

Town of Wells, Maine Review Checklist
Page 1 of 12

| | | | |
|------------------------|--|-----------------|--|
| Project Name/District: | Seahorse Resort / General Business District – Tax Map 135, Lot 13 | Date of Review: | 12/16/21; 06/16/22; 01/19/23; 3/30/23 |
| 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: | | | | <p><u>Purpose of this plan note, add to C101: “Seeking site plan approval changes to an existing, grandfathered, Lodging Facility consisting of 79 motel units (11 unit building, 16 unit building, 8 unit building, 7 attached units (57 – 63), and 37 individual units). There are (77) one-bedroom and (2) two-bedroom motel units. The renovation will result in maintaining the existing 11 unit building, 16 unit building, and 8 unit building; reconstruction of 37 individual units and reconstruction of the 7 attached units. The Lodging Facility to have an accessory Business Office use (3,420SF) for the Lodging Facility Office; accessory 42 seat Standard Restaurant use (2,485 SF with 1,370 SF deck); accessory pool area, and amenities. 1 Single Family dwelling for property maintenance and staff housing (up to 5 unrelated people permitted to reside in the dwelling) is also proposed. All motel units to be reconstructed/ renovated with sprinkler systems. Gravel roads, parking areas, utilities and stormwater management to be improved.”</u></p> <p><u>Add note to C101: The 7 attached units shall remain attached and are not permitted to become individual units.</u></p> |
| (1) | Agriculture, limited to the raising of crops and plants out of doors. | | | NA | |

Town of Wells, Maine Review Checklist
Page 2 of 12

Project Name/District: Seahorse Resort / General Business District – Tax Map
135, Lot 13

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01/19/23; 3/30/23

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Company Name: Town of Wells

| § 145-26. General Business District. | | Application Meet Requirements | | | |
|--------------------------------------|--|-------------------------------|----|----|--|
| | | Yes | No | NA | Comments |
| (2) | Cemetery having an area less than 20,000 square feet and containing no buildings. | | | NA | |
| (3) | Dwelling, one-family. (See also ' 145-55.) | Y | | | Lot 13 has a single family dwelling unit that is to be maintained and used for property maintenance and staff housing (up to 5 unrelated people permitted to reside in the dwelling). |
| (4) | Dwelling, two-family. | | | NA | No two-family dwellings proposed or exist on Lot 13. Abutting Lot 13-1, has an existing, grandfathered, non-conforming two-family dwelling unit. Lot 13-1 is a separate lot not part of the site plan approval. |
| (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 | |
| C. | Permitted uses requiring the approval of a site plan. The following uses are permitted upon obtaining site plan approval and any required permits from the Code Enforcement Officer: | | | | |
| (1) | Agriculture which includes any structures. | | | NA | |
| (2) | Bank. | | | NA | |
| (3) | Bed-and-breakfast/small inn. (See ' 145-52.) | | | NA | |
| (4) | Business, contractor. | | | NA | |
| (5) | Business, office. | Y | | | Business Office use noted (building GFA is 3,420 SF) |
| (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 | |

Town of Wells, Maine Review Checklist
Page 3 of 12

Project Name/District: Seahorse Resort / General Business District – Tax Map
135, Lot 13

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Company Name: Town of Wells

| § 145-26. General Business District. | | Application Meet Requirements | | | |
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| | | Yes | No | NA | Comments |
| (9) | Business, wholesale, having a gross floor area of less than 5000 square feet. | | | NA | |
| (10) | Cemetery larger than 20,000 square feet in area. | | | NA | |
| (11) | Church. | | | NA | |
| (12) | Club. | | | NA | |
| (13) | Congregate care facility. [Added 6-8-2011] | | | NA | |
| (14) | Day-care home. | | | NA | |
| (15) | Day-care center/nursery school. | | | NA | |
| (16) | Drug abuse shelter. [Added 6-14-2011] | | | NA | |
| (17) | Elderly housing [Amended 4-26-1996] | | | NA | |
| (18) | Freestanding residential detoxification program. [Added 6-14-2011] | | | NA | |
| (19) | Function hall. | | | NA | |
| (20) | Hotel/motel. (See ' 145-52.) | Y | | | The property is a motel use consisting of 79 constructed units: (11 unit building, 16 unit building, 8 unit building, three (2) unit buildings, and 38 individual units). The amendment is seeking approval to renovate and reconstruct all units. The renovation will result in an 11 unit building, 16 unit building, 8 unit building and 44 individual units. Total motel units to remain at 79 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 | |

