

**An Ordinance to Amend Chapter 201 (Streets and Sidewalks) of the Code of the Town of  
Wells  
to Revise General Provisions**

**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 201 (Streets and Sidewalks) of the Code of the Town of Wells to Revise General Provisions” to read as follows:**

**Part 1:**

§ 201-10. Streets constructed after ~~July 1, 2025~~ July 1, 2026.

A. All street and related drainage plans shall be stamped and signed by a professional engineer registered by the State of Maine. The engineer's seal shall be affixed to all design drawings.

B. The minimum right-of-way width for all streets shall be 50 feet. Access to street side embankments and drainage facilities shall be provided within the right-of-way or by access easements over the adjacent land. All such easements shall be shown on the design drawings.

C. All streets shall be designed in accordance with Article III, Specifications, of this chapter.

D. The roadway shall be centered within the right-of-way except for minor deviations not to exceed 10 feet that are due to existing conditions.

E. Any dead-end street shall adhere to the following turnaround standards:

- (1) If serving street frontage for more than 7 lots or providing access to more than 7 dwelling units, a cul-de-sac having a paved outside radius of 65 feet, paved width of 30 feet and a center island with an inside radius of 35 feet, provided the movements of emergency vehicles will not be obstructed five feet beyond the paved outside radius and five feet within the inside radius;
- (2) If serving street frontage for more than 4 but less than 8 lots or providing access to more than 4 but less than 8 dwelling units, a cul-de-sac must be constructed of pavement having an outside radius of 52 feet and a solid interior provided the movements of emergency vehicles will not be obstructed five feet beyond the paved outside radius;
- (3) If serving street frontage for no more than 4 lots or providing access to no more than 4 dwelling units, a hammer head turn tee must be constructed with a road width of 24 feet gravel, two turn-tee heads 60 feet in length as measured from the intersection of the turn-tee and with intersection radii of 20 feet; and
- (4) If serving street frontage for no more than 2 lots or providing access to no more than 2 dwelling units and the street length is less than 150 feet, no turn around is required.
- (5) Dwelling units above does not include accessory dwelling units.

F. The minimum paved width of a roadway shall be 24 feet and shall be centered on a gravel base. The minimum width of gravel base shall be 30 feet.

- (6) (1) Private streets providing street frontage to fewer than five lots and providing access to no more than five dwelling units do not have to be paved, and the width of the gravel road shall be 24 feet. (Dwelling units does not include accessory dwelling units.)

- (2) Private streets built under the provisions of Subsection F will not be considered for acceptance as Town streets. If the private street is shown on a subdivision plan and/or a site plan, the plan or plans shall contain a note reflecting that the street is to be maintained to Town standards and will remain a private street in accordance with the terms of this article.
- (3) Private streets shall be subject to a maintenance agreement between owners that use the street.

G. Roads in other developments, campgrounds (whether tent or RV), lodging facilities, affordable housing, multifamily developments, life care facilities, congregate care facilities, elderly housing, student and dormitory housing, and multifamily dwelling unit projects shall be built to the standards imposed by the ~~Planning Board~~ [Reviewing Authority \(Planning Board, Staff Review Committee or Code Enforcement Office\)](#) during the review process and shall not be offered to the Town for acceptance. Each approved subdivision or site plan for a development of, campgrounds (whether tent or RV), lodging facilities, affordable housing, multifamily developments, life care facilities, congregate care facilities, elderly housing, student and dormitory housing, and multifamily dwelling project shall contain a note that affords public notice that project roads are to be maintained to Town standards and will remain private and will not be considered for Town acceptance.

