

# Town of Wells 2021 Comprehensive Plan Update

## Chapter 6 Update – Land Use Policies and Strategies

### Appendix A Inventory and Analysis

#### Section 8 Update – Land Use

#### How to Read this Document:

The consultants hired to work with the Town of Wells are committed to a transparent planning process and aim to comply with the Town of Wells Chapter 12 Ordinance and other state requirements. To clearly show what has been updated from the 2005 Comprehensive Plan, “tracked changes” was used to show what has been deleted from the 2005 section, new information that has been added, and clarifying questions and comments. New language and data are shown in **red**. Deleted language is shown with a **strikethrough in red**. Old tables are shown with a **red-strikethrough** and new tables of information were inserted. Questions and comments are shown in highlighted **purple**. Please note that the analysis sub-section at the end of each updated Appendix section will be reviewed again once all sections are updated. Cross-referencing sections will help the consultants better revise these analysis findings.

#### Data Sources and References

1. US Census. Wells Town, York County, Maine.  
<https://www.census.gov/quickfacts/wellstownyorkcountymaine>
2. Beginning with Habitat: Conserving Maine’s Natural Landscape for Plants, Animals, and People. Maine Department of Inland Fisheries and Wildlife. 2012.
3. Town Code, Town of Wells, ME. Chapter 145 Land Use. “Article I Land Use”, “V District Regulations”, “VII Performance Standards”.  
<https://ecode360.com/WE1006?needHash=true>.
4. Maine State Growth Management Program. 2020.  
<https://legislature.maine.gov/statutes/30-A/title30-Asec4326.html>
5. Town of Wells Conservation Land Data 2011-2019, provided to FBE by Mike Livingston.
6. Town of Wells Subdivision Data 2009-2021, provided to FBE by Mike Livingston.
7. Department of Agriculture, Conservation and Forestry – Maine Forest Service. Summary of Timber Harvest Information for the Town of Wells. State Data Package.
8. Wells Reserve. Wells National Estuarine Research Reserve Management Plan 2019-2024.  
[https://www.wellsreserve.org/writable/files/WellsNERR\\_ManagementPlan\\_2019-2024.pdf](https://www.wellsreserve.org/writable/files/WellsNERR_ManagementPlan_2019-2024.pdf)
- 8-9. Wells Tax Assessor for acreage in the Farmland, Open Space, and Tree Growth Tax programs.

## Key Findings

1. Residential development has continued to be a major change in land use since the 2005 plan. Residential development is still the densest in the waterfront area of Wells. New subdivision activity continues to expand west of Route 1, changing the previously rural character of the Town. We recommend the Town continue to prioritize providing public services to these areas and ensuring strong natural resource protection in these areas to allow growth to continue without threatening the Town's natural resources.
2. The Town no longer has a current Growth Management Ordinance, which expired in 2008. The 2005 outline a goal to replace this growth management ordinance with a new system, which does not appear to be done. If this is still a goal of the town, the town should revisit growth management systems and update accordingly.
3. We recommend the Town Comprehensive Plan Update Committee review the 2005 Future Land Use Plans (outlined in the following Land Use Chapter) and revisit goals for Growth Areas and Transitional Areas. This will require a discussion of land use future goals, and may include similar goals or new goals to the 2005 Future Land Use plan.
4. We recommend the Town consider developing an Open Space Plan for the town. An open space plan will allow the town and community to outline goals for preserving open space, increasing open space accessibility to all town residents, and outlining purposes for open space within the town. For example, an open space plan could discuss using open space for recreation, for nature-based solutions (such as increasing tree and vegetation cover and reducing impervious surfaces), increasing sustainable transportation options such as biking and walking, and preserving aspects of the Town's rural character that change with increased development.
  - a. The Town of Wells' current open space provisions for new subdivisions requires 35% of open space preservation (with a density bonus for providing 50% or more), which has allowed the Town to preserve over 11 years, at almost 78 acres per year. While this is significant, the town may also benefit from other forms of open space planning (bike paths, pocket parks, tree cover in areas of dense impervious surfaces such as downtown, etc.).
5. Many of the goals, policies and implementation strategies identified or recommended for land use relate to other chapters and subjects, such as transportation, housing, or natural resources. For example, a goal may be to use open space to provide sustainable transportation methods (walking, biking) between residential areas and tourism heavy areas such as the beach and Route 1 commercial areas. We encourage the town to set goals that do overlap between chapters.

