



## SPECIAL TOWN MEETING WARRANT

November 7, 2023

STATE OF MAINE  
COUNTY OF YORK, ss.

To: Marianne Goodine, Michele Stivaletta-Noble, Cindy Appleby, Mark Dupuis, Keeley Lambert, and/or Mike Livingston, resident of the Town of Wells, County of York, and State of Maine;

**GREETINGS:** In the name of the State of Maine, you are hereby required to notify and warn the Inhabitants of the Town of Wells, qualified by law to vote in Town affairs, to meet at the Wells Junior High School Gymnasium, 1470 Post Road, in said Town of Wells on November 7, 2023 at 8:00 AM in the forenoon and then and there to vote on Article 1 and by secret ballot to act on all remaining Articles set out below. The polling hours therefore to be from 8:00 AM in the forenoon to 8:00 PM in the evening. Pursuant to Title 21-A, Section 759(7), absentee ballots will be processed at the polls at the following times: 9:00, 10:00, 11:00 a.m., 12:00, 1:00, 2:00, 3:00, 4:00, 5:00, 6:00, 7:00 and 8:00 p.m.

**ARTICLE 1.** To elect a Moderator to preside in said meeting.

**ARTICLE 2.** Shall the Town approve the charter amendments reprinted below, which change the Office of Town Clerk from an elected to an appointed position at the expiration of the Town Clerk's current term of office?

Article XI of the Town Charter, entitled, "Nominations, Elections, and Town Meetings," Section 11.01 entitled, "Elected officials" is hereby amended as follows:

The elected officials of the Town of Wells shall include the ~~Town Clerk and the~~ Board of Selectmen and do not include those quasi-municipal officials governed by charters and/or bylaws other than the Charter of the Town of Wells. Upon expiration of the term of the Town Clerk elected at the June 2023 Annual Town Meeting, the Office of the Town Clerk shall immediately become an appointed position in the Town of Wells.

**Explanation:** If adopted, the effect of the charter amendments proposed in Article 2 would be to convert the office of the Town Clerk from an elected position to an appointed one. In the event that a vacancy should occur in the office of the Town Clerk prior to the expiration of the current Town Clerk's term, the Board of Selectmen may appoint a qualified person to fill the vacancy, pursuant to 30-A M.R.S. § 2602(2). State statute (30-A M.R.S. § 2105(4)) requires, in order for charter amendments to become effective, that the total number of votes cast for and against the question equals or exceeds 30% of the total votes cast in the municipality at the last gubernatorial election.

**ARTICLE 3.** Shall an ordinance entitled, "An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Create a College District Zone at the Existing Location of the York County Community College (Map 43, Lot 3A)" be enacted? (An attested copy of said ordinance is attached to this warrant.)

**Explanation:** The Maine Community College System applied for a Zoning Map and Zoning Text revision per §145-6 of the Land Use Code to create a College District at the location of the existing York County Community College. The proposed ordinance was reviewed by the Planning Board and Board of Selectmen and two public hearings were conducted. Both Boards voted unanimously in favor of the proposed ordinances and Zoning Map change.

Given under our hands this 5<sup>th</sup> day of September 2023.

BOARD OF SELECTMEN OF THE TOWN OF WELLS:

\_\_\_\_\_  
John K. MacLeod III

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

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

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

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

A true copy, ATTEST:

\_\_\_\_\_  
Town Clerk

**RETURN ON THE WARRANT**

WELLS, MAINE

Date \_\_\_\_\_

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of said town, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at Wells Town Hall, Wells Post Office, Moody Post Office, Wells High School, the Wells Public Library, Chase Farm and the Town Website in said town, being public and conspicuous places in said town, on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, being at least seven days before the meeting.

\_\_\_\_\_  
Posting Agent

STATE OF MAINE  
COUNTY OF YORK, ss.

