

# Chapter 6 - Land Use Policies and Strategies

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## Introduction

The Comprehensive Plan's Land Use Policies and Strategies describe goals, policies, standards, and implementation strategies to guide the location, intensity, and quality of land use in Wells over the next ten years.

## Goals

### State Goal:

1. Encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing development sprawl. (Growth Management Act)
2. Safeguard the State's agricultural and forest resources from development which threatens those resources. (Growth Management Act)

### Regional Goal:

(None specific to land use patterns.)

**No goal is available at the regional level.**

### Wells Goals:

**Note: The most pressing Land Use Goal identified by citizens during the public outreach was that development has been uncontrolled and Wells has lost its rural character, and as a result, the town has seen increased threats to natural resources, excessive use of recreational resources, traffic congestion, etc. This should be addressed in goals, policies, and strategies in the future land use plan.**

1. Wells has a balanced pattern of land use that respects its diverse natural, cultural and historic resources.
2. ~~Encourage~~ Regulate growth so that it is respectful of the Town's village, rural and beach/waterfront areas.
- 2.3. ~~Growth should be allowed~~ management strategies should be employed to ensure growth is compatible with in line with promoting long term sustainability and meeting the Town's goals to reduce carbon emissions.
- 3.4. ~~Impact~~ of new growth on environmental, open space and fiscal resources is minimized.
- 4.5. ~~Growth~~ does not exceed the capacity of municipal facilities and services.
6. The identities of the Town and its neighborhoods are maintained and enhanced.
7. Wells plays a role in achieving statewide climate change action goals such as enacting energy efficient building codes and reducing greenhouse gas emissions.

*Updates in the following section reflect refinements suggested by public outreach. New suggestions are accompanied with a comment about where the suggestion came from.*

## **Policies**

To achieve these goals, it is the policy of the Town of Wells to:

1. Promote a general pattern of development that maintains and enhances the land use, character, and living environments of the Town including the high-density beach/waterfront area, the Route 1 mixed-use corridor, the suburban style neighborhoods and the farm and forest rural areas. To accomplish this policy the Town will:
  - a. Identify areas for growth that would include residential areas and areas for mixed-use development where public infrastructure can service a ~~high~~ higher density of development;
  - b. Restrict development in critical rural areas, near sensitive resource areas, and in areas prone to natural hazards;
  - c. Encourage commercial and industrial uses in appropriate locations;
  - d. ~~Encourage and P~~reserve tourism-related industry east of Route 1;
  - e. Preserve beach/waterfront residential neighborhoods
2. Protect and enhance Wells' small-town rural character by ensuring that new development is consistent with the character of the Town, promotes amenities that reinforce the Town's character, protects the scenic value of the Town's beaches, marshes, rivers and rural roads, and protects historic areas of the Town.
  - a. **Note: The following addition was suggested by the Wells Energy Committee:** Development guidelines should be consistent with enhancing long term sustainability of natural resources, and addressing energy efficiency and renewable energy for heating and electricity.
3. Consider a variety of regulatory and non-regulatory mechanisms to accommodate and control growth while protecting the Town's rural character and sense of community.
4. Monitor and manage the impacts of residential growth to ensure that such growth does not unduly strain public facilities and services or have an adverse impact on natural resources or critical natural resources. This includes studying alternative methods of managing growth and financing public improvements required by new growth, such as: a differential growth cap, Transfer of Development Rights (TDR), Purchase of Development Rights (PDR), Impact Fees and other innovative planning tools such as Tax Increment Financing.
5. Encourage higher standards for infrastructure development in the Town's commercial and municipal center in the Route 1/109 area.
6. Direct growth into areas designated in the Future Land Use Plan as growth or transitional areas.

7. Manage residential development outside of village areas to assure it is consistent with the character of Wells by:
  - a. Adopting and revising land use regulations that recognize the capacity of natural and man-made systems within the Town;
  - b. Restricting development in areas where public facilities such as water, sewer, and roads are not available or are not adequate to service the development unless the services are upgraded; and
  - c. Requiring provision of open space and recreational lands as part of new, large subdivisions that are commensurate with the size of the development and that optimize opportunities to connect with town wide and regional open space and recreational resources.

~~8. Maintain and promote small scale commercial activities and uses along the Route 1 Corridor assuring that expansion of existing commercial uses or development of new commercial enterprises adhere to the following guidelines (Pper the 2000 Corridor Plan adopted by the Town in April 2000)(or to newly established guidelines if a new Route 1 study is conducted):~~

- ~~a. Ensuring the scale and nature of the development is compatible with adjacent uses.~~
- ~~b. Encouraging signs that are consistent with the scale of the development and do not hinder views to the waterfront.~~
- ~~c. Instituting appropriate access management techniques to maintain a safe roadway system by minimizing curb cuts on major transportation routes.~~
- ~~d. Ensuring that US Route 1 remains with two travel lanes by promoting transportation alternatives and other traffic routes.~~

8. Work with the Maine DOT to complete a comprehensive corridor study of land use and transportation for Route 1.

9. Direct business and industrial growth and expansion to locations that minimize impact to the Town's natural and historical environment and adjacent neighborhoods by adopting and implementing guidelines for landscaping, buffering, building design, lighting, and parking.

10. Identify specific areas that could be zoned or re-zoned to accommodate light industrial or business development based upon the suitability of the area and access to arterial roadways.

11. Assure the long-term protection of land that is in forestry or agriculture through both regulatory and non-regulatory means.

- a. **Note: The following addition was suggested by the Wells Energy Committee:** Forest and land protection goals should include the benefit of carbon sequestration.

12. Continue to protect, manage, and enhance the Town's open space and resource conservation areas.

~~13.~~ Establish new and implement existing master plans for Town-owned lands to determine their most appropriate long-term uses.

14.13.

