

- I. **“An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Revise General standards for Lots, Water Supply, Streets and Land Features.” (§202-12.D, F(2), G and H)**

**An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Revise General Standards for Lots, Water supply, Streets and Land Features**

**NOTE:** Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed-out~~.  
Other sections of the Ordinance are unchanged.

**The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Revise General Standards for Lots, Water Supply, Streets and Land Features” to read as follows:**

**Part 1:** § 202-12.D., entitled “Lots” is hereby amended as follows:

D. Lots.

(11) Proposed lots shall not be permitted to have driveway entrances onto existing arterial or collector streets unless the Planning Board determines that no reasonable alternate exists.

(12) No more than 50% of a lot’s area shall consist of coastal wetland or freshwater wetland as defined in § 145-10 except freshwater wetlands shall also include wetlands dominated by trees or woody vegetation of any height in any District.

**Part 2:** § 202-12.F. entitled “Required improvements” is hereby amended as follows:

F. Required improvements. The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of these regulations.

(2) Water supply.

(b) When the location of a subdivision does not allow for a financially reasonable connection to the Kennebunk, Kennebunkport and Wells Water District, the Planning Board may allow the use of individual wells or a private community water system.

[4] The results of the water quality test submitted shall indicate that the groundwater meets the primary and secondary drinking water standards ~~of the Maine Rules Relating to Drinking Water for those categories tested~~. If the Board has reason to believe, due to previous uses of the property or due to previous or existing uses of neighboring property, that the existing water quality may be threatened by contaminants not tested for in the primary or secondary inorganic water analysis, it may require the water to be tested for those contaminants.

(c) Prior to the issuance of a building permit for the construction of any principal structure in a subdivision other than a foundation, the applicant shall present evidence of suitable water supply to the Code Enforcement Officer. This evidence shall consist of:

[1] A letter from the Kennebunk, Kennebunkport and Wells Water District indicating availability of service; or

[2] The results of a ~~primary inorganic~~ water analysis performed upon the well to serve the structure indicating the groundwater meets the following primary and secondary drinking water standards ~~of the Maine Rules Relating to Drinking Water for these categories tested~~: Total coliform, E. Coli Bateria, Nitrate, Iron, Manganese, Lead, Cadmium, Sodium, Chloride, Hardness, pH, and Arsenic. If EPA standards are not met, water treatment systems shall be

installed and water analysis retested prior to the issuance of a certificate of occupancy. The water sampling shall be witnessed by a Code Enforcement Officer or a 3<sup>rd</sup> party inspector.

**Part 3:** § 202-12.G. entitled "Streets" is hereby amended as follows:

G. Streets.

(2) Any subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets, streets shown on an Official Map or streets on an approved subdivision plan for which performance guaranties have been filed and accepted. Any street with an average daily traffic of 200 trips per day or more shall have at least two street connections leading to existing public streets, streets shown on an Official Map or streets on an approved subdivision plan for which performance guaranties have been filed and accepted. Said two street connections' center lines shall be no closer than 400 linear feet apart. Traffic generation rates shall be based on the ~~Traffic~~ Trip Generation Manual, ~~1988~~ 11<sup>th</sup> Edition or latest adopted edition, Institute of Transportation Engineers (ITE). Some typical traffic generation rates are:

- (a) Single-family house: 10.0 trips per day per unit.
- (b) Residential condominium: ~~5-9~~ 6.0 trips per day per unit.
- (c) Motel: ~~10.2~~ 11.0 trips per day per room.
- (d) Industrial: 7.0 trips per day per 1,000 square feet of floor space.
- (e) Accessory Dwelling Unit: 6.0 trips per day per unit.

(4) Traffic impacts of a subdivision may require improvements on-site or off-site to roadways, intersections and sidewalks to mitigate those impacts.

**Part 4:** § 202-12.H. entitled "Land features" is hereby amended as follows:

H. Land features.

(7) Any structure with a footprint greater than 200 square feet shall be required to be setback from wetlands, including wetlands dominated by trees or woody vegetation of any height in any District, for a distance equal to the required lot line setback of Article V. This building envelope shall be depicted on the subdivision plan.

**Part 5:** Effective Date.

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2024.

THE SELECT BOARD OF THE TOWN OF WELLS:

\_\_\_\_\_  
John MacLeod III

\_\_\_\_\_  
Scott DeFelice

\_\_\_\_\_  
Kathleen Chase

\_\_\_\_\_  
Timothy Roche

\_\_\_\_\_  
James N. Smith

**II. “An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Revise General Standards and Open Space Requirements.” (§202-12A and B)**

**An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells  
to Revise General standards and open space requirements**

**NOTE:** Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed-out~~.  
Other sections of the Ordinance are unchanged.

**The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Revise General Standards and Open Space Requirements” to read as follows:**

**Part 1:** § 202-12, entitled “General standards” is hereby amended as follows:

§ 202-12. General standards.

In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a final plan. In all instances the burden of proof shall be upon the applicant.

A. ~~Conformance with Comprehensive Plan.~~ All proposed subdivisions shall be in conformity ~~with the Comprehensive Plan of the municipality and~~ with the provisions of all pertinent state and local codes and ordinances and Town adopted Comprehensive Plan.

B. Retention of open spaces and natural or historic features.

(1) In ~~any~~ a minor subdivision with no more than ~~five~~ four lots or dwellings units, no dedicated open space is required. In any subdivision with at least ~~six~~ five lots or dwelling units and no more than 10 lots or dwelling units, there shall be a minimum of ~~40~~ 20% or 20,000 square feet, whichever is greater, of the total property net area dedicated as open space. Off site dedication of open space land may be approved by the Planning Board at the Board’s discretion, if excess land is provided and the land has a significantly greater benefit to the public than land within the development. In any subdivision with more than 10 lots or dwelling units, there shall be a minimum of 35% of the total property net area dedicated as open space.

(2) Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Planning Board may deem suitable. The configuration of such sites shall be deemed adequate by the Planning Board with regard to scenic, natural or historic attributes to be preserved, together with sufficient areas for trails, lookouts, etc., where necessary and appropriate. The open space shall consist of no more than 50% coastal wetland or freshwater wetland as defined in § 145-10 except freshwater wetlands shall also include wetlands dominated by trees or woody vegetation of any height in any District.

(3) Reserved open space land, acceptable to the Planning Board and subdivider, may be dedicated or conveyed to the municipality, a land trust, or other recognized conservation organization. Such reservation may also be accomplished by incorporation into homeowners’ association or condominium association documents or into restrictive deed covenants. (See § 145-49, residential cluster development standards.)

(4) The Planning Board may require that the development plans include a landscape plan that will show the preservation of any existing trees larger than 24 inches in diameter at breast height, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally significant areas. ~~Cutting of trees on the northerly borders of lots should be avoided as far as possible, to retain a natural wind buffer.~~

(5) Preservation of wetlands on open space or lots shall require the posting of signs to be maintained by the lot owner and homeowners association and shall be referenced in the deed of the encumbered lot and the deed shall include an exhibit of the lot with the wetlands and signage depicted.

**Part 2:** Effective Date.

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2024.