# Chapter 6 - Land Use Policies and Strategies

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## Introduction

The Comprehensive Plan's Land Use Policies and Strategies describe goals, policies, standards, and implementation strategies to guide the location, intensity, and quality of land ~~use~~use in Wells over the next ten years.

## Goals

### State Goal:

1. Encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing development sprawl. (Growth Management Act)
2. Safeguard the State's agricultural and forest resources from development which threatens those resources. (Growth Management Act)

### Regional Goal:

(None specific to land use patterns.)

### Wells Goals:

1. Wells has a balanced pattern of land use that respects its diverse natural, cultural and historic resources.
2. Encourage growth that is respectful of the Town's village, rural and beach/waterfront areas.
3. Impact of new growth on environmental, open space and fiscal resources is minimized.
4. Growth does not exceed the capacity of municipal facilities and services.
5. The identities of the Town and its neighborhoods are maintained and enhanced.

## Policies

To achieve these goals, it is the policy of the Town of Wells to:

1. Promote a general pattern of development that maintains and enhances the land use, character, and living environments of the Town including the high-density beach/waterfront area, the Route 1 mixed-use corridor, the suburban style neighborhoods and the farm and forest rural areas. To accomplish this policy the Town will:

- a. Identify areas for growth that would include residential areas and areas where public infrastructure can service a high density of development;
  - b. Restrict development in critical rural areas;
  - c. Encourage commercial and industrial uses in appropriate locations;
  - d. Encourage and preserve tourism-related industry east of Route 1;
  - e. Preserve beach/waterfront residential neighborhoods
2. Protect and enhance Wells' small-town rural character by ensuring that new development is consistent with the character of the Town, promotes amenities that reinforce the Town's character, protects the scenic value of the Town's beaches, marshes, rivers and rural roads, and protects historic areas of the Town.
  3. Consider a variety of regulatory and non-regulatory mechanisms to accommodate growth while protecting the Town's rural character.
  4. Monitor and manage the impacts of residential growth to ensure that such growth does not unduly strain public facilities and services. This includes studying alternative methods of managing growth and financing public improvements required by new growth, such as: a differential growth cap, Transfer of Development Rights (TDR), Purchase of Development Rights (PDR), Impact Fees and other innovative planning tools.
  5. Encourage higher standards for infrastructure development in the Town's commercial and municipal center in the Route 1/109 area.
  6. Direct growth into areas designated in the Future Land Use Plan as growth or transitional areas.
  7. Manage residential development outside of village areas to assure it is consistent with the character of Wells by:
    - a. Adopting and revising land use regulations that recognize the capacity of natural and man-made systems within the Town;
    - b. Restricting development in areas where public facilities such as water, sewer, and roads are not available or are not adequate to service the development unless the services are upgraded; and
    - c. Requiring provision of open space and recreational lands as part of new, large subdivisions that are commensurate with the size of the development and that optimize opportunities to connect with town wide and regional open space and recreational resources.
  8. Maintain and promote small-scale commercial activities and uses along the Route 1 Corridor assuring that expansion of existing commercial uses or development of new commercial enterprises adhere to the following guidelines (Per Corridor Plan adopted by the Town in April 2000):

- a. Ensuring the scale and nature of the development is compatible with adjacent uses.
  - b. Encouraging signs that are consistent with the scale of the development and do not hinder views to the waterfront.
  - c. Instituting appropriate access management techniques to maintain a safe roadway system by minimizing curb cuts on major transportation routes.
  - d. Ensuring that US Route 1 remains with two travel lanes by promoting transportation alternatives and other traffic routes.
9. Direct business and industrial growth and expansion to locations that minimize impact to the Town's natural and historical environment and adjacent neighborhoods by adopting and implementing guidelines for landscaping, buffering, building design, lighting, and parking.
  10. Identify specific areas that could be zoned or re-zoned to accommodate light industrial or business development based upon the suitability of the area and access to arterial roadways.
  11. Assure the long-term protection of land that is in forestry or agriculture through both regulatory and non-regulatory means.
  12. Continue to protect, manage and enhance the Town's open space and resource conservation areas.
  13. Establish new and implement existing master plans for Town-owned lands to determine their most appropriate long-term uses.
  14. Examine feasibility of acquiring land for a potential future Maine Turnpike interchange in the Moody/Tatnic Road area.
  15. Designate distinct "critical rural," "rural" and "growth" areas based on the guidelines of Maine's Growth Management Act.

