



**Planning & Development**  
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**Memo**

Date: February 7, 2020

To: Planning Board

From: Planning Office

Re: Ordinance Change Proposals

**Proposal:    **Revise 145-52, Lodging Facilities****

Issue 1:        Currently all buildings of a Hotel/Motel facility are required to be constructed with a sprinkler system including detached accessory buildings such as sheds and gazebos. Clarification is needed to only require sprinkler systems within buildings containing the Hotel/Motel units, see proposed addition to 145-52.I.(8)

*(8) All buildings with Hotel/Motel units shall be constructed with sprinkler systems.*

Issue 2:        The landscape buffer requirements need clarification, see proposed changes to 145-52.I.(4):

*(4) There shall be a buffer strip of at least 25 feet in width adjacent to all lot lines of natural or planted vegetation.*

*(a) The buffer shall create a visual screen to existing residential uses.*

*(b) An access road or path may be allowed to cross the buffer.*

*(c) The buffer shall be approved by the Planning Board.*

*(d) The buffer composition shall be at the discretion of the Planning Board.*

**Proposal:    **Revise 145-55. Accessory Dwelling Units****

Issue 1:        The limitation of 600 sf of net habitable floor area does not accommodate a typical footprint above a two car garage (26'x30'). Increasing the area limitation to 800 sf would allow for easier construction. See proposed change:

*(2) The accessory dwelling unit shall contain no more than three rooms and a bathroom and shall not exceed ~~600~~ 800 square feet of net habitable floor area;*

Issue 2: Units are not allowed in the Res B, Res D or Beach Business Districts where many such units already exist and are considered nonconforming. See proposed change to allow in all Districts:

*§ 145-55 Accessory dwelling units.*

*A. One accessory dwelling unit shall be permitted within an owner-occupied one-family dwelling in all districts. ~~except the Residential B, Residential D and the Beach Business Districts.~~*

Issue 3: Parking for rental units is becoming a problem throughout the Town. Approval of accessory units should include dedicated parking accommodations on-site.

See proposed additional requirement:

*(5) The accessory dwelling unit shall be located in the same building as the principal dwelling unit.*

*(6) Two parking spaces shall be provided for the accessory dwelling unit located on the lot in addition to the parking required for the owner-occupied dwelling.*

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Proposal: Revise 202-11.B to specify how Subdivision violations can be addressed.

Issue: The subdivision Ordinance does not currently address.

## Chapter 202. Subdivision of Land

### § 202-11. Inspections; violations and penalties.

#### B. Violations, penalties and enforcement.

(1) No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Board in accordance with these regulations.

(2) No person may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

(3) No person may convey, offer or agree to convey any land in an approved subdivision which is not shown on the final plan as a separate lot.

(4) Any person who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by these regulations shall be punished in accordance with the provisions of 30-A M.R.S.A. § 4452.

(5) No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Board.

(6) Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots or construction of buildings which require a final plan approved as provided in these regulations and recorded in the Registry of Deeds.

(7) No lot or unit in a subdivision may be sold, leased or otherwise conveyed before the street upon which the lot or the lot containing the unit fronts is completed up to and including the hot top base course of pavement, in accordance with these regulations, up to and including the entire frontage of the lot, and a performance guaranty acceptable to the Board of Selectmen is posted for the completion of the street with the Town of Wells.

(8) Failure to comply with any conditions of approval shall be construed to be a violation of this article and Chapter 145 and shall be grounds for revoking the approved development plan, initiating legal proceedings to enjoin construction development or any specific activity violating the conditions of plan approval or applying the legal penalties detailed in § 145-64. Determination of failure to comply will be made by the Code Enforcement Office. The Code Enforcement Office shall consult with the authorized inspector and the Town Planning Office as applicable to the violation determination.

(9) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the owner to immediately install sedimentation control devices on his lot and to remove sediment from all adjoining surfaces, drainage systems and watercourses and to repair any drainage, at his expense, as quickly as possible. Any landowner that fails to do so within two weeks after official written notification by the Code Enforcement Officer or authorized Inspector of the Town shall be penalized as set forth in § 145-64 which states, "Any person, firm or corporation, including but not limited to a landowner, his agent or a contractor, who or which orders or conducts any activity in violation of the provisions of this chapter shall be penalized as set forth in 30-A M.R.S.A. § 4452, except that the penalty for any person, firm or corporation who or which violates any provision of § 145-45 of this chapter shall not exceed \$1,000 for the first offense."

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***The Planning Board should consider the proposed changes and make any recommendations for changes and vote to forward to the Board of Selectmen for consideration or continue to workshop the ordinance changes for a future Planning Board meeting.***