THE SELECT BOARD OF THE TOWN OF WELLS:

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James N. Smith

**III. “An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Revise Application Submittal Procedures and Add Review Restrictions on Subdivisions and Subdividers in Default of Approvals.” (§202-5B, D, and E)**

**An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells  
to Revise Application Submittal Procedures and Add Review Restrictions on  
Subdivisions and Subdividers in Default of Approvals**

**NOTE:** Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed-out~~.  
Other sections of the Ordinance are unchanged.

**The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Revise Application Submittal Procedures and Add Review Restrictions on Subdivisions and Subdividers in Default of Approvals” to read as follows:**

**Part 1:** § 202-5, entitled “administrative procedure” is hereby amended as follows:

**§ 202-5. Administrative procedure.**

B. Agenda. In order to avoid unnecessary delays in processing applications for subdivision review, the ~~Board~~ Planning Office shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least ~~40~~ 14 days in advance of a regularly scheduled meeting by ~~contacting the Code Enforcement Officer~~ submitting an application and plan or updated submission materials to the Planning Office. ~~Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes.~~ The Board shall not accept more than two preapplication sketch plans ~~in~~ at any month-meeting.

C. If any portion of a proposed subdivision crosses a municipal boundary, the Planning Board shall meet with the Planning Board from the adjoining municipality to discuss the application.

D. If a subdivider is in default of a previously approved subdivision or site plan in the Town of Wells, the Planning Board may refuse to review an application. The Planning Board shall conduct a review of any such defaults, determine the default (s) and may suspend or the application's review or deny the application until the defaults are resolved.

E. If a subdivider is determined to be in default of approvals and the Town has used performance guaranty funds to resolve the default, the subdivider may be determined to not have technical capacity and the Planning Board may require oversight by an experienced and Maine licensed professional engineer for any future subdivision amendments or new subdivision applications.

**Part 2:** Effective Date.

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2024.

THE SELECT BOARD OF THE TOWN OF WELLS:

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Timothy Roche

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James N. Smith

**IV. “An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Add the Definition of Subdivider.” (§202-4)**

**An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells  
to Add the Definition of Subdivider**

**NOTE:** Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed out~~.  
Other sections of the Ordinance are unchanged.

**The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Add the Definition of Subdivider” to read as follows:**

**Part 1:** Article II (Word Usage and Definitions), § 202-4, entitled “Definitions” is hereby amended as follows:

**§ 202-4. Definitions.**

**SUBDIVIDER**

A person or entity who has right, title or interest in a parcel and who has or intends to subdivide a parcel of land. A subdivider includes not only the named applicant for subdivision approval, but also, all persons and entities who are involved in the process of development which exhibit characteristics of a unified approach, method or effect such as:

- a. unified or partial ownership or leasing, management or supervision;
- b. sharing of common equipment or labor; or
- c. common financing.

**Part 2:** Effective Date.

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2024.

THE SELECT BOARD OF THE TOWN OF WELLS:

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James N. Smith

**V. “An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Address Subdivision Defaults and Violations.” (§202-11B(8) and §202-17)**

**An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells  
to Address Subdivision Defaults and Violations**

**NOTE:** Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed-out~~.  
Other sections of the Ordinance are unchanged.

**The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Address Subdivision Defaults and Violations” to read as follows:**

**Part 1:** § 202-11, entitled “Inspections; violations and penalties” is hereby added as follows:

§ 202-11. Inspections; violations and penalties

B. Violations and enforcement.

(8) No Change, revision, addition or departure from an approved subdivision plan may occur unless and until an amendment has been approved by the Planning Board, except as otherwise provided in the Town Code.

**Part 2:** § 202-17, entitled “Defaults and Violations” is hereby added as follows:

§ 202-17. Defaults and Violations

A. When violations or defaults of any provision of this chapter or conditions established on an approved subdivision plan or Findings of Fact is found, the Planning Office shall send a written notice of the violation and order to correct to the lot owner, subdivider or other responsible party or parties and shall also notify the Code Enforcement Office and Planning Board of the violation. A fee determined in the Fee Schedule duly established by the Board of Selectmen may be assessed to the responsible party.

B. The responsible party shall have 14 calendar days to respond to the notice and pay the fee.

C. The violation notice may be appealed to the Planning Board within 30 days of the notice. The appeal shall be in writing and shall specifically enumerate the grounds of appeal. If the appeal is not submitted at least 10 days prior to a regularly scheduled meeting, then it shall be heard at the next regularly scheduled meeting thereafter. The Planning Board shall conduct a de novo review of the Planning Office’s determination that there has been a violation or default. Any appeal of the Planning Board’s decision under this section shall be to the York County Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.

D. If the notice does not result in the correction of the violation or response, the Board of Selectmen may institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of civil penalties, that may be appropriate or necessary to enforce the provisions of this chapter in the name of the municipality. The Board of Selectmen, or its authorized agent, is authorized to enter into administrative consent orders to eliminate violations and to collect civil penalties without court action.

E. All violations of this Chapter shall be subject to the fines and remedies outlined in 30-A M.R.S. § 4452. Each day that a violation occurs shall constitute a separate offense, beginning the day following the date on which the written notification is provided pursuant to subsection A.

**Part 3: Effective Date.**

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2024.

**THE SELECT BOARD OF THE TOWN OF WELLS:**

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**VI. “An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Add Traffic Data Submissions for Preliminary Subdivision Applications.”( §202-8B(2)(w))**

**An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Add Traffic Data Submissions for Preliminary Subdivision Applications**

**NOTE:** Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed-out~~.  
Other sections of the Ordinance are unchanged.

**The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Add Traffic Data Submissions for Preliminary Subdivision Applications” to read as follows:**

**Part 1:** § 202-8.B, entitled “Submissions” is hereby amended as follows:

§ 202-8.B.(2) Preliminary plan.

(w) Traffic data. The Planning Board may require a traffic engineering study should the project be considered one of substantial magnitude along any location where fast-moving traffic occurs or the scope of the development significantly increases the volume of traffic on a street or impacts pedestrian safety. Should a traffic study be requested by the Planning Board, the following data shall be included:

- (1) The estimated peak-hour traffic to be generated by the proposal.
- (2) Existing traffic counts and volumes on surrounding roads during peak seasons.
- (3) Traffic accident data covering a recent three-year period.
- (4) The capacity of surrounding roads, municipal facilities, parking and any improvements which may be necessary on such roads and facilities to accommodate anticipated traffic generation.
- (5) The need for traffic signals and signs or other directional markers to regulate anticipated traffic.
- (6) The need for sidewalks or other pedestrian safety measures.

**Part 2:** Effective Date.

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2024.

THE SELECT BOARD OF THE TOWN OF WELLS:

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**VII. “An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Revise Application Processes, Submittal Procedures and Notification Requirements.”  
(§202-6, 7, 8, 9 and 10)**

**An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Revise Application Processes, Submittal Procedures and Notification Requirements**

**NOTE:** Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed out~~.  
Other sections of the Ordinance are unchanged.

**The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Revise Application Processes, Submittal Procedures and Notification Requirements” to read as follows:**

**Part 1:** § 202-6, entitled “Preapplication” is hereby amended as follows:

§ 202-6. Preapplication.

