

Town of Wells, Maine Review Checklist

Project Name/District: Fairway Village Subdivision Amendment – Rural District
– Tax Map 32, Lot 13

Date of Review: 04-14-23

Prepared By: Office of Planning & Development

Company Name: Town of Wells

**Article VII
Performance Standards**

§ 145-48. Multifamily Developments. [Amended 11-6-2001]		Application Meet Requirements			
		Yes	No	NA	Comments
A.	Multifamily developments are allowed subject to the following performance standards in addition to the requirements of the districts in which the developments are located:	Y			
(1)	A landscaped buffer at least 25 feet in width along all lot boundaries shall be required. The buffer strip shall not contain parking areas or structures, but may contain a perpendicular access driveway(s) or road(s) to connect with existing streets.	Y*			<p>The 2020 approved plan depicts a 25' wide landscaped buffer along all lot boundaries. The buffer shall not contain parking areas or structures. No change to buffer areas proposed.</p> <p>The 2020 approved plan sheets detail the proposed treeline and notes the 25' buffer. The plan notes this buffer shall be "no-cut/ no disturb". No changes proposed.</p> <p>The encroaching cart path and fairway from Old Marsh Golf Course (Map 33, Lot 1) is noted that it will be "removed and re-vegetated with native species (mix of shrubs and trees 2" caliper)." No changes proposed.</p> <p>The abutting campground woods road (Map 32, Lot 16) is identified to encroach onto the Multifamily Development Lot. This woods road is identified on sheet 2, 6 and 18. The plans note that this woods road will be "Removed and re-vegetated with native species (mix of shrubs and trees 2" caliper). No changes proposed.</p> <p>On 4/8/19 the Planning Board voted to allow some impacts within the 25 foot wide buffer to allow for the installation of the proposed septic systems and drainage system grading.</p>

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			Yes	No	NA	Comments
	(2)	No more than six dwelling units may be in any building.	Y			<p>Each building contains 1 or 2 units.</p> <p>A total of 46 units are approved (21 buildings are duplex units, for a total of 44 units) and 4 buildings are single family dwelling units.</p>
	(3)	Multifamily or two-family dwelling structures shall be separated by at least 30 feet. [Amended 6-11-2019]	Y*			<p>The buildings are required to be separated by at least 30 feet.</p> <p>Building footprints are depicted right up to the limits. 2020 approved plan note 47 required Plot plans to be prepared by a PLS or PE for each unit.</p> <p>The proposed amendment seeks to create a building envelope at each unit site of 32 feet by 92 feet for two-family dwellings and 30 feet by 55 feet for one-family dwellings within which different models may be constructed. These envelopes will be applied to units 23 through 31 as depicted on this plan.</p> <p>Bolt-in-place bulkheads are shown in proposed locations. Bulkheads are part of the building and shall meet all setbacks and building separation requirements. locations shall not vary.</p> <p><u>Changes to plan notes 20, 39, and 48 recommended to better detail variations</u></p> <p>The building separation requirement was violated in Phase 1 for units 7 and 8. The Town and Developer executed a Consent Agreement to resolve. <u>See recommended plan note 12.</u></p>
	(4)	One-family dwelling structures shall be separated by at least 20 feet. [Added 6-11-2019]	Y			<p>See notes 5 and 12 on sheet 1 of 2020 approved plan which states that single family structures may be separated by 20'. All other buildings to be separated by 30 feet.</p>

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B.	<p>On any lot divided by a zoning district boundary line, the lot coverage for any portion of the lot lying within a specific zoning district shall not exceed the permitted lot coverage for that district, except as otherwise specified in § 145-48D through H below.[Amended 6-10-2014]</p>	Y			<p>Proposed lot coverage is noted as 5.4%. Lot coverage is based on non-vegetated area.</p> <p>The parcel has been identified to be located within the Rural District. The Resource Protection with 250' Shoreland Overlay is found to not be present at the rear portion of the lot based on Town Zoning Map. The wetlands “appear forested in nature. See letters provided by Ken Gardiner, last dated 3/8/19.</p> <p>The proposed amendment results in an increase of 1,303 SF of lot coverage (see note 5). The increase is not significant.</p>

