

Town of Wells, Maine Review Checklist
Page 1 of 10

Project Name/District: Seaglass Village Amd #10 - General Business, Rural, & 75' Shoreland Overlay District - Tax Map 19, Lot 31

Date of Review: 03/24/23

Prepared By: Office of Planning & Development

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:				The prior site plan approvals allowed the GB district requirements to be applied 43 feet to the west.
(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.	Y			An existing 800 SF cemetery exists on this parcel. Maintenance concerns regarding this cemetery were raised in the past. The property shall cut brush, weed whack and maintain a path as permitted by the Town Code. A note detailing this cemetery maintenance was added to a prior approved plan.
(3)	Dwelling, one-family. (See also ' 145-55.)	Y			An existing single family home is located on this parcel off of Old County Rd. See sheet 2, note 28 regarding the use of the house as a temporary office. ZBA granted house reconstruction approval in 2008.
(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] <small>[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.</small>			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	

Town of Wells, Maine Review Checklist
Page 2 of 10

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		Yes	No	NA	Comments
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:				<u>Recommend using the as-built plan and adding site plan notes on that sheet. Grading sheet used provides no notes or area to add notes.</u> <u>Purpose of this plan and signature block needed.</u>
(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	
(6)	Business, personal service.			NA	
(7)	Business, retail, including the manufacturing of any goods offered for sale on the premises.			NA	
(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	

Town of Wells, Maine Review Checklist
Page 3 of 10

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Shoreland Overlay District - Tax Map 19, Lot 31

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§ 145-26. General Business District.		Application Meet Requirements			
		Yes	No	NA	Comments
(20)	Hotel/motel. (See ' 145-52.)	Y			There are 24 grandfathered non-conforming hotel/ motel units in the GB zone. The GB zone line was previously approved to have its requirements apply 43 linear feet to the west so that all hotel/motel units are within the GB zone. The Planning Board acknowledged this alteration on 10/7/13. There are 179 non-conforming seasonal cottage units and 24 non-conforming hotel/motel units on the parcel or a total of 203 lodging units.
(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	
(33)	Recreation, high-intensity commercial.			NA	
(34)	Recreation, low-intensity commercial.			NA	
(35)	Recreation, medium intensity commercial. [Added 6-11-2013]			NA	
(36)	Registered marijuana dispensary. [Added 6-14-2011]			NA	
(37)	Restaurant, standard.			NA	
(38)	Restaurant, fast-food.			NA	
(39)	Sawmill producing less than 100,000 board feet of lumber per year.			NA	
(40)	School, public and private.			NA	

Town of Wells, Maine Review Checklist
Page 4 of 10

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§ 145-26. General Business District.		Application Meet Requirements			
		Yes	No	NA	Comments
(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	
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*			<p>Accessory uses in the GB zone include the 24' x 40' gatehouse/office space (960 SF); the 30'x60' pool/ wading pool with patio (6,508 SF); 6' x 6' guardhouse (36 SF); and a 14' x24' shed (336 SF). A 10' x 20' trash compactor with 8' high fence near the exit also exists. A 60' x 120' all-purpose court is located near front entrance.</p> <p><u>Current amended plan proposes to remove the 14' x 24' approved shed area (not 14' x 28') adjacent to the pool area and add a 14' x 20' area to the south of the pool house/office building.</u></p> <p><u>A stone patio/fire pit area was constructed without site plan approval in the vicinity west of the pool. The site plan must address this. The patio/fire pit area appears to be constructed within the DEP 100' setback from the adjacent stream.</u></p> <p>The existing dwelling unit was permitted to be used as a temporarily office during the construction of the project. See sheet 2 note 28 on prior approved plans. Construction has ended and the use of an office is no longer permitted.</p>

Town of Wells, Maine Review Checklist
Page 5 of 10

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					Accessory uses in the R zone include the 11,800 SF Clubhouse with food service; a 2,235 SF Pool; a 2,605 Walking Pool; a 17,233 SF patio with fireplace, 2 bocce courts; 2 shuffle board courts; a putting green; and two 60' x 120' tennis courts (14,400 SF). The dog park area in the Rural zone is shown on the plan. No changes proposed by the applicant within the Rural zone as part of this site plan amendment application.
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*			<p>Two seasonal cottage units do not meet the 25' building separation. Note 12 on sheet 1 of prior site plan approval, which makes reference to the consent agreement granted for units 500 and 502 within this lodging facility.</p> <p>Two units do not meet the required 25' DEP buffer from the wetland (106 and 108). DEP has been granted for these units. Others are very close to the buffer setback (300, 138, 141, 406, 502) but do meet the setback required.</p> <p>1 seasonal cottage (unit 100) is located within the GB zone and 1 temporary model unit is temporarily located in the front parking area.</p> <p>(There are 179 seasonal cottage units and 24 hotel/motel units within the parcel or a total of 203 lodging units.)</p>
F.	Dimensional requirements.				<u>Dimensional requirement notes from prior approved plan needed.</u>