A. Procedure:

- (1) Applicant to submit an application at least 14 days prior to a regularly scheduled Planning Board meeting.
- (2) The Board to receive the application and the Applicant to presentation and the submission of sketch plans.
- (2 3) Question and answer period. Board makes specific suggestions to be incorporated by the applicant into subsequent submissions.
- (3 4) Scheduling and conducting of on-site inspection.
- (5) Reporting of the results of the site walk at a subsequent meeting.

B. Submission. The preapplication sketch plan shall show, in simple sketch form, the proposed layout of streets, lots and other features in relation to existing and proposed conditions. The sketch plan, which may be a freehand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's map(s) or GIS mapping on which the land is located. ~~The sketch plan shall be accompanied by a copy of a portion of the USGS topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than 10 acres in size.~~ The sketch plan shall also be accompanied by a list of names and addresses of abutters to the proposed project, ~~and certification that n~~otices describing the proposed project ~~have been~~ shall be sent or delivered mailed by the ~~applicant~~ Planning Office to the abutters. The addresses of these abutters shall be obtained from the Town of Wells Tax Assessor's records, ~~and the notice and certification form shall be supplied by the Office of Planning and Development.~~ In the case of an abutting condominium, the condominium association shall be notified, not the individual unit owners. The applicant shall provide the Planning Office with cash escrow funds to pay for the cost of said notices.

E. An application shall be considered as withdrawn if the applicant fails to appear at a scheduled meeting or site walk.

**Part 2:** § 202-7, entitled “Minor subdivisions” is hereby amended as follows:

§ 202-7. Minor subdivisions.

B. Procedure.

(1) Within six months after the on-site inspection by the Board, the subdivider shall submit an application for approval of a final plan at least ~~40~~ 14 days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the sketch plan to the Board. The final plan shall approximate the layout shown on the sketch plan, plus any recommendations made by the Board.

(3) If a subdivider is in default of a previously approved subdivision or site plan in the Town of Wells, the Planning Board may refuse to review an application. The Planning Board shall conduct a review of any such defaults, determine the default (s) and may suspend the application's review until the defaults are resolved.

(4) Notices describing the proposed project and scheduled meeting date with the Planning Board shall be mailed by the Planning Office to the abutters via regular mail at least 10 days prior to a scheduled meeting of the Board. The addresses of these abutters shall be obtained from the Town of Wells Tax Assessor's records. In the case of an abutting condominium, the condominium association shall be notified, not the individual unit owners. The applicant shall provide the Planning Office with cash escrow funds to pay for the cost of said notices.

~~(4 5) If a subdivision abuts or includes a portion of land of another municipality, the Planning Office, Wwithin 20 10 days prior to of the Board meeting at which the application is to be received, ~~the Board~~ shall notify by certified regular mail ~~all owners of abutting property and~~ the Town Clerk and Planning Board of any that municipality ~~that abuts or includes any portion of the proposed subdivision that an application for subdivision approval has been submitted.~~ The Planning Office shall also notify by regular mail a public drinking water supplier if a subdivision is within its source water protection area. The notice shall include the location of the proposed subdivision and a general description of the proposed development and date, time and location of the hearing. ~~The notice shall be mailed no less than seven days prior to the Board commencing review of the plan~~~~

(6) If the subdivision is located in more than one municipality, the Board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the plan.

~~(3 7) When ~~t~~the application is shall be received by the Planning Board at the scheduled meeting, ~~it shall give the applicant a dated receipt acknowledging that it has received the application.~~~~

~~(5 8) The subdivider, or his duly authorized representative, shall attend the meeting of the Board in person to discuss the final plan.~~

(9) The Board or its designee, within 30 days of the receipt of the application or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, shall determine the application to be complete. A request for any extension shall be submitted in writing by the applicant to the Board if additional time is requested for the applicant to address completeness. Failure of the applicant to provide the required submissions to be deemed complete may result in the denial of the application.

~~(6) Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider.~~

~~(7 10) The Board shall hold a public hearing within 30 days of determining ~~that a an~~ application is complete. ~~application has been received and~~ The Planning Office shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. The Planning Office shall notify, by certified mail, the applicant, all abutters, and the Town Clerk and Planning Board of any abutting municipality, if the development abuts or falls within another municipality and shall notify by regular mail any public drinking water supplier if a subdivision is within its source water protection area. Abutter notices shall include the date, time, and place of the hearing as well as the project description. The~~

applicant shall provide the Planning Office with cash escrow funds to pay for the cost of said notices.

(8 11) Within 30 days of a public hearing or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, the Board shall make findings of fact on the application and approve, approve with conditions or deny the final plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

C. Submissions.

(1) The subdivision plan for a minor subdivision shall consist of a reproducible, ~~stable-based transparent~~ original and three copies of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch. ~~Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than 200 feet to the inch, provided all necessary detail can easily be read.~~ Plans shall be no larger than 24 inches by 36 inches in size and shall have a margin of two inches outside of the border lines on the left side for binding and a one-inch margin outside the border along the remaining sides. ~~Space~~ A signature block shall be provided for endorsement by the Board located in the lower left corner of the plan. Twelve bound copies of all information accompanying the plan and plans not larger than 11 inches by 17 inches shall be submitted. A digital version (PDF) of the submittal materials and the plan(s) shall also be provided.

**Part 3:** § 202-8, entitled "Preliminary plan for major subdivision" is hereby amended as follows:

§ 202-8. Preliminary plan for major subdivision.

A. Procedure.

(2) All applications for preliminary plan approval for a major subdivision shall be accompanied by an application fee in the amount established by the Board of Selectmen following notice and a public hearing. In addition, the applicant shall pay a fee of \$25 per lot or dwelling unit, to be deposited in a special account designated for that subdivision application, to be used by the Planning Board for abutter notices and hiring independent consulting services to review the application. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant and require that an additional \$10 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require that an additional \$10 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a final decision on the subdivision application by the Board shall be returned to the applicant.

(3) If a subdivider is in default of a previously approved subdivision or site plan in the Town of Wells, the Planning Board may refuse to review an application. The Planning Board shall conduct a review of any such defaults, determine the default (s) and may suspend the application's review until the defaults are resolved.

(4) Notices describing the proposed project and scheduled meeting date with the Planning Board shall be mailed by the Planning Office to the abutters via regular mail at least 10 days prior to a scheduled meeting of the Board. The addresses of these abutters shall be obtained from the Town of Wells Tax Assessor's records. In the case of an abutting condominium, the condominium association shall be notified, not the individual unit owners. The applicant shall provide the Planning Office with cash escrow funds to pay for the cost of said notices.

(5) If a subdivision abuts or includes a portion of land of another municipality, the Planning Office, within 10 days prior to the Board meeting at which the application is to be received, shall notify by regular mail the Town Clerk and Planning Board of that municipality. The Planning

Office shall also notify by regular mail a public drinking water supplier if a subdivision is within its source water protection area. The notice shall include the location of the proposed subdivision and a general description of the proposed development and date, time and location of the hearing.

(36) The subdivider, or his duly authorized representative, shall attend the meeting of the Board in person to discuss the preliminary plan.