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C.	<p>In any multifamily development abutting a residential use in a residential or rural zoning district, the setback shall be equal to at least three times the required structure setback or 25 feet, whichever is greater (e.g., required fifteen-foot setback x 3 = 45 feet). Said setback shall include a minimum twenty-five-foot width of visual screening abutting the single-family residential use. Said visual screening shall consist of a continuous boarder of shrubbery at least six feet in height, trees or, if required by the Planning Board, solid fencing six feet in height. Said multifamily development shall be screened from the view of any dwelling unit located within 200 feet of the multifamily development's boundaries. Said visual screening shall be owned in fee, managed and maintained by the owner or by an association of the owners of the development.[Amended 6-10-2014]</p>	Y			<p>The subdivision is located in the Rural Zone. A 75' setback from all lot boundaries is required.</p> <p>The Multifamily Development is required to provide a visual screen for all dwelling units within 200 feet of the property boundaries. On 7/6/20 the Planning Board reviewed screening and buffering requirements.</p> <p>Abutting lots 11-2, 11-4, 11-6, 11-8, 12-B and 12-C have dwellings within 200 feet of the multifamily development's boundaries and require screening. See sheet 9 for proposed screening. No changes to screening proposed in this area.</p> <p>A row of 6' tall spruce trees to be planted 10 feet on center is proposed to satisfy the screening for abutting lot 11-2.</p> <p>No screening is proposed for abutting lots 11-4 or 11-6. The plan notes existing vegetation is to remain. This existing vegetation is within the abutting 12' wide strip of abutting land. No vegetation is proposed to remain on the Multifamily Development lot. If the owner of the strip chose to clear it of vegetation, no screening would exist. The Board found the proposed screening/ buffering to be suitable on 7/6/20.</p> <p>No change to the 75' setback or buffers within this amendment application.</p>

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	Yes	No	NA	Comments
				<p>A row of seven 6' tall spruce trees (sheet 9 to label these trees as TYP) and an 8' tall slated fence (fence detail on sheet 17) are proposed as screening for abutting lot 11-8. No changes proposed.</p> <p>Existing tree lines are proposed to be maintained for abutting lot 12-C.</p> <p>The existing cul-de-sac encroachment is labeled on sheet 9. This encroachment to be loamed and seeded prior to a building permit being issued.</p> <p>Lot 12B has a deed restricted no-cut wooded area along the easterly side of its property. Sheet 9 shows the existing/proposed tree line for this parcel. Planning Board reviewed this existing wooded area and determined on 7/6/20 that it is satisfactory to serve as a screen for Lot 12B.</p> <p>A 6' tall solid fence screen is proposed along the northerly boundary of lot 12-B along Fieldside Lane. This fence is 150 linear feet, see sheet 9.</p>

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	Yes	No	NA	Comments
				<p>No screening is required or is proposed for abutting lot 12 due to the home being over 200 feet away. No vegetation is proposed to remain on the Multifamily Development lot.</p> <p>Existing overhead utilities to be removed and underground utilities to be installed from the existing pole along Route 9 along the northerly shoulder of Fieldside Lane to the existing pole adjacent to Lot 12-B's driveway. The removal of overhead utilities in this area will allow proposed screening and buffering for abutting properties.</p>

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D.	A multifamily development is permitted to satisfy its density, lot coverage and/or open space requirements by utilizing adjacent open space land if the Planning Board finds that both of the following criteria are met: [Added 6-10-2014]			NA	<p>The subdivision does not propose to utilize adjacent open space to satisfy its density, lot coverage or open space requirements.</p> <p>The development is required to provide 35% Open Space per 202-12B based on Net Area of the total property.</p> <p>Note 11 of the 2020 approved plan states 37.2% Open Space is proposed. Sheet 1 notes the bearings and distances for Open Space delineation line.</p>
	(1) The adjacent open space land is contiguous to the lot on which the multifamily development is located or separated by less than 100 feet by a street right-of-way; and				
	(2) The adjacent open space land meets all of the requirements of § 202-12B of the Wells Town Code.				
E.	Adjacent open space land used to satisfy a multifamily development's density, lot coverage and/or open space requirements may be held in joint ownership, dedicated or conveyed to the municipality, a land trust, or other recognized conservation organization. Such reservation of open space may also be accomplished by incorporation into homeowners' association or condominium association documents or into restrictive deed covenants. [Added 6-10-2014]			NA	Not proposed.
F.	A multifamily development plan approved on or after June 10, 2014 seeking to utilize adjacent open space land to satisfy its density, lot coverage and/or open space requirements shall: [Added 6-10-2014]			NA	Not proposed.
	(1) Note an express condition that the adjacent open space land may not be used to meet the open space, density, and/or lot coverage requirements for any other development. Said restriction shall also be included in the deeds, condominium documents, and/or homeowners' association documents related to the multifamily development.				

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G.	A multifamily development plan approved prior to June 10, 2014, is permitted to utilize adjacent open space land to satisfy density and lot coverage requirements for that multifamily development, provided that: [Added 6-10-2014]			NA	Not approved prior to 6/10/14.
(1)	The total area of the multifamily development and the adjacent open space land shall satisfy the open space, density, and/or lot coverage requirements for both the multifamily development and the adjacent property.				
(2)	The total area of the multifamily development and the adjacent open space required to meet the density and lot coverage requirements are noted on the approved subdivision plan(s) or within a certificate of amendment and shall be recorded at the Registry of Deeds in accordance with § 202-9C of the Wells Town Code.				
(3)	For any multifamily development approved prior to June 10, 2014, there is no requirement that an express restriction be included or added to the deeds, condominium documents, and/or homeowners' association documents related to the multifamily development.				
H.	Density shall be the same as permitted in the district(s) in which the multifamily development is located, unless density bonuses are granted by the Planning Board in accordance with § 145-49D. [Added 6-10-2014]			NA	Density bonuses are not proposed.