

# TOWN OF WELLS



## Annual Town Meeting

Tuesday, June 11, 2024 – 8:00AM to 8:00PM

*Warrant and Plans for the Fiscal Year 2025*

Town of Wells  
Town Office  
208 Sanford Road  
Wells, Maine 04090

BULK RATE  
U.S. POSTAGE PAID  
WELLS, ME 04090  
PERMIT NO. 3  
CARRIER ROUTE – SORT

POSTAL PATRON

## FY 2025 PROPOSED BUDGET SUMMARY

ARTICLE	ARTICLE DESCRIPTION	FY 25 PROPOSED AMOUNT	TAXES	OTHER REVENUE / PASS THRU	SURPLUS	RESERVES	USE OF ENTERPRISE FUNDS	EXPENSE FROM SURPLUS
ARTICLE 3	ESTIMATED REVENUE	\$ 7,353,838		\$ 7,353,838				
ARTICLE 4	PASS THROUGH ACCOUNTS	\$ 852,500		\$ 852,500				
ARTICLE 5	SALARIES AND BENEFITS	\$ 13,207,996	\$ 13,207,996					
ARTICLE 6	OPERATIONS	\$ 8,583,869	\$ 8,583,869					
ARTICLE 7	POTENTIAL EMPLOYEE RELATED EXPENSES	\$ 40,000						\$ 40,000
ARTICLE 8	POTENTIAL TOWN LIABILITIES	\$ 500,000						\$ 500,000
ARTICLE 9	CAPITAL IMPROVEMENT PLAN	\$ 2,517,271	\$ 217,803		\$2,000,000	\$ 244,218	\$ 55,250	
ARTICLE 10	CAPITAL EXPENDITURES	\$ 2,044,504				\$2,044,504		
ARTICLE 11	EXPENDITURES FROM CIP FUNDS							
ARTICLE 12	GENERAL ASSISTANCE	\$ 45,000						\$ 45,000
ARTICLE 13	TOWN CLERK COMPENSATION	\$ 79,244	\$ 79,244					
ARTICLE 14	ONE FT PUBLIC WORKS EQUIP OPER.	\$ 63,960	\$ 63,960					
ARTICLE 15	ONE FT PUBLIC WORKS ADMIN ASSIST.	\$ 61,932	\$ 61,932					
	TOTAL MUNICIPAL BUDGET	\$ 27,996,276						
	Subtotals of Revenue		\$ 22,214,804	\$ 8,206,338	\$2,000,000	\$2,288,722	\$ 55,250	\$ 585,000
	Less Revenue & Pass Through	\$ (8,206,338)						
	Less Surplus	\$ (2,000,000)						
	Less Reserves	\$ (2,288,722)						
	Less Use of Revenue	\$ -						
	Less Use of Enterprise Funds	\$ (55,250)						
	Less Exposed Surplus	\$ (585,000)						
	Balance to be Raised by Taxation	\$ 14,860,966						



# WARRANT

June 11, 2024  
STATE OF MAINE  
COUNTY OF YORK, ss.

To: Marianne Goodine, Michele Stivaletta-Noble, Cindy Appleby, Mark Dupuis, Keeley Lambert, and/or Mike Livingston, residents 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 **Tuesday, June 11, 2024 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.** To elect all necessary Town Officers for the ensuing terms by secret ballot.

**ARTICLE 3. ESTIMATED REVENUES:** Shall the Town vote to collect and appropriate the estimated amounts in Town Generated Revenue and State Revenue in the amount of \$7,353,838 to reduce the amount to be raised by taxation as shown in Table 1 of the Annual Town Meeting Warrant?

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting, which was \$7,206,196.

Select Board Recommends	Yes	(5 in Favor / 0 Against)
Budget Committee Recommends	Yes	(7 in Favor / 0 Against)

**ARTICLE 4. PASS THROUGH ACCOUNTS:** Shall the Town vote to appropriate and authorize the Town Treasurer to accept and pay out Pass Through Funds in the estimated amount of \$852,500 from specified sources as shown on Table 2 of the Annual Town Meeting Warrant?

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting, which was \$852,500.

Select Board Recommends	Yes	(5 in Favor / 0 Against)
Budget Committee Recommends	Yes	(7 in Favor / 0 Against)

**ARTICLE 5. SALARIES AND BENEFITS:** Shall the Town vote to raise and appropriate \$13,207,996 and to transfer said monies (\$13,207,996) into various department salary and benefit lines for municipal employees' salaries, wages and benefits during FY 2025 as shown on Table 3 of the Annual Town Meeting Warrant?

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting, which was \$10,881,143.

Select Board Recommends	Yes	(5 in Favor / 0 Against)
Budget Committee Recommends	Yes	(7 in Favor / 0 Against)

**Explanation:** Please note that in FY 24 there were several warrant articles creating new positions that were voted on as separate warrant articles that were funded for 6 months, 9 months or 12 months depending on the article that totaled \$882,979. In the FY 25 budget the funding for those approved positions is now shown in the FY 25 Proposed column for an entire year.

**ARTICLE 6. OPERATIONS:** Shall the Town vote to raise and appropriate \$8,583,869, and to transfer said monies (\$8,583,869) into various department operation lines as shown on Table 4 of the Annual Town Meeting Warrant for the operation of municipal departments and committees during FY 2025?

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting, which was \$7,743,211.

Select Board Recommends	Yes	(5 in Favor / 0 Against)
Budget Committee Recommends	Yes	(7 in Favor / 0 Against)

**ARTICLE 7. POTENTIAL EMPLOYEE-RELATED EXPENSES:** Shall the Town vote to appropriate and expend up to \$40,000 from Undesignated Fund Balance (Surplus) for the following:

**Retirement Benefit Reimbursement - \$30,000** to fund payment, when necessary, of accrued benefits to employees who are retiring or leaving Town Service; and

**Educational Reimbursement Fund - \$10,000** to fund educational course reimbursement in FY'25 for eligible union and non-union employees based on contract requirements and the Non-Union Educational Assistance Program guidelines.

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting, which was \$40,000.

Select Board Recommends	Yes	(5 in Favor / 0 Against)
Budget Committee Recommends	Yes	(7 in Favor / 0 Against)

**ARTICLE 8. POTENTIAL TOWN LIABILITIES:** Shall the Town vote to appropriate and expend up to \$500,000 from the Undesignated Fund Balance (Surplus) for the following potential liabilities:

**Legal Services Fund - \$75,000** to be used at the discretion of the Board of Selectmen, following a public hearing, to fund legal services for significant legal and/or legislative matters beyond the normal legal budget; and

**Self-Insurance Claims Coverage - \$17,500** to fund payment of the Town's deductible and other expenses associated with accepted claims made against the Town; and

**Emergency Fuel and Utilities Account - \$32,500** to be expended, following a public hearing by the Board of Selectmen, to cover potential shortfalls in the FY'25 fuel and utilities budgets due to the unpredictable markets for diesel, unleaded gasoline, propane and electricity; and

**Emergency Facility Repair and Energy Efficiency Improvement Fund - \$52,500** to be used at the discretion of the Board of Selectmen, following a public hearing, to pay for emergency repairs and energy efficiency improvements to town-owned facilities that are not contemplated in the FY'25 operating budget; and

**Shortfall on State Revenue Projected to Offset Town Budget Funding - \$40,000** to be used in case at the discretion of the Board of Selectmen, following a public hearing, at the end of the fiscal year to balance any shortfall in State Revenue projected to be received that offset the budget for property tax purposes; and

**Health Reimbursement Account Fund - \$30,000** to fund payment of the Town's portion of employee's health insurance deductibles for employees covered by high deductible health insurance plans; and

**Winter Operations Fund - \$200,000** to be used at the discretion of the Board of Selectmen, following a public hearing, to cover potential shortfalls in the FY'25 hired equipment/operator-snow/ice, tree removal from winter storms and salt budget lines; and

**Facility Maintenance and Repair Fund - \$52,500** to be used at the discretion of the Board of Selectmen, following a public hearing, to pay for maintenance and repairs to town-owned facilities and property that are not contemplated in the FY'25 operating budget.

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting, which was \$500,000.

Select Board Recommends	Yes	(5 in Favor / 0 Against)
Budget Committee Recommends	Yes	(6 in Favor / 1 Against)

**ARTICLE 9. CAPITAL IMPROVEMENT PLAN (Raising and Appropriating from Taxation, and Appropriating and Transferring Funds From Reserves, Surplus, and the State to Fund the Capital Improvement Plan):** Shall the Town vote to raise and appropriate \$217,803, appropriate \$2,000,000 from the Undesignated Fund Balance (Surplus); appropriate \$244,218 from various CIP Reserve Funds; appropriate \$55,250 from various Enterprise Funds; and transfer said monies (\$2,517,271) into various CIP reserve funds, which will be used to fund the CIP program as specified in Table 5 of the Annual Town Meeting Warrant?

If this Article is defeated, the appropriation for this Article shall be the same amount approved at last year's Annual Town Meeting, which was \$3,798,641.

Select Board Recommends	Yes	(5 in Favor / 0 Against)
Budget Committee Recommends	Yes	(7 in Favor / 0 Against)

**ARTICLE 10. CAPITAL EXPENDITURES (Appropriations (Spending) of Fund Monies):** Shall the Town vote to appropriate and expend \$2,044,504 from the Capital Reserve Funds to fund the Capital Expenditures as specified in Table 5 of the Annual Town Meeting Warrant?

If this Article is defeated, the appropriation for this Article shall be the same amount approved at last year's Annual Town Meeting, which was \$3,338,394.

Select Board Recommends	Yes	(5 in Favor / 0 Against)
Budget Committee Recommends	Yes	(7 in Favor / 0 Against)

**ARTICLE 11. EXPENDITURES FROM SPECIFIC CIP RESERVE ACCOUNTS:** Shall the Town vote to authorize the Board of Selectmen, in the event of emergency and after a public hearing, to expend up to the fund balance (as specified in Table 5 of the Annual Town Meeting Warrant) in the following CIP reserve accounts: Infrastructure, Technology, and Ambulance?

Select Board Recommends	Yes	(5 in Favor / 0 Against)
Budget Committee Recommends	Yes	(7 in Favor / 0 Against)

**ARTICLE 12. GENERAL ASSISTANCE:** Shall the Town vote to appropriate and expend from the Undesignated Fund Balance (Surplus) up to \$45,000 to fund the Town of Wells General Assistance Program?

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting, which was \$45,000.

Select Board Recommends	Yes	(5 in Favor / 0 Against)
Budget Committee Recommends	Yes	(7 in Favor / 0 Against)

**ARTICLE 13. TOWN CLERK COMPENSATION:** Shall the Town vote to raise and appropriate \$79,244 and transfer said monies (\$79,244) into the Town Clerk regular salary line to fund the Town Clerk's compensation in FY'25?

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting, which with adjustment was \$75,000.

Select Board Recommends	Yes	(5 in Favor / 0 Against)
Budget Committee Recommends	Yes	(7 in Favor / 0 Against)

**Explanation:** The Town Meeting is asked to approve the Appointed Town Clerk's compensation for FY'25.

**ARTICLE 14. ONE FULL-TIME PUBLIC WORKS EQUIPMENT OPERATOR:** Shall the Town vote to raise and appropriate \$63,960 and transfer said monies (\$63,960) into the public works department salary and benefit lines during FY 2025?

Select Board Recommends	Yes	(5 in Favor / 0 Against)
Budget Committee Recommends	Yes	(7 in Favor / 0 Against)

**Explanation:** Based on available information, the current staffing level has been at 7 equipment operators and a foreman for twenty-five years. In that time, the Town has had significant growth in housing, population, tourism, and traffic, as well an increase in miles of road we now need to maintain with the same number of employees as we did twenty-five years ago (approx. 268 miles). This has put us at a disadvantage in keeping up with our roadside maintenance that we need to do in the summer months, such as drainage, ditching, gravel road maintenance. Summer also brings a demand to staff as the beaches are a priority. The purpose of this position is to help the department meet its service and maintenance goals.

**ARTICLE 15. ONE FULL-TIME PUBLIC WORKS ADMINISTRATIVE ASSISTANT:** Shall the Town vote to raise and appropriate \$61,932 and transfer said monies (\$61,932) into the public works salary and benefit lines during FY 2025?

Select Board Recommends	Yes	(5 in Favor / 0 Against)
Budget Committee Recommends	Yes	(7 in Favor / 0 Against)

**Explanation:** The Department receives at least 30-40 calls a day, which are currently handled by the Director, Deputy Director, or the Foreman when they are available in the office. These three positions are also responsible for conducting all data entry for work orders and coding of all bills. These administrative tasks are time-consuming and take away from the time required to meet their current workload. These positions are frequently needed in the field with the result that there may be no staff in the office to assist residents with their questions. The purpose of this position is to create efficiencies for DPW staff and to improve customer service.

**ARTICLE 16.** Shall the ordinance entitled, “An Ordinance to Retroactively Amend Chapter 145 (Land Use) of the Town of Wells to Change the Performance Standards Requirements for Congregate Care Facilities and Life Care Facilities, Related Definitions, and Uses Within the Residential A, Residential-Commercial, General Business and Rural Districts,” be enacted?

A copy of the ordinance is posted together with this warrant as Appendix 1 and is hereby incorporated by reference.

**ARTICLE 17.** Shall the ordinance entitled, "An Ordinance to Amend Chapter 116 (Floodplain Management) of the Code of the Town of Wells to Update the Code as required by the Federal Emergency Management Agency", be enacted?

A copy of the ordinance is posted together with this warrant as Appendix 2 and is hereby incorporated by reference.

**ARTICLE 18.** Shall the ordinance entitled, "An Ordinance to Amend the Official Zone Map of the Town of Wells to Change Portions of Tax Map 133, Lot 25 and Tax Map 134, Lot 24 from the Residential Commercial District (RC) to the General Business District (GB)", be enacted?