~~(47) When the application is received by the Planning Board at the scheduled meeting, it shall give the applicant a dated receipt acknowledging that it has received the application.~~

~~(5) Within 20 days of the Board meeting at which the application is received, the Board shall notify by certified mail all owners of abutting property and the Town Clerk and Planning Board of any municipality that abuts or includes any portion of the proposed subdivision that an application for subdivision approval has been submitted. The notice shall include the location of the proposed subdivision and a general description of the proposed development. The notice shall be mailed no less than seven days prior to the Board commencing review of the plan.~~

(68) If the subdivision is located in more than one municipality, the Board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the plan.

(79) Within 30 days of receipt of a preliminary plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete and what, if any, additional submissions are required for a complete application. A request for any extension shall be submitted in writing by the applicant to the Board if additional time is needed for the applicant to address completeness. If the Planning Board agrees the request is reasonable, an extension period shall be mutually agreed to by the Board and the subdivider. Failure of the applicant to provide the required submissions to be deemed complete may result in the denial of the application.

~~(810) Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider.~~ Within 30 days of determining a complete application has been submitted, the Board shall hold a public hearing on the preliminary plan application, and The Planning Office shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing and the notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing. A copy of the notice shall be mailed to the applicant and the owners of abutting property. The Planning Office shall notify, by certified mail, the applicant, all abutters, and the Town Clerk and Planning Board of any abutting municipality, if the development abuts or falls within another municipality. The Planning Office shall also notify by regular mail a public drinking water supplier if a subdivision is within its source water protection area. Abutter notices shall include the date, time, and place of the hearing as well as the project description. The applicant shall provide the Planning Office with cash escrow funds to pay for the cost of advertising and postal notification of the public hearing.

(911) The Board shall, within 30 days of a public hearing or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application and approve, approve with conditions or deny the preliminary plan. The Board shall specify in writing its findings of fact and reasons for any conditions or denial.

~~(1012)~~ When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:

- (a) The specific changes which it will required in the final plan;
- (b) The character and extent of the required improvements for which waivers may have been requested and which in the Board's opinion may be waived without jeopardy to the public health, safety and general welfare; and

(c) The amount of all performance guaranties which it will require as prerequisite to the approval of the final plan.

(1113) Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

#### B. Submissions.

(2) Preliminary plan. The preliminary plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than 100 feet to the inch. ~~The Board may allow plans for subdivisions containing more than 100 acres to be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read.~~ Plans shall be no larger than 24 inches by 36 inches in size and shall have a margin of two inches outside the border lines on the left side for binding and one inch margin outside the border along the remaining sides. A signature block shall be provided for endorsement by the Board located in the lower left corner of the plan. In addition, the applicant shall submit to the Office of Planning and Development ~~44~~ 12 copies of the plan(s) reduced to a size of 11 inches by 17 inches and all accompanying information assembled into a booklet no less than 10 days prior to the meeting. A digital version (PDF) of the submittal materials and the plan(s) shall also be provided. The following information shall either be shown on the preliminary plan or accompany the application for preliminary approval:

**Part 4:** § 202-9, entitled "Final plan for major subdivision" is hereby amended as follows:

#### § 202-9. Final plan for major subdivision.

##### A. Procedure.

~~(2) If a public hearing is deemed necessary by the Board, an additional fee in the amount established by the Board of Selectmen following notice and a public hearing shall be required to cover the costs of advertising and postal notification.~~

~~(3) The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the final plan.~~

~~(4) When the application is received by the Planning Board, it shall give the applicant a dated receipt acknowledging that it has received the application.~~

~~(5) Within 30 days after receiving any application, the Board shall notify the applicant in writing either that the application is complete or, if it is incomplete, the specific additional material needed to complete the application. The Board shall determine whether to hold a public hearing on the final plan application.~~

~~(6) Prior to submittal of the final plan application, the following applications shall be submitted to the appropriate entities, where appropriate:~~

(3) All applications for final plan approval for a major subdivision shall be accompanied by an application fee, in the amount established by the Board of Selectmen following notice and a

public hearing. In addition, the applicant shall pay a fee of \$25 per lot or dwelling unit, to be deposited in a special account designated for that subdivision application, to be used by the Planning Board for abutter notices and hiring independent consulting services to review the application. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant and require that an additional \$10 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require that an additional \$10 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a final decision on the subdivision application by the Board shall be returned to the applicant.

(4) If a subdivider is in default of a previously approved subdivision or site plan in the Town of Wells, the Planning Board may refuse to review an application. The Planning Board shall conduct a review of any such defaults, determine the default (s) and may suspend the application's review until the defaults are resolved.

(85) Upon receipt of an application for a subdivision containing 20 lots or dwelling units or more, the Planning Board shall notify the Road Commissioner, School Superintendent, Police Chief and Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways and the size and construction characteristics of any multifamily, commercial or industrial buildings. The Planning Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.

(6) Notices describing the proposed project and scheduled meeting date with the Planning Board shall be mailed by the Planning Office to the abutters via regular mail at least 10 days prior to a scheduled meeting of the Board. The addresses of these abutters shall be obtained from the Town of Wells Tax Assessor's records. In the case of an abutting condominium, the condominium association shall be notified, not the individual unit owners. The applicant shall provide the Planning Office with cash escrow funds to pay for the cost of said notices.

(7) If a subdivision abuts or includes a portion of land of another municipality, the Planning Office, within 10 days prior to the Board meeting at which the application is to be received, shall notify by regular mail the Town Clerk and Planning Board of that municipality. The Planning Office shall also notify by regular mail a public drinking water supplier if a subdivision is within its source water protection area. The notice shall include the location of the proposed subdivision and a general description of the proposed development and date, time and location of the hearing.

(28) If a public hearing is deemed necessary by the Board, the applicant shall provide the Planning Office with cash escrow funds to pay for the cost of said public hearing to include ~~an additional fee in the amount established by the Board of Selectmen following notice and a public hearing shall be required to cover~~ the costs of advertising and postal notification.

(39) The subdivider, or his duly authorized representative, shall attend the meeting of the Board in person to discuss the final plan.

(410) ~~When t~~The application is shall be received by the Planning Board at the scheduled meeting. ~~it shall give the applicant a dated receipt acknowledging that it has received the application.~~

(511) Within 30 days after receiving any application, the Board shall notify the applicant in writing either that the application is complete or, if it is incomplete, the specific additional material needed to complete the application. A request for any extension shall be submitted in writing by the applicant to the Board if additional time is needed for the applicant to address completeness. If the Planning Board agrees the request is reasonable, an extension period shall be mutually agreed to by the Board and the subdivider. Failure of the applicant to provide the required submissions to be deemed complete may result in the denial of the application. ~~The Board shall determine whether to hold a public hearing on the final plan application.~~

(12) Once an application is deemed complete, the Planning Board shall determine whether to hold a public hearing on the final plan application. If a public hearing is to be held for the final

application, the Planning Board shall hold a public hearing within 30 days of finding the application complete. The applicant shall provide the Planning Office with cash escrow funds to pay for the cost of said public hearing to include the costs of advertising and postal notification. The Planning Office shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing and the notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing. The Planning Office shall notify, by certified mail, the applicant, all abutters, and the Town Clerk and Planning Board of any abutting municipality, if the development abuts or falls within another municipality. The Planning Office shall also notify by regular mail a public drinking water supplier if a subdivision is within its source water protection area. Abutter notices shall include the date, time, and place of the hearing as well as the project description.

