

An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Revise General standards and open space requirements

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 202 (Subdivision of Land) of the Town of Wells to Revise General Standards and Open Space Requirements” to read as follows:

Part 1: § 202-12, entitled “General standards” is hereby amended as follows:

§ 202-12. General standards.

In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a final plan. In all instances the burden of proof shall be upon the applicant.

A. ~~Conformance with Comprehensive Plan.~~ All proposed subdivisions shall be in conformity ~~with the Comprehensive Plan of the municipality and~~ with the provisions of all pertinent state and local codes and ordinances and Town adopted Comprehensive Plan.

B. Retention of open spaces and natural or historic features.

(1) In ~~any a minor~~ subdivision with no more than ~~five~~ four lots or dwellings units, no dedicated open space is required. In any subdivision with at least ~~six~~ five lots or dwelling units and no more than 10 lots or dwelling units, there shall be a minimum of ~~10~~ 20% or 20,000 square feet, whichever is greater, of the total property net area dedicated as open space. Off site dedication of open space land may be approved by the Planning Board at the Board's discretion, if excess land is provided and the land has a significantly greater benefit to the public than land within the development. In any subdivision with more than 10 lots or dwelling units, there shall be a minimum of 35% of the total property net area dedicated as open space.

(2) Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Planning Board may deem suitable. The configuration of such sites shall be deemed adequate by the Planning Board with regard to scenic, natural or historic attributes to be preserved, together with sufficient areas for trails, lookouts, etc., where necessary and appropriate. The open space shall consist of no more than 50% coastal wetland or freshwater wetland as defined in § 145-10 except freshwater wetlands shall also include wetlands dominated by trees or woody vegetation of any height in any District.

(3) Reserved open space land, acceptable to the Planning Board and subdivider, may be dedicated or conveyed to the municipality, a land trust, or other recognized conservation organization. Such reservation may also be accomplished by incorporation into homeowners' association or condominium association documents or into restrictive deed covenants. (See § 145-49, residential cluster development standards.)

(4) The Planning Board may require that the development plans include a landscape plan that will show the preservation of any existing trees larger than 24 inches in diameter at breast height, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally significant areas. ~~Cutting of trees on the northerly borders of lots should be avoided as far as possible, to retain a natural wind buffer.~~

(5) Preservation of wetlands on open space or lots shall require the posting of signs to be maintained by the lot owner and homeowners association and shall be referenced in the deed of the encumbered lot and the deed shall include an exhibit of the lot with the wetlands and signage depicted.

Part 2: Effective Date.

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

Given under our hands this ____ day of _____, 2024.

THE SELECT BOARD OF THE TOWN OF WELLS:

John MacLeod III

Scott DeFelice

Kathleen Chase

Timothy Roche

James N. Smith