A copy of the ordinance is posted together with this warrant as Appendix 3 and is hereby incorporated by reference.

Given under our hands this 9<sup>th</sup> day of April 2024.

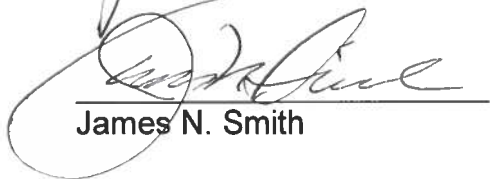
BOARD OF SELECTMEN OF THE TOWN OF WELLS:

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

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

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

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

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

A True Copy, ATTEST:

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

# APPENDICES

## APPENDIX 1

### **An Ordinance to Retroactively Amend Chapter 145 (Land Use) of the Town of Wells to Change the Performance Standards Requirements for Congregate Care Facilities and Life Care Facilities, Related Definitions, and Uses Within the Residential A, Residential-Commercial, General Business and Rural Districts**

**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 Retroactively Amend Chapter 145 (Land Use) of the Town of Wells to Change the Performance Standards Requirements for Congregate Care Facilities and Life Care Facilities, Related Definitions, and Uses Within the Residential A, Residential- Commercial, General Business and Rural Districts” to read as follows:

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

§ 145-10. **Definitions.**

#### **CARE PROVIDER**

A person over the age of 18 who helps a resident of a Life Care Facility complete activities of daily living and who is responsible for the health and well-being of someone who may not be able to care for themselves due to illness, injury or disability.

#### **CONGREGATE CARE FACILITY**

A facility providing congregate housing dwelling units, together with the associated personal service businesses and amenities necessary for independent or semi-independent living which provides residents (who must be elderly persons or physically or mentally disabled persons) with housekeeping services, personal care and assisted living, transportation assistance, recreation activities and specialized shared services such as medical support services and physical therapy.  
~~A congregate care facility may include single-family detached dwelling units, duplex or other multifamily units or buildings that contain multiple congregate dwelling units that exceed the multifamily limits under the Code of the Town of Wells, together with~~ The congregate care facility shall also include administrative offices and ~~auxiliary~~ accessory buildings necessary for the

operation, care and maintenance of the property. ~~A congregate care facility may include a nursing home (as defined herein or by Maine law) or skilled care facility but such nursing care facility shall be licensed properly in accordance with the prescribed level of care to be provided by such nursing or skilled care facility.~~ A congregate care facility may include a physician's office and a pharmacy ~~but such office as well as the personal service businesses referred to above shall only~~ which may be offered to residents of the congregate care facility and ~~may not be open to~~ the public at large. Congregate care facilities shall include shared community space and shared dining facilities. ~~for common dining, including on-site kitchen facilities suitable for preparation of meals for common dining. The common dining room shall be capable of providing seating for at least 60% of the total number of residents at the congregate care facility, less the number of such residents who may be living in a nursing home or skilled care facility and do not take meals other than in their rooms or some other supervised dining arrangement.~~ Congregate care facilities ~~containing three or more dwelling units or three or more congregate dwelling units~~ shall be considered and reviewed as subdivisions under the Code of the Town of Wells.

#### ~~DWELLING UNIT, CONGREGATE~~ HOUSING DWELLING UNIT

One or more rooms designed and equipped for occupancy solely by ~~only one family, or by a single individual~~ elderly persons or physically or mentally disabled persons, containing living, sleeping, bathing and sanitary facilities and which may include cooking kitchen facilities: and are within a Congregate Care Facility.

#### **DWELLING, MULTIFAMILY**

A residential use consisting of three or more dwelling units in one building. ~~A~~ Congregate housing dwelling units ~~complex or building~~ shall not be considered a multifamily dwelling.

ELDERLY PERSON - a person 65 years or older or a couple that constitutes a household and at least one of whom is 65 years or older.

#### **ELDERLY HOUSING**

~~Housing units intended for and occupied solely by persons 55 years of age or older or an elderly couple one of whom is 55 years of age or older. Elderly housing may have the same common amenities as congregate housing. [Amended 4-26-1996]~~

#### **HOUSING, CONGREGATE**

~~A residential facility occupied exclusively by elderly persons that provides shared community space and shared as well as individual in-apartment dining facilities and normally also provides residents with housekeeping services, personal care and assisted living, transportation assistance, recreation activities and/or specialized shared services such as medical support services and physical therapy. By "elderly" persons it is meant a person 55 years or older or a couple that constitutes a household and at least one of whom is 55 years or older. By "shared community space" is meant space designed to be used in common for the enjoyment and leisure of residents of the facility, such as reading rooms, sitting rooms, recreational rooms, rooms for entertaining guests and exercise rooms. By "shared dining facilities" is meant a room or rooms designed for the serving of meals to residents sitting together plus the kitchen facilities required to prepare the meals. Congregate housing~~

~~buildings may include congregate dwelling units, and dwelling units in the same building. Congregate dwelling units and buildings containing only congregate dwelling units are not subject to the six dwelling unit per building restrictions found in § 145-48 of the Wells Code. [Amended 4-26-1996; 6-8-2010]~~

## **LIFE CARE FACILITY**

A residential facility consisting of life care housing dwelling units for the transitional residency of elderly persons or physically disabled persons, ~~which includes all of the following: elderly housing, congregate housing and nursing home. [Amended 4-26-1996]~~ that provides shared community space and provides residents with housekeeping services, personal care and assisted living, transportation assistance, recreation activities and specialized shared services such as medical support services and physical therapy. Life care housing dwelling units are not considered a Multifamily Development and are not subject to the restrictions found in § 145-48 of the Wells Code. Three or more life care housing dwelling units shall be considered and reviewed as subdivisions under the Code of the Town of Wells.

## **LIFE CARE FACILITY DWELLING UNIT**

One or more rooms designed and equipped for occupancy by elderly persons or elderly person and nonelderly spouse or physically or mentally disabled persons or disabled person and nondisabled spouse or legal guardian, containing living, sleeping, bathing and sanitary facilities and kitchen facilities, and are within a Life Care Facility.

## **MULTIFAMILY DEVELOPMENT**

Any combination of buildings containing a total of three or more dwelling units on one lot. The term "multifamily development" does not include a mobile home park, or any congregate ~~housing care~~ facility dwelling units or life care facility dwelling units.

## **NURSING HOME**

A facility with beds licensed by the Maine Department of Human Services and in which nursing care and medical services are performed under the general direction of persons licensed to practice medicine in the State of Maine for the accommodation of convalescent or other persons who are not in need of hospital care but do require licensed nursing supervision and related medical services. The Nursing Home shall be licensed properly in accordance with the prescribed level of care to be provided by such nursing or skilled care facility.

## **PHYSICALLY OR MENTALLY DISABLED PERSON**

An individual that has a physical or mental impairment condition that substantially limits one or more of the major life activities as further defined in 5 M.R.S.A. § 4553 and § 4553-A.

## **SHARED COMMUNITY SPACE**

A space designed to be used in common for the enjoyment and leisure of residents in Congregate Care Facilities or Life Care Facilities, such as reading rooms, sitting rooms, medical exam or treatment rooms, recreational rooms, rooms for entertaining guests and exercise rooms.

## **SHARED DINING FACILITIES**

A room or rooms designed for the preparation and serving of meals to residents in a Congregate Care facility and includes areas for sitting together and State licensed kitchen facilities.

**Part 2:** Article V (District Regulations), § 145-21, 24, 26 and 30, entitled “Residential A, Residential-Commercial, General Business, and Rural Districts” is hereby amended as follows:

§ 145-21. Residential A District.

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) Animal husbandry on lots larger than 25 acres.
- (2) Cemetery larger than 20,000 square feet in area.
- (3) Church.
- (4) Congregate care facility. ([See §145-58.1](#))
- (5) Day-care home.
- ~~(6) Elderly housing.~~
- ~~(7) Housing, congregate.~~
- ~~(6)(8)~~ Life care facility. ([See §145-58.](#))
- ~~(7)(9)~~ Medical care facility, excluding hospitals.
- ~~(8)(10)~~ Municipal facility.
- ~~(9)(11)~~ Museum not exceeding 5,000 square feet in floor area.
- ~~(10)(12)~~ Nursing home.
- ~~(11)(13)~~ Public utility facility.
- ~~(12)(14)~~ Recreation, active.
- ~~(13)(15)~~ Recreation, low-intensity commercial.
- ~~(14)(16)~~ School, public and private.
- ~~(15)(17)~~ School, vocational-technical served by public water and sewer and located west of Route 1, north of Buzzel Road, east of the turnpike and south of Route 109.

**§ 145-24. Residential-Commercial District.**

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:

- (11) Club.
- (12) Congregate care facility. ([See §145-58.1](#))
- (13) Day-care home.
- (14) Day-care center/nursery school.
- (15) Drug abuse shelter. (Note: A drug abuse shelter will only be permitted on a lot within this district which lot either has frontage along Route One, or is located within 150 feet of Route One.)
- ~~(16) Elderly housing.~~
- ~~(16)(17)~~ Freestanding residential detoxification program. (Note: A freestanding residential detoxification program facility will only be permitted on a lot within this district which lot either has frontage along Route One, or is located within 150 feet of Route One.)
- ~~(17)(18)~~ Function hall without commercial-type cooking facilities.
- ~~(19) Housing, congregate.~~
- ~~(18)~~ Life care facility. ([See §145-58.](#))
- ~~(19)(20)~~ Medical care facility, excluding hospitals.
- ~~(20)(21)~~ Municipal facility.
- ~~(21)(22)~~ Museum.

- ~~(22)(23)~~ Neighborhood convenience store, excluding sale of motor vehicle fuels and including a restaurant area not exceeding 15 seats.
- ~~(23)(24)~~ Nursing home.
- ~~(24)(25)~~ Private non-medical institution (PNMI).
- ~~(25)(26)~~ Public utility facility.
- ~~(26)(27)~~ Recreation, active.
- ~~(27)(28)~~ Recreation, medium intensity commercial.
- ~~(28)(29)~~ Restaurant, standard, containing 36 seats or fewer and located west of Route 1 and east of the turnpike on Route 109.
- ~~(29)(30)~~ School, public and private.

## § 145-26. General Business District.

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:

- (12) Club.
- (13) Congregate care facility. ([See §145-58.1](#))
- (14) Day-care home.
- (15) Day-care center/nursery school.
- (16) Drug abuse shelter
- ~~(17) Elderly housing. [Amended 4-26-1996]~~
- ~~(17)(18)~~ Freestanding residential detoxification program.
- ~~(18)(19)~~ Function hall.
- ~~(19)(20)~~ Hotel/motel. (See § 145-52.)
- ~~(21) -Housing, congregate-~~
- ~~(20)(22)~~ Life care facility. ([See §145-58.](#))
- ~~(21)(23)~~ Medical care facility.
- ~~(22)(24)~~ Municipal facility.
- ~~(23)(25)~~ Museum.
- ~~(24)(26)~~ Neighborhood convenience store.
- ~~(25)(27)~~ Nursing home. [Amended 4-26-1996]
- ~~(26)(28)~~ Parking lot, commercial.
- ~~(27)(29)~~ Private non-medical institution (PNMI).
- ~~(28)(30)~~ Public transportation shelter.
- ~~(29)(31)~~ Public utility facility.
- ~~(30)(32)~~ Recreation, active.
- ~~(31)(33)~~ Recreation, high-intensity commercial.
- ~~(32)(34)~~ Recreation, low-intensity commercial.
- ~~(33)(35)~~ Recreation, medium intensity commercial.
- ~~(34)(36)~~ Registered medical marijuana dispensary. No more than three registered medical marijuana dispensaries shall be allowed to be approved at any given time in the Town of Wells.
- ~~(35)(37)~~ Restaurant, standard.
- ~~(36)(38)~~ Restaurant, fast-food.
- ~~(37)(39)~~ Sawmill producing less than 100,000 board feet of lumber per year.

~~(38)(40)~~ School, public and private.

~~(39)(41)~~ Tent and recreational vehicle park. (See § 145-50.)

~~(40)(42)~~ Transportation facility.

**Part 3:** Article VII (Performance Standards), § 145-58, entitled “Life care facilities” is hereby amended as follows:

### **§ 145-58. Life care facilities.**

A. A life care facility must be served by public sewer and public water.

B. A life care facility may include one or more of the following as accessory uses:

1. Daycare Center for persons age 65 or older, or for physically or mentally disabled persons.
2. Daycare Center for children of employees of the life care facility, personal service business and/or retail business for residents of the life care facility.

C. The minimum lot size for a Life Care Facility shall be 100,000 square feet of net area.

Notwithstanding the dimensional requirements of Article V of this chapter, the maximum density for ~~the elderly housing portion of the~~ life care facility dwelling units is eight (8) units per net acre ~~,and the maximum density for the congregate housing portion is 15 units per net acre.~~

D. ~~The elderly housing units, congregate housing units and nursing home portion of the~~ Life care facility dwelling units are exempt from Multifamily Development standards § 145-48~~B~~ of this chapter.

E. Each life care dwelling unit ~~of the elderly housing portion~~ of a life care facility must contain at least 600 square feet of gross floor area and may contain no more than ~~4,500~~ 1,850 square feet of gross floor area. ~~Each dwelling unit in the congregate housing portion of a life care facility must contain at least 300 square feet of gross floor area and may contain no more than 550 square feet of gross floor area.-~~ Each life care unit shall have a maximum of 2 bedrooms. Each life care unit shall have a minimum of a 1 car ADA garage. All lifecare dwelling units and shared community space in the Life Care Facility shall be protected by the use of fire suppression sprinkler systems.