~~(7) A public hearing may be held by the Planning Board within 30 days after the issuance of a receipt for the submittal of a complete application. This hearing shall be advertised in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing, and the notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing. When a subdivision is located within 500 feet of a municipal boundary and a public hearing is to be held, the Planning Board shall notify the Clerk and the Planning Board of the adjacent municipality involved at least 10 days prior to the hearing.~~

~~(913)~~ Before the Board grants approval of the final plan, the subdivider shall:

(a) Meet the performance guaranty requirements contained in § 202-13.

(b) Obtain in writing approvals listed in Subsection A(62) if applicable.

~~(4014)~~ The Board, within 30 days from the public hearing or within 60 days of the official submittal date if no hearing is held, shall make findings of fact and conclusions relative to the standards contained in 30-A M.R.S.A. § 4404, Subsection 3 and in these regulations. If the Board finds that all standards of the statute and these regulations have been met, it shall approve the final plan. If the Board finds that any of the standards of the statute and these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any denial or conditions shall be stated in the records of the Board.

B. Submissions. The final plan shall consist of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch. ~~Plans for subdivisions containing more than 75 acres may be drawn at a scale of not more than 200 feet to the inch.~~ Plans shall be no larger than 24 inches by 36 inches in size and shall have a margin of two inches outside of the border line on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board located in the lower left corner of the plan. Four copies of the plan shall be submitted. In addition, the applicant shall submit ~~44~~ 12 copies of the final plan, reduced to a size of 11 inches by 17 inches, and all accompanying information to the Office of Planning and Development no less than 10 days prior to the meeting. A digital version (PDF) of the submittal materials and the plan(s) shall also be provided. The application for approval of the final plan shall include the following information:

**Part 5:** § 202-10, entitled "Revisions to approved plans" is hereby amended as follows:

§ 202-10. Revisions to approved plans.

A. Procedure. An applicant for a revision to a previously approved plan shall, at least ~~five-business~~ 14 days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda.

(2) The applicant shall pay a fee, established by the Board of Selectmen following notice and a public hearing, to include the applicable per-dwelling-unit fee according to the procedures for a minor subdivision, ~~or preliminary, or final~~ plan for a major subdivision. In addition, the applicant shall pay a fee to be determined by the Board, to be deposited in a special account designated for that application, to be used by the Board for abutter notices and hiring independent consulting services to review the application. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant and require that an additional \$50 beyond the balance after invoices received are paid be deposited by the applicant. The Board shall continue to notify the applicant and require that an additional \$50 be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the revision by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, ~~an additional fee of \$200 shall be required to cover~~ the applicant shall provide the Planning Office with cash escrow funds to pay for the costs of advertising and postal notification.

(3) The subdivider, or his duly authorized representative, shall attend the meeting of the Board in person to discuss the revisions to an approved plan.

(4) If a subdivider is in default of a previously approved subdivision or site plan in the Town of Wells, the Planning Board may refuse to review an application. The Planning Board shall conduct a review of any such defaults, determine the default (s) and may suspend the application's review until the defaults are resolved.

B. Submissions. The applicant shall submit ~~a copy~~ 12 copies of the last approved plan, as well as ~~11~~ 12 copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds. Plans shall be no larger than 24 inches by 36 inches in size and shall have a margin of two inches outside of the border line on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board located in the lower left corner of the plan. ~~The applicant shall provide evidence that all owners of abutting property were notified of the application if new lots or dwelling units are proposed to be created.~~ A digital version (PDF) of the submittal materials and the plan(s) shall also be provided.

C. Scope of review. The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed. The application for approval of the amended plan shall address the submission requirements for minor, preliminary or final subdivision plans.

**Part 6:** Effective Date.

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2024.

THE SELECT BOARD OF THE TOWN OF WELLS:

\_\_\_\_\_

John MacLeod III

\_\_\_\_\_

Scott DeFelice

\_\_\_\_\_

Kathleen Chase

\_\_\_\_\_

Timothy Roche

\_\_\_\_\_

James N. Smith

**VIII. “An Ordinance to Amend Chapter  
145 (Land Use) of the Town of Wells  
Relating to Nonconforming Lots and  
Nonconforming Developments.”  
(§145-14 and 15)**

**An Ordinance to Amend Chapter 145 (Land Use) of the Town of Wells  
Relating to Nonconforming Lots and Nonconforming Developments**

**NOTE:** Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed-out~~.  
Other sections of the Ordinance are unchanged.

**The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 145 (Land Use) of the Town of Wells Relating to Nonconforming Lots and Nonconforming Developments” to read as follows:**

**Part 1:** Article III (Nonconformities), § 145-14, entitled “Nonconforming lots” and § 145-15, entitled “Nonconforming developments” are hereby amended as follows:

**§ 145-14. Nonconforming lots.**

A. A nonconforming lot of record may be built upon, without obtaining a variance, if new structures or additions to existing structures meet all the requirements of this and the lot conforms to all the provisions of this chapter except for the minimum lot size and/or minimum street and shore frontage requirements.

B. On a nonconforming lot of record which has less than 75% of the required street frontage, the required setback from lot lines which intersect the street(s) may be reduced by 25%, but in no case shall the setback be reduced to less than 10 feet. Residential cluster lots depicted on an approved and recorded subdivision plan do not qualify for a setback reduction.

C. On a nonconforming lot located within a recorded subdivision plan approved by the Planning Board, a structure may be built according to the setbacks depicted or noted on said plan without obtaining a variance, but the structure shall be no less than half the required setback of Article V, District Regulations.

**§ 145-15. Nonconforming developments.**

A. A nonconforming development is permitted to continue and to expand in any manner which does not increase the nonconforming aspect(s) of the development if it conforms to all other requirements of this chapter.

~~B. A development existing on April 1, 2000, which is nonconforming as to the floor area requirements of § 145-26C may expand the floor area by as much as 25% provided all other applicable requirements of this chapter are met. [Added 4-14-2000]~~

B. A nonconforming development is permitted to be constructed according to an approved and recorded subdivision plan per the setbacks or lot coverage requirements depicted or noted on the plan at the time of approval.

**Part 2:** Effective Date.

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2024.

THE SELECT BOARD OF THE TOWN OF WELLS:

\_\_\_\_\_  
John MacLeod III

\_\_\_\_\_  
Scott DeFelice

\_\_\_\_\_  
Kathleen Chase

\_\_\_\_\_  
Timothy Roche

\_\_\_\_\_  
James N. Smith

**IX. “An Ordinance to Amend Chapter 145 (Land Use) of the Town of Wells Relating to Residential Cluster Development.” (§145-49)**

**An Ordinance to Amend Chapter 145 (Land Use) of the Town of Wells  
Relating to Residential Cluster Development**

**NOTE:** Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed-out~~.  
Other sections of the Ordinance are unchanged.

**The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 145 (Land Use) of the Town of Wells Relating to Residential Cluster Development” to read as follows:**

**Part 1:** Article VII (Performance Standards), § 145-49, entitled “Residential cluster development” is hereby amended as follows:

**§ 145-49. Residential cluster development.**

The purpose of this section is to allow, by Planning Board approval, the clustering of one- ~~and two~~-family dwelling units. Clustering shall provide a more efficient use of land resulting in the preservation of natural land forms, wetlands, wildlife and waterfowl habitats, significant vegetation and agricultural lands, other natural resources, and historic sites. Notwithstanding other provisions of this chapter, the Planning Board may modify the dimensional requirements of this chapter as specified in this section to permit the clustering of one- ~~and two~~-family homes. Such modifications shall not be construed as the granting of a variance to relieve hardship.