~~15. Examine feasibility of acquiring land for a potential future Maine Turnpike interchange in the Moody/Tatnie Road area.~~

14. Monitor and support state climate action goals and action items and enact changes to land use and development policies and regulations that will reduce greenhouse gas emissions, such as energy-efficient building codes.

~~16.~~15. Designate distinct “critical rural,” “rural” and “growth” areas based on the guidelines of Maine’s Growth Management Act.

### **Critical Rural Areas**

Critical rural areas encompass areas in the community that contain valuable natural, historic or visual resources that are in need of a higher level of protection.

### **Rural Areas**

Rural areas include areas of the community that:

- a. Consist of large, contiguous open spaces, farmland, and forest land;
- b. Are relatively free of sprawling and strip development along roads; and
- c. Are not physically suitable for accommodating future high density residential or commercial uses.

### **Growth Areas**

Growth areas include areas in one of three categories:

1. Developed Areas – Areas that are essentially built out and will only experience incremental or infill growth in the foreseeable future.
2. Existing Growth Areas - Areas already designated as residential, commercial or industrial zones on the existing zoning map that have some capacity for future growth.
3. Transitional Areas – Areas that are not part of established residential, commercial or industrial areas on the existing zoning map that:
  - a. Are located in proximity to existing residential or commercial areas of Wells;
  - b. Are physically suitable for development or redevelopment;
  - c. Contain sufficient area to accommodate planned growth and development; and
  - d. Enable a compact, clustered, rather than sprawling, pattern of development.

**Note: The following policy suggestion was made by the Conservation Committee and should be reviewed by the committee.**

16. Prioritize establishing and increasing pedestrian and bike infrastructure in the town to provide alternative, healthy means for residents as transportation costs increase. Specifically, plan for bike paths and sidewalks/walkways along the western side of the town within the route one corridor to provide means for residents in western Wells to shop and work, and parallel to the Route 1 corridor to allow coastal residents to walk and bike as an alternative to facing Route 1 traffic.

17. Explore opportunities to develop a downtown district with density of residential units and services associated with a traditional downtown. Note: this was commonly mentioned by residents as a means of economic development. This would create local and year-round job opportunities.

**Note: The following policy suggestions were made by citizens during public outreach and should be reviewed by the committee.**

18. Consider measures to consider the needs of year-round residents to balance year-round population and tourists.

- ~~18.~~19. Plan for where to focus economic and commercial development in the town. Important components to include in the plan include how to support local businesses, where industrial use is allowed, where commercial land use should be focused, and how to create more year-round economic opportunities.

**Note: The following policies were identified in the Comp Plan Review Criteria Rule (Chapter 208) and we recommend considering them.**

20. Coordinate the Town's land use strategies with other local and regional land use planning efforts.
21. Support the locations, types, scales, and intensities of land uses
22. set forth in this Comprehensive Plan's vision, the goals and policies in this chapter, and the definitions of land use areas in the Future Land Use Plan.
23. Support the level of financial commitment necessary to provide needed infrastructure in growth areas.
24. Establish efficient permitting procedures, specifically in growth areas.
25. Protect critical rural and critical waterfront areas from the impacts of development.

**Note: The following policies are suggested policies for the Committee to consider during the future land use visioning process and for potential incorporation into the Land Use Chapter policies list.**

1. Support affordable housing and/or the rehabilitation of low-income and moderate-income properties through land use code provisions.
2. Support providing senior housing for the Wells' senior population through land use code provisions.
3. Consider the connectivity of land and trails among land use areas in Wells and fund conservation opportunities accordingly.
4. Consider sustainable transportation connectivity among land use areas in Wells and fund conservation and/or transportation projects accordingly.
- ~~4.~~5. Protect historical and archaeological resources through land use code provisions.

**Note and question for committee: This section from the 2005 plan may be partially or wholly relevant. We suggest the committee revisits this while visioning for an updated Future Land Use plan. Is this something the committee would like to prioritize?**

### **Definition of Land Use Districts by Type**

The following table lists districts classified as non-growth and growth areas in the Future Land Use Plan.

Non-Growth Areas		Growth Areas		
Critical Rural Areas	Rural Areas	Developed Areas	Existing Growth Areas	Transitional Areas
CR 1 – Fenderson Wildlife Commons	R1 – Rural Area Previously Defined	BB – Beach Business	RA – Residential A	T1 – Moody
CR 2 – The Heath/West Brook Corridor	R2 – Chapel Road Rural Extension	RB – Residential Beach	RC – Residential/Commercial	T2 – Community College
CR 3 – Tatnic Hills/Mt. Agamenticus Area	DR – Developed Rural	RD – Residential Drakes Island	H – Harbor	T3 – Burnt Mill
CR 4A – Branch Brook Aquifer Travel Time <200 days			GB – General Business	<del>T4 – Hobbs Farm</del>
CR 4B – Branch Brook Aquifer Recharge Area			LI – Light Industrial	T5 – Crediford Limited Commercial
CR 5A – Webhannet River Corridor			QM – Quarry Manufacturing	T6 – Limited Industrial
CR 5B – Merriland River Corridor			TC – Transportation Center	<del>T7 – Downtown District</del>
CR 5C – Ogunquit River Corridor				
CR 5D – Lower Branch Brook Corridor (not in Recharge Area)				
CR 6 – Existing Resource Protection Districts				
<u>CR 7 – Existing Conservation Lands</u>				
<u>CR 8 – Subdivision Open Space</u>				

## Tools to Define Rural and Critical Rural Areas

The Town of Wells wants to protect its rural and critical rural areas in ways that respect the rights of property owners. As such, the base minimum lot size of 100,000 square feet (2.30 acres), or 40,000 square feet if located east of the Maine Turnpike and connected to public sewer -will remain intact throughout the Town's rural areas (Town Code, Chapter 145, Article V, 145-30). Instead of increasing the base lot size, there are four mechanisms being suggested to control the character of growth in the rural areas of Wells:

1. Stronger standards for clustering and open space preservation in rural subdivisions in areas where preservation of large undeveloped blocks is a priority. Stronger clustering standards would limit the visual and environmental impacts of development in such key areas of Wells.
2. In areas where protection of water resources is a priority, wetland areas will be excluded from lot sizes, so the 100,000 square foot minimum will apply to a net lot size and not the gross lot size.
3. Maximum allowable lot coverage in some proposed Critical Rural Areas (all impervious surfaces) will be reduced below the 20% coverage now allowed in standard rural areas.
4. In areas with key water resources, land uses and septic systems will be limited to mitigate negative impacts on these resources.