Town of Wells, Maine Review Checklist
Page 4 of 12

Project Name/District: Seahorse Resort / General Business District - Tax Map
135, Lot 13

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01/19/23; 3/30/23

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Company Name: Town of Wells

| § 145-26. General Business District. | | Application Meet Requirements | | | |
|--------------------------------------|---|-------------------------------|----|----|---|
| | | Yes | No | NA | Comments |
| (31) | Public utility facility. | | | NA | |
| (32) | Recreation, active. | | | NA | |
| (33) | Recreation, high-intensity commercial. | | | NA | |
| (34) | Recreation, low-intensity commercial. | | | | |
| (35) | Recreation, medium intensity commercial. [Added 6-11-2013] | | | NA | |
| (36) | Registered marijuana dispensary. [Added 6-14-2011] | | | NA | |
| (37) | Restaurant, standard. | Y | | | A new 42 seat standard restaurant use is proposed. Restaurant floor area is 2,485 SF (one-story) with a 1,370 SF deck. |
| (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 | |
| (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 | | | The property to maintain accessory buildings/uses for the Lodging Facility such as the office, guest market, utility building, pool building, pool, pump house and lawn recreation area and active recreation area. |
| 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 | | | Motel use is permitted. See 145-52. |
| F. | Dimensional requirements. | | | | Dimensional requirements for the General Business District are noted and detailed on the plan. |

Town of Wells, Maine Review Checklist
Page 5 of 12

Project Name/District: Seahorse Resort / General Business District – Tax Map
135, Lot 13

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01/19/23; 3/30/23

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Company Name: Town of Wells

| § 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 | | | <p>Lot 13 is approximately 436,457 SF or 10.01 acres. Boundary plan prepared by Devon Hurley, PLS #2584 of Sebago Technics dated 11/17/21 and revised 12/28/22. See boundary plans 1-4.</p> <p>Lot 13-1 is 8,010 SF in area. The property is non-conforming and grandfathered and not part of the site plan approval.</p> <p>The property is served by public sewer. See sheet C101 note 2.</p> <p>Utilities shown on sheet C102 and C103.</p> |
| (2) | Maximum density: | | | | |
| (a) | One dwelling unit for each 20,000 square feet of net area if served by public sewer. | Y | | | <p>Lot 13 has one single family dwelling unit. 20,000 SF of land area required. See boundary plans 1-4.</p> <p>The property is served by public sewer. See sheet C101 note 2.</p> |
| (b) | One dwelling unit for each 40,000 square feet of net area if not served by public sewer. | | | NA | Property is served by public sewer, not private septic systems. |
| (c) | <p>Four housekeeping cottages or seasonal cottages per acre of net area. [Amended 4-28-1995; 4-12-2003; 6-13-2006</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 use is permitted or exists. |

Town of Wells, Maine Review Checklist
Page 6 of 12

Project Name/District: Seahorse Resort / General Business District – Tax Map
135, Lot 13