Then personally appeared before me the above named \_\_\_\_\_, known to me, and swore that the representations set forth in the above Return of the Warrant are true of his/her own knowledge; and that he/she executed the Return of his/her own free will and who signed the above Return in my presence.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary seal

\_\_\_\_\_  
Printed name and commission



***APPENDICES***

**APPENDIX 1**

**An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Create a College District Zone at the Existing Location of the York County Community College (Map 43, Lot 3A)**

**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 Create a College District Zone at the Existing Location of the York County Community College (Map 43, Lot 3A)” to read as follows:**

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

DORMITORY HOUSING – a residential building providing sleeping and residential rooms for college students enrolled in and attending a post-secondary education institution within the Town of Wells in which common areas for kitchen, bathing, sanitary, laundry and living spaces are provided.

RECREATION, CAMP – a facility which is not operated for a profit or a business operated for profit which provides an indoor or outdoor recreational activity for the training and development of a sport or skill and may include temporary (not to exceed 14 days) accommodations in student housing or dormitory housing for occupants of any age.

STUDENT HOUSING – a residential building that provides a room or suite of rooms, known as a unit, occupied by college student(s) enrolled in and attending a post-secondary education institution within the Town of Wells which include kitchen, bathing, and sanitary facilities within each unit.

COLLEGE STUDENT – an individual who is enrolled in and attending a college and meets the eligibility requirements of the post-secondary education institution to reside in student housing or dormitory housing.

SCHOOL, COLLEGE - An institution, public or private, for post-secondary education that offers courses leading to a degree or certification and has its own teaching staff, students, buildings, which may include housing and other facilities.

**Part 2: Article IV Zoning Districts, § 145-16, entitled “Establishment of Districts”** is hereby amended as follows:

To implement the provisions of this chapter, the Town of Wells is divided into the following districts:

AP	Aquifer Protection District
GB	General Business District
BB	Beach Business District
H	Harbor District
LI	Light Industrial District
QM	Quarry Manufacturing District
RA	Residential A District
RB	Residential B District
RC	Residential/Commercial District
RD	Residential Drakes Island District
RP	Resource Protection District
R	Rural District
MPO	Mobile Home Park Overlay District
SLO	Shoreland Overlay District
TC	Transportation Center District
<u>C</u>	<u>College District</u>

**Part 3: Article V District Regulations, § 145-34.2, entitled “College District”** is hereby amended as follows:

**§ 145-34.2 College District.**

A. Purpose. The purpose of the College District is to provide areas for college campus expansion, student housing, dormitory housing, educational facilities, recreational facilities and other accessory uses serving the college campus community.

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

- (1) Recreation, passive.
- (2) Timber harvesting.

C. Permitted uses requiring the approval of a site plan. The following uses are permitted upon obtaining site plan approval and any required permits from the Code Enforcement Officer:

- (1) Dormitory housing.
- (2) Function hall.
- (3) Public transportation shelter.

- (4) Public utility facility.
- (5) Recreation, active.
- (6) Recreation, low-intensity commercial.
- (7) Recreation, medium intensity commercial.
- (8) Recreation, camp.
- (9) Restaurant, standard.
- (10) Restaurant, fast-food.
- (11) School, college
- (12) School, public and private.
- (13) School, vocational – Technical
- (14) Student housing.

D. Accessory uses. Accessory uses are permitted when they are clearly incidental to the permitted use; subordinate, individually and in the aggregate, to the permitted use; and located on the same lot as the permitted use being served. Accessory use to a College or Vocational-Technical School may include the following: Business Retail, Business Contractor, Business Service and Office but are required to be owned and operated by or on behalf of the educational institution.

E. Uses prohibited. Except as permitted in § 145-12, Nonconforming uses, and in Article VI, Town- Wide Regulations, uses not identified in Subsections B, C and D are prohibited within this district.