**Note: We recommend removing this paragraph, as the Growth Management Committee is no longer active. The longer section on the Growth Management Ordinance and Committee found later on in this chapter has also been identified for removal.**

~~In addition to these recommended zoning-related provisions, the Growth Management Committee will be tasked with examining other regulations and incentives to mitigate the impacts of growth in the rural and critical rural areas of Wells. This Committee will, within three years of this plan's adoption, develop alternative strategies that will replace the Town of Wells' existing system of growth management.~~

~~As outlined in Policy #4 and Implementation Strategy #7, these alternative strategies may include: a differential growth cap, Transfer of Development Rights (TDR), Purchase of Development Rights (PDR), Impact Fees and other innovative planning tools.~~

**Note: We recommend including the following paragraph explaining the role of Maine's Growth Management Program in municipal comprehensive planning, and how it is relevant for the Wells Comprehensive Planning update.**

Maine's Growth Management Program (GMP) is a set of guiding regulations that were implemented to encourage orderly growth and growth planning. The program requires

municipalities to form a comprehensive plan that includes defined section criteria and policy development based upon state goals. A comprehensive plan must include an actionable implementation strategy section. These guidelines are meant to assist with the uniform and controlled growth at the state, region, and town levels moving forward and allow for some level of standardization in comprehensive plans between municipalities. The states GMP requirements were used as a guide in the updating of the 2005 Wells Comprehensive Plan (Maine State Growth Management Program 2020).

**Comment: There is no information available online about the Town of Wells implementation of Critical Rural Areas, aside from the 2005 plan. Has this played a role in the Town's Land Use planning in the past 15 years? Would the committee like to revisit this information, and/or incorporate into future land use planning efforts?**

### **Critical Rural Areas**

In all critical rural areas, the base minimum lot size of 100,000 square feet will be kept intact. However, as discussed above, growth will be limited and controlled in these areas through a mix of regulatory and non-regulatory mechanisms. The suggested Critical Rural districts and provisions for each are listed below.

### **Critical Rural 1 – Fenderson Wildlife Commons**

**Note: The Energy committee suggests that in the future land use plan, the critical rural areas should have a requirement for 75% open space.**

Geographical Description – The area surrounding the Fenderson Wildlife Commons property, stretching from the growth area along Route 109 to the Perkins Town area. This area encompasses a large and contiguous block of mostly undeveloped land that abuts mostly undeveloped land in the Town of Sanford.

#### Land Use Standards

- Maximum lot coverage: 15%
- Required 50% open space preservation for all new residential subdivisions
- Where possible, new residential subdivision units shall be served by community water and sewer systems
- If property to be developed abuts an existing open space, the new open space must abut it
- No new roads will be accepted by the Town of Wells
- No private roads may result in the connection of existing public or private roads
- Vegetated buffers must be maintained along existing public and private roadways

### **Critical Rural 2 – The Heath/West Brook Corridor**

Geographical Description – An area beginning at the Wells Heath property along Routes 109 and 9A stretching along the West Brook Corridor into Perkins Town and along the proposed trail corridor connecting the Heath with Fenderson Wildlife Commons. This district includes an mostly undeveloped corridor running several miles from the North Berwick town line to Route 109.



### Land Use Standards

- Maximum lot coverage: 15%
- Required 50% open space preservation for all new residential subdivisions
- Where possible, new residential subdivision units shall be served by community water and sewer systems
- If property to be developed abuts an existing open space, the new open space must abut it
- No new roads will be accepted by the Town of Wells
- No private roads may result in the connection of existing public or private roads
- Vegetated buffers must be maintained along existing public and private roadways

### **Critical Rural 3 – Tatnic Hills/Mt. Agamenticus**

Geographical Description – A series of undeveloped backland areas located south of Route 9 and west of Hiltons Lane. This area contains several unfragmented blocks of habitat land, some of which abut other unfragmented blocks in the Town of South Berwick.

### Land Use Standards

- Maximum lot coverage: 15%
- Required 50% open space preservation for all new residential subdivisions
- Where possible, new residential subdivision units shall be served by community water and sewer systems
- If property to be developed abuts an existing open space, the new open space must abut it
- No new roads will be accepted by the Town of Wells
- No private roads may result in the connection of existing public or private roads
- Vegetated buffers must be maintained along existing public and private roadways

### **Critical Rural 4A – Branch Brook Aquifer Travel Time <200 days**

Geographical Description – The portion of the Branch Brook Aquifer Recharge Area with a contaminant travel time of less than 200 days. This area includes the most critical locations in Wells for protection of groundwater, as Branch Brook is the public drinking water source for the Town (as well as for Kennebunk and Kennebunkport).

### Land Use Standards

- Cluster developments are prohibited
- Wetland areas deducted: 100%
- Maximum lot coverage: 10%
- Require 400-foot septic system setback from Branch Brook
- Require 250-foot building setback from Branch Brook
- Establish controls over the use, handling, and storage of chemical or petroleum products
- Prohibit fuel sales
- Prohibit animal husbandry or agricultural uses that produce animal wastes

### **Critical Rural 4B – Branch Brook Aquifer Recharge Area**

Geographical Description – The balance of the Branch Brook Aquifer Recharge Area that lies outside the 200-day contaminant travel time zone.