Date of Review: 12/16/21; 06/16/22;
01/19/23; 3/30/23

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| § 145-26. General Business District. | | | | Application Meet Requirements | | | |
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| | | | | Yes | No | NA | Comments |
| | (d) | Twenty hotel/motel units per acre of net area. [Amended 4-28-1995] | Y | | | 43,560/20= 2,178 SF of land area required per motel unit. 436,457/ 2,178 = 200 motel units are permitted. 79 motel units exist and are grandfathered per 145-52 standards. Density table noted on C101. | |
| | (3) | Minimum street frontage per lot: 100 feet, which may be reduced to 75 feet for frontage entirely on a cul-de-sac. | Y | | | 100' street frontage requirement to be noted. 216.68 feet of frontage exists along Route One. | |
| | (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 | | | Maximum allowed lot coverage of 65% to be noted on the plan. Existing lot coverage for lot 13 is noted as 20.21%. Proposed lot coverage for lot 13 is noted to be 23.00% | |
| | (5) | Maximum building height: 34 feet, not to exceed three stories. (See ' 145-35I.) | Y | | | Maximum building height is 34', not to exceed 3 stories. See sheet C101, note 6. | |
| | (6) | Setbacks. | Y | | | | |
| | (a) | All structures shall be at least: | | | | | |

Town of Wells, Maine Review Checklist
Page 7 of 12

Project Name/District: Seahorse Resort / General Business District - Tax Map
135, Lot 13

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01/19/23; 3/30/23

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| § 145-26. General Business District. | | | | Application Meet Requirements | | | |
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| | | | | Yes | No | NA | Comments |
| | | [1] | Fifteen feet from any lot line. | Y | | | <p>15' lot line setback requirement noted on Boundary sheets 1 to 4 and C101.</p> <p>25' lodging facility setback/buffer is depicted.</p> <p>Various units are non-conforming and do not meet this 15' setback requirement and are grandfathered. These include units 51, 56, 57, 76, 77, 78, 79, 80, 81, and 82.</p> <p>Units that do not meet the 25' wide lodging facility buffer also include units: 50 to 63, and 75 to 82.</p> <p>Nonconformities are detailed on the plan. See note 21 and 22 on C100. "Units 50 to 63 and 75 to 82 are non-conforming with regard to 15' lot line setbacks and/or 25' wide lodging facility buffer. Units 75 to 82 shall be reconstructed in the same footprint as the existing condition but no closer to the lot line nor further within the 25' wide buffer to maintain the grandfathered, existing non-confirming condition. Units 50 to 63 shall be constructed to meet the 15' lot line setback requirement and the 25' wide lodging facility buffer requirement."</p> |
| | | [2] | Twenty-five feet from the boundary of any cemetery. | | | NA | The parcel does not abut any known cemeteries. |

Town of Wells, Maine Review Checklist
Page 8 of 12

Project Name/District: Seahorse Resort / General Business District – Tax Map
 135, Lot 13

Date of Review: 12/16/21; 06/16/22;
 01/19/23; 3/30/23

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Company Name: Town of Wells

| § 145-26. General Business District. | | | | Application Meet Requirements | | | |
|--------------------------------------|--|--|-----|--|----|----|--|
| | | | | Yes | No | NA | Comments |
| | | | [3] | Twenty-five feet from any lot line abutting any street right-of-way. | Y | | <p>Hardy's Bluff right-of-way requires a 25' setback. Setback reduction not permitted as building setbacks are not met from Route 1 or Hardy's Bluff. Boundary Plans sheets 1 to 4 and C101 show 25' setback from Hardy's Bluff.</p> <p>The existing restaurant to become the lodging facility office and accessory guest market. This building is non-conforming as it does not meet this setback requirement but is grandfathered. No change to this building proposed. Non-conformities are not permitted to become more non-conforming.</p> <p>Nonconformities are detailed on the plan. See notes 21 and 22 on C100. Building to be used as the Lodging Facility office and guest market is grandfathered as non-conforming as it does not meet the 40' setback from Route One or the 25' setback from Hardy's Bluff. No changes proposed to make this structure more non-conforming.</p> |

Town of Wells, Maine Review Checklist
Page 9 of 12

Project Name/District: Seahorse Resort / General Business District – Tax Map
135, Lot 13

