas served by public water and sewer. [Added 6-8-2010]			NA	
(6)	Day-care home.			NA	
(7)	Day-care center/ nursery school.			NA	

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(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. [Added 4-14-2000; amended 11-5-2002]			NA	
(9)	Kennel.			NA	
(10)	Mineral extraction. (See also § 145-53)			NA	
(11)	Municipal facility.			NA	
(12)	Museum having a gross floor area less than 5,000 square feet.			NA	
(13)	Neighborhood convenience store.			NA	
(14)	Public utility facility.			NA	
(15)	Recreation, active.			NA	
(16)	Recreation, low-intensity commercial.	Y*			See separate site plan approval. <u>Applicant to provide a written request to void the site plan approvals.</u>
(17)	Restaurant (standard) containing fewer than 75 seats.	Y*			See separate site plan approval. <u>Applicant to provide a written request to void the site plan approvals.</u>
(18)	Sawmill.			NA	
(19)	School, public and private.			NA	
(20)	School, vocational-technical, served by public water and sewer and located east of the turnpike and south of Route 109. [Added 4-18-1995]			NA	
(21)	Tent and recreational vehicle park.			NA	
(22)	Transmission tower, radio.			NA	

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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 accessory uses.	Y*			The subdivision is approved to provide 70%+ open space area or 253.4 acres. Of the 253.4 acres 3.37 acres or 1.33% is considered non-dedicated (these areas include the Clubhouse, Fitness Center, Kids Club, Maintenance Buildings, etc). Of the 253.4 acres 250.3 acres is Dedicated Open Space or 66.69 %. Of this 66.69%, 8.55% is considered Golf Course. Sheet 1 states Dedicated & Non-Dedicate open spaces areas to the Density Area Calculation Table. See sheet S11. <u>These details are to be revised on sheet S11 as the golf course and associated Club buildings are to be eliminated.</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.				(See table on sheet S1) and notes on sheet S1.
(1)	Minimum lot size:				
	(a) One hundred thousand square feet of net area.	Y			See note 10 on sheet S1. "Minimum lot size: 100,000 SF of net area. Per 145-49C minimum lot size: 20,000 SF of net area if not served by public sewer." All cluster lot areas provided on sheets S3 to S10 and cluster lot sizes are shown to meet this size requirement. Proposed Lot 32 is a residential cluster lot. See note 9 and 12 on sheet S1. The subdivision is not served by the Wells Sanitary District.
	(b) Forty thousand square feet if located east of the Maine Turnpike and connected to public sewer.			NA	The subdivision is not served by the Wells Sanitary District.
(2)	Maximum density: [Amended 4-28-1995]				

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Company Name: Town of Wells

§ 145-30. Rural District.			Application Meet Requirements			
			Yes	No	NA	Comments
	(a)	One dwelling unit for each 100,000 square feet of net area.	Y			See note 10 on sheet S1. See Density Area Calculation Table on sheet S1. Net area is 13,403,315 SF which allows 134 dwelling units. The Planning Board granted in 2018, a total of 30% in density bonuses, which allowed 174 dwelling units. A total of 174 dwelling units to remain. (118 duplex dwelling units/59 lots (DP), 32 Single family (SF) cluster lots/dwellings, 20 dwellings on the Multifamily lot, and 4 existing SF lots previously sold)
	(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.			NA	The subdivision is not served by the Wells Sanitary District.
	(c)	Four housekeeping cottages or seasonal cottages per acre of net area. [Amended 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 exists or is permitted.

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Shoreland Overlay Districts- Tax Map 62A, Lot 1

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§ 145-30. Rural District.		Application Meet Requirements			
		Yes	No	NA	Comments
(3)	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.	Y			See note 10. Minimum street frontage of Rural Zone noted Minimum street frontage of cluster lots noted. Lots shall meet the street frontage minimum of 50 feet per 145-49 as shown on sheets S3 to S10. Lot 32 is approved to have 50' of frontage off Parsonage Way.
(4)	Maximum lot coverage: 20% or 4,000 square feet, whichever is the greater.	Y			See Note 10 all lots and clustered lots proposed must meet 20% lot coverage maximum or per 145-49, 40% lot coverage is permitted on lots smaller than 40,000 SF in area. Open space lot coverage shall not exceed 2%; see note 10 on sheet S1. <u>May be revised now that the golf course and associated infrastructure is eliminated.</u> The multifamily development Lot sheet C6.19 notes the Open Space area less the lot area proposed (2,000,065 sf – 200,270 = 1,799,795 SF of dedicated Open Space provided for the Multifamily Development Lot.). The lot coverage of the Multifamily Development Lot can be based on the open space provided plus the lot size for a total area of 2,000,065 SF. See Note 10 for the “Multifamily Development Lot” requirements and on sheet C6.19 and/or sheet S7.

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			Yes	No	NA	Comments
(5)	Maximum building height: 40 feet, not to exceed three stories. (See § 145-35I.)	Y			See note 10 on sheet S1.	
(6)	Setbacks.	Y			<p>Setbacks for the residential cluster subdivision lots see note 10 on sheet S1 as: 15' from any abutting lot line, 20' from an abutting street right of way within the subdivision, and 25' from any lot line abutting a street right of way, 40' from a state highway right of way (Route 9A) and 50' from any lot line abutting a non-clustered residential lot per 145-49C(4).</p> <p>Lot 32 was reviewed for compliance with 145-49 standards. Setback reduction from lot line proposed as 15'. Setback from Parsonage Way is required to be 25' and cannot be reduced.</p> <p>See note 10 for setbacks for the multifamily development lot: 25' from the abutting lot line. 30' building separation requirement to be noted as well.</p> <p>25' setback/buffer to be shown on sheet C6.19 and C6.20. Buildings, patios, walkways, etc cannot be located within the 25' setback/buffer for the multifamily development lot.</p> <p>Open space lots with any potential development proposed depict setback requirements.</p>	
(a)	All structures shall be at least:					
	[1] Twenty-five feet from any lot line.	Y*			See note 10 on sheet S1.	
	[2] Twenty-five feet from any lot line abutting any street right-of-way.	Y			See note 10 on sheet S1.	
	[3] Forty feet from any lot line abutting the right-of-way of any state highway.			NA	Lots abutting Route 9A require a 40' setback.	

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			[4]	Twenty-five feet from the boundary of any cemetery.	Y*			See note 10 on sheet S1. A 25' no disturb buffer/setback is shown around existing cemeteries within or abutting the subdivision. Sheet 4 notes the sheet numbers to refer to for limits of disturbance for cemetery along Storer Lane.
		(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	See Note 10 on sheet S1. Applicable plan sheets depict the 200' setback line.
		(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 uses exist or are proposed on the parcel.
G.	Special provisions. [Amended 6-14-2016]							
	(1)	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.			Y			A residential subdivision is approved and will be developed to comply with 145-49 and 145-48.

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(2)	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 within such areas along 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.				
(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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		(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			145-33 applies parcel falls within the 75 Shoreland Overlay District.