#### Land Use Standards

- Cluster developments are prohibited
- Wetland areas deducted: 100%
- Maximum lot coverage: 10%
- Establish controls over the use, handling and storage of chemical or petroleum products
- Prohibit fuel sales
- Prohibit animal husbandry or agricultural uses that produce animal wastes

### **Critical Rural 5A – Webhannet River Corridor**

Geographical Description – A corridor along the Webhannet River stretching from the estuary, across Route 1 and west to the Boston & Maine Railroad right-of-way.

#### Land Use Standards

- Cluster developments are prohibited
- 250-foot building setback (200' under current zoning)
- Wetland areas deducted: 100%
- Maximum lot coverage: 10%

### **Critical Rural 5B – Merriland River Corridor**

Geographical Description – A corridor along the Merriland River, stretching from the estuary to Route 109 where it joins the Heath/West Brook Critical Rural Area.

#### Land Use Standards

- Cluster developments are prohibited
- 250-foot building setback (200' under current zoning)
- Wetland areas deducted: 100%
- Maximum lot coverage: 10%

### **Critical Rural 5C – Ogunquit River Corridor**

Geographical Description – A corridor along the Ogunquit River from the estuary to the South Berwick town line.

#### Land Use Standards

- Cluster developments are prohibited
- 250-foot building setback (200' under current zoning)
- Wetland areas deducted: 100%
- Maximum lot coverage: 10%

### **Critical Rural 5D – Lower Branch Brook Corridor (not in Recharge**

**Area)** Geographical Description – A corridor along Branch Brook beginning

below the Aquifer Recharge Area (at about where Route 1 crosses Branch Brook), running to the estuary.

#### Land Use Standards

- Cluster developments are prohibited
- 250-foot building setback (200' under current zoning)
- Wetland areas deducted: 100%
- Maximum lot coverage: 10%

#### **Critical Rural 6 – Existing Resource Protection Districts**

Geographical Description – The existing RP district areas in Wells. Many of these areas fall within the borders of the newly defined Critical Rural areas but others, especially the Merriland, Webhannet and Ogunquit River estuaries are outside the Critical Rural areas. The purpose of these districts is to protect and preserve fragile environmental areas from intrusions that would upset ecological systems or pose as public health and safety problems (Town Code, Chapter 145, Article V, 145-32).

#### Land Use Standards

- Development is already severely restricted using present standards

#### **Critical Rural 7 – Existing Conserved Lands**

Geographical Description – The existing conserved lands in Wells. These include Town-owned lands managed for conservation, Town-owned conservation easements, as well as land trust properties and easements conserved in perpetuity.

#### Land Use Standards

- Development is already severely restricted under deeds or easements of conservation lands

#### **Critical Rural 8 – Existing Subdivision Open Space**

Geographical Description – The existing lands under subdivision open space in Wells. These lands are required to be held as open space, undeveloped, by Wells subdivision regulations.

#### Land Use Standards

- Development is already severely restricted by subdivision regulations

### **Rural Areas**

All areas located outside of growth areas and critical rural areas will remain as standard rural areas to preserve the open, rural character of the land that correspond with the Town's existing Rural (R) zoning district. The dimensional and use standards already in place for the R district are recommended to remain intact.

However, stronger standards for clustering in subdivisions are recommended to better protect the character of these areas.

The existing R district will be reduced in size by the proposed Critical Rural and Transitional Areas. The only location where the R district is proposed for expansion is for a forested parcel located on the north side of Chapel Road that is currently in the RC district. This area is one of the few large parcels located east of the Turnpike that is registered as Tree Growth in the Current Use Taxation program. Also, its location between York County Community College, the Route 1 corridor and the Town Hall/High School area makes it a potential future area for trails and green space.

The Developed Rural area comprises the Perkins Town section of Wells. While no changes are recommended to land use standards in this area, it was designated as such to recognize the fact that substantial suburban-scale development has already taken place here.

### **Developed Growth Areas**

The developed areas of Wells consist of its coastal residential and business areas. These areas correspond with the current boundaries of the Residential Beach (RB), Residential Drakes Island (RD) and Beach Business (BB) zoning districts. Hobbs Farm, identified in 2005 as a Transitional Area, is now built out and has been changed to a Developed Growth Area. Although these areas are identified as growth areas, the supply of undeveloped land is extremely small, thus limiting the possibility of future growth. The existing dimensional and use standards for these three districts are recommended to remain the same to retain the intended New England family resort character and provide lodging facilities and other services to tourists and residents (Town Code, Chapter 145, Article V, 145-22-25).

### **Existing Growth Areas**

Existing Growth Areas correspond with established, non-rural zoning districts in Wells that have capacity for future growth. The purposes of Existing Growth Areas range from medium-density residential development to commercial or industrial uses (Town Code, Chapter 145, Article V, 145-21-29). No changes are recommended for the standards of these districts. There are seven existing zoning districts that fall within the Existing Growth Area definition:

1. Residential A (RA)
  2. Residential/Commercial (RC)
  3. Harbor Commercial (Harbor)
  4. General Business (GB)
  5. Light Industrial (LI)
  6. Quarry Manufacturing (QM)
  7. Transportation Center (TC)
- Existing dimensional and use standards for all of these districts are recommended to remain intact. In the two mixed-use areas (RC and GB),

clustering will be encouraged, allowing residential development to occur on lots as small as 10,000 square feet for one-family dwellings (Town Code, Chapter 145, Article V, 145).

**Note: The Residential Cluster Development was last amended in 2016, and we recommend incorporating the following information here or elsewhere in the chapter.**

#### Residential Cluster Development

Residential cluster developments are intended to provide more efficient uses of land, resulting in the preservation of natural land forms, wetlands, wildlife and waterfowl habitats, significant vegetation and agricultural lands, other natural resources, and historical sites (Town Code, Chapter 145, Article VIII, 145-49).