H. Private streets created prior to July 1, 202~~5~~<sup>6</sup> are legally nonconforming. Existing lots of record retain legally nonconforming street frontage on such streets. New lots created on a legally nonconforming street shall require the street ~~frontage~~ [or streets providing access to the new lot](#) to be upgraded to meet the standards of §201-10. C, D, E and F. [New dwelling units created on a legally nonconforming street shall require the street or streets providing access to the new dwelling to be upgraded to meet the standards of §201-10. C, D, E and F. Any street upgrades shall be subject to approval per §201-10. J.](#)

[I. Private streets created or extended from an existing adjoining private street may require the adjoining private street to be upgraded to meet the requirements of §201-10.F. and require review and approval per §201-10. J.](#)

[J. Private streets constructed after July 1, 2026, not within a subdivision or part of a site plan approved by the Planning Board, shall be approved by the Staff Review Committee prior to construction or the creation of an additional lot or dwelling unit that utilizes said private street. Applications shall be submitted to the Office of Planning and Development on the appropriate application form and with the application fee. The following procedures will be followed:](#)

- (1) [A street plan meeting the standards of this chapter shall be submitted, reviewed and approved by the Staff Review Committee.](#)
- (2) [The applicant shall submit to the Office of Planning and Development an application form, a plan of the subject property showing existing and proposed conditions, buildings within 100 feet of the street right of way, lot boundaries, adjacent streets, entrances to other streets, sight distances, water bodies, wetlands, contours, utilities, any other significant features.](#)
- (3) [Proof of right, title and interest shall be submitted and address the ability to establish or upgrade and maintain the private street including a road maintenance agreement.](#)
- (4) [Staff Review Committee process.](#)
  - (a) [The membership of the Staff Review Committee shall include the Road Commissioner, the Fire Chief, the Police Chief, the Code Enforcement Officer, Town Engineer \(if any\) and Director of Planning and Development or their designees. The Director of Planning and Development is the Chair of the Committee.](#)
  - (b) [If there are street approval applications to review, the Staff Review Committee shall review at their regularly scheduled meetings. The agenda for each Staff Review Committee meeting shall be posted in the Town Hall at least seven days prior to the](#)

meeting. Scheduled meetings may be rescheduled if the Committee members or their designees are unable to attend to a time agreed to by all applicants on the agenda for the meeting.

(c) An applicant shall be notified of any Staff Committee meetings at which the applicant's plan will be reviewed and shall have a representative attend any Staff Review Committee meetings at which the plan may be reviewed.

(d) A new application, revised application or proposed amendment to an approved plan shall be submitted to the Office of Planning and Development at least 14 days prior to the meeting at which it will be considered. The application shall be accompanied by a street plan and the required fee. The application fee shall be established by the Board of Selectmen, following notice and a public hearing.

(e) The Applicant shall provide sufficient funds for abutter notifications. Abutter notification shall be performed by the Planning Office. Notices shall be by first class mail and include a copy of the application form. Abutters shall include the owner of any lot located with street frontage on the proposed or existing street subject to the application.

i. (f) Upon determining that the application is complete, the Committee shall review the street plan and either approve the application and sign the street plan, continue the application with conditions or deny the application.

(g) The Staff Review Committee may only approve an application by a unanimous vote, and its decision shall be based on the criteria found in § 201, and it shall inform the applicant in writing within seven days of its decision stating its reasons. The Committee shall prepare detailed, written findings of fact, based on the evidence presented, and its conclusions and basis thereof.

(h) The Staff Review Committee shall take action on a complete application within 35 days of its receipt by the Staff Review Committee or within a period of time mutually agreed to by the applicant and the Staff Review Committee. Failure to take action within 35 days or within the mutually agreed to time period shall constitute an automatic denial of the plan.

(5) Final approval and filing.

(a) No plan shall be approved by the Staff Review Committee as long as the applicant, owner or developer is in default on a previously approved plan.

(b) Upon findings of fact and determination that all criteria in § 201 have been met, and upon voting to approve the street plan, the Committee shall sign the final plan. One copy of the signed plan shall be retained by the Committee as part of its permanent records. One copy of the signed plan shall be forwarded to the Tax Assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any street plan not recorded in the Registry of Deeds within 90 days of the date upon which the plan is approved and signed by the Committee shall become null and void, unless an extension is granted by the Committee in writing before the expiration of the ninety-day period.