F. Overnight guests are allowed to stay with the occupants of the ~~elderly housing and congregate portions of a~~ life care facility dwelling units but for no longer than eight consecutive nights or eight nights during any one-month period, except as allowed under Subsection G.

G. ~~One~~ One or more adult care providers over the age of 18 is are allowed to occupy a ~~congregate unit or an elderly housing~~ life care facility dwelling unit provided that person's presence is required to care for one of the elderly or physically or mentally disabled occupants.

H. ~~Neither the elderly housing units, the congregate housing units nor the nursing home rooms~~ No life care facility dwelling unit may be sublet.

I. Continuing qualification of occupants. If, because of the death, relocation (not by divorce), or absence of any person of a household over the age of 65 or absence of a disabled person, a unit would no longer qualify as a Life Care Unit, the surviving or remaining spouse or guardian who

uses the unit as a principle residence may continue to occupy the Life Care Unit provided that no additional person who does not qualify shall occupy the unit.

J. Buildings and structures shall be separated by at least 15 feet. In a life care facility, buildings may be connected by use of walkways, covered and/or enclosed, but such a connection shall not be considered as causing two or more buildings or structures to be considered as one.

K. Two parking spaces per life care dwelling unit shall be provided.

L. In any life care facility development abutting a residential use in a residential or rural zoning district, the setback shall be equal to at least two times the required structure setback or 25 feet, whichever is greater (e.g., required fifteen-foot setback x 2 = 30 feet). This setback requirement shall not be required when the lot adjacent to any proposed life care facility is undeveloped. In such case, the normal setback requirements of the zoning district in which the facility is to be located shall govern.

M. All life care housing dwelling units and shared community space within a life care facility shall be constructed as ADA accessible units and shall meet the requirements of the Americans with Disabilities Act requirements and be designed by a licensed design professional:

1. Units shall include a compliant bedroom and full compliant bathroom on the first floor.
2. Accessible floor and ground surfaces, kitchen facilities, bathroom facilities, laundry facilities, fire alarm systems, electrical switches and outlets.
3. Accessible railings and grab bars in appropriate locations.
4. A minimum of one accessible entrance at an exterior door.
5. Accessible hardware on doors.
6. Accessible sidewalks, walkways, ramps, and parking shall be concrete or pavement and a minimum of 5 feet in width.
7. Accessible public use or shared areas.
8. All second and third floors of buildings to be compliant and designed to accommodate potential installation of elevators or chair lifts.
9. Life Care dwelling units shall have a minimum of a 1 car garage. The garage shall include a ramp into the dwelling unit to meet ADA requirements.
10. Exterior alarm klaxon systems installed.
11. Generators or other form of back up power supply installed for each building other than small accessory structures.

N. Life Care Facilities shall provide common or shared buildings for the following on-site amenities to be available to residents of the life care facility and not the general public.

1. Housekeeping services to support independent or semi-independent living.
2. Shared community space shall consist of meeting or sitting rooms, medical exam or treatment rooms (1 exam/treatment room per 10 life care dwelling units), recreational rooms or spaces, clubhouse, pools with pool houses or combination of facilities as determined by the Planning Board based on the number of life care dwelling units and services.
3. Personal care services.
4. Assisted living and transportation services.
5. Sidewalks along proposed streets required.

6. Sidewalks meeting the standards of Chapter 201 shall be required along any street frontage along Route One, Route 109, Route 9A, Route 9B and Route 9.

**Part 4:** Article VII (Performance Standards), § 145-58.1, entitled “Congregate care facilities” is hereby amended as follows:

**§ 145-58.1. Congregate care facilities.**

A. Congregate care facilities are allowed subject to the following performance standards in addition to the requirements of the districts in which the developments are located.

B. ~~Congregate housing and congregate housing communities~~ Congregate care facilities may be placed only on properties served by public water (defined as water provided by the Kennebunk, Kennebunkport & Wells Water Company or its successors) and public sewer (defined as sewerage services provided by the Wells Sanitary District or its successors).

C. Notwithstanding the dimensional requirements for dwelling units within a particular zoning district, congregate housing dwelling units in a congregate care facility ~~other than single-family or duplex units~~, shall be permitted at one unit for every 2,500 square feet of net area. A minimum of 4 congregate housing dwelling units shall be located in each building containing congregate housing dwelling units. Congregate housing dwelling units are not subject to the Multifamily Development standards of 145-48. Single-family or ~~duplex two-family dwelling unit (duplex)~~ and multifamily dwelling units within ~~such a complex~~ a congregate care facility shall not be permitted. ~~only at the underlying density for a dwelling unit within the zone.~~

D. The minimum lot size for a congregate care facility shall be 200,000 square feet net area in contiguous ownership. In the event that a developer will own a lot or lots separate from the lot on which the buildings of the congregate care facility will be located (e.g. for parking, see below), the net area square footage of the noncontiguous lots shall not be counted in computing the 200,000 square foot minimum lot size.

E. A vegetated buffer which includes ~~fencing or~~ live landscaping or vegetation of at least 15 feet in width along all lot boundaries of developed properties ~~that provides an actual~~ which creates a visual screen along the lot lines ~~of at least 15 feet in width along all lot boundaries of developed properties~~ shall be required. The buffer strip shall not contain parking areas or structures but may contain a perpendicular access driveway(s) or road(s) to connect with existing streets. Said visual screening shall consist of a continuous border of staggered shrubbery at least six feet in height, trees or, if required by the Planning Board, solid fencing an average of six feet in height. Said visual screening shall be owned in fee, managed and maintained by the owner or owners of the development.

F. All buildings containing congregate housing dwelling units or shared community space or dining facilities shall be protected by use of fire suppression sprinkler systems.

G. Buildings shall be separated by at least 15 feet. In a congregate care facility, buildings may be connected by use of walkways, covered and/or enclosed, ~~and in such a development only and only for zoning purposes and not for building code purposes, and nowhere else within the Town of Wells, but~~ such a connection shall not be considered as causing two or more buildings or structures to be considered as one. All walkways shall be concrete or pavement.

#### H. Parking.

1. Congregate care facilities shall have at least one parking space for each employee on the two largest shifts combined.
2. The Planning Board may seek the services of a consultant in parking matters, and the applicant shall be responsible for payment of any and all fees of such consultant.
3. The Planning Board may, subject to conditions that it may impose, permit some, but not all, of the parking for a congregate care facility to be located other than on the lot or lots which comprise such facility, and there shall be restrictions to this effect placed in all of the deeds associated with the congregate housing development.
4. Where the Planning Board makes written findings of fact that there are special circumstances of a particular lot, it may waive portions of the parking requirements contained herein, to permit more practical and economical development, provided that the public health, safety and welfare are protected. Any waivers granted hereunder are not a variance and may be granted by the Planning Board in the absence of hardship. In granting waivers to these parking requirements, the Board shall require such conditions as [to assure](#) that the objectives of these parking requirements are met. In the event of conflict between this subsection and any other provision of this chapter or any other ordinance, this subsection shall control.

I. On any lot divided by a zoning district boundary line, the lot coverage for any portion of the lot lying within a specific zoning district shall not exceed the permitted lot coverage for that district.

J. In the event that the owner(s) of a congregate care facility wish(es) to convert such a facility to some other residential use, such conversion will be subject to review and approval by the Planning Board of the Town of Wells. Any such conversion will be subject to the density requirements for dwellings within the district where the congregate care facility is located, and neither the Planning Board nor the Zoning Board of Appeals may change or alter such densities except as may be appropriate under the requirements for a ~~clustered subdivision~~ [Multifamily Development per 145-48](#). The limitations on multifamily dwellings and multifamily development as may exist in the Wells Code shall apply to any such conversion.

K. In any congregate care facility development abutting a residential use in a residential [or rural](#) zoning district, the setback shall be equal to at least two times the required structure setback or 25 feet, whichever is greater (e.g., required fifteen-foot setback x 2 = 30 feet). This setback requirement shall not be required when the lot adjacent to any proposed congregate care facility is undeveloped. In such case, the normal setback requirements of the zoning district in which the facility is to be located shall govern.

[L. All congregate housing dwelling units within a congregate care facility shall be constructed with a minimum of 300 square feet of gross floor area and a maximum of 600 square feet of gross floor area. Congregate housing dwelling units shall be constructed as ADA accessible units and shall meet the requirements of the Americans with Disabilities Act requirements and be designed by a licensed design professional to meet the following standards:](#)

1. [Accessible floor and ground surfaces, kitchen facilities, bathroom facilities, laundry facilities, fire alarm systems, electrical switches and outlets.](#)
2. [Accessible railings and grab bars in appropriate locations.](#)

3. Accessible entrance at exterior door or garage.
4. Accessible hardware on doors.
5. Accessible sidewalks, walkways, ramps, and parking shall be concrete or pavement and a minimum of 5 feet in width.
6. Accessible public use or shared areas.
7. All two and three story buildings to be compliant and constructed with elevators.
8. All units shall have alarm systems that are linked and monitored.
9. Generators or other form of back up power supply installed for each building other than small accessory structures.

M. Congregate Care Facilities shall provide common or shared buildings for the following on-site amenities to be available to residents of the congregate care facility and not the general public.

1. Personal Service Business uses to support independent or semi-independent living.
2. Congregate care facilities shall include shared community space and shared dining facilities.
  - a. The shared dining facilities shall include a State licensed kitchen and shall be capable of providing seating for at least 60% of the total number of residents at the congregate care facility, less the number of such residents who may be living in a nursing home on the property and do not take meals other than in their rooms or some other supervised dining arrangement.
  - b. The shared community space to consist of meeting or sitting rooms, recreational rooms or spaces, entertainment spaces, pools or pool houses.
3. Business Office uses or Medical Clinic to provide space for physicians, nurses, therapists and other associated medical needs to be conducted. A pharmacy may also be permitted.
4. Business Office uses to provide space for congregate care facility property management and maintenance.

N. No dwellings or congregate housing dwellings in a congregate care facility may be sublet.

O. Sidewalks meeting the standards of Chapter 201 shall be required along any street frontage along Route One, Route 109, Route 9A, Route 9B and Route 9.

P. Sidewalks along proposed streets required.

#### **Part 5: Retroactive Application of Ordinance Amendments.**

Notwithstanding the provisions of 1 M.R.S.A. § 302 and regardless of the date on which these amendments are approved by voters, these amendments shall govern any and all applications for permits and approvals required under Chapter 145 (Land Use) of the Code of the Town of Wells that were received, or, that were pending before any official, officer, committee or board at any time on or after January 23, 2024.

#### **Part 6: Effective Date.**

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

## APPENDIX 2

### **An Ordinance to Amend Chapter 116 (Floodplain Management) of the Code of the Town of Wells to Update the Code as required by the Federal Emergency Management Agency**

**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 116 (Flood Management) of the Code of the Town of Wells to read as follows:**

**Part 1:** Chapter 116 Sections 1 through 15 is hereby amended as follows:

§ 116-1. Purpose; statutory authority; establishment of areas of special flood hazard.

A. Certain areas of the Town of Wells, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

B. Therefore, the Town of Wells, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this chapter.

C. It is the intent of the Town of Wells, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

D. The Town of Wells has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A M.R.S.A., Sections 3001 through 3007, 4352 and 4401 through 4407, and Title 38 M.R.S.A., Section 440.

E. The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Wells having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This chapter establishes a flood hazard development permit system and review procedure for development activities in the designated flood hazard areas of the Town of Wells, Maine.

F. The areas of special flood hazard, Zones A, AE, AO, and/or VE, are identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - ~~Town of Wells, Maine~~, York County, Maine" dated ~~January 16, 2003~~ July 17, 2024 with accompanying Flood Insurance Rate Map, dated ~~January 16, 2003~~, July 17, 2024, which and any subsequent amendments thereto (including, without limitation, a Letter of Map Revision Case No. 24-01-0143P, dated July 18, 2024) are hereby adopted by reference and declared to be a part of this chapter.

§ 116-2. Permit required.

The Code Enforcement Officer shall be designated as the local Floodplain Administrator. The

Floodplain Administrator shall have the authority to implement the commitment made to administer and enforce the requirements for participation in the National Flood Insurance Program.

Before any construction or other development (as defined in § 116-14), including the placement of manufactured homes, begins within any areas of special flood hazard established in § 116-1, a flood hazard development permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Wells, Maine.

§ 116-3. Application for permit.

The application for a flood hazard development permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name, [mailing address](#), [e-mail address](#) and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[NOTE: Subsections **H** through **K(3)** apply only to new construction and substantial improvements.]

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), [North American Vertical Datum \(NAVD\)](#) or to a locally established datum in Zone A only, of the:

(1) Base flood at the proposed site of all new or substantially improved structures, which is determined:

(a) In Zones AE, AO, and VE from data contained in the Flood Insurance Study - ~~Town of Wells~~ [York County](#), Maine, [and any subsequent amendments thereto \(including, without limitation, a Letter of Map Revision Case No. 24-01-0143P, dated July 18, 2024\)](#) as described in § 116-1; or,

(b) In Zone A:

[1] From any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265/~~July 1995~~), including information obtained pursuant to § 116-6~~K~~**M** and 116-9D;

[2] In the absence of all data described in § 116-3.H.(1)(b)[1], information to demonstrate that the structure shall meet the elevation requirement in § 116-6.H.(4)[b], § 116-6.I.(4)[b], or § 116-6.J.(4)[b]. Such information may include but is not limited to the following:

~~[2]~~ **[a]** From the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a professional land surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data;

~~[3]~~ **[b]** To be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

- (2) Highest and lowest grades at the site adjacent to the walls of the proposed building;
- (3) Lowest floor, including basement, and whether or not such structures contain a basement; and,
- (4) Lowest machinery and equipment servicing the building; and,
- (4 5) Level, in the case of nonresidential structures only, to which the structure will be floodproofed;

I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in § 116-6;

J. A written certification by a professional land surveyor, or registered professional engineer ~~or architect~~, that the base flood elevation and grade elevations shown on the application are accurate;

K. The following certifications as required in § 116-6 by a registered professional engineer or architect:

- (1) A floodproofing certificate (FEMA Form ~~81-65, 0-8/99~~ FF-206-FY-22-153, as amended) to verify that the floodproofing methods for any nonresidential structures will meet the floodproofing criteria of § 116-3H(4), ~~116-6G I~~, and other applicable standards in § 116-6;
- (2) A V-Zone certificate to verify that the construction in coastal high hazard areas, Zone VE, and Coastal AE Zone will meet the criteria of § 116-6P R, and other applicable standards in § 116-6;
- (3) A hydraulic openings certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of § 116-6L N(2)(a);
- (4) A certified statement that bridges will meet the standards of § 116-6M O;
- (5) A certified statement that containment walls will meet the standards of § 116-6N P;

L. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and,

M. A statement of construction plans describing in detail how each applicable development standard in § 116-6 will be met.