#### Land Use Standards

- Permitted in all zoning districts where residential development is allowed
- Minimum requirement of 35% open space and significant natural features
- Minimum lot size may be reduced to 20,000 square feet, and may be reduced further if served by public sewer.

**Note: We recommend deleting this section on Transportation. Aspects of it are outdated (the transportation center was built) and additional transportation information is covered in the Transportation chapter and appendix.**

#### ~~Transportation Center District~~

~~The Transportation Center District was created and approved by the Town in 2004. A Comprehensive Plan amendment was simultaneously passed. Since it is a newly designated zoning district, the contents of the 2004 amendment are included in this update. Changes to the 2004 language have been made as appropriate to reflect the present situation, but the purposes and standards of the amendment have not been altered.~~

~~Transportation Center. Under new zoning the Transportation Center is envisioned to be a small-scale, mixed-use commercial area that would complement the new multi-modal Wells Transportation Center facility. Prior to 2003, this area was zoned as Light Industrial with a small portion zoned as both Residential Commercial and Mobile Home Park Overlay.~~

~~Area Included. The area of a new Transportation Center zoning district focuses on the Wells Transportation Center facility. The boundaries are the Maine Turnpike to the east and the rail line to the south. Directly related development on the other side of the Turnpike is not feasible. Development of uses south of the rail line but related to the Transportation Center would only be possible with some sort of crossing, bridge or tunnel; none of which is envisioned or feasible at this point in time, and certainly not within the ten-year planning period.~~

~~The northern boundary for a new district is Route 9/109 (Sanford Road).~~

In order to include all of the Transportation Center access road and the current Turnpike Authority lands in the district, and also to provide for transportation-related development to the west of the western access road, it is envisioned that the longest line segment of the existing LI boundary in that location would be extended in a straight line to Sanford Road to become the western boundary.

As the Town continues to address the need to improve traffic circulation throughout the Transportation Center District area of Route 9/109, adjustments to the District may be considered.

This is a standalone zoning district. With a new, straight-line western zoning district boundary as described above, the present Rural district zoning would remain unchanged and a small portion of the existing Residential Commercial district would become Transportation Center district. The existing Mobile Home Park Overlay is envisioned to remain as it is at present and would simply be an overlay of the new Transportation Center district instead of Residential Commercial.

Desired Uses. The Transportation Center zoning district permits mixed uses aimed toward customers of the multi-modal Wells Transportation Center. Uses include those customarily associated with serving the needs of customers of a multi-modal transportation hub, such as: informational kiosks, sale of convenience items (e.g., toiletries, candy, newspapers, prepared foods, souvenirs), gas stations, restaurants, hotels, motels, conference facilities with associated food service, travel agencies, ATM's, bicycle rental, car rental, self storage, and offices & facilities of transportation providers. Certain uses previously allowed under the existing Light Industrial district regulations continue to be compatible with the Transportation Center development and are allowed (some of which may be types of activities noted above): Office Business, Service Business, Motor Vehicle Rental, Municipal Facility, Commercial Parking Lot, Public Utility Facility, Standard Restaurant, Fast Food Restaurant, and Transportation Facility. Implementing regulations include criteria for the review and consideration of restaurant drive-through service.

Land Use Guidelines. Development of the transportation center will benefit from more dense and more intensive development, but the regulations should still provide for open areas and landscaping. The plan envisions a density of development and lot coverages similar to (and no greater than) those in the existing General Business District regulations for properties served by public sewer [that is 20,000 sq. ft. minimum lot size and 65% lot coverage]. The district should promote car parking to the rear of developments and provide for buffering of car parking with vegetative and/or non-vegetative landscaping. Building setback distances from Route 9/109 should be limited so as to provide for construction of parking and ancillary facilities to the rear (away from the traveled way) of new buildings. Forty feet is what was recommended in the April 2002 plan. Setbacks from the internal access road can be less than along Sanford Road due to the size of the district, lower speeds of travel, and so as to generate a more pedestrian scale. Landscaping and sidewalks within the front setback should be required and also

within the side or rear setback areas if those areas abut the access road.

Transportation and traffic management will be critical to successful development at the transportation center. How to regulate and design the relationship of commercial development to the flow of traffic to/from the Turnpike, along Route 9/109, and to/from the Transportation Center itself will be issues for thoughtful cooperation between developers, landowners, the Turnpike Authority and the Town. They will also deserve careful consideration by the Planning Board in reviewing site plan and subdivision proposals.

Promoting access to and from commercial developments within the transportation center makes sense in terms of “access management”. Obviously, that will be the only practical means of access for development that does not have frontage on Route 9/109. Further, for lots that front on Route 109, utilizing the access road will not only facilitate the type of development sought by the town but also provide a safer and more effective means of controlling traffic via the existing traffic signal. Without long term rights to access that road, promoting development that must use that road will be necessarily hindered. Coordination with the Turnpike Authority will be necessary to accomplish it.

The zoning ordinance provides for buffering and screening to protect the residences in the mobile home park presently to the west of this area.

Water & Sewer. Due to the limited land area, the limited capacity of soils there to function efficiently with large scale septic systems, and the potential for negative impacts on Crediford brook, the existing public sewer service which has already been extended past the turnpike for the train station must be utilized to promote and serve the development within the Transportation Center Zoning District. Public water should also be provided (through the sleeves currently existing within the turnpike overpass) to promote and serve development of the Transportation Center. This is consistent with the Public Utilities goals and policies found in Chapter 13 of this plan.

**Comment for committee: As mentioned at the beginning of this section, we recommend the committee review the transitional areas section during any future land use visioning.**

### **Transitional Areas**

Transitional areas are locations that are presently zoned for rural uses and densities that the Future Land Use Plan suggests become areas that are redesignated to accommodate future residential, commercial, or industrial uses (as appropriate for each area). Recommended changes in these areas concern minimum lot size, lot coverage and other dimensional standards, as well as allowable uses.