A. Permitted locations. Residential cluster development shall be permitted in all zoning districts where residential development is allowed. All areas of a cluster subdivision located within the Aquifer Protection District or the Shoreland Overlay District shall be dedicated as undeveloped open space.

B. Density. The maximum density of dwelling units permitted shall be the same as permitted in the district(s) in which the cluster development is located, unless density bonuses are granted in accordance with § ~~145-49D~~. To determine maximum density the following steps shall be taken:

- (1) In order to determine the maximum number of dwelling units permitted on a tract of land the net residential acreage shall be determined by calculating net area and subtracting 15% of the area of the lot to account for roads and ~~parking~~ other infrastructure such as stormwater facilities, parking and common utilities.
- (2) A cluster development layout shall be submitted indicating a minimum of ~~35~~ 50% open space and shall depict significant natural and historical features.

C. Dimensional requirements.

(1) The minimum lot sizes may be reduced to the following dimensions depending on whether or not served by public sewer:

<b>Served by Public Sewer</b>	
<b>Type of Dwelling</b>	<b>RA, GB and RC Districts (square feet)</b>
One-family dwelling	10,000

**Served by Public Sewer**

Two-family dwelling	15,000
Type of Dwelling	Rural District (square feet)
One-family dwelling	20,000

**Not Served by Public Sewer**

Type of Dwelling	Rural District (square feet)
One-family dwelling	<del>40,000</del> <u>43,560</u>
Type of Dwelling	RA and RC Districts (square feet)
One-family dwelling	30,000

(2) The required setbacks from lot lines and from street rights-of-way within the cluster development ~~may be reduced, but no structure shall be located within 15 feet of any lot line or within 20 feet of any street right-of-way within the cluster development.~~ shall be the same as required in Article V District Regulations.

(3) The required street frontage on a proposed private street may be reduced to no less than ~~50~~ 75 feet. The required street frontage on a Town way may not be reduced, except lots within the Rural District may reduce street frontage on a Town way to no less than 150 feet.

(4) ~~When a lot in a cluster subdivision abuts a nonclustered residential lot, the setback in the cluster subdivision lot~~ A buffer strip owned in fee by the homeowners association shall be required along any adjacent property line. The buffer strip shall be a no cut buffer except at driveway locations and shall consist of natural vegetation, or the Planning Board shall require natural evergreen plantings to establish a visual screen. The buffer strip width shall be twice the required nonclustered setback along the adjoining lot line. The Planning Board may require additional screening or restrict the removal of vegetation within the setback to provide a buffer between higher and lower density development.

(5) When a cluster ~~lot subdivision~~ abuts a Town way, the setback a 200 foot wide buffer strip owned in fee by the homeowners association shall be required from the street ~~shall be right-of-way limit the required noncluster setback of the district.~~ buffer strip shall be a no cut buffer except at driveway locations and shall consist of natural vegetation, or the Planning Board shall require natural evergreen plantings to establish a visual screen, except at driveway locations. Utility and driveway locations shall be combined as one location.

(6) The open space shall consist of no more than 50% coastal wetland or freshwater wetland as defined in § 145-10 except freshwater wetlands shall also include wetlands dominated by trees or woody vegetation of any height in any District.

D. Innovative open space bonus. At least ~~35~~ 50% of the total parcel acreage in a cluster subdivision must be designated as open space and protected as such in perpetuity. At the discretion of the Planning Board the applicant may earn density bonuses in addition to the maximum density permitted in § 145-49B. The applicant may seek application of more than one density bonus as set forth below, and the total density bonus earned shall be cumulative. However, in no case shall the

total density bonus allow the overall subdivision density to exceed the maximum density allowed in § 145-49B above by more than ~~25~~ 10% in the rural areas and 50% in the growth areas as set forth in the Comprehensive Plan. Bonuses shall be allotted in whole lot increments only and shall not be rounded up. Density calculations, including all awarded open space bonuses, shall be shown on the subdivision plan.

~~(1) An open space cluster plan that provides at least 50 % of the total parcel acreage as open space, protected as such in perpetuity, may be awarded a density bonus of 10 %. The purposes for which proposed open space areas will be used shall be fully documented by the applicant.~~

~~(2) An open space cluster plan that protects agriculturally valuable lands and provides for their use as such in perpetuity may be awarded a 5% density bonus. The open space land preserved for agricultural use must consist of at least 3.5 acres, and be land that has been historically farmed, or contain good soils for farming, and be reasonably accessible to receive a bonus. The instrument designating the land as agriculture use, acceptable to the Planning Board, may reasonably restrict the type or intensity of farming to occur to prevent nuisances. This provision only requires that permission be reasonably available so that validity of the bonus is not affected if agricultural uses are not pursued at any particular time.~~

~~(3) An open space cluster plan that protects timber harvesting lands and provides permission for that use to continue in perpetuity may be awarded a 5% density bonus. The open space preserved for timber harvesting must include at least 10 contiguous acres and be land that has historically been forested, and must be reasonably accessible to receive a bonus. A forest management plan signed by a professional forester outlining proposed activities to ensure compliance with performance standards and regeneration requirements established pursuant to Title 12 M.R.S.A. § 8869 must be submitted.~~

~~(4) An open space cluster plan that accomplishes either of the following:~~

~~(a) Protects valuable wildlife and environmental areas in a manner that is consistent with the goals, policies and strategies of the following chapters and related maps in the Comprehensive Plan may be awarded a density bonus of 5%.~~

~~(b) Links dedicated open space to large parcels of adjoining dedicated open space to provide usable wildlife habitat or corridor connections between usable wildlife habitats in a manner that is consistent with the goals, policies and strategies of the following chapters and related maps in the Comprehensive Plan may be awarded a density bonus of 5%.~~

~~(5~~ 1) An open space cluster plan that allows public access to the open space may be awarded a density bonus of 5%. The nature of public access required to trigger this bonus is pedestrian traffic. The instrument granting access, acceptable to the Planning Board, may reasonably restrict the use of motorized vehicles.

~~(6) An open space cluster plan that preserves, and provides for their use as such in perpetuity, the Town's historic, traditional New England seacoast and rural community character and appearance by preserving and incorporating existing historic structures and natural features of historic significance may be awarded a density bonus of 5%.~~

~~(7~~ 2) An open space cluster plan that effectively links large areas of the dedicated open space to adjoining dedicated open space may be awarded a density bonus of 5%.