Town of Wells, Maine Review Checklist
Page 6 of 10

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§ 145-26. General Business District.			Application Meet Requirements			
			Yes	No	NA	Comments
(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			Parcel is 65.02 acres; GB zone is 9.56 acres or 416,568 SF. See note 7; the parcel is served by public sewer. Book 16355 and Page 174 for the conveyance to the Town added to sheet 1.	
(2)	Maximum density:					
(a)	One dwelling unit for each 20,000 square feet of net area if served by public sewer.	Y			1 dwelling unit along Old County Rd exists	
(b)	One dwelling unit for each 40,000 square feet of net area if not served by public sewer.			NA		
(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>	Y			Gross area of the parcel is noted on sheet 2 of prior approved plan (12-07-15) as 65.02 acres. Net area of GB zone is 8.32 acres (362,419 SF+/-). Net area of R zone is 55.16 acres (2,402,769 SF+/-). 179 seasonal cottage units (non-conforming use) are grandfathered on the property at a density of 4 units per acre (10,890 SF of land required per seasonal cottage unit). 3 seasonal cottage units (non-conforming use) are grandfathered in the GB zone. 3x 10,890 = 32,670 SF of land area required. 176 seasonal cottage units are grandfathered in the R zone. 176 x 10,890 = 1,916,640 SF of land area required. <u>Density notes not provided on amended site plan provided.</u>	

Town of Wells, Maine Review Checklist
Page 7 of 10

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	(d)	Twenty hotel/motel units per acre of net area. [Amended 4-28-1995]	Y			<p>24 hotel/motel units are grandfathered in the GB zone. (Grandfathered as a non-conforming development). No hotel/motel units exist or are permitted in the Rural zone.</p> <p>24 hotel units requires 52,272 SF of land. (2,178 SF x 24 = 52,272 SF) Each motel units requires 2,178 SF of land at 20 units per acre.</p> <p>362,419 SF(net area in the GB zone) - 20,000 (dwelling) - 32,670 (3 seasonal cottages) -52,272 (24 hotel units) = 257,477 SF of remaining land area in the GB zone.</p>
	(3)	Minimum street frontage per lot: 100 feet, which may be reduced to 75 feet for frontage entirely on a cul-de-sac.	Y			<p>Parcel has over 200' of frontage on Route 1 and over 400' of frontage on Old County Rd. The minimum street frontage requirement is noted on sheet 1.</p>
	(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>See coverage tables on sheet 1.</p> <p>Coverage for the GB zone is proposed to be 29.5%. See note 5 for maximum coverage allowed. Some grass parking is identified – The Planning Board discussed grass parking on 10/7/13. UNO means – unless noted otherwise.</p> <p><u>Lot coverage table to be added to site plan. Lot coverage must also consider the patio/fire pit constructed to the west of the pool, the new shed area and the walkway constructed from the front parking area to the office.</u></p> <p>No change to lot coverage in the R zone proposed or permitted.</p>

Town of Wells, Maine Review Checklist
Page 8 of 10

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	(5)	Maximum building height: 34 feet, not to exceed three stories. (See ' 145-35I.)		Y			See note 17 and note 12 on sheet 1 of prior approval. To be added to plan.
	(6)	Setbacks.		Y			See note 17 and note 12 on sheet 1 of prior approval. To be added to plan.
	(a)	All structures shall be at least:					
		[1]	Fifteen feet from any lot line.	Y			15' setbacks required. See also 145-52 25' wide lodging facility buffer requirement.
		[2]	Twenty-five feet from the boundary of any cemetery.	Y			25' setback/no-disturb area required from the cemetery boundaries.
		[3]	Twenty-five feet from any lot line abutting any street right-of-way.	Y			25' setback required from Old County Road and Edgewood Circle.
		[4]	Forty feet from any lot line abutting the right-of-way of any state highway.	Y*			40' setback required from Route 1.
	(b)	All structures and parking lots shall be at least 200 feet from the high-water line of the Merrilland River, the Webhannet River and the Ogunquit River.				NA	Parcel is not within 200 feet of such rivers but does have a stream that requires a 75' setback (75' Shoreland Overlay zone).
	(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	See note #12 on sheet 1 of prior approved site plan. (See consent agreement reference note as recommended above).
G.	Special provisions. [Amended 6-14-2016]					NA	

Town of Wells, Maine Review Checklist
Page 9 of 10

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(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.
(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 not located within such areas along Route One and Route 109.
(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.				

Town of Wells, Maine Review Checklist
Page 10 of 10

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		Yes	No	NA	Comments
	(c)				
	(d)				
	(e)				
	(f)				
	(g)				
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			See 145-33 review checklist