There are six suggested Transitional Areas described below.

### **Transitional Area 1 – Moody**

Geographic Description – Includes all areas south of Route 9B and east of the Maine Turnpike that are currently in the Rural (R) zone, with the exception of the area abutting the Ogunquit River, that is recommended to be part of Critical Rural Area 5C.

Land Use Standards – This area has already seen substantial residential development ~~and needs to be prepared for a potential interchange with the Maine Turnpike, should that come to fruition.~~ Improving access in this area is a priority as well, with a particular need to encourage road connections among new and existing residential developments in order to reduce traffic on Route 1. The following recommendations are made for this area's land use standards:

- Require road and pedestrian connections among new and existing residential developments
- Require water and sewer line extensions for new developments
- Coordinate with developers to facilitate locations of new roads
- Maintain 20% lot coverage but allow an additional 5% for pedestrian facilities
- Reduce minimum lot size from 100,000 to 40,000 square feet with public water and sewer
- Allow a mix of residential and business uses

### **Transitional Area 2 – Community College**

Geographic Description – An area located to the south of Chapel Road and adjacent to the General Business (GB) district, including the York County Community College property and several adjacent commercial and undeveloped properties.

Land Use Standards – The YCCC campus is very important to Wells' economic development needs and may need to expand in the future, possibly to accommodate student housing. This area may be able to accommodate a future roadway that could connect Chapel Road to Mile Road, potentially easing the burden of beach traffic on Route 1. There is already a substantial amount of lodging and transient housing in this area. The following recommendations are made for this area's land use standards:

- Increase allowable lot coverage from 20% to 40%
- Define student housing as "A room or suite of rooms leased to a post-secondary student for a period of ten months or less."
- Allow all types of student, transient and seasonal housing
- Continue to allow lodging units

### **Transitional Area 3 – Burnt Mill**

Geographic Description – Contains the area located just south of the Merrilland River and east of the Maine Turnpike that is currently zoned Rural Residential (R).

Land Use Standards – This corridor has access to the Route 1 corridor and is already located adjacent to developed residential, commercial and industrial areas.



As with the Moody area, alternative means of automotive and pedestrian access are needed in this area to support future growth. The following recommendations are made for this area's land use standards:

- Require road and pedestrian connections among new and existing residential developments
- Require water and sewer line extensions for new developments
- Coordinate with developers to facilitate locations of new roads
- Maintain 20% lot coverage but allow an additional 5% for pedestrian facilities
- Reduce minimum lot size from 100,000 to 40,000 square feet with water and sewer
- Allow a mix of residential and business uses

**Note: The energy committee suggests that minimum lot size decreases should not occur (even with sewer and water connections).**

#### ~~Transitional Area 4 – Hobbs Farm~~

~~Geographic Description – An area located along Meetinghouse and Burnt Mill Roads, adjacent to the existing RA zone along the Route 109 corridor.~~

~~Land Use Standards – This area is already experiencing residential growth and is expected to see additional development in the future. However, it is located west of the Turnpike in a semi-rural area. Therefore, the type of growth desired for this area is of a large lot variety. No changes to dimensional or use standards are recommended – the transitional area designation is simply a means of recognizing how this area is undergoing change.~~

#### **Transitional Area 5 – Crediford Limited Commercial**

Geographic Description – A strip of land located on the west side of Crediford Road (Route 9A), adjacent to the Wells Heath property. This area includes several former gravel pits now owned by the Town of Wells.

Land Use Standards – This area is proposed for a potential business park and other limited commercial development. Its location adjacent to the Wells Heath makes it less suitable for intensive commercial growth, so development in this area will need to be restricted somewhat. To develop this area to its full potential, extensions of water and sewer lines would be necessary. However, this area is located more than a mile from the end of existing utility lines, and extending lines may prove to be very difficult. The following recommendations are made for this area's land use standards:

- Allow a mix of residential, business and civic uses
- Enact strong access management standards to limit the number of curb cuts on Crediford Road (Route 9A).
- Restrict impacts of lighting in this area on the Wells Heath
- Require that parking facilities are designed in ways that limits their stormwater runoff and that minimizes visual impacts
- *Assuming the use of wells and septic tanks:*

- Increase maximum lot coverage from 20% to 30%
- Maintain existing minimum lot size of 100,000 square feet
- *If public water and sewer services are available:*
  - Increase maximum lot coverage from 20% to 40%
  - Reduce minimum lot size to 40,000 square feet

**Transitional Area 6 – Limited Industrial**

Geographic Description – A narrow area located adjacent to the existing LI zoning district, just to the south of the town landfill and just to the west of the Maine Turnpike.

Land Use Standards – This area is located between the town landfill and a recently-approved residential development. It has environmental constraints, particularly in regard to the availability of drinking water. To ensure that this area balances economic potential with environmental constraints, the following recommendations are made for this area’s land use standards:

- Allow limited light industrial uses that produce only minor environmental impacts
- Prohibit all residential uses
- Prohibit the drilling of subsurface wells for drinking water
- Ensure proper buffering from adjacent residential properties

residential, commercial or industrial uses (as appropriate for each area). Recommended changes in these areas concern minimum lot size, lot coverage and other dimensional standards, as well as allowable uses.

**Transitional Area 7 – Downtown District**

Geographic Description – A district along Route 109 and Route 1 extending from the Wells Town Offices in the west, to the public library in the south, to the post office in the north, with the eastern boundary being the parcels along the eastern frontage with Route 1.

Land Use Standards – This area is designated as a downtown for the purpose of encouraging density of residential development and services appropriate for a traditional downtown. If rezoned, this district could include such potential changes to development restrictions as reduced road and lot line setbacks, lot coverage requirements, and lot size requirements.