§ 116-4. Application fee; expert's fee.

A. A nonrefundable application fee as established by the Board of Selectmen following notice and a hearing shall be paid to the Code Enforcement Officer and a copy of a receipt for the same shall accompany the application. Application fees established as of the date of enactment of this chapter shall remain in effect unless changed by the Board of Selectmen.

B. An additional fee may be charged if the Code Enforcement Officer, Planning Board, and/or Zoning Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant. An escrow fund payment shall be required by the Town from the applicant from which the expert's fees will be paid within 10 days after the Town submits a bill to the applicant. ~~Failure to provide the requested funds pay the bill~~ shall constitute a violation of the chapter and be grounds for denial of the permit and the issuance of a stop-work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Zoning Board of Appeals.

§ 116-5. Review standards for flood hazard development permit applications.

The Code Enforcement Officer shall:

- A. Review all applications for the flood hazard development permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of § 116-6, Development standards, have been, or will be met;
- B. Utilize, in the review of all flood hazard development permit applications:
- (1) The base flood data contained in the Flood Insurance Study - ~~Town of Wells~~ York County, Maine, and any subsequent amendments thereto (including, without limitation, a Letter of Map Revision Case No. 24-01-0143P, dated July 18, 2024) as described in § 116-1;
  - (2) In special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to § 116-3H(1)(b), § 116-6K M, and § 116-9D, in order to administer § 116-6 of this chapter; and,
  - (3) When the community establishes a base flood elevation in a Zone A by methods outlined in § 116-3H(1)(b), the community shall submit that data to the Maine Floodplain Management Program ~~in the State Planning Office~~.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps and any subsequent amendments thereto (including, without limitation, a Letter of Map Revision Case No. 24-01-0143P, dated July 18, 2024) described in § 116-1 of this chapter;
- D. In the review of flood hazard development permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program ~~in the State Planning Office~~ prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this chapter, approve the issuance of one of the following flood hazard development permits, based on the type of development:
- (1) A two-part flood hazard development permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an "under construction" ~~a second~~ elevation certificate completed by a professional land surveyor, or registered professional engineer ~~or architect~~ based on the Part I permit construction, as built, for verifying compliance with the elevation requirements of § 116-6F H, ~~G-I, H-J~~, or ~~P-R~~. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the flood hazard development permit. Part II shall authorize the applicant to complete the construction project; or
  - (2) A flood hazard development permit for floodproofing of nonresidential structures that are new construction or substantially improved nonresidential structures that are not being elevated but that meet the floodproofing standards of § 116-6G 1(1)(a), (b), and (c). The application for this permit shall include a floodproofing certificate signed by a registered professional engineer or architect; or
  - (3) A flood hazard development permit for minor development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to accessory structures as provided for in § 116-6J L, mining, dredging, filling, grading, paving, excavation, drilling

operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and nonstructural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

G. Maintain, as a permanent record, copies of all flood hazard development permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Zoning Board of Appeals on variances granted under the provisions of § **116-10** of this chapter, and copies of elevation certificates, floodproofing certificates, certificates of compliance and certifications of design standards required under the provisions of §§ **116-3**, **116-6**, and **116-8** of this chapter.

#### § 116-6. Development standards.

All developments in areas of special flood hazard shall meet the following applicable standards:

A. All development. All development shall:

- (1) Be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) Use construction materials that are resistant to flood damage;
- (3) Use construction methods and practices that will minimize flood damage; and,
- (4) Use electrical, heating, ventilation, plumbing, and air-conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

B. Water supply. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

C. Sanitary sewage systems. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into floodwaters.

D. On-site waste disposal systems. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. Watercourse carrying capacity. All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

F. Utilities - new construction or substantial improvement of any structure (including manufactured homes) located within:

1. Zones A and AE shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least one foot above the base flood elevation.
2. Zone VE and Coastal AE Zones shall meet the requirements of § 116-6 R.2.

G. Physical Changes to the Natural Landscape - Certain development projects, including but not limited to, retaining walls, sea walls, levees, berms, and rip rap, can cause physical changes that affect flooding conditions.

1. All development projects in Zones AE and VE that cause physical changes to the natural landscape shall be reviewed by a Professional Engineer to determine whether or not the project changes the base flood elevation, zone, and/or the flood hazard boundary line.

- a. If the Professional Engineer determines, through the use of engineering judgement, that the project would not necessitate a Letter of Map Revision (LOMR), a certified statement shall be provided.
  - b. If the Professional Engineer determines that the project may cause a change, a hydrologic and hydraulic analysis that meets current FEMA standards shall be performed.
2. If the hydrologic and hydraulic analysis performed indicates a change to the base flood elevation, zone, and/or the flood hazard boundary line, the applicant may submit a Conditional Letter of Map Revision (C-LOMR) request to the Federal Emergency Management Agency for assurance that the as-built project will result in a change to the Flood Insurance Rate Map. Once the development is completed, a request for a Letter of Map Revision (LOMR) shall be initiated.
  3. If the hydrologic and hydraulic analysis performed show a change to the base flood elevation, zone, and/or the flood hazard boundary line, as soon as practicable, but no later than 6 months after the completion of the project, the applicant shall submit the technical data to FEMA in the form of a Letter of Map Revision request.

**F.H.** Residential. New construction or substantial improvement of any residential structure located within:

- (1) Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
- (2) Zone AO shall have adequate drainage paths around structures on slopes to guide floodwater away from the proposed structures.
- (3) Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
  - (a) At least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or
  - (b) At least three feet if no depth number is specified.
- (4) Zone A shall have the lowest floor (including basement) elevated to:
  - (a) at least one foot above the base flood elevation utilizing information obtained pursuant to § **116-3H(1)(b)**, **116-5B**, or **116-9D**, or;
  - (b) in the absence of all data described in § **116-6P.H.(4)(a)** to at least two feet above the highest adjacent grade to the structure.
- (5) Zone VE and Coastal AE Zone (as defined) shall meet the requirements of § **116-6P R.**

**G-I.** Nonresidential. New construction or substantial improvement of any nonresidential structure located within:

- (1) Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
  - (a) Be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
  - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
  - (c) Be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by § **116-3K**, and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

- (2) Zone AO shall have adequate drainage paths around structures on slopes to guide floodwater away from the proposed structures.
- (3) Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
  - (a) At least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or
  - (b) At least three feet if no depth number is specified; or
  - (c) Together with attendant utility and sanitary facilities be floodproofed to meet the elevation requirements of this section and floodproofing standards of § **116-6G I(1)**.
- (4) Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to §§ **116-3H(1)(b)**, **116-5B**, or **116-9D**, or together with attendant utility and sanitary facilities meet the floodproofing standards of § **116-6G I(1)**.
- (5) Zone VE shall meet the requirements of § **116-6P R**.

**H-J.** Manufactured homes. New or substantially improved manufactured homes located within:

- (1) Zone AE shall:
  - (a) Be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
  - (b) Be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
  - (c) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
    - [1] ~~Methods of anchoring may include, but are not limited to:~~ Over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by
    - [2] Frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
    - [2-3] All components of the anchoring system described in § 116-6H ~~J(1)(c)[1][a]~~ and [b-2] shall be capable of carrying a force of 4,800 pounds.
- (2) Zone AO shall have adequate drainage paths around structures on slopes to guide floodwater away from the proposed structures.
- (3) Zone AO shall have the lowest floor (including basement) of the manufactured home elevated above the highest adjacent grade:
  - (a) At least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or
  - (b) At least three feet if no depth number is specified; and
  - (c) Meet the anchoring requirements of § **116-6H J (1)(c)**.
- (4) Zone A shall:
  - (a) Be elevated on a permanent foundation, as described in § **116-6H J(1)(b)**, such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to §§ **116-3H(1)(b)**, **116-5B**, or **116-9D**; and

(b) in the absence of all data described in § 116-6.H.(4)(a) to at least two feet above the highest adjacent grade to the structure.

~~(b-c)~~ Meet the anchoring requirements of § 116-6H-J(1)(c).

(5) Zone VE shall meet the requirements of § 116-6P R.

~~H-K~~. Recreational vehicles. Recreational vehicles located within:

(1) Zone A and AE shall either:

(a) Be on the site for fewer than 180 consecutive days;

(b) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(c) Be permitted in accordance with the elevation and anchoring requirements for manufactured homes in § 116-6H-J(1).

(2) Zone VE and Coastal AE Zone (as defined) shall meet the requirements of either § 116-6I-K(1)(a) or (b), or 116-6P R.

~~J-L~~. Accessory structures. New construction or substantial improvement of Accessory structures, as defined in § 116-14, ~~located within Zone AE, AO, and A,~~ shall be exempt from the elevation criteria required in § 116-6F H and ~~G I~~ above, if all other requirements of § 116-6 and all the following requirements are met. ~~Accessory structures shall:~~

1. Accessory structures located in Zones A, AO and AE shall:

~~(1-a) Be 500 square feet or less and have a value of less than \$3,000~~ Meet the requirements of § 116-6A(1) through (4), as applicable;

~~(2-c)~~ (b) be limited in size to a one story two car garage;

~~(3-d)~~ (2-c) Have unfinished interiors and not be used for human habitation;

~~(4-e)~~ (3-d) Have hydraulic openings, as specified in § 116-6L-N(2), in at least two different walls of the accessory structure;

~~(5-f)~~ (4-e) Be located outside the floodway;

~~(6-g)~~ (5-f) When possible, be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and

~~(h)~~ (6-g) Have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and, when possible, outside the special flood hazard area.

(h) Be located outside the Coastal AE Zone.

2. Accessory Structures in Zone VE and Coastal A Zones shall meet the requirements of §116-6R.

~~K-M~~. Floodways.

(1) In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) In Zone AE and A riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in § 116-6K M(3), unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

- (a) Will not increase the water surface elevation of the base flood more than one foot at any point within the community; and
- (b) Is consistent with the technical criteria contained in ~~Chapter 5 entitled "Hydraulic Analyses," Flood Insurance Study—Guidelines and Specifications for Study Contractors, (FEMA 37/January 1995, as amended)~~ [FEMA's guidelines and standards for flood risk analysis and mapping.](#)

(3) In Zones AE and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other watercourse and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high-water mark to the upland limit of the floodplain.

~~L.N. Enclosed areas below the lowest floor~~ [Hydraulic Openings/Flood vents](#). New construction or substantial improvement of any structure in Zones AE, AO, and A that meets the development standards of § 116-6, including the elevation requirements of § 116-6, ~~F H, G I,~~ or ~~H J~~ and is elevated on posts, columns, piers, piles, ~~stilts~~, or crawl spaces may be enclosed below the base flood elevation requirements, provided all the following criteria are met or exceeded:

- (1) Enclosed areas are not basements as defined in § 116-14;
- (2) Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either:
  - (a) Be engineered and certified by a registered professional engineer or architect; or
  - (b) Meet or exceed the following minimum criteria:
    - [1] A minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
    - [2] The bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and
    - [3] Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of floodwaters automatically without any external influence or control, such as human intervention, including the use of electrical and other nonautomatic mechanical means.
- (3) The enclosed area shall not be used for human habitation; and
- (4) The enclosed areas are usable solely for building access, parking of vehicles, or storage.

~~M.O.~~ Bridges. New construction or substantial improvement of any bridge in Zones AE, AO, A, and VE shall be designed such that:

- (1) When possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
- (2) A registered professional engineer shall certify that:
  - (a) The structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of § 116-6~~K M~~; and
  - (b) The foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

~~N.P.~~ Containment walls. New construction or substantial improvement of any containment wall located within:

- (1) Zones AE, [AO](#), A, and VE shall:

- (a) Have the containment wall elevated to at least one foot above the base flood elevation;
  - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
  - (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by § **116-3K**.
- (2) Zone AO shall have adequate drainage paths around containment walls on slopes to guide floodwater away from the proposed walls.
- (3) Zone AO shall have the top of the containment wall elevated above the highest adjacent grade:
- (a) At least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or
  - (b) At least three feet if no depth number is specified; and
  - (c) Shall meet the requirements of § **116-6N P(1)(b) and (c)**.

**Q.** Wharves, piers and docks. New construction or substantial improvement of wharves, piers, and docks are permitted in ~~Zones AE, AO, A, and VE, in~~ and over water and seaward of the mean high tide if the following requirements are met:

- (1) In Zones A, AO and AE, Wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
- (2) ~~For commercial~~ In Zones VE and Coastal AE, wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

**R.** Coastal floodplains.

(1) All new construction located within Zones AE, AO, A, and VE shall be located landward of the reach of mean high tide.

(2) New construction or substantial improvement of any structure located within Zone VE or Coastal AE Zone shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least one foot above the base flood elevation. Systems, fixtures, equipment, and components shall not be mounted on or penetrate through walls intended to break away under flood loads.

