

TOWN OF WELLS, MAINE
COMPREHENSIVE PLAN UPDATE REVIEW COMMITTEE
Meeting Minutes
Thursday, January 7, 2016 5:00 P.M.
Wells Town Hall
Sanford Road

Members Present: Town Manager Jon Carter, Budget Committee representative Luke Guenette, Town Engineer/Planner Mike Livingston, Code Enforcement Officer Jodine Adams, Selectman Kathy Chase, Conservation Commission representative Rocky Furman, Planning Board representative Charles Anderson, citizen representative Edmond Pare', citizen representative Carol Simpson, Meeting recorder Cinndi Davidson

1. Review of the December 3, 2015 minutes

Ed submitted an addendum which will be included with tonight's minutes. Jon will forward it to Lee Jay for comment.

Page 2, "Goals #3, 4 and 5" should be changed to "#3,4 and 6"

The sentence regarding a connection between Fenderson-Tilton and Tatnic Road will be deleted.

Goal #4, after "in the flood hazard areas" add "as an incentive to raise the houses."

Motion by Kathy, seconded by Charles, to accept the minutes as amended. Passed unanimously.

2. Continued review of Chapter 4

Page 8, Goal 1 Change to "Continue to employ"

Goal 3 The common issues include interdepartmental co-operation for services such fire, police and public works.

Page 10 The population figures will be updated to reflect the 2010 census.

Page 12, Paragraph 2 Research the date of "The most recent report"

Page 15 Update the counts for each incident category.

Page 16 Paragraph 1 Delete "who are paid for their services"

Page 18 There was a discussion of our library also serving as a community center, and the changing role of libraries due to advances in technology. Co-ordination of the Town library and high school library was recommended. The greatest demand on the Town library is in summer and the school library is not being used then.

Page 19 Health Care. Include a discussion of Avita (the new memory care facility), Sea Landing I & 2 (assisted living communities) and the Wells-Ogunquit Senior Center.

Page 22 Tlu-ee Ring Binder. Add a paragraph that Sanford has awarded to GWI the rights to extend the trunk line up Route I09 as far as the Wells town line. Wells already has direct access for about 7 miles along Route One and will derive further benefit from the Sanford project.

Page 25 Trails. Add a note that the Conservation Commission is working to develop more walking trails.

Pedestrian Network. The master plan for sidewalks was discussed. An additional goal should be to revise and expand the sidewalk plan as part of road safety.

3. Next meeting: Thursday, January 21 at 5 PM at the Library.
Feedback on the survey and review of Chapters 5 & 6.

Respectfully submitted:

Cinndi Davidson, Meeting Recorder

Accepted by:

Jon Carter, Town Manager

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Addendum to the Meeting Minutes, submitted by Edmond Paré

The State of Maine no longer requires a comprehensive plan for municipalities that do not have a zoning ordinance. However, any municipality that has a zoning ordinance that prescribes and reasonably applies different regulations in each zone, must have a comprehensive plan.

This latter fact was clearly stated by the Maine Supreme Judicial Court in Decision 2001 ME 137 (http://www.courts.maine.gov/opinions_orders/opinions/documents/01me137b.pdf). The Court wrote:

The law governing comprehensive plans, 30-A M.R.S.A. § 4324, provides that a municipality “may prepare a local growth management program,” but it is not required to do so. 30-A M.R.S.A. § 4324(1) (1996). As the Superior Court correctly noted, the Legislature in 1991 eliminated the mandate requiring towns to adopt comprehensive plans and zoning ordinances comprising a local growth management program. *See* House Amend. LL to L.D. 1985, Statement of Fact (115th Legis. 1991) (“This amendment eliminates the existing obligation of municipalities to adopt comprehensive plans and related zoning ordinances. All forms of state review of local planning efforts are eliminated.”) However, a municipality that chooses to engage in a growth management program must adopt both a comprehensive plan and an implementation strategy. 30-A M.R.S.A. § 4326 (1996). **A municipality that enacts a zoning ordinance is considered to be engaged in the implementation strategy phase of a growth management program for which the creation of a comprehensive plan is a mandatory prerequisite. *See id.* § 4326(3).** (boldfacing added by Edmond Paré)

Therefore, as stated in the Sections 10.02 and 10.03 of the Town of Wells Charter:

Sec. 10.02. Comprehensive Plan.

There shall be a Comprehensive Plan as provided by law.

Sec. 10.03. Zoning Ordinance.

There shall be a Zoning Ordinance as provided by law.

“as provided by law” means that both the comprehensive plan and the zoning ordinance must be consistent with The State of Maine Revised Statutes.