Date of Review: 12/16/21; 06/16/22;
01/19/23; 3/30/23

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| § 145-26. General Business District. | | | | | Application Meet Requirements | | | |
|---|--|-----|-----|---|-------------------------------|----|----|---|
| | | | | | Yes | No | NA | Comments |
| | | | [4] | Forty feet from any lot line abutting the right-of-way of any state highway. | Y | | | <p>The 40' setback requirement from Route One is noted and shown.</p> <p>The existing restaurant structure which will become the accessory lodging office/ guest market on Lot 13 is non-conforming as it does not meet this setback requirement but is grandfathered.</p> <p>See note 22 on sheet C100. Building to be used as the Lodging Facility office and guest market is grandfathered as non-conforming as it does not meet the 40' setback from Route One or the 25' setback from Hardy's Bluff. No changes proposed to make this structure more non-conforming.</p> |
| | | (b) | | All structures and parking lots shall be at least 200 feet from the high-water line of the Merriland River, the Webhannet River and the Ogunquit River. | | | NA | The parcel is located over 200 feet from any such river. |
| | | (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.[Added 6-13-2006</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 structures exist or are proposed. |
| <p>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</p> | | | | | | | NA | |
| G. | Special provisions. [Amended 6-14-2016] | | | | | | | |

Town of Wells, Maine Review Checklist
Page 10 of 12

Project Name/District: Seahorse Resort / General Business District – Tax Map
135, Lot 13

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01/19/23; 3/30/23

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| § 145-26. General Business District. | | Application Meet Requirements | | | |
|---|---|--------------------------------------|----|-----------|---|
| | | Yes | No | NA | Comments |
| (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 exists or is 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] | Y* | | | <p>The proposed reconstruction of all existing buildings within 500 feet of Route One shall conform to the commercial building design standards of this section.</p> <p><u>The applicant provided architectural drawings of the exterior facades in 2022. Architectural plans to be updated to demonstrate compliance. To be reviewed by the Planning Board after the public hearing.</u></p> <p>See plan note 30 on C101. Prior to the issuance of a building permit, the Code Enforcement Office shall review building permit applications for compliance with the commercial building design standards of 145-26G(3).</p> |

Town of Wells, Maine Review Checklist
Page 11 of 12

Project Name/District: Seahorse Resort / General Business District – Tax Map
135, Lot 13

Date of Review: 12/16/21; 06/16/22;
01/19/23; 3/30/23

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| § 145-26. General Business District. | | Application Meet Requirements | | | | | |
|---|--|--------------------------------------|--|----|----------|--|---|
| | | Yes | No | NA | Comments | | |
| | | (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. | | | | <u>To be reviewed by the Planning Board after the public hearing once additional information is provided.</u> |
| | | (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. | | | | <u>To be reviewed by the Planning Board after the public hearing once additional information is provided.</u> 2022 plan shows cedar shingle siding. All windows and doors with windows to have window panes. <u>Bunkhouse windows have no panes.</u> <u>Exterior building light fixtures to be shown on architectural plans.</u> |
| | | (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°). | | | | <u>To be reviewed by the Planning Board after the public hearing once additional information is provided.</u> <u>Roof slopes not noted.</u> |
| | | (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. | | | | <u>To be reviewed by the Planning Board after the public hearing.</u> 2022 plan shows natural cedar shingle siding on lodging buildings, restaurant and bunkhouse(dwelling). |

Town of Wells, Maine Review Checklist
Page 12 of 12

Project Name/District: Seahorse Resort / General Business District – Tax Map
 135, Lot 13

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 01/19/23; 3/30/23

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| | | | Yes | No | NA | Comments |
| | (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. | | | | <p><u>To be reviewed by the Planning Board after the public hearing.</u></p> <p>2022 plan shows cedar shingle roof on long motel buildings, restaurant and asphalt shingle or cedar shingle roof on smaller/individual motel units (cabins).</p> <p><u>Bunkhouse (dwelling) roofing is noted that it will be replaced but the roof shingle type is not noted.</u></p> |
| | (f) | No internally illuminated signs or electronic message signs shall be permitted. | Y | | | Signage shall not be internally illuminated. Any changes to signage shall comply with these standards. See plan note 16 and 17 on sheet C101. |
| | (g) | See § , Design guidelines, established by the Planning Board. | | | | <p><u>To be reviewed by the Planning Board after the public hearing.</u></p> |
| 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 | | | 145-13, 145-14 apply |