**RECOMMENDATIONS FOR MANAGING GROWTH**

Question for the committee: The Residential Growth Ordinance expired in 2008. The 2005 plan indicates that a new system to replace the Growth Ordinance was desired. Does the committee want to prioritize replacing or planning for the replacement of the ordinance?

## **The Function of the Existing Residential Growth Ordinance**

For the past 25 years, the Town of Wells has had in place a residential growth ordinance that has set a limit for the amount of new housing units that may be built in any one year. Section 10 of the Inventory outlined the rationale for the Town of Wells' growth ordinance. The primary purpose of slowing the rate of growth in the Town has historically been to maintain a predictable level of growth. The effect of predictability is that the Town has been able to continue to keep up with the additional public capital and operating costs brought on by new residential development.

Even with this limit in place, Wells still added 467 housing units from 2000 to 2003, which is more than all but one other municipality in York County (Saco added 489). As discussed in the Inventory, the actual rate of development from 2000 through 2003 has set a pace for Wells to probably exceed its 2015 State Planning Office population projection by at least a year or two.

Without the growth limit in place, the present rate of growth in Wells would undoubtedly be higher. As pressure for residential development has mounted since 2000, the current annual growth limit of 132 units has been reached for the past two years and there is now a waiting list for both subdivision and single lot development in the Town. In addition, the Town settled a lawsuit in November 2004 by agreeing to exempt 131 lots in a previously approved subdivision from the growth limit. Finally, as of February 2005, projects totaling 277 proposed new subdivision lots are currently under review by the Planning Board and the Town Planner expects to receive applications for as many as 100 more lots by mid-2005.

Adding up all of these potential new units produces a picture of a Town facing tremendous pressure to grow. In sum:

- With a two year waiting list for growth permits, demand exists for 264 units to be built right now (132 per year);
- An additional 131 lots have recently been exempted from the growth cap and may be built right away;
- Another 277 new lots are in the pipeline (with up to 100 more expected in the immediate future);
- Therefore, it can be reasonably estimated that there is an immediate demand to build as many as 772 housing units in the Town of Wells.

Even at the historic growth rate of between 100 and 132 units per year, the Town already faces a long list of potential capital expenditures. As the Capital Investment Strategy outlines, capital projects totaling about \$23 million have already been identified just to serve the Town's needs at its current growth rate. If the annual growth rate were to increase by a factor of four or greater, the capital needs of the Town would grow even larger.

The Town of Wells understands clearly that it must move away from a town-wide growth cap. However, given the current demand and the known capacity limitations, the town cannot prudently eliminate the growth cap without having another growth

management system in place. It is that rationale which demands that the Town of Wells continue the current growth cap on a strictly temporary basis. As described in Strategies 7 and 8 at end of this chapter, upon adoption of the plan the Town Selectmen would appoint a Growth Management Committee to develop and recommend for adoption a new system of growth management. The temporary cap would be extended for up to a three-year period for this system to be developed and adopted at town meeting.

### **A New System is Needed**

While the growth ordinance has effectively protected Wells from having to address the potential fiscal consequences of unfettered development, the ordinance has not served to reinforce the Town's Comprehensive Plan or its Zoning Ordinance. As Figure 8 shows, residential development in the Town has occurred in a relatively haphazard fashion, with high concentrations of new construction in many rural areas of the Town. Several areas current zoned Rural (Perkins Town, Tatnic Hills, the area west of Route 1 near Moody) have seen a great deal of new development since the early 1990s.

The general conclusion of the Comprehensive Plan Improvement Task Force recognizes that the existing Residential Growth Ordinance may not be the most effective way to manage growth. However, the Task Force feels that zoning alone will not adequately control future residential growth and development. Thus, a new system for growth management is needed in Wells.

### **Recommendation: Appoint a Growth Management Committee to Oversee the Transition to a New System**

The Comprehensive Plan Improvement Task Force has considered a variety of options regarding the management of residential growth in Wells in the context of the Comprehensive Plan Update. It is clear to the members of the Task Force that this issue will require more intensive study than what can be adequately addressed in a Comprehensive Plan. Thus, the Task Force recommends that, as an immediate implementation action, the Board of Selectmen appoint a special Growth Management Committee.

The responsibility of the Growth Management Committee will be to develop alternative strategies to the existing Residential Growth Management Ordinance (growth cap). The Committee will be asked to examine the potential of growth management strategies such as: a differential growth cap, Transfer of Development Rights (TDR), Purchase of Development Rights (PDR), Impact Fees (e.g., stormwater management, transportation, open space) and other innovative planning tools.

In conducting its work, the Growth Management Committee must understand the goals and policies of the Land Use chapter of the Comprehensive Plan. Specifically, the strategies developed by the Committee must reinforce the distinctions of growth, transitional, rural and critical rural areas put forth in this plan. The Committee must also pay heed to any changes to state statutes or rules regarding the management of

~~growth to ensure that Wells' ordinances are in compliance.~~

~~The Growth Management Committee will be given a maximum of three years from the adoption of the Comprehensive Plan to complete its work. Within the three year period, the Committee will develop an alternative system to the present Residential Growth Ordinance and present it to Town Meeting for a vote. The present numerical limitation on residential growth will be phased out in conjunction with the implementation of an alternative growth management system.~~

~~In the interim, the existing Residential Growth Management Ordinance will remain in place as a **temporary** means of limiting the pace of growth. As discussed above, Wells already must plan for about \$23 million in capital investments at its current pace of growth. The Comprehensive Plan Improvement Task Force has concluded that removing the growth cap without having an alternative strategy in place would result in a large spike in the growth rate that would place an undue strain on the Town's finances.~~

## Standards

To achieve these policies, the following are Town of Wells' standards to guide development:

1. Existing Town Land Use and Subdivision Ordinances and the desired uses and land use guidelines noted above.

## Implementation Strategies

1. Amend the Wells Land Use Ordinance consistent with the Land Use Policies, desired uses and land use guidelines.
2. Establish a program to identify, select and prioritize appropriate lands in critical rural areas for open space protection and possible acquisition.