### **Critical Rural Areas**

Critical rural areas encompass areas in the community that contain valuable natural, historic or visual resources that are in need of a higher level of protection.

### **Rural Areas**

Rural areas include areas of the community that:

- a. Consist of large, contiguous open spaces, farmland, and forest land;
- b. Are relatively free of sprawling and strip development along roads; and
- c. Are not physically suitable for accommodating future high density residential or commercial uses.

## Growth Areas

Growth areas include areas in one of three categories:

1. Developed Areas – Areas that are essentially built out and will only experience incremental or infill growth in the foreseeable future.
2. Existing Growth Areas - Areas already designated as residential, commercial or industrial zones on the existing zoning map that have some capacity for future growth.
3. Transitional Areas – Areas that are not part of established residential, commercial or industrial areas on the existing zoning map that:
  - a. Are located in proximity to existing residential or commercial areas of Wells;
  - b. Are physically suitable for development or redevelopment;
  - c. Contain sufficient area to accommodate planned growth and development; and
  - d. Enable a compact, clustered, rather than sprawling, pattern of development.

**Note: The following policies were identified in the Comp Plan Review Criteria Rule (Chapter 208) and we recommend considering them.**

1. Coordinate the Town's land use strategies with other local and regional land use planning efforts.
2. Support the locations, types, scales, and intensities of land uses the community desires as stated in its vision. (Note: this statement should be refined following committee visioning on future land use goals).
3. Support the level of financial commitment necessary to provide needed infrastructure in growth areas.
4. Establish efficient permitting procedures, specifically in growth areas.
5. Protect critical rural and critical waterfront areas from the impacts of development.

**Note: The following policies are suggested policies for the Committee to consider during the future land use visioning process and for potential incorporation into the Land Use Chapter policies list.**

1. Support affordable housing and/or the rehabilitation of low-income and moderate-income properties through land use code provisions.
2. Support providing senior housing for the Wells' senior population through land use code provisions.
3. Consider the connectivity of land and trails among land use areas in Wells and fund conservation opportunities accordingly.
4. Consider sustainable transportation connectivity among land use areas in Wells and fund conservation and/or transportation projects accordingly.
5. Protect historical and archaeological resources through land use code provisions.

**Note and question for committee: This section from the 2005 plan may be partially or**

**wholly relevant. We suggest the committee revisits this while visioning for an updated Future Land Use plan. Is this something the committee would like to prioritize?**

## Definition of Land Use Districts by Type

The following table lists districts classified as non-growth and growth areas in the Future Land Use Plan.

Non-Growth Areas		Growth Areas		
Critical Rural Areas	Rural Areas	Developed Areas	Existing Growth Areas	Transition Areas
CR 1 – Fenderson Wildlife Commons	R1 – Rural Area Previously Defined	BB – Beach Business	RA – Residential A	T1 – Moody
CR 2 – The Heath/West Brook Corridor	R2 – Chapel Road Rural Extension	RB – Residential Beach	RC – Residential / Commercial	T2 – Community College
CR 3 – Tatnic Hills/Mt. Agamenticus Area	DR – Developed Rural	RD – Residential Drakes Island	H – Harbor	T3 – Burnt Mill
CR 4A – Branch Brook Aquifer Travel Time <200 days			GB – General Business	T4 – Hobbs Farm
CR 4B – Branch Brook Aquifer Recharge Area			LI – Light Industrial	T5 – Crediford Limited Commercial
CR 5A – Webhannet River Corridor			QM – Quarry Manufacturing	T6 – Limited Industrial
CR 5B – Merriland River Corridor			TC – Transportation Center	
CR 5C – Ogunquit River Corridor				
CR 5D – Lower Branch Brook Corridor (not in Recharge Area)				
CR 6 – Existing Resource Protection Districts				

## Tools to Define Rural and Critical Rural