~~(2)~~ (3) New construction or substantial improvement of any structure located within Zone VE and Coastal AE Zones (as defined) shall:

- (a) Be elevated on posts or columns such that:
  - [1] The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood elevation;
  - [2] The pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and
  - [3] Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.
- (b) Have the space below the lowest floor:

- [1] Free of obstructions; or
- [2] Constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or
- [3] Constructed with nonsupporting breakaway walls which have a design safe loading resistance of not less than 10 nor more than 20 pounds per square foot.

(c) Require a registered professional engineer or architect to:

- [1] Develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the Coastal Construction Manual, (FEMA-55/~~June, 2000~~); and
- [2] Certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of § 116-6P R(2 3).

(3 4) The use of fill for structural support in Zone VE and Coastal AE Zones (as defined) is prohibited.

(4 5) Human alteration of sand dunes within Zone VE and Coastal AE Zones (as defined) is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.

(5 6) The ~~enclosed areas may~~ area below the lowest floor be used solely for parking vehicles, building access, and storage.

§ 116-7. (Reserved).

§ 116-8. Certificate of compliance.

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a certificate of compliance is issued by the Code Enforcement Officer subject to the following provisions:

A. For new construction or substantial improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer:

- (1) An elevation certificate completed by a professional land surveyor, registered professional engineer, or architect, for compliance with § 116-6F H, G I, H J, or P R; and
- (2) For structures in Zone VE and Coastal AE Zones (as defined), certification by a registered professional engineer or architect that the design and methods of construction used are in compliance with § 116-6P R(2).

B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this chapter.

C. Within 10 working days, the Code Enforcement Officer shall:

- (1) Review the required certificate(s) and the applicant's written notification; and
- (2) Upon determination that the development conforms with the provisions of this chapter, shall issue a certificate of compliance.

§ 116-9. Review of subdivision and development proposals.

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on five or more disturbed acres, or in the case of manufactured home parks divided into two or more sites or lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any site or lot in the development having any portion of its land within a special flood hazard area, are to be constructed in accordance with § 116-6 of this chapter. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

#### § 116-10. Appeals; variances.

~~A.~~ The Zoning Board of Appeals of the Town of Wells may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer ~~or Planning Board~~ in the administration or enforcement of the provisions of this chapter.

~~B.~~ The Zoning Board of Appeals may grant a variance from the requirements of this chapter consistent with state law and the following criteria:

~~(1)~~ A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

~~(2)~~ B. Variances shall be granted only upon:

~~(a-1)~~ A showing of good and sufficient cause; and

~~(b-2)~~ A determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and

~~(c-3)~~ A showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and

~~(d-4)~~ A determination that failure to grant the variance would result in undue hardship, which in this subsection means:

~~[1-a]~~ That the land in question cannot yield a reasonable return unless a variance is granted; and

~~[2-b]~~ That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and

~~[3-c]~~ That the granting of a variance will not alter the essential character of the locality; and

~~[4-d]~~ That the hardship is not the result of action taken by the applicant or a prior owner.

~~(3) C.~~ Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Zoning Board of Appeals may impose such conditions to a variance as it deems necessary.

~~(4) D.~~ Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use, provided that:

~~(a-1)~~ Other criteria of §§ 116-10 and 116-6K M are met; and

~~(b-2)~~ The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

~~(5) E.~~ Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of historic structures upon the determination that:

~~(a-1)~~ The development meets the criteria of § 116-10B(1) A through ~~(4) D~~ above; and

~~(b-2)~~ The proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Variances may be issued for new construction and substantial improvement of Agricultural Structures being used for the conduct of agricultural uses provided that:

1. The development meets the criteria of § 116-10 A. through C.; and,

2. The development meets the criteria of § 116-6 M. and § 116-6 N.

~~(6) G.~~ Any applicant who meets the criteria of § 116-10B(1) A through ~~(5) E~~ shall be notified by the Zoning Board of Appeals in writing over the signature of the Chairman of the Zoning Board of Appeals that:

~~(a-1)~~ The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;

~~(b-2)~~ Such construction below the base flood level increases risks to life and property; and

~~(e-3)~~ The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

~~(7) H.~~ Appeal procedure for administrative and variance appeals.

~~(a 1)~~ An administrative or variance appeal may be taken to the Zoning Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer ~~or Planning Board~~.

~~(b 2)~~ Upon being notified of an appeal, the Code Enforcement Officer ~~or Planning Board~~, as appropriate, shall transmit to the Zoning Board of Appeals all of the papers constituting the record of the decision appealed from.

~~(e 3)~~ The Zoning Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.

~~(d 4)~~ The person filing the appeal shall have the burden of proof.

(e 5) The Zoning Board of Appeals shall decide all appeals within 35 days after the close of the hearing, and shall issue a written decision on all appeals.

(f 6) The Zoning Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a flood hazard development permit, which includes any conditions to be attached to said permit.

(g 7) Any aggrieved party who participated as a party during the proceedings before the Zoning Board of Appeals may take an appeal to Superior Court in accordance with state laws within 45 days from the date of any decision of the Zoning Board of Appeals.

#### § 116-11. Enforcement; violations and penalties.

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this chapter pursuant to Title 30-A M.R.S.A. § 4452.

B. The penalties contained in Title 30-A M.R.S.A. § 4452 shall apply to any violation of this chapter.

C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:

- (1) The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
- (2) A clear and unequivocal declaration that the property is in violation of a cited state or local law, regulation, or ordinance;
- (3) A clear statement that the public body making the declaration has authority to do so and a citation to that authority;
- (4) Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and
- (5) A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

#### § 116-12. Severability.

If any section or provision of this chapter is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this chapter.

#### § 116-13. Conflict with other ordinances.

This chapter shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this chapter imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this chapter shall control.

#### § 116-14. Word usage; definitions.

A. Unless specifically defined below, words and phrases used in this chapter shall have the same meanings as they have at common law and to give this chapter its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

B. As used in this chapter, the following terms shall have the meanings indicated:

**ACCESSORY STRUCTURE**

A ~~small detached~~ structure which is on the same parcel of property as a principal structure and the use of which that is incidental ~~and subordinate~~ to the use of the principal structure.

**ADJACENT GRADE**

The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**AGRICULTURAL STRUCTURE**

Structures that are used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

**AREA OF SHALLOW FLOODING**

A designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent-or-greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD**

The land in the floodplain having a one-percent-or-greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in § 116-1 of this chapter.

**BASE FLOOD**

The flood having a one-percent chance of being equaled or exceeded in any given year, commonly called the "one-hundred-year flood."

**BASEMENT**

Any area of the building having its floor subgrade (below ground level) on all sides.

**BREAKAWAY WALL**

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**BUILDING**

See "structure."

**CERTIFICATE OF COMPLIANCE**

A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this chapter.

**COASTAL AE ZONE**

The portion of the Coastal High Hazard Area with wave heights between 1.5 feet and 3.0 feet and bounded by a line labeled the "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM). VE Zone floodplain construction standards are applied to development, new construction, and substantial improvements in the Coastal AE Zone.

**COASTAL HIGH HAZARD AREA**

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal High Hazard Areas are designated as Zone VE and Zone AE bounded by a line labeled "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM).

## CODE ENFORCEMENT OFFICER

Any person ~~or board appointed~~ [certified under Title 30-A MRSA, Section 4451 \(including exceptions in Section 4451, paragraph 1\)](#) and employed by the Town of Wells to administer and enforce this chapter and other local ordinances.

## DEVELOPMENT

Any [manmade](#) change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

## ELEVATED BUILDING

(1) A nonbasement building:

(a) Built, in the case of a building in Zones AE, A, or AO, to have the top of the elevated floor, or in the case of a building in Zone VE, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or stilts; and

(b) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

(2) In the case of Zones AE, A, or AO, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of floodwaters, as required in § 116-6L. In the case of Zone VE, "elevated building" also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of § 116-6P ~~R(2-3)(b)[3]~~.

## ELEVATION CERTIFICATE

An official form (FEMA Form ~~81-31, 0-7/00~~ [FF-206-FY-22-152](#), as amended) that:

(1) Is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and

(2) Is required for purchasing flood insurance.

## EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision that was recorded in the deed registry prior to the adoption date of the community's first floodplain management regulations.

## FLOOD OR FLOODING

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(2) The overflow of inland or tidal waters.

(3) The unusual and rapid accumulation or runoff of surface waters from any source.

(4) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1)(a) of this definition.

## FLOOD ELEVATION STUDY

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

#### **FLOOD INSURANCE RATE MAP (FIRM)**

An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

#### **FLOOD INSURANCE STUDY**

See "flood elevation study."

#### **FLOODPLAIN or FLOOD-PRONE AREA**

Any land area susceptible to being inundated by water from any source. (See "[flood or](#) flooding.")

#### **FLOODPLAIN MANAGEMENT**

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

#### **FLOODPLAIN MANAGEMENT REGULATIONS**

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

#### **FLOODPROOFING**

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

#### **FLOODWAY**

See "regulatory floodway."

#### **FLOODWAY ENCROACHMENT LINES**

The lines marking the limits of floodways on federal, state, and local floodplain maps [and any subsequent amendments thereto \(including, without limitation, a Letter of Map Revision Case No. 24-01-0143P, dated July 18, 2024\)](#).

#### **FREEBOARD**

A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

#### **FUNCTIONALLY DEPENDENT USE**

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

#### **HISTORIC STRUCTURE**

Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (a) By an approved state program as determined by the Secretary of the Interior; or
- (b) Directly by the Secretary of the Interior in states without approved programs.

#### **LIMIT OF MODERATE WAVE ACTION (LiMWA)**

The landward limit of the 1.5 foot breaking wave within a Coastal AE Zone. These areas are bounded by a line labeled "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM). The LiMWA line delineates that portion of the Special Flood Hazard Area (SFHA) landward of a VE zone in which the principal sources of flooding are astronomical high tides, storm surges, or tsunamis, not riverine sources. These areas may be subject to wave effects, velocity flows, erosion, scour, or combinations of these forces. The floodplain development and construction standards for VE Zones will be applied in the Coastal AE Zone.

#### **LOCALLY ESTABLISHED DATUM**

For purposes of this chapter, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or any other established datum and is used in areas where mean sea level data is too far from a specific site to be practically used.

#### **LOWEST FLOOR**

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements described in § 116-6L N of this chapter.

#### **MANUFACTURED HOME**

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

#### **MANUFACTURED HOME PARK OR SUBDIVISION**

A parcel (or contiguous parcels) of land divided into two or more manufactured home sites or lots for rent or sale.

#### **MEAN SEA LEVEL**

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate map are referenced.

#### **MINOR DEVELOPMENT**

All development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in § 116-6J L, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and nonstructural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

#### **NATIONAL GEODETIC VERTICAL DATUM (NGVD)**

The national geodetic vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)."

## **NEW CONSTRUCTION**

Structures for which the start of construction commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

### [NORTH AMERICAN VERTICAL DATUM \(NAVD\)](#)

[The national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program \(NFIP\) for all new Flood Insurance Rate Maps. NAVD is based upon the vertical data used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound and subsidence, and the increasing use of satellite technology.](#)

## **ONE-HUNDRED-YEAR FLOOD**

See "base flood."

## **RECREATIONAL VEHICLE**

A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection, not including slideouts;
- (3) Designed to be self-propelled or permanently towable by a motor vehicle; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

## **REGULATORY FLOODWAY**

- (1) The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot; and
- (2) When not designated on the community's Flood Insurance Rate Map ~~or Flood Boundary and Floodway Map~~, it is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

## **RIVERINE**

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

## **SPECIAL FLOOD HAZARD AREA**

See "area of special flood hazard."

## **START OF CONSTRUCTION**

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

## **STRUCTURE**

For floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

### **SUBSTANTIAL DAMAGE**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred.

### **SUBSTANTIAL IMPROVEMENT**

Effective July 17, 2024. ~~Any singular or successive repairs, reconstructions, rehabilitations, additions, or other improvements of a structure, the cumulative cost (value) of which equals or exceeds 50% of the market value of the structure before the start of construction of the first improvement undertaken over the life of the structure project following the effective date of April 19, 1997. In determining whether a development project constitutes a substantial improvement, the total cost (value) of all repairs, reconstructions, additions or other improvements shall be accrued over a period of 10 years from the time of the first permit application following the effective date of April 19, 1997.~~ This term "substantial improvement" includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
- or
- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Zoning Board of Appeals.

(3) Any record of cumulative cost (value) prior to July 17, 2024 shall no longer be applicable.

### **VARIANCE**

A grant of relief by a community from the terms of a floodplain management regulation.

### **VIOLATION**

The failure of a structure or development to comply with a community's floodplain management regulations.

§ 116-15. ~~Repealer~~ Abrogation.

This chapter repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended), and specifically ~~repeals~~ revises Chapter ~~1156~~ Floodplain Management of the Code of the Town of Wells, Maine.

### § 116-16.- Disclaimer Of Liability

The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.