(c) No changes, erasures, modifications or revisions shall be made in any final plan after approval has been given by the Staff Review Committee, unless the revised final plan and an amendment application is first submitted, and the Committee approves the proposed revisions. The Board shall make findings that the revised plan meets all criteria in § 201. In the event that a plan is recorded without complying with this requirement, it shall be considered null and void, and the Committee shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.

(d) A preconstruction meeting shall be required prior to any construction of or improvement to the street roadway.

(e) The Town Engineer/ Director of Planning and Development is authorized to approve minor modifications to the approved street plan that appear necessary before or during construction. Minor modifications may be authorized due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The modified plan shall be filed with the Town and a written decision of approval or denial of the minor modifications shall prepared and filed by the Town Engineer/ Director of Planning and Development. The written decision shall be provided to the Staff Review Committee for their acknowledgement.

(f) Cerification by a Maine Licensed Professional Engineer and an as-built plan of the street and roadway and any improvements shall be provided to the Town confirming the roadway has been constructed as approved.

(g) Failure to commence substantial construction of the street within ten years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a street plan's approval has expired under this subsection, the Staff Review Committee shall have a notice placed in the Registry of Deeds to that effect.

(6) If the Staff Review Committee denies an application or grants an approval that is objectionable to the applicant or to any abutting landowner or any aggrieved person who can demonstrate a direct negative impact or when it is claimed that the provisions of this chapter do not apply or that the true intent and meaning of this chapter have been misconstrued or wrongfully interpreted, the applicant, an abutting landowner or an aggrieved person may appeal the decision of the Zoning Board of Appeals as follows:

(a) Appeals involving administrative procedure or interpretation of this article may be heard and decided as detailed below:

(i) Appeals involving administrative procedure or interpretation of this article shall be from the decision of the Staff Review Committee to the Wells Zoning Board of Appeals and from the Wells Zoning Board of Appeals to the Superior Court according to state law. The procedure at the Zoning Board of Appeals shall be as follows: The appellant's case shall be heard first. To maintain an orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chair. The concurring vote of a majority of the members of the Zoning Board of Appeals present and voting shall be required to decide in favor of the applicant on any matter which the Zoning Board of Appeals is required to decide. The applicant shall have the burden of proof. The Zoning Board of Appeals may modify or reverse a decision of the Staff Review Committee only if it finds an error of law, misinterpretation of this Code or misapplication of the law to the facts. If the Zoning Board of Appeals modifies or reverses a decision of the Staff Review Committee, the Zoning Board of Appeals shall remand with instructions for such further action as may be necessary. Review by the Zoning Board of Appeals is limited to the record of the proceedings before the Staff Review Committee and the Zoning Board of Appeals shall not receive or consider any evidence that was not presented to the Staff Review Committee, but the Zoning Board of Appeals may receive and consider oral or written argument. If the Zoning Board of Appeals determines that the record of the Staff Review Committee proceedings is not adequate, the Board of Appeals may remand the matter to the Staff Review Committee for additional fact finding.

(b) When errors of administrative procedure are found by the Zoning Board of Appeals, the case shall be referred back to the Staff Review Committee for rectification.

(c) When errors of interpretation are found, the Wells Zoning Board of Appeals may modify the interpretation or reverse the order of the Staff Review Committee but may

not alter the conditions attached by the reviewing authority. All changes in conditions, other than changes made by the granting of a variance, shall be made by the Staff Review Committee in accordance with the Wells Zoning Board of Appeals' interpretation.

(d) Any appeal of a decision of the reviewing authority shall be filed within 30 days of the decision.

**Part 2:** Effective Date.

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

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2026.

THE SELECT BOARD OF THE TOWN OF WELLS:

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John MacLeod III

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Avery Seuter

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Kathleen Chase

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Timothy Roche

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James N. Smith