F. Dimensional requirements:

- (1) Minimum lot size: 100,000 square feet of net area.
- (2) Maximum density: None
- (3) Minimum street frontage per lot: 100 feet, which may be reduced to 75 feet for frontage entirely on a cul-de-sac.
- (4) Maximum lot coverage: 60% (20% within the Shoreland Overlay District)
- (5) Maximum building height: 45 feet, not to exceed three stories. (See § 145-35I.)
- (6) Setbacks.
  - (a) All structures shall be at least:
    - [1] Fifteen feet from any lot line.
    - [2] Twenty-five feet from the boundary of any cemetery.
    - [3] Twenty-five feet from any lot line abutting any street right-of-way.

**Part 4: Article VII Performance Standards, § 145-59.3, entitled “Student Housing and Dormitory Housing” is hereby added as follows:**

§ 145-59.3 Student Housing and Dormitory Housing.

A. Student Housing.

- a. A student is permitted to occupy a room or suite of rooms, known as a unit, within a Student Housing building provided the following conditions are met:
  - i. The student is enrolled in and attending a College or Vocational-Technical School within the Town of Wells.
  - ii. Maximum density:
    1. 8 students per unit
    2. 64 students per building
    3. 20 units per acre of net area.
  - iii. A minimum of 1 parking space per student is provided on-site.
  - iv. Student housing units shall contain living, bathing and sanitary facilities, and a kitchen facility with sleeping rooms.
  - v. All housing units shall be connected to public water and public sewer.
  - vi. All housing units shall be constructed with sprinkler systems.
  - vii. Appropriate on-site supervision shall be provided by the College at all times.
  - viii. The College shall be responsible for collecting all applicable room and/or rental fees and other charges, as a result of offering such housing.
  - ix. Student housing shall not be permitted for members of a student's family or minors (persons under the age of 16) except to the extent the family member is a student who otherwise is qualified hereunder for student housing or as otherwise required by law.

B. Dormitory Housing.

- a. Students are permitted to occupy a dormitory housing unit within Dormitory Housing buildings provided the following conditions are met:
  - i. Students are enrolled in and attending a College or Vocational-Technical School within the Town of Wells.
  - ii. Maximum of 3 student occupants per dormitory housing unit.
  - iii. A minimum of 1 parking space per dormitory housing unit shall be provided on-site.
  - iv. Maximum density is 20 dormitory housing units per acre of net area.
  - v. A minimum of 20 dormitory housing units shall be located within each dormitory housing building.
  - vi. Dormitory housing units shall be constructed with sprinkler systems.
  - vii. Three story buildings shall enclose all stairways.
  - viii. Dormitory housing units shall provide be a minimum of 100 SF in gross floor area and a maximum of 600 SF in gross floor area.
  - ix. Dormitory housing buildings shall provide common laundry, sanitary, kitchen and/or living spaces.

- x. Dormitory housing units shall be connected to public water and public sewer.
- xi. Appropriate on-site supervision shall be provided by the College at all times which shall include a supervisory employee residing within the dormitory building.
- xii. The College shall be responsible for collecting all applicable room and/or rental fees and other charges, as a result of offering such housing.
- xiii. Dormitory housing shall not be permitted for members of a student's family or minors (persons under the age of 16) except to the extent the family member is a student who otherwise is qualified hereunder for student housing or as otherwise required by law.

C. Limited Permitted Use of Student Housing or Dormitory Housing For York County Seasonal Workers

- a. Student Housing or Dormitory Housing may be occupied from May 15 through September 15 of each year by a non- college student provided the following conditions are met:
  - i. Each occupant shall be employed by a business located within York County. The College shall give preference for such housing to those employed by a business located within or serving the Town of Wells.
  - ii. The educational institution regulates the occupancy of non-college students by the following:
    - 1. Maintains records of who occupies each unit;
    - 2. Maintains records on which businesses employs the non-college students; and
    - 3. Provides on-site supervision required in subsections A and B, as applicable.
  - iii. The College shall be responsible for collecting all applicable room and/or rental fees and other charges, as a result of offering such housing.
  - iv. Such housing shall not be permitted for members of a qualifying occupant's family or minors (persons under the age of 16) except to the extent the family member (over the age of 16) is a qualified occupant hereunder or as otherwise required by law.

**Part 5:** Effective Date.

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