**Part 2:** Effective Date.

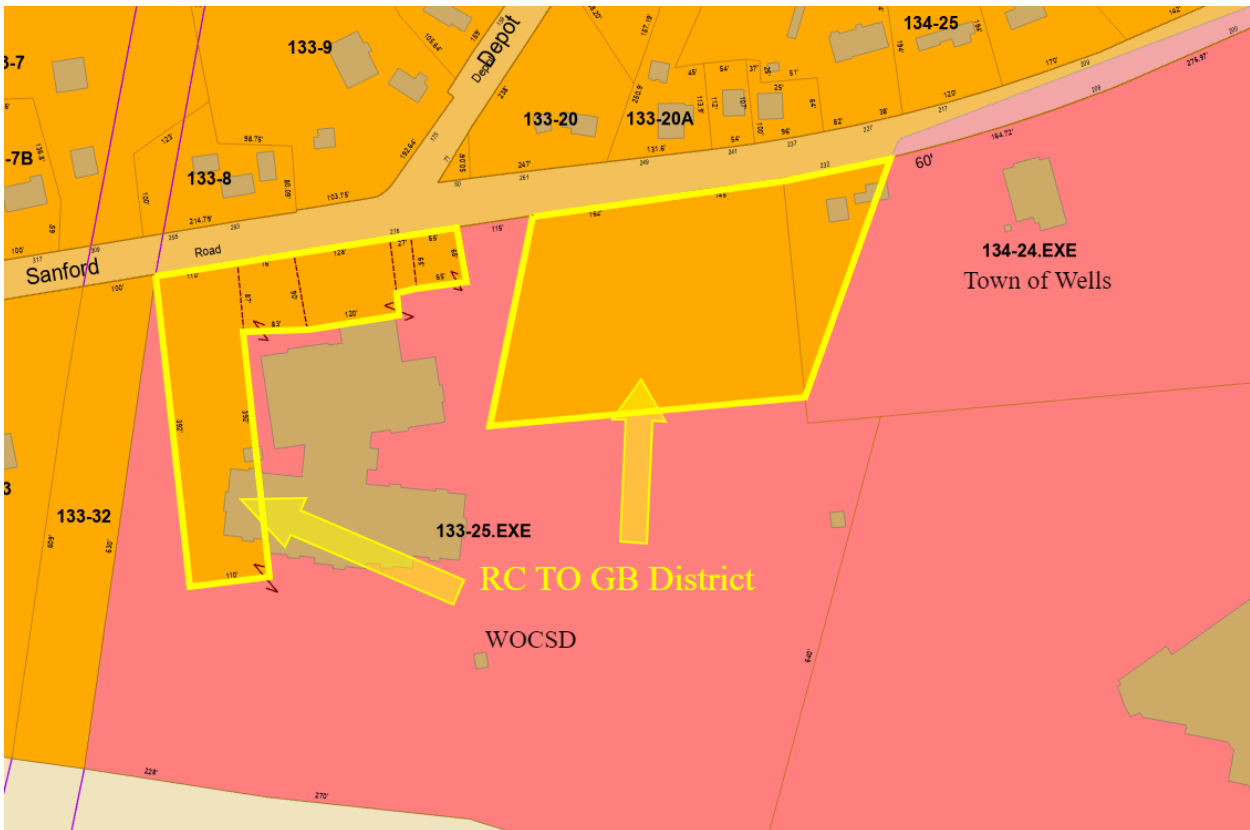
This Ordinance shall take effect on July 17, 2024.

## APPENDIX 3

### An Ordinance to Amend the Official Zone Map of the Town of Wells to Change Portions of Tax Map 133, Lot 25 and Tax Map 134, Lot 24 from the Residential Commercial District (RC) to the General Business District (GB)

The Town of Wells hereby ordains and enacts “An Ordinance to Amend the Official Zone Map of the Town of Wells to Change Portions of Tax Map 133, Lot 25 and Tax Map 134, Lot 24 from the Residential Commercial District (RC) to the General Business District (GB),” as depicted below:

#### Part 1: See Zone Map Portion



#### Part 2: Effective Date.

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

**TABLE 1  
FY 2025 MUNICIPAL REVENUE PROJECTIONS**

<u>DESCRIPTION</u>	<u>FY 24 APPROVED BUDGET</u>	<u>FY 25 PROPOSED BUDGET</u>	<u>CHANGE</u>
Liquor Licenses	2,000.00	2,000.00	-
Town Clerk Fees-H&F Agent	2,000.00	2,500.00	500.00
Town Clerk Fees-Other-(Marriage lic, etc)	28,000.00	28,000.00	-
Town Clerk Fees-Lodging	29,000.00	29,000.00	-
Legal Ads	3,700.00	3,500.00	(200.00)
Background Checks	700.00	700.00	-
Boat Excise Taxes	12,000.00	12,000.00	-
Town Clerk Recording Fee	2,000.00	2,000.00	-
<b>Total Town Clerk</b>	<b>79,400.00</b>	<b>79,700.00</b>	<b>300.00</b>
Auto Excise Tax	3,500,000.00	3,700,000.00	200,000.00
Interest & Penalties	57,000.00	50,000.00	(7,000.00)
Cable TV Fees	200,000.00	200,000.00	-
Admin Misc	1,000.00	2,000.00	1,000.00
Auto Registrations	60,000.00	60,000.00	-
Interest Earned	30,000.00	150,000.00	120,000.00
Rachel Carson	7,200.00	8,000.00	800.00
State- Mun Rev Sharing	750,000.00	950,000.00	200,000.00
Tree Growth	30,000.00	40,000.00	10,000.00
Snowmobile	1,650.00	1,650.00	-
Veteran Reimbursement	12,000.00	12,000.00	-
General Assistance	15,000.00	20,000.00	5,000.00
Homestead	500,000.00	500,000.00	-
State Park Reimbursement	1,200.00	1,200.00	-
BETE reimbursement	87,000.00	80,000.00	(7,000.00)
Crediford Solar Lease	30,000.00	30,000.00	-
Littlefield Solar Lease	14,388.00	14,388.00	-
<b>Sub Total- Finance Office</b>	<b>5,296,438.00</b>	<b>5,819,238.00</b>	<b>522,800.00</b>
Appeals Board	500.00	-	(500.00)

Plumbing permits	38,000.00	-	(38,000.00)
Building permits	200,000.00	-	(200,000.00)
Street Openings	1,000.00	-	(1,000.00)
Code Enforcement Fines	10,000.00	-	(10,000.00)
Base Fee	35,000.00	-	(35,000.00)
Re- Inspections	500.00	-	(500.00)
ZBA Legal	1,000.00	-	(1,000.00)
ZBA Postage	500.00	-	(500.00)
Flood	8,000.00	-	(8,000.00)
Plumb Surcharge	4,000.00	-	(4,000.00)
Miscellaneous	500.00	-	(500.00)
<b>Sub Total Code</b>	<b>299,000.00</b>	-	<b>(299,000.00)</b>
Miscellaneous	200.00	-	(200.00)
Planner Time	200.00	-	(200.00)
Planning Board	20,000.00	-	(20,000.00)
Staff Review Fees	1,500.00	-	(1,500.00)
Plan/CEO Application Fee	1,000.00	-	(1,000.00)
<b>Sub Total Planning</b>	<b>22,900.00</b>	-	<b>(22,900.00)</b>
Miscellaneous	1,500.00	1,500.00	-
Police Fines	25,000.00	15,000.00	(10,000.00)
Gun Permits	900.00	1,200.00	300.00
Accident Reports	2,200.00	2,800.00	600.00
Salary Reimbursement	134,000.00	150,000.00	16,000.00
<b>Sub Total Police</b>	<b>163,600.00</b>	<b>170,500.00</b>	<b>6,900.00</b>
<b>Dispatch</b>	<b>120,000.00</b>	<b>130,000.00</b>	<b>10,000.00</b>
<b>Public Works</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>-</b>
Miscellaneous	8,000.00	8,000.00	-
Tires	3,000.00	2,000.00	(1,000.00)
Trash Bags	550,000.00	425,000.00	(125,000.00)
Transfer Station Sticker	25,000.00	40,000.00	15,000.00
Metal & White Goods	1,000.00	1,000.00	-
Brush & Wood	10,000.00	1,700.00	(8,300.00)
Demolition	300,000.00	300,000.00	-
Rental Income	6,000.00	7,500.00	1,500.00
Lights	-	600.00	600.00

<b>Sub Total Transfer Station</b>	<b>903,000.00</b>	<b>785,800.00</b>	<b>(117,200.00)</b>
Bait Locker/Public Hoist	4,500.00	2,500.00	(2,000.00)
Pumpout Fees	100.00	50.00	(50.00)
Restaurant Lease	91,008.00	95,000.00	3,992.00
Marina Lease	12,000.00	12,000.00	-
Ice Sales	1,250.00	1,250.00	-
<b>Sub Total Harbor</b>	<b>108,858.00</b>	<b>110,800.00</b>	<b>1,942.00</b>
Community Room Rental	300.00	300.00	-
Meetingroom Rental	700.00	500.00	(200.00)
Fees & Fines	6,000.00	6,000.00	-
<b>Library</b>	<b>7,000.00</b>	<b>6,800.00</b>	<b>(200.00)</b>
<b>Local Roads Assistance Program</b>	<b>205,000.00</b>	<b>250,000.00</b>	<b>45,000.00</b>
<b>Totals</b>	<b>7,206,196.00</b>	<b>7,353,838.00</b>	<b>147,642.00</b>

**TABLE 2**  
**FY 2025 PASS THROUGH ACCOUNTS**

<b><u>PURPOSE</u></b>	<b><u>RECEIPT</u></b>	<b><u>AMOUNT</u></b>
State IF&W	Town Clerk	71,000.00
Vital Records	Town Clerk	2,000.00
Dogs	Town Clerk	7,000.00
State Auto Registrations	General Office	772,500.00
<b>Total</b>		<b>852,500.00</b>

<b><u>PURPOSE</u></b>	<b><u>PAYMENT TO</u></b>	<b><u>AMOUNT</u></b>
State IF&W	Town Clerk	71,000.00
Vital Records	Town Clerk	2,000.00
Dogs	Town Clerk	7,000.00
State Auto Registrations	General Office	772,500.00
<b>Total</b>		<b>852,500.00</b>

**TABLE 3**  
**FY 2025 PROPOSED SALARIES AND BENEFITS**

DESCRIPTION	FY 2024 APPROVED	FY 2024 REVISED	FY 2025 PROPOSED	DOLLAR CHANGE
<b>TOWN CLERK</b>				
OVERTIME	\$ 2,000	\$ 2,000	\$ 17,000	\$ 15,000
FULL-TIME DEPUTY	\$ 160,098	\$ 164,853	\$ 186,529	\$ 21,676
ELECTION WORKERS	\$ 30,000	\$ 30,000	\$ 15,000	\$ (15,000)
FICA	\$ 19,232	\$ 19,232	\$ 22,199	\$ 2,967
MSRS + ICMA	\$ 21,468	\$ 22,296	\$ 27,459	\$ 5,163
HEALTH INSURANCE	\$ 77,424	\$ 77,424	\$ 55,977	\$ (21,447)
<b>TOTAL TOWN CLERK</b>	<b>\$ 310,222</b>	<b>\$ 315,805</b>	<b>\$ 324,164</b>	<b>\$ 8,359</b>
<b>FINANCE</b>				
REGULAR	\$ 109,196	\$ 120,114	\$ 120,114	\$ -
ADMINISTRATIVE	\$ 305,369	\$ 346,194	\$ 390,222	\$ 44,028
OVERTIME	\$ 1,500	\$ 1,500	\$ 3,000	\$ 1,500
FICA	\$ 30,343	\$ 34,301	\$ 37,547	\$ 3,246
MSRS + ICMA	\$ 37,019	\$ 41,624	\$ 48,022	\$ 6,398
HEALTH INSURANCE	\$ 101,609	\$ 101,609	\$ 108,614	\$ 7,005
<b>TOTAL FINANCE</b>	<b>\$ 585,036</b>	<b>\$ 645,342</b>	<b>\$ 707,519</b>	<b>\$ 62,177</b>
<b>ASSESSING</b>				
REGULAR	\$ 94,481	\$ 101,154	\$ 101,154	\$ -
PART-TIME	\$ 23,991	\$ -	\$ -	\$ -
ADMINISTRATIVE	\$ 112,925	\$ 172,058	\$ 200,366	\$ 28,308
RESERVE/SEASONAL	\$ 10,000	\$ 10,000	\$ 10,000	\$ -
OVERTIME	\$ 500	\$ 500	\$ 3,000	\$ 2,500
FICA	\$ 18,303	\$ 21,501	\$ 23,713	\$ 2,212
MSRS + ICMA	\$ 20,636	\$ 24,295	\$ 28,530	\$ 4,235
HEALTH INSURANCE	\$ 46,979	\$ 57,495	\$ 37,049	\$ (20,446)
<b>TOTAL ASSESSING</b>	<b>\$ 327,815</b>	<b>\$ 387,003</b>	<b>\$ 403,812</b>	<b>\$ 16,809</b>
<b>TOWN MANAGER</b>				
REGULAR	\$ 142,000	\$ 151,783	\$ 156,200	\$ 4,417
PART-TIME	\$ 13,908	\$ 13,908	\$ 9,123	\$ (4,785)
ADMINISTRATIVE	\$ 49,754	\$ 61,038	\$ 61,038	\$ -
OVERTIME	\$ 1,000	\$ 1,000	\$ 4,000	\$ 3,000
TOWN MANAGER'S ASSISTANT	\$ 61,578	\$ 64,906	\$ 64,906	\$ -
TM TRANSPORTATION STIPEND	\$ 4,800	\$ 4,800	\$ 4,800	\$ -
FICA	\$ 20,933	\$ 22,449	\$ 22,834	\$ 385
MSRS + ICMA	\$ 45,352	\$ 47,523	\$ 48,185	\$ 662
HEALTH INSURANCE	\$ 32,516	\$ 32,516	\$ 27,985	\$ (4,531)
<b>TOTAL TOWN MANAGER</b>	<b>\$ 371,841</b>	<b>\$ 399,923</b>	<b>\$ 399,071</b>	<b>\$ (852)</b>
<b>SELECTMEN</b>				
SELECTMEN STIPEND	\$ 7,500	\$ 7,500	\$ 7,500	\$ -
FICA	\$ 574	\$ 574	\$ 575	\$ 1

