

**An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells  
to Revise the Reviewing Authority Process**

**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 Code of the Town of Wells to Revise the Reviewing Authority Process” to read as follows:

**Part 1:** Chapter 145 (Land Use), Attachment 1, entitled “Reviewing Authority Chart” is hereby amended as follows:

LAND USE  
145 Attachment 1  
Town of Wells  
**Reviewing Authority Chart**  
[Amended 11-2-2004; 6-14-2016]

	<u>SCOPE</u>	<u>REVIEWING AUTHORITY</u>		
		<b>I</b>	<b>II</b>	<b>III</b>
		<b>Code Enforcement Officer And Planner <sub>6</sub></b>	<b>Staff Review Committee <sub>6</sub></b>	<b>Planning Board</b>
A.	New use requiring site plan approval <sub>2</sub>	No	Up to 6,000 sq. ft. gross floor area and/or lot coverage <sub>3</sub> Or Up to 25 new or additional parking spaces <sub>3</sub> Or <u>New Seasonal Tent</u>	Over 6,000 sq. ft gross floor area And/or lot coverage Or Over 25 new or additional parking spaces Or Any telecommunication towers, or utility transmission lines
B.	Expansion of, change to, or amendment to an existing use requiring site plan review (except as provided in Section C below)	Alteration of less than 1,000 sq. ft. gross floor area and/or lot coverage <sub>3</sub> And 5 or fewer additional parking spaces <sub>3</sub> And The property is not subject to a prior site plan approval by a higher reviewing authority.	Alteration of 1,000 to 6,000 sq. ft and or lot coverage <sub>3</sub> Or More than 5 and up to 25 additional parking spaces <sub>3</sub> And The property is not subject to a prior site plan approval by a higher reviewing authority, except as provided in Note 4 below. Or <u>New Seasonal Tent</u>	Alteration of over 6,000 sq. ft. gross floor area and/or lot coverage Or Over 25 additional parking spaces

C.	Amendment to an approved site plan involving minor alterations <sup>5</sup>	Alteration of less than 300 sq. ft. gross floor area or lot coverage <sup>3</sup> Or Less than 5 additional or relocated parking spaces <sup>3</sup>	Alteration of 300 sq. ft. to 2,000 sq. ft. and or lot coverage <sup>3</sup> Or More than 5 and up to 25 additional parking spaces <sup>3</sup>	Alteration of over 2,000 sq. ft. gross floor area and/or lot coverage area Or Over 25 additional parking spaces
D.	Amendment to an approved site plan involving an increase in vegetated lot area currently not proposed to be developed	Yes	No	No
E.	Amendment to an approved site plan involving only a change of use with no other proposed changes to the approved site plan <sup>1</sup>	Yes	No	No
F.	Amendments to an approved site plan involving changes only to uses or structures not ordinarily requiring site plan approval <sup>1</sup>	Any such changes shall be designated on a copy of the approved site plan by the applicant, and the plan shall be submitted to the Code Enforcement Officer for filing in the Office of Planning and Development. Such changes do not require site plan approval as set forth in Article X unless the Code Enforcement Officer finds that such changes may create a significant impact on the other uses on the site for which site plan review was required.		
G.	Amendments to an approved site plan involving field changes to an approved site plan during construction period.	See §145-74G(4)		

NOTES:

- <sup>1</sup> A change of use from a use having site plan approval to another use requiring site plan approval shall be processed as a site plan amendment. Changes involving uses listed in Article V as a permitted use not requiring site plan approval shall not be processed as a site plan amendment.
- <sup>2</sup> Site Plan approval shall expire if a use has been established and then discontinued for five years or more per 145-74F(3).
- <sup>3</sup> Accumulated alterations within any five-year period.
- <sup>4</sup> Properties subject to a prior site plan approval by the Planning Board or the former Site Review Board shall be reviewed by the Planning Board, except that the Staff Review Committee may review and approve amendments to such site plans in the following circumstances: a) the change does not involve an increase in gross floor area of greater than 2,000 square feet within a 5 year period, and b) does not involve an increase of lot coverage area greater than 4,000 square feet within a 5 year period and (c) the change does not involve the proposed change of any condition or restriction placed on the prior approval.
- <sup>5</sup> Minor Alterations Include the following: (1) changes to the approved location of a structure footprint, dumpster, lighting and sign up to 5 feet horizontally; (2) changes to utilities such as water, sewer, or electrical placement due to WSD, KK&WWWD, Power Company, or Town Engineer recommendations; (3) structural alterations/additions to accommodate sheds, bulkheads, decks, stairs and other minor structural alterations/ additions; (4) alternations in drainage that have an insignificant effect on stormwater management or erosion control plans; (5) minor landscaping, parking reconfigurations, and planting changes.
- <sup>6</sup> Conditions of approval or notes written on the face of the site plan may be amended only by the reviewing authority that approved the site plan (§145-74G(1)(b)) or 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 \_\_\_\_\_, 2021.

BOARD OF SELECTMEN OF THE TOWN OF WELLS:

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Sean Roche

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Kathy Chase

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Timothy Roche

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John MacLeod, III

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Robert Foley