### **Note: We suggest the following addition to this strategy.**

- ~~2.3.~~ Work with the Wells Conservation Commission, State and Federal entities and private land trust and conservation organizations to assemble a database of parcels suitable for protection based upon guidance policies established by the Conservation Commission. The parcels should focus on Town Natural Resource, Land Use, and Transportation goals, such as establishing protected lands for salt marsh migration due to rising sea levels or parcels that will provide sustainable transportation links such as bike paths or pedestrian commuter paths.
- ~~3.4.~~ Maintain, and enhance where possible, the scenic views and corridors along the easterly side of Route 1 that incorporate coastal waters and marshes.
- ~~4.5.~~ Work with owners of agriculture and forestry lands so they are aware of, and kept up to date with, Maine "current use" programs and encourage the donation or sale

of land or conservation easements to the Town or conservation organizations.

6. Manage the development of public infrastructure and facilities in a manner that limits development pressure in rural and critical rural areas.
7. Establish a standing Growth Management Committee to review the tools available for managing growth in the Town of Wells on an ongoing basis and make recommendations to the Selectmen. The previous Growth Management Committee was sunsetted in 2008 and if re-established should monitor regional growth trends, research and provide examples of ordinances and other growth management techniques from surrounding communities, and consider the long-term capacity of Wells' municipal facilities and services.

~~Appoint a Growth Management Committee to develop alternative strategies to the existing Residential Growth Management Ordinance (growth cap) within a three-year period from the adoption of the Comprehensive Plan. The Committee will examine the potential of growth management strategies such as: a differential growth cap, Transfer of Development Rights (TDR), Purchase of Development Rights (PDR), Impact Fees and other innovative planning tools.~~

5. ~~Temporarily maintain the existing Residential Growth Ordinance for a period of no more than three years while the Growth Management Committee works to implement an alternative system to replace it.~~
6. ~~—~~

**Note: The following policies were identified in the Comp Plan Review Criteria Rule (Chapter 208) and we recommend considering them.**

8. Assign responsibility for implementing the Future Land Use Plan to the appropriate committee, board, or municipal official. **Note: the responsibility could be assigned in existing implementation strategy #1.**
9. Using the descriptions provided in the Future Land Use Plan narrative, maintain, enact or amend local ordinances as appropriate to: **Note: the committee should keep these guidelines in mind as the revisit the Future Land Use plan.**
  - a. Clearly define the desired scale, intensity, and location of future development;
  - b. Establish or maintain fair and efficient permitting procedures, and explore streamlining permitting procedures in growth areas; and
  - c. Clearly define protective measures for critical natural resources and, where applicable, important natural resources.
  - d. Clearly define protective measures for any proposed critical rural areas and/or critical waterfront areas, if proposed.
10. Periodically (at least every five years) evaluate the implementation of the plan in accordance with Section 2.7 (bullet #9 directly above).
11. Include in the Capital Investment Plan anticipated municipal capital investments needed to support proposed land uses.
12. Meet with neighboring communities to coordinate land use designation and regulator and non-regulatory strategies.
13. Provide the code enforcement office with the tools, training, and support

necessary to enforce land use regulations, and ensure that the Code Enforcement Officer is certified in accordance with 30-A M.R.S.A. §4451.

14. Track new development in the community by type and location.

7. Direct a minimum of 75% of new municipal growth related capital investments into designated growth areas identified in the Future Land Use Plan.

**Note: The following policies are suggested implementation strategies for the Committee to consider during the future land use visioning process and for potential incorporation into the Land Use Chapter strategies list.**

1. Develop and open space plan for the Town of Wells.

2. Encourage the participation and comments from the conservation commission on public and private plans for open space.

3. Continually assess existing and future Town-owned lands based upon conservation, recreation, and facility needs.

4. Update ordinances regarding floodplains following the release of updated FEMA maps in 2022.

**Note: The following suggestions were made by the Conservation Committee and should be reviewed by the Committee.**

1. Direct the Selectboard to create a legal means to regulate rate of growth to match that of surrounding communities. Consider traffic congestion, water resources, and development rates in planning for future growth.

2. Rezone setbacks for streams and river to accommodate increased rain volume and storm event frequency. **Note: For example, the recent breaching of Hobb's Pond Dam and the undergirding of the road culvert on Bragdon Road are a few examples of how planning will need to be altered to meet the storm threat.**

3. Consider downscaling or not extending sewer and water services west of I-95 which would increase development and reduce lot sizes. Note: This suggestion came from the conservation committee and from public outreach results. Residents expressed increasing levels of development and growth as a major concern that is altering the "rural character" of Wells.

4. Alter the land use ordinance to not count wetlands in assessing land for minimum lot requirements. This currently causes development to occur in unsuitable locations. Direct the planning board to pay special attention to wetland protection, especially vernal pools, forested wetlands, and shrub-scrub wetlands. **Note: The energy and conservation committee also noted that wetlands, buildable land, ledge, etc. should not be included in density calculations.**

5. Increase funding to the Land Bank to acquire open space to sustain public recreation, resources conservation, watershed protection, and wildlife habitat. **Note: The conservation committee notes that this increased funding can come from taxation and voters have historically supported expending funds from the land bank for these purposes (for example, the last warrant for purchasing a large parcel was approved by 86.2% of voters).**

2.6. Consider legislating an impact fee for all residential development. This fee will be allocated to the Land Bank for purchase of open space for recreation and resource

conservation, watershed protection, and wildlife habitat.

**Note: The following suggestions are from residents from public outreach and should be reviewed and refined by the committee:**

1. Initiate a town wide discussion relating to the use of abandoned gravel pits. Examples of hypothetical use include areas for appropriate businesses, to be set aside for recreational purposes, or replanted/vegetated to enhance the ecological function of this open space.