<b>TOTAL SELECTMEN</b>	<b>\$</b>	<b>8,074</b>	<b>\$</b>	<b>8,074</b>	<b>\$</b>	<b>8,075</b>	<b>\$</b>	<b>1</b>
<b>PLANNING</b>								
REGULAR	\$	107,694	\$	113,588	\$	-	\$	(113,588)
PLANNER'S ASSISTANT	\$	62,842	\$	74,924	\$	-	\$	(74,924)
FICA	\$	11,747	\$	13,122	\$	-	\$	(13,122)
MSRS + ICMA	\$	15,161	\$	16,761	\$	-	\$	(16,761)
HEALTH INSURANCE	\$	41,616	\$	41,616	\$	-	\$	(41,616)
<b>TOTAL PLANNING</b>	<b>\$</b>	<b>239,060</b>	<b>\$</b>	<b>260,011</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>(260,011)</b>
<b>CODE ENFORCEMENT</b>								
REGULAR	\$	357,009	\$	436,283	\$	-	\$	(436,283)
RESERVE/SEASONAL	\$	3,500	\$	3,500	\$	-	\$	(3,500)
OVERTIME	\$	500	\$	500	\$	-	\$	(500)
FICA	\$	26,442	\$	32,466	\$	-	\$	(32,466)
MSRS + ICMA	\$	23,265	\$	30,077	\$	-	\$	(30,077)
HEALTH INSURANCE	\$	70,959	\$	91,992	\$	-	\$	(91,992)
<b>TOTAL CODE ENFORCEMENT</b>	<b>\$</b>	<b>481,675</b>	<b>\$</b>	<b>594,818</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>(594,818)</b>
<b>CABLE TV</b>								
PART-TIME	\$	7,000	\$	7,000	\$	9,000	\$	2,000
FICA	\$	536	\$	536	\$	689	\$	153
MSRS + ICMA	\$	-	\$	-	\$	-	\$	-
HEALTH INSURANCE	\$	-	\$	-	\$	-	\$	-
<b>TOTAL CABLE TV</b>	<b>\$</b>	<b>7,536</b>	<b>\$</b>	<b>7,536</b>	<b>\$</b>	<b>9,689</b>	<b>\$</b>	<b>2,153</b>
<b>TRANSPORTATION CENTER</b>								
PART-TIME	\$	32,830	\$	38,486	\$	38,486	\$	-
FICA	\$	2,511	\$	2,944	\$	2,743	\$	(201)
HEALTH INSURANCE	\$	600	\$	600	\$	600	\$	-
<b>TOTAL TRANSPORTATION CENTER</b>	<b>\$</b>	<b>35,941</b>	<b>\$</b>	<b>42,030</b>	<b>\$</b>	<b>41,829</b>	<b>\$</b>	<b>(201)</b>
<b>SALARY ADJUSTMENT</b>								
UNION NON UNION SAL ADJS	\$	385,000	\$	210,344	\$	156,683	\$	(53,661)
FICA	\$	25,603	\$	183	\$	15,300	\$	15,117
MSRS + ICMA	\$	32,074	\$	1,140	\$	14,000	\$	12,860
FAMILY & MEDICAL PAID LEAVE ACT	\$	-	\$	-	\$	44,780	\$	44,780
<b>TOTAL SALARY ADJUSTMENT</b>	<b>\$</b>	<b>442,677</b>	<b>\$</b>	<b>211,667</b>	<b>\$</b>	<b>230,763</b>	<b>\$</b>	<b>19,096</b>
<b>POLICE</b>								
REGULAR	\$	1,448,404	\$	1,528,113	\$	1,940,402	\$	412,289
ADMINISTRATIVE	\$	425,767	\$	427,203	\$	464,819	\$	37,616
RESERVE/SEASONAL	\$	153,725	\$	153,725	\$	154,000	\$	275
OVERTIME	\$	360,911	\$	360,911	\$	662,000	\$	301,089
FICA	\$	212,679	\$	218,777	\$	232,840	\$	14,063
MSRS + ICMA	\$	203,284	\$	212,370	\$	399,050	\$	186,680
HEALTH INSURANCE	\$	331,271	\$	359,126	\$	414,138	\$	55,012
<b>TOTAL POLICE</b>	<b>\$</b>	<b>3,136,041</b>	<b>\$</b>	<b>3,260,225</b>	<b>\$</b>	<b>4,267,249</b>	<b>\$</b>	<b>1,007,024</b>

**FIRE**

REGULAR	\$	824,867	\$	1,054,049	\$	1,252,316	\$	198,267
ADMINISTRATIVE	\$	56,659	\$	124,159	\$	157,762	\$	33,603
OVERTIME	\$	200,000	\$	275,518	\$	400,000	\$	124,482
FIRE CHIEF	\$	106,077	\$	113,137	\$	113,137	\$	-
FIRE CALL STIPEND	\$	45,000	\$	45,000	\$	65,000	\$	20,000
EMA DIRECTOR	\$	-	\$	-	\$	4,000	\$	4,000
FICA	\$	90,307	\$	113,004	\$	179,476	\$	66,472
MSRS + ICMA	\$	136,231	\$	162,719	\$	322,227	\$	159,508
HEALTH INSURANCE	\$	195,747	\$	265,116	\$	299,133	\$	34,017
<b>TOTAL FIRE</b>	<b>\$</b>	<b>1,654,888</b>	<b>\$</b>	<b>2,152,702</b>	<b>\$</b>	<b>2,793,051</b>	<b>\$</b>	<b>640,349</b>

**DISPATCH**

REGULAR	\$	429,384	\$	540,416	\$	660,293	\$	119,877
PART-TIME	\$	24,000	\$	24,000	\$	24,000	\$	-
OVERTIME	\$	98,810	\$	98,810	\$	148,585	\$	49,775
FICA	\$	37,319	\$	45,813	\$	62,131	\$	16,318
MSRS + ICMA	\$	58,340	\$	70,501	\$	98,773	\$	28,272
HEALTH INSURANCE	\$	94,040	\$	121,895	\$	99,517	\$	(22,378)
<b>TOTAL DISPATCH</b>	<b>\$</b>	<b>741,893</b>	<b>\$</b>	<b>901,435</b>	<b>\$</b>	<b>1,093,299</b>	<b>\$</b>	<b>191,864</b>

**EMA**

PART-TIME	\$	5,000	\$	5,000	\$	5,000	\$	-
FICA	\$	383	\$	383	\$	383	\$	-
<b>TOTAL EMA</b>	<b>\$</b>	<b>5,383</b>	<b>\$</b>	<b>5,383</b>	<b>\$</b>	<b>5,383</b>	<b>\$</b>	<b>-</b>

**ANIMAL CONTROL**

REGULAR	\$	49,254	\$	52,977	\$	49,254	\$	(3,723)
RESERVE/SEASONAL	\$	3,100	\$	3,100	\$	3,100	\$	-
FICA	\$	4,468	\$	4,753	\$	4,468	\$	(285)
MSRS + ICMA	\$	4,384	\$	4,715	\$	4,384	\$	(331)
HEALTH INSURANCE	\$	6,040	\$	6,040	\$	6,040	\$	-
<b>TOTAL ACO</b>	<b>\$</b>	<b>67,246</b>	<b>\$</b>	<b>71,585</b>	<b>\$</b>	<b>67,246</b>	<b>\$</b>	<b>(4,339)</b>

**PUBLIC WORKS (INCLUDES FACILITIES)**

REGULAR	\$	754,694	\$	828,445	\$	929,506	\$	101,061
RESERVE/SEASONAL	\$	20,000	\$	20,000	\$	20,000	\$	-
OVERTIME	\$	47,000	\$	47,000	\$	45,000	\$	(2,000)
GRAVESITE BEAUTIFICATION/MAINT	\$	8,000	\$	8,000	\$	8,000	\$	-
FICA	\$	58,548	\$	64,190	\$	70,265	\$	6,075
MSRS + ICMA	\$	61,794	\$	68,358	\$	83,034	\$	14,676
HEALTH INSURANCE	\$	210,106	\$	210,106	\$	204,774	\$	(5,332)
<b>TOTAL PUBLIC WORKS</b>	<b>\$</b>	<b>1,160,142</b>	<b>\$</b>	<b>1,246,099</b>	<b>\$</b>	<b>1,360,579</b>	<b>\$</b>	<b>114,480</b>

**TRANSFER STATION**

REGULAR	\$	157,726	\$	172,769	\$	197,496	\$	24,727
PART-TIME	\$	20,000	\$	20,000	\$	20,000	\$	-
OVERTIME	\$	6,000	\$	6,000	\$	10,000	\$	4,000
FICA	\$	13,144	\$	14,295	\$	18,635	\$	4,340

MSRS + ICMA	\$	9,843	\$	11,182	\$	13,968	\$	2,786
HEALTH INSURANCE	\$	44,064	\$	44,064	\$	47,942	\$	3,878
<b>TOTAL TRANSFER STATION</b>	<b>\$</b>	<b>250,777</b>	<b>\$</b>	<b>268,310</b>	<b>\$</b>	<b>308,041</b>	<b>\$</b>	<b>39,731</b>
<b>RECREATION</b>								
REGULAR	\$	173,169	\$	185,568	\$	185,568	\$	-
ADMINISTRATIVE	\$	42,572	\$	45,252	\$	44,701	\$	(551)
RESERVE/SEASONAL	\$	6,000	\$	6,000	\$	-	\$	(6,000)
OVERTIME	\$	3,000	\$	3,000	\$	3,000	\$	-
MAINTENANCE	\$	52,132	\$	56,119	\$	56,119	\$	-
FICA	\$	19,303	\$	20,762	\$	19,782	\$	(980)
MSRS + ICMA	\$	23,818	\$	25,515	\$	27,585	\$	2,070
HEALTH INSURANCE	\$	65,796	\$	65,796	\$	70,638	\$	4,842
<b>TOTAL RECREATION</b>	<b>\$</b>	<b>385,790</b>	<b>\$</b>	<b>408,012</b>	<b>\$</b>	<b>407,393</b>	<b>\$</b>	<b>(619)</b>
<b>LIBRARY</b>								
REGULAR	\$	237,907	\$	250,470	\$	254,598	\$	4,128
PART-TIME	\$	150,292	\$	162,588	\$	167,655	\$	5,067
FICA	\$	27,530	\$	29,432	\$	27,925	\$	(1,507)
MSRS + ICMA	\$	26,350	\$	28,292	\$	31,674	\$	3,382
HEALTH INSURANCE	\$	95,885	\$	95,885	\$	155,776	\$	59,891
<b>TOTAL LIBRARY</b>	<b>\$</b>	<b>537,964</b>	<b>\$</b>	<b>566,667</b>	<b>\$</b>	<b>637,628</b>	<b>\$</b>	<b>70,961</b>
<b>HARBOR</b>								
REGULAR	\$	74,824	\$	81,872	\$	81,872	\$	-
PART-TIME	\$	22,500	\$	22,500	\$	24,500	\$	2,000
FICA	\$	7,105	\$	7,644	\$	7,525	\$	(119)
MSRS + ICMA	\$	6,659	\$	7,377	\$	7,778	\$	401
HEALTH INSURANCE	\$	20,054	\$	20,054	\$	21,530	\$	1,476
<b>TOTAL HARBOR</b>	<b>\$</b>	<b>131,142</b>	<b>\$</b>	<b>139,447</b>	<b>\$</b>	<b>143,205</b>	<b>\$</b>	<b>3,758</b>
<b>TOTAL SALARIES</b>	<b>\$</b>	<b>10,881,143</b>	<b>\$</b>	<b>11,892,074</b>	<b>\$</b>	<b>13,207,996</b>	<b>\$</b>	<b>1,315,922</b>

\* Please note that revised salaries show Union and Non-Union Wage adjustments during the Fiscal Year in addition to the salary funding for the approved staffing warrant articles last year that totaled \$882,979 in salary and benefits. The FY 24 proposed funding for those positions had only 9 months funding for the Assistant Fire Chief, 9 months funding for the additional four full-time fire fighters/paramedics, 6 months funding for one new dispatcher and 6 months funding for one new patrol officer. The FY 2025 Proposed column now incorporates those positions at full funding and projects any approved union increases for the upcoming year.

