



Planning & Development
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Memo

Date: May 11, 2023

To: Planning Board

From: Michael G. Livingston, Town Engineer/Planner

Re: Martinez – Zoning District Boundary Change Proposal – Tax Map 120, Lots 2A, 3A and 3B – Change RA zone to GB zone

Background:

In November 2013 the Town voted to adopt changes to §145-6 of the Land Use Code which established a procedure for a property owner in Wells to request Zoning Map or Zoning text changes. An application form and fee have been established and an application has been submitted for a Zoning District Boundary Change. The request consists of changing 14.8 acres of RA (Residential A) zone land to GB (General Business) zone, which is the abutting zoning district.

On May 2nd the Board of Selectmen reviewed the application material and voted to receive the application and forward it to the Planning Board for comments and compliance with the existing 2005 Comprehensive Plan.

Applicant to make Presentation

Application Procedure:

- Receive the application per §145-6D **Done by BOS**
- The Board of Selectmen to review the application and determine if it is in accordance with the consideration of §145-6. D(1) through D(6). **Application submission addressed each item, BOS to review Planning Board comments and results of the Planning Board public hearing before making a determination on compliance.**
- If the Board of Selectmen determines the change meets the general considerations, the Board to vote to send it to the Planning Board. **BOS recommended that the applicant consider the CR 5A Area designation in the Comp Plan and voted to send the application to the Planning Board for the May 15th meeting.**
- After review, public hearing and recommendations from the Planning Board, the change must return to the Board of Selectmen for final review and scheduling of a public hearing for Town Meeting ballot consideration. **Pending**
- The November Town meeting ballot deadline will be in September.

Review Process to Date:

- Application received by the Planning Office on 4-3-23
- Application fee and escrow deposit submitted to Planning Office
- Abutter notices mailed on 4-21-23

- Board of Selectmen acted on the application on 5-2-23
- [Planning Board to workshop the application and consider scheduling a public hearing for the next available meeting.](#)

Review Materials Provided by Applicant:

- Cover Letter
- Application Form completed and signed
- Attachments: Existing & Proposed zoning map change, Area map, Concept plan for RV Park expansion
- Right, Title and Interest established

Review Considerations:

- Applicant owns 100% of the property within the change request.
- Application submission requirements have been substantially met.
- Similar zoning boundary changes have been requested and approved by the voters at Town Meeting: Bayview Terrace neighborhood which changed from GB to RA and approximately 27 acres east of New Depot Road which changed from LI to RA.
- The zone change would make a nonconforming use conforming.

Per the Ordinance, the Board of Selectmen must receive and review the proposed amendment application in accordance with the following considerations:

[Considerations also to be considered and commented on by the Planning Board](#)

- (1) The proposed amendment will not be materially detrimental to the public welfare or injurious to the subject property or properties in the vicinity;*
- (2) The proposed amendment is warranted because of changed circumstances or because of a need for additional property in the proposed zoning district;*
- (3) The subject property is suitable for development in general conformance with zoning standards under the proposed zoning district;*
- (4) The property shall have the ability to be served by adequate facilities, including roads, water, fire protection, sewer disposal facilities and storm drainage facilities for the intensity to which it is being rezoned;*
- (5) The proposed amendment is in accord with the Wells Comprehensive Plan; and*
- (6) The proposed amendment complies with all other applicable regulations of the Town and with all state and federal statutes.*

The application addresses these items on pages 3 and 4.

Comments

D.5 asks if the amendment is in accordance with the Comprehensive Plan.

- A portion of the area requested to be changed from RA to GB is in a designated growth area, Map 15. A change from one designated growth area to another would be in compliance with the Comp Plan
- The property is served by municipal water and sewer.
- A portion of the area requested, Lot 2A, is located in an area designated as a Critical Rural area, CR 5A. Changing from a critical rural area designation to a growth area would not be in conformance with the Comp Plan
- The CR 5A area does not have a description other than the maps and, "A corridor along the Webhannet River stretching from the estuary, across Route 1 and west to the Boston & Maine Railroad right-of-way."

- Consideration should be given to recommending that the request be changed to a Zone line following 200 or 250 feet from the high water line of the Webhannet River.

Recommendations

1. The Planning Board to consider and comment on if the application is in accordance with the considerations of 145-6D.
2. The Planning Board to make any comments on the proposal to the applicant.
3. If the information presented and comments are adequately addressed, the Planning Board should consider scheduling a public hearing for its next agenda.