~~(8) An open space cluster plan that preserves scenic vistas especially toward the seacoast from Route 1 and along scenic corridors especially along Routes 1, 9, 109, and roads in rural areas may be awarded a density bonus of 5%.~~

~~(9) A "unit for unit" density bonus may be granted for open space cluster plans that include affordable housing for moderate income buyers. For example, if 10% of the dwelling units in the project are affordable for moderate income buyers then a density bonus of 10% may be awarded. The matching density bonus may be doubled for open space cluster plans that include affordable housing for low income buyers. For example, if 10% of the dwelling units~~

~~in the project are affordable for low-income buyers then a density bonus of 20% may be awarded.~~

E. Aquifer Protection District. ~~Where the parcel is located in the Rural District and partially in the Aquifer Protection District the permitted density for that portion of the lot within the Aquifer Protection District may be applied to the portion of the lot located in the Rural District, provided that:~~

- (1) All land within the Aquifer Protection District shall be included within the common land or open space;
- (2) All stormwater facilities and development shall be located outside the Aquifer Protection District. Stormwater undisturbed natural buffers may be located in the Aquifer Protection District.

**Part 2: Effective Date.**

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2024.

THE SELECT BOARD OF THE TOWN OF WELLS:

\_\_\_\_\_  
John MacLeod III

\_\_\_\_\_  
Scott DeFelice

\_\_\_\_\_  
Kathleen Chase

\_\_\_\_\_  
Timothy Roche

\_\_\_\_\_  
James N. Smith

**X. “An Ordinance to Amend Chapter  
145 (Land Use) of the Town of Wells  
Relating to Multifamily  
Development.” (§145-48)**

**An Ordinance to Amend Chapter 145 (Land Use) of the Town of Wells  
Relating to Multifamily Development**

**NOTE:** Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed-out~~.  
Other sections of the Ordinance are unchanged.

**The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 145 (Land Use) of the Town of Wells Relating to Multifamily Development” to read as follows:**

**Part 1:** Article VII (Performance Standards), § 145-48, entitled “Multifamily developments” is hereby amended as follows:

**§ 145-48. Multifamily developments.**

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:

- (1) A landscaped buffer ~~at least 25 feet in~~ the width of the required setbacks of Article V 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.
- (2) No more than six dwelling units may be in any building.
- (3) Multifamily or two-family dwelling structures shall be separated by at least 30 feet or a greater amount, as determined by the Planning Board or reviewing authority, in order to provide for sufficient access to light, air, emergency vehicle or personal, and privacy to each dwelling structure.
- (4) One-family dwelling structures shall be separated by at least ~~20~~ 30 feet.
- (5) A buffer strip managed by the condominium association or lot owner shall be required on the property along any adjacent property line. The buffer strip shall be a no cut buffer and consist of natural vegetation, or the Planning Board or reviewing authority shall require natural evergreen plantings to establish a visual screen except at driveway locations. The buffer strip width shall be the required lot line setback of Article V along the adjoining lot line or greater if necessary, as determined by the Planning Board or reviewing authority, to screen the development from the view from adjacent property lines. The Planning Board or reviewing authority may require additional screening or restrict the removal of vegetation within the buffer.
- (6) When a multifamily development abuts a Town way, a 200 foot wide buffer strip managed by the condominium association or lot owner shall be required from the street right-of-way limit. The buffer strip shall be a no cut buffer and consist of natural vegetation, or the Planning Board or reviewing authority shall require natural evergreen plantings to establish a visual screen, except at driveway locations. Utility and driveway locations shall be combined as one location.
- (7) The open space shall consist of no more than 50% coastal wetland or freshwater wetland as defined in § 145-10 except freshwater wetlands shall also include wetlands dominated by trees or woody vegetation of any height in any District.

B. 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.

C. 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 the landscape buffer 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 staggered evergreen 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.

H. Density. The maximum density of dwelling units permitted shall be the same as permitted in the district(s) in which the multifamily development is located. To determine maximum density the following steps shall be taken:

- (1) In order to determine the maximum number of dwelling units permitted on a tract of land the net residential acreage shall be determined by calculating net area and subtracting ~~15%~~ of the area of the lot to account for common roads, stormwater facilities, utilities, fire protection systems and common parking or infrastructure.
- (2) A development layout shall be submitted indicating a the minimum ~~of 35%~~ required open space ~~and significant natural features per § 202-12.B.~~
- (3) Innovative open space bonuses as specified in § ~~145-49D~~ may be awarded by the Planning Board.

**Part 2:** Effective Date.

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2024.

THE SELECT BOARD OF THE TOWN OF WELLS:

\_\_\_\_\_  
John MacLeod III

\_\_\_\_\_  
Scott DeFelice

\_\_\_\_\_  
Kathleen Chase

\_\_\_\_\_  
Timothy Roche

\_\_\_\_\_  
James N. Smith

**XI. “An Ordinance to Amend Chapter  
145 (Land Use) of the Town of Wells  
to Change Parking Requirements.”  
(§145-39)**

**An Ordinance to Amend Chapter 145 (Land Use) of the Town of Wells  
to Change Parking Requirements**

**NOTE:** Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed-out~~.  
Other sections of the Ordinance are unchanged.

**The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 145 (Land Use) of the Town of Wells to Change Parking Requirements” to read as follows:**

**Part 1:** Article VI (Town-Wide Regulations), § 145-39, entitled “Off-street parking” is hereby amended as follows:

**§ 145-39. Off-street parking.**

D. The following off-street parking standards shall be provided and maintained for each use on a lot except as specified in Subsection F below. The reviewing authority may permit a reduction in the number of spaces provided, based on documentation from the applicant as to the particular needs of the proposed uses, or may require additional parking based on the characteristics of the particular application for approval. The reviewing authority may also permit a reduction in the number of spaces provided based on the availability of mass transit to a lot and its potential use by pedestrians or cyclists, or based on a mixed use and the establishment of restricted operating hours.

<b>Use</b>	<b>Required Parking Spaces</b>
Bank	<u>1 per 100 square feet of customer waiting (teller line) area, plus 1 per 400 square feet of gross floor area of meeting or administrative area, plus 6 stacking spaces for the first drive-up window or ATM, plus 2 4 per additional drive-up window or ATM</u>
Bowling alley	3 1/4 per lane
Congregate <del>housing</del> <u>care facility</u>	1 per housing unit, plus <del>1 for each 300 square feet of office</del> <u>Space 1 space per employee on the two largest shifts combined</u>
Contractor business	1 per 1,000 square feet of gross floor area but no less than 3 per business
Day care	1 per 400 square feet of floor area used for childcare, plus 3
Dwelling	2 per each dwelling unit, plus <del>1/2</del> <u>1</u> per bedroom in excess of <del>4</del> <u>3</u> bedrooms per dwelling unit
Life care facility	<del>1 per 2 congregate housing units, plus 1 per elderly housing unit, plus 1 per 3 beds in the nursing home, plus 1 for each 300 square feet of office space</del> <u>2 spaces per unit with 1 being a garage Plus 1 for each 300 square feet of Common facility gross floor area</u>
Lodging facility	<del>1 1/10</del> <u>1.5</u> for each sleeping room
Manufacturing, warehousing and wholesale businesses	1 per 1,000 square feet of gross floor area but no less than 3 per business
Marina	1 per slip or mooring, excluding guest moorings

## Use

Medical care facility

Museums

### Nursing Homes

Office, business

Personal service business

Retail business

Restaurant, standard

Restaurant, fast-food

Schools

Elementary, junior high

High school

### Student Housing

Tent and recreational vehicle  
parks

Theaters, auditoriums, function  
halls, clubs, churches  
and other places of assembly

Shopping centers

## Required Parking Spaces

1 per bed, plus 1 per 200 square feet of office floor area

1 per 500 square feet of gross floor area, plus 1 for each 3  
seats in areas used for assembling groups of people

### 1 space per 3 beds

3 1/2 per 1,000 square feet of gross floor area, but no less  
than 3 per business

1 per 400 square feet of gross floor area, but no less than  
3 per business

3.5 per 1,000 square feet of sales floor area, but no less than  
3 per business

1 per ~~3~~ 2 seats, plus 1 space for every ~~20~~ 10 seats to accommodate  
Employees. Minimum of 6 spaces for any restaurant.