**TABLE 4**  
**FY 2025 OPERATING EXPENSES BUDGET SUMMARY**

<u>OPERATIONS</u>	<u>FY 24</u> <u>APPROVED</u>	<u>FY 24</u> <u>REVISED</u>	<u>FY 25</u> <u>PROPOSED</u>	<u>DOLLAR</u> <u>CHANGE</u>
<i><b>BOARDS &amp; COMMITTEES</b></i>				
CONSERVATION BOARD	\$ 11,100	\$ 11,100	\$ 11,100	\$ -
<b>TOTAL BOARDS</b>	<b>\$ 11,100</b>	<b>\$ 11,100</b>	<b>\$ 11,100</b>	<b>\$ -</b>
<i><b>DEBT SERVICE</b></i>				
BOND REPAYMENT	\$ 1,942,238	\$ 1,942,238	\$ 2,082,613	\$ 140,375
<b>TOTAL DEBT SERVICE</b>	<b>\$ 1,942,238</b>	<b>\$ 1,942,238</b>	<b>\$ 2,082,613</b>	<b>\$ 140,375</b>
<i><b>GENERAL GOVERNMENT</b></i>				
TOWN CLERK	\$ 26,740	\$ 26,740	\$ 26,940	\$ 200
ADMINISTRATION	\$ 205,020	\$ 205,020	\$ 192,000	\$ (13,020)
ASSESSOR	\$ 14,800	\$ 14,800	\$ 15,000	\$ 200
TOWN MANAGER	\$ 204,300	\$ 204,300	\$ 163,500	\$ (40,800)
GENERAL GOVERNMENT	\$ 73,500	\$ 73,500	\$ 83,900	\$ 10,400
CABLE TV STUDIO	\$ 10,000	\$ 10,000	\$ 10,000	\$ -
PLANNING	\$ 40,800	\$ 40,800		\$ (40,800)
CODE ENFORCEMENT	\$ 17,500	\$ 17,500		\$ (17,500)
IT INFRASTRUCTURE	\$ 432,000	\$ 432,000	\$ 555,709	\$ 123,709
INFORMATION CTR	\$ 62,376	\$ 62,376	\$ 63,398	\$ 1,022
BENEFITS & INSURANCE	\$ 18,000	\$ 18,000	\$ 18,000	\$ -
PROPERTY & LIABILITY	\$ 658,000	\$ 658,000	\$ 709,009	\$ 51,009
SELECTBOARD	\$ 5,000	\$ 5,000	\$ 6,000	\$ 1,000
TRANSPORTATION CENTER	\$ 40,300	\$ 40,300	\$ 47,550	\$ 7,250
<b>TOTAL GENERAL GOVERNMENT</b>	<b>\$ 1,808,336</b>	<b>\$ 1,808,336</b>	<b>\$ 1,891,006</b>	<b>\$ 82,670</b>
<i><b>HARBOR AND FACILITIES</b></i>				
HARBOR MASTER	\$ 52,220	\$ 52,220	\$ 48,370	\$ (3,850)
<b>TOTAL BEACH AND HARBOR</b>	<b>\$ 52,220</b>	<b>\$ 52,220</b>	<b>\$ 48,370</b>	<b>\$ (3,850)</b>
<i><b>PUBLIC SAFETY</b></i>				
POLICE	\$ 552,400	\$ 552,400	\$ 608,050	\$ 55,650
FIRE	\$ 441,903	\$ 489,403	\$ 521,903	\$ 32,500
DISPATCH	\$ 129,450	\$ 129,450	\$ 139,655	\$ 10,205
EMA	\$ 52,500	\$ 52,500	\$ 152,500	\$ 100,000
ANIMAL CONTROL	\$ 16,700	\$ 16,700	\$ 18,305	\$ 1,605
WEMS	\$ 400,000	\$ 400,000	\$ 486,500	\$ 86,500
PUBLIC SAFETY FACILITY	\$ 135,580	\$ 135,580	\$ 151,830	\$ 16,250
TOWNWIDE UTILITIES	\$ 221,050	\$ 221,050	\$ 246,000	\$ 24,950
<b>TOTAL PUBLIC SAFETY</b>	<b>\$ 1,949,583</b>	<b>\$ 1,997,083</b>	<b>\$ 2,324,743</b>	<b>\$ 327,660</b>

***PUBLIC WORKS***

PUBLIC WORKS & FACILITIES	\$ 1,033,520	\$ 1,033,520	\$ 1,259,868	\$ 226,348
TRANSFER STATION	\$ 567,530	\$ 567,530	\$ 559,950	\$ (7,580)
<b>TOTAL PUBLIC WORKS</b>	<b>\$ 1,601,050</b>	<b>\$ 1,601,050</b>	<b>\$ 1,819,818</b>	<b>\$ 218,768</b>

***EDUCATION & LEISURE***

RECREATION	\$ 83,200	\$ 83,200	\$ 99,500	\$ 16,300
LIBRARY	\$ 118,700	\$ 118,700	\$ 125,850	\$ 7,150
WELLS ACTIVITY CENTER	\$ 34,390	\$ 34,390	\$ 30,275	\$ (4,115)
<b>TOTAL EDUCATION &amp; LEISURE</b>	<b>\$ 236,290</b>	<b>\$ 236,290</b>	<b>\$ 255,625</b>	<b>\$ 19,335</b>

***SOCIAL SERVICES***

GRANTS	\$ 142,394	\$ 142,394	\$ 150,594	\$ 8,200
<b>TOTAL SOCIAL SERVICES</b>	<b>\$ 142,394</b>	<b>\$ 142,394</b>	<b>\$ 150,594</b>	<b>\$ 8,200</b>

<b>GRAND TOTAL</b>	<b>\$ 7,743,211</b>	<b>\$ 7,790,711</b>	<b>\$ 8,583,869</b>	<b>\$ 793,158</b>
--------------------	---------------------	---------------------	---------------------	-------------------



**TABLE 6  
FY 2025 ENTERPRISE FUNDS**

	<b>FY 25 PROJECTION</b>
<b>BEACH OPERATIONS ENTERPRISE</b>	
BEACH REVENUE	731,500.00
BEACH SALARIES & BENEFITS	409,393.00
BEACH OPERATIONS	383,500.00
<b>CODE AND PLANNING ENTERPRISE</b>	
ENTERPRISE REVENUE	1,134,400.00
ENTERPRISE SALARIES & BENEFITS	968,333.00
ENTERPRISE OPERATIONS	149,474.00
CIP PROJECT TRANSFER TO GENERAL FUND	20,000.00
FUNDING FOR GIS UPDATES & MAINTNEANCE	
<b>RECREATION PROGRAM ENTERPRISE</b>	
PROGRAM REVENUE	687,400.00
PROGRAM SALARIES & BENEFITS	471,154.00
PROGRAM OPERATIONS	207,300.00
CIP PROJECT TRANSFER TO GENERAL FUND	29,250.00
FUNDING FOR TRACTOR PURCHASE	

**Note A - Beach Enterprise**

The Selectmen created the Beach Enterprise in FY 13. An Enterprise Fund is self supporting, that is, Revenues cover all Operating Expenses. The Revenue for the Beach Operations Fund will be from the sale of beach passes and parking at the Municipal lots. The Expenses will be to maintain the beach, beach restrooms, lifeguard operations, the parking lots, and the cost of the pay and display meters. The Salaries for Restroom Cleaning, Community Service Officers, Lifeguards and Piping Plovers are funded from the Beach Operations Enterprise.

**Note B - Code and Planning Enterprise**

The Selectmen created the Code and Planning Enterprise effective January 1, 2024. The Revenue will include but not be limited to the fees paid for building permits, plumbing permits, stop work orders, copies, lodging enforcement, zoning board of appeals, site plan review and subdivision review. The Salaries for all Code and Planning personnel will be paid for by the Enterprise Fund. All operating costs to run the department will be from the Enterprise account.

**Note C - Recreation Program Enterprise**

The Selectmen under the authority of the Town Charter created a Recreation Program Enterprise Fund for FY 14. The Revenue for the Recreation Program Enterprise will be from enrollment in Recreation Programs. The Expenses will be to run the advertised Recreation Programs. The Salaries for the Recreation Program Seasonal Staff and Before/After Care Program are paid by the Recreation Program Enterprise Fund. The Recreation Enterprise also designates funds toward Future CIP Project.



# TOWN OF WELLS

*Wells, Maine*

Tel: 207.646.5113  
TDD: 207.646.7892  
www.wellstown.org

To: Wells Taxpayers

From: Michael W. Pardue, Town Manager  
Jodie Sanborn, Finance Director

Subject: FY23-24 Proposed Budget Summary

Date: April 12, 2024

We are pleased to present to you the proposed FY24-25 Annual Budget for the Town of Wells.

This budget was developed with the philosophy of providing services to the level necessary to meet the needs and expectations of our community, particularly in the areas of public safety and public services. During the formulation of this budget proposal, personnel remained cost-conscious, while working to meet the increasing needs and expectations of our citizens. For the coming year, the net operational increase in the proposed budget is **7.04%**.

To arrive at the net operational percentage increases presented, budgeted non-property tax revenues, use of surplus, use of reserve funds, use of enterprise or grant funds and exposures to surplus are deducted from the gross operational budget. The Total of all projected revenues for FY24-25 are expected to decrease 7.97% over the current fiscal year. The total of the budgeted non-property tax revenues can be found in Table 1 on page 41. The total of **projected non-property tax revenues** are projected to increase by **1.83%** with the following items having significant increases:

Town Clerk Fees – H&F Agent	25%
Admin - Misc	100%
Admin – Interest Earned	400%
Admin – State Revenue Sharing	27%
Admin – Tree Growth	33%
Admin – General Assistance Reimbursement	33%
Police – Gun Permits	33%
Police – Accident Reports	27%
Transfer Station – Stickers	60%
Transfer Station – Rental Income	25%
Local Roads Assistance Reimbursement	22%

## Budget Summary

The budget comparison below outlines budget totals for FY24-25 that were discussed in detail during our budget meetings.

	Final FY21-22	Final FY22-23	Final FY23-24	As Presented FY24-25
Gross General Fund Budget	\$23,576,522	\$26,565,271	\$28,156,868	\$27,996,276
Salaries & Benefits	\$9,563,715	\$10,092,364	\$10,881,143	\$13,207,996
Operating Expenses	\$6,580,185	\$7,112,026	\$7,743,211	\$8,583,869
Revenue & Use of General Fund Balance	\$11,091,234	\$13,392,539	\$14,273,447	\$13,135,310
Capital Vehicles, Equipment & Projects	\$5,786,600	\$8,072,911	\$7,137,035	\$4,561,775
Net Budget	\$12,485,288	\$13,172,732	\$13,883,421	\$14,860,966
% Net Budget Increase	7.13%	5.51%	5.40%	7.04%
New Bond Debt Authorized	\$4,000,000 Infrastructure Bond	\$2,250,000 Infrastructure Bond		

*As in past years, the budget has been divided into three major categories: operational, capital and staffing.*

#### FY24-25 LD1 Cap Amount

The submitted budget and supporting data in the preceding pages falls within the municipal cap (LD1), and therefore, no separate over-the-cap warrant article is needed. For FY24-25, the property growth factor has been determined to be 4.587%, (new gross real and personal property growth) while the “Average Personal Income Growth” has been calculated to be 4.69%, for a total growth factor of 5.056%. This equates to an estimated allowable net increase to the LD1 ceiling of \$7,577,601. The recommended net budget of \$14,860,966 is under the calculated cap by (\$7,382,780).

#### Staffing Changes

As the demand for enhanced community services continues to increase, as do the expectations of citizens, there is a need to strengthen some areas of staffing. This budget as presented provides for two full-time positions as indicated below.

- Public Works – Equipment Operator (budget reflects starting in October)
- Public Works – Admin Assistant (budget reflects starting in October)

#### Contractually Required and Recognized Increases

Currently all four union contracts are valid through June 30, 2026. Department salary budgets reflect contract wages and longevity/step increases.

The shared health insurance contribution varies between bargaining units and non-union

employees. The overall budgeted increase for health insurance is 5.0% based on market increases.

Other major recognized increases (=>\$5,000):

- Ambulance – Quarterly Payment
- Debt Service – Principal and Interest
- Dispatch – Radio Console
- EMA – Storm Repairs
- Finance – Postage
- Fire – Vehicles, Turnout Gear, Air Packs and Medical
- General Government – Building
- Insurance – Property & Casualty Insurance
- IT Infrastructure – Maintenance
- Parks and Rec – Field Maintenance
- Police – Vehicle replacement, Agreements/Contracts and Gas and Oil
- Public Safety Facility – Electricity
- Public Works – Water, Repair/Maintenance of Equipment, Building Repair/Maintenance, Agreements/Contracts, Town Landscaping and Winter Services, Tree Removal, Fuel & Lubricants, Catch Basin Cleaning and Road Sweeping
- Social Service Grants – Historical Society
- Transfer Station – Equipment Repair
- Townwide Utilities – Street Light Electricity

### **Unassigned General Fund Balance**

The Unassigned General Fund Balance available after applying the Town’s Fund Balance Policy is approximately \$2,000,000 at June 30, 202. These funds are redistributed in the capital budget.

### **Capital Items**

This year’s capital budget is designed to address building and building improvements, conservation, vehicles, technology, infrastructure, equipment, and other projects.

The following summarizes the major (>= \$25,000) assets and projects to be discussed:

- Code Enforcement - Town Hall 3<sup>rd</sup> Floor Egress
- Conservation – Landbank funding
- Fire – Assistant Chief Vehicle Purchase
- Fire - Future Fire Truck Purchase
- Fire – Gear Replacement
- Fire – Radio Replacement
- Harbor - Floats
- Police and Dispatch - Software
- Police - CCTV Purchase and Replacement Fund
- Police – IT Projects and Hardware
- Public Works – Paving
- Public Works – Facilities Needs Study
- Recreation – Tractor Replacement
- WEMS - Ambulance
- WEMS – Major Medical Devices

### **Enterprise Accounts**

#### **Recreation Enterprise**

The Recreation Enterprise consists of the recreation programs and before/aftercare. They are part of a special enterprise (fee-for-service) account and are not in the current budget.

#### **Beach Enterprise**

The Beach Enterprise consists of beach stickers and parking enforcement, lifeguards, beach cleaning, trash disposal and piping plover management. It is part of a special enterprise (fee-for-service) account and are not in the current budget.

**Code and Planning Enterprise**

The Code and Planning Enterprise consists of revenues that include but are not limited to the fees paid for building permits, plumbing permits, stop work orders, copies, lodging enforcement, zoning board of appeals, site plan review and subdivision review. The benefits and salaries for all Code and Planning personnel as well as department operating costs are paid from the Enterprise account.

**FY24-25 BUDGET SCHEDULE**

Informational Public Hearing on the proposed FY23-24 Budget will be held in the Littlefield Meeting Room in the Town Hall on the following dates:

Hearing #1	Tuesday, May 7	6:00 pm
Hearing #2	Tuesday, May 21	6:00 pm
Hearing #3	Tuesday, June 4	6:00 pm

Budget meetings are open to the public and can be viewed in person at the Town Hall, on Cable TV channel 3, or online (live and archived for viewing anytime) at [www.townhallstreams.com](http://www.townhallstreams.com).

The information provided in the budget book (budget schedule, backup information, etc.) can be viewed online at: <https://www.wellstown.org/802/Budget>