

**An Ordinance to Amend Chapter 145(Land Use) and Chapter 202(Subdivision) of the Code of the Town of Wells  
to Change the Performance Standards Requirements for Residential Cluster Developments, Density Requirements of Multifamily Developments and Preliminary Plan Requirements for Major Subdivisions**

**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) and Chapter 202(Subdivision) of the Code of the Town of Wells to Change the Performance Standards Requirements for Residential Cluster Developments, Density Requirements of Multifamily Developments and Preliminary Plan Requirements for Major Subdivisions” to read as follows:**

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

C. Dimensional requirements.

(1) ~~The minimum lot sizes may be reduced to 20,000 square feet in any district where clustering is allowed, if not serviced by public sewer, or may be reduced to the following if on public sewer~~ the following dimensions depending on whether or not served by public sewer:

**Served by Public Sewer**

<b>Type of Dwelling</b>	<b>RA, GB and RC Districts (square feet)</b>
One-family dwelling	10,000
Two-family dwelling	15,000

<u>Type of Dwelling</u>	<u>Rural District (square feet)</u>
<u>One-family dwelling</u>	<u>20,000</u>

Not Served by Public Sewer

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

(3) The required street frontage on a proposed private street may be reduced to no less than 50 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 shall be twice the required non-clustered 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) ~~The maximum lot coverage of 20% in the Rural District may be allowed by the Planning Board to be increased to 40% on lots smaller than 40,000 square feet in area. [Added 6-14-2016]~~ When a cluster lot abuts a Town way, the setback from the street shall be twice the required non-cluster setback of the District. The setback area shall be a no cut buffer 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 combined as one location.

#### D. Innovative open space bonus.

(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%.

~~[1] Chapter 3, Natural Resources Policies and Strategies;~~

~~[2] Chapter 4, Marine Resources Policies and Strategies;~~

~~[3] Map 4, Natural Areas Wildlife Habitat;~~

~~[4] Map 9, Wetlands; or~~

~~[5] Map 10, Areas of High Potential for Wildlife Habitat.~~

(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%:

~~[1] Chapter 3, Natural Resources Policies and Strategies;~~

~~[2] Chapter 4, Marine Resources Policies and Strategies;~~

~~[3] Map 4, Natural Areas Wildlife Habitat;~~

~~[4] Map 9, Wetlands; or~~

~~[5] Map 10, Areas of High Potential for Wildlife Habitat.~~

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 ~~doubled, transferred~~ applied to the portion of the lot located in the Rural District, ~~and counted towards total bonus density,~~ provided that:

(1) All land within the Aquifer Protection District is shall be included within the common land or open space;

~~(2) A conservation easement is granted to the Town or to the Kennebunk, Kennebunkport and Wells Water District over that portion of the subdivision located within the Aquifer Protection District; and~~

(3) ~~(2)~~ All stormwater detention facilities and development shall be located outside the Aquifer Protection District. Stormwater retention facilities undisturbed natural buffers may be located in the Aquifer Protection District.

**Part 2:** Article VII (Performance Standards), § 145-48, entitled “Multifamily developments” is hereby amended as follows:

~~H. Density shall be the same as permitted in the district(s) in which the multifamily development is located, unless density bonuses are granted by the Planning Board in accordance with § 145-49D. [Added 6-10-2014]~~

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 roads and parking.

(2) A development layout shall be submitted indicating a minimum of 35% open space and significant natural features.

(3) Innovative open space bonuses as specified in § 145-49D may be awarded by the Planning Board.

**Part 3:** Subdivision of Land, § 202-8, entitled “Preliminary plan for major subdivision” is hereby amended as follows:

C. Rights vested. The submittal of the preliminary application, plans, other associated submittals in accordance with § 202-8. B and submittal of the application fee shall be considered as substantial for the purposes of bringing the plan under the protection of 1 M.R.S.A. § 302.

**Part 4:** Effective Date.

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

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2022.

BOARD OF SELECTMEN OF THE TOWN OF WELLS:

\_\_\_\_\_  
Sean Roche

\_\_\_\_\_  
Kathy Chase

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

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

\_\_\_\_\_  
Robert Foley