

**An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells,
to Define a Business, Seasonal Tent and exempt from the definition of a Structure**

**NOTE: Proposed additions to existing Code sections are underlined.
Proposed deletions of existing Code sections are ~~crossed-out~~.
Other sections of the Ordinance are unchanged.**

The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells, to define a Business, Seasonal Tent and exempt from the definition of a Structure” to read as follows:

Part 1: Section 145-10, entitled “Definitions” is hereby amended as follows:

STRUCTURE

Anything constructed, assembled or erected having a fixed location uninterrupted for more than 10 days on or in the ground or in the water. Any attachment to a structure shall be considered to be part of the structure. The term "structure" shall not include signs; utility distribution lines; stone walls; fences; embankment retaining walls; culverts; fire cisterns; fire hydrants; mailboxes; vehicles registered for use on public ways; at-grade paving, such as sidewalks, patios, driveways, business, seasonal tents and parking lots; and other items located in the public right-of-way normally and customarily related to a road. The term "structure" shall not include picnic tables and other tables, chairs, benches and other seating, trash cans, bicycle racks and planters each of which can be transported by two or fewer persons without use of mechanical assistance. The term "structure" includes utility transmission lines. Exclusions from this definition may not negate the requirement for a building permit.

BUSINESS, SEASONAL TENT

A tent erected on a temporary or seasonal basis (May 1 through November 1) as accessory to an existing business use, which is not a Home business; consisting of a roof and can include sides constructed of a fabric or pliable material supported by a frame; said covering material shall be removed between November 1 and May 1; shall not to be considered a structure or building but shall require a building permit if erected more than 10 days.

Part 2: Effective Date.


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


Given under our hands this 17 day of August, 2021.

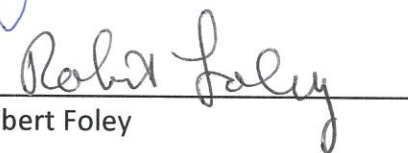
BOARD OF SELECTMEN OF THE TOWN OF WELLS:


Sean Roche

Kathy Chase


Timothy Roche


John MacLeod, III


Robert Foley

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

NOTE: Proposed additions to existing Code sections are underlined.
Proposed deletions of existing Code sections are ~~crossed-out~~.
Other sections of the Ordinance are unchanged.

The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Revise the Reviewing Authority Process” to read as follows:

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

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

	SCOPE	REVIEWING AUTHORITY		
		I	II	III
		Code Enforcement Officer And Planner ⁶	Staff Review Committee ⁶	Planning Board
A.	New use requiring site plan approval ²	No	Up to 6,000 sq. ft. gross floor area and/or lot coverage ³ Or Up to 25 new or additional parking spaces ³ Or <u>New Seasonal Tent</u>	Over 6,000 sq. ft gross floor area And/or lot coverage Or Over 25 new or additional parking spaces Or Any telecommunication towers, ⁷ or utility transmission lines
B.	Expansion of, change to, or amendment to an existing use requiring site plan review (except as provided in Section C below)	Alteration of less than 1,000 sq. ft. gross floor area and/or lot coverage ³ And 5 or fewer additional parking spaces ³ And The property is not subject to a prior site plan approval by a higher reviewing authority.	Alteration of 1,000 to 6,000 sq. ft and or lot coverage ³ Or More than 5 and up to 25 additional parking spaces ³ And The property is not subject to a prior site plan approval by a higher reviewing authority, except as provided in Note 4 below. Or <u>New Seasonal Tent</u>	Alteration of over 6,000 sq. ft. gross floor area and/or lot coverage Or Over 25 additional parking spaces

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

NOTES:

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

Part 2: Effective Date.

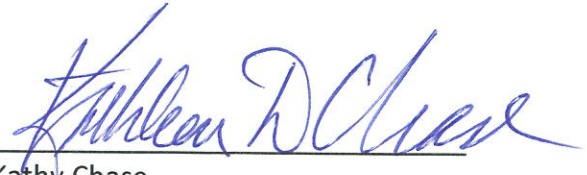
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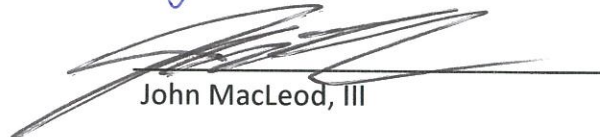


Sean Roche

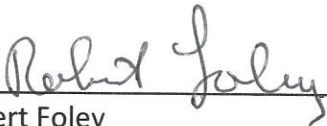


Kathy Chase

Timothy Roche



John MacLeod, III



Robert Foley

**An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Code of the Town of Wells,
to revise final plan procedure and submission 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 Code of the Town of Wells,
to revise final plan procedure and submission requirements” to read as follows:**

Part 1: Section 202-9. entitled “Final plan for major subdivision” is hereby amended as follows:

A. Procedure.

(6) Prior to submittal of the final plan application, the following ~~approvals~~ applications shall be ~~obtained in writing~~ submitted to the appropriate entities, where appropriate:

(a) Maine Department of Environmental Protection, under the Site Location of Development Act and the Natural Resources Protection Act.¹¹

[1] *Editor's Note: See 38 M.R.S.A § 481 et seq. and 38 M.R.S.A. § 480-A et seq., respectively.*

(b) The Kennebunk, Kennebunkport and Wells Water District, if the district's water service is to be used.

(c) Maine Department of Human Services, if the subdivider proposes to provide a central water supply system.

(d) The Wells Sanitary District, if the public sewage disposal system is to be used.

(e) Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.

(f) An Army Corps of Engineers dredge and fill permit.

(g) NPDES permit for stormwater discharges.

(h) Maine Department of Transportation Entrance or Traffic Movement Permit.

(9) Before the Board grants approval of the final plan, the subdivider shall

(a) meet the performance guaranty requirements contained in § 202-13.

(b) obtain in writing approvals listed in A.(6) if applicable.

Part 2: Section 202-9. entitled “Final plan for major subdivision” is hereby amended as follows:

B. Submissions. The final plan shall consist of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than 75 acres may be drawn at a scale of not more than 200 feet to the inch. Plans shall be no larger than 24 inches by 36 inches in size and shall have a margin of two inches outside of the border line on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board located in the lower left corner of the plan. ~~One reproducible, stable-based transparent original and three~~ Four copies of the plan shall be submitted. In addition,

the applicant shall submit 11 copies of the final plan, reduced to a size of 11 inches by 17 inches, and all accompanying information to the Office of Planning and Development no less than 10 days prior to the meeting. The application for approval of the final plan shall include the following information:
[Amended 4-13-1999]

Part 3: Effective Date.

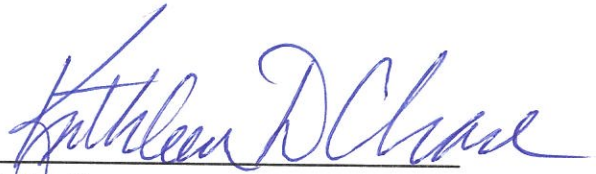
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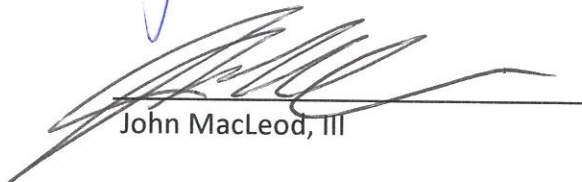


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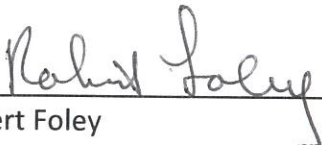


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