1 per 30 square feet of floor area ~~usable by customers for  
eating and~~ for food preparation and ordering

3 per classroom and other rooms used by students

3 per classroom and other rooms used by students, plus 1  
per 5 students

### 1 per bed

See § 145-50C

1 per 4 seats, based upon occupancy load

3.5 per 1,000 square feet of retail and business office use.  
Theaters, restaurants, fast-food restaurants will require  
spaces consistent with this section.

**Part 2:** Effective Date.

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2024.

THE SELECT BOARD OF THE TOWN OF WELLS:

\_\_\_\_\_

John MacLeod III

\_\_\_\_\_

Scott DeFelice

\_\_\_\_\_

Kathleen Chase

\_\_\_\_\_

Timothy Roche

\_\_\_\_\_

James N. Smith

**XII. “An Ordinance to Amend Chapter 145 (Land Use) of the Town of Wells to Eliminate Multifamily Dwellings and Multifamily Developments from the Rural District and Multifamily Developments from the Aquifer Protection District.” (§145-30 and 31)**

**An Ordinance to Amend Chapter 145 (Land Use) of the Town of Wells  
to Eliminate Multifamily Dwellings and Multifamily Developments from the Rural District  
and Multifamily Developments from the Aquifer Protection District**

**NOTE:** Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed-out~~.  
Other sections of the Ordinance are unchanged.

**The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 145 (Land Use) of the Town of Wells to Eliminate Multifamily Dwellings and Multifamily Developments from the Rural District and Multifamily Developments from the Aquifer Protection District” to read as follows:**

**Part 1:** Article V (District Regulations), § 145-30, entitled “Rural District” and § 145-31, entitled “Aquifer Protection District” are hereby amended as follows:

**§ 145-30. Rural District.**

A. Purpose. The purpose of the Rural District is to maintain the open, rural character of the land within the district. Open uses of the land, such as forestry and agricultural uses, should be encouraged and large-scale residential uses discouraged. Residential development should be clustered so that significant areas of the development can be maintained as open space and, where applicable, used to buffer the development from existing Town ways.

B. Permitted uses. The following uses are permitted upon obtaining any required permits from the Code Enforcement Officer:

- (4) Dwelling, one-family. (See also § 145-55.)
- (5) Dwelling, two-family.
- ~~(6) Dwelling, multifamily. (See § 145-48.)~~
- (7-6) Livestock, domestic (small), limited to lots with a minimum lot size of 40,000 square feet.
- ~~(8-7)~~ Livestock, domestic (large), limited to lots with a minimum lot size of five acres.
- ~~(9-8)~~ Poultry, domestic (small), all lots, except lots less than 10,000 square feet in area shall be limited to no more than five fowl.
- ~~(10-9)~~ Poultry, domestic (large), limited to lots with a minimum lot size of five acres.
- ~~(11-10)~~ Recreation, passive.
- ~~(12-11)~~ Timber harvesting.

**§ 145-30. Rural District.**

G. Special provisions.

(1) Subdivisions

- (a) All proposed residential subdivisions containing more than four dwelling units shall be developed according to the provisions of ~~§ 145-48, Multifamily developments, or~~ § 145-49, Residential Cluster Development. The Planning Board may waive this requirement for projects containing fewer than 20 lots if it determines that a cluster development as regulated in § 145-49 is not practical because of the configuration of the original lot or because of its natural features.
- (b) Subdivisions as Multifamily developments are not allowed in the District.

(c) Minor subdivisions which do not propose open space shall require twice the lot line setbacks.

§ 145-31. Aquifer Protection District.

G. Special provisions.

(1) Subdivisions

(a) All residential subdivisions containing more than four dwelling units shall be clustered on the site according to the provisions of ~~§ 145-48, Multifamily developments, or~~ § 145-49, Residential Cluster Development. The Planning Board may waive this requirement for projects containing fewer than 20 lots if it determines that clustering is not practical because of the configuration of the original lot or because of its natural features.

(b) Subdivisions as Multifamily developments are not allowed in the District.

(c) Minor subdivisions which do not require open space shall require twice the lot line setbacks. If a residential cluster development, all land within the Aquifer Protection District shall be included within the common land or open space.

**Part 2:** Effective Date.

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2024.

THE SELECT BOARD OF THE TOWN OF WELLS:

\_\_\_\_\_  
John MacLeod III

\_\_\_\_\_  
Scott DeFelice

\_\_\_\_\_  
Kathleen Chase

\_\_\_\_\_  
Timothy Roche

\_\_\_\_\_  
James N. Smith

**XIII. “An Ordinance to Amend Chapter 145 (Land Use) of the Town of Wells to Change the Definitions of Standard Restaurant and Nonconforming Development and the Addition of a definition for Dominated by Woody Vegetation.” (§145-10)**

**An Ordinance to Amend Chapter 145 (Land Use) of the Town of Wells  
to Change the Definitions of Standard Restaurant and Nonconforming Development and  
the Addition of a Definition for Dominated by woody vegetation**

**NOTE:** Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed-out~~.  
Other sections of the Ordinance are unchanged.

**The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 145 (Land Use) of the Town of Wells to Change the Definitions of Standard Restaurant and Nonconforming Development and the Addition of a Definition for Dominated by Woody Vegetation” to read as follows:**

**Part 1:** Article II (Word Usage and Definitions), § 145-10, entitled “Definitions” is hereby amended as follows:

§ 145-10. **Definitions.**

**DOMINATED BY WOODY VEGETATION**

A condition where the tree stratum consists mostly of woody plants which are greater than 20 feet in height as established by a tree plot consisting of a nonoverlapping 30 foot by 30 foot grid or grids which indicate 50% or more of the trees with a 2 inch or more diameter at breast height (DBH) are greater than 20 feet in height. Trees which are dead are not to be included.

**NONCONFORMING DEVELOPMENT**

A use permitted within a district which does not conform to one or more of the performance standards within this chapter regulating the use.

**RESTAURANT, STANDARD**

A business that serves foods and beverages unpackaged and ready to eat, in individual servings or in nondisposable or nonedible containers, which are consumed while seated on the premises. This use may include accessory take-out service.

**Part 2:** Effective Date.

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2024.

THE SELECT BOARD OF THE TOWN OF WELLS:

\_\_\_\_\_  
John MacLeod III

\_\_\_\_\_  
Scott DeFelice

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Kathleen Chase

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Timothy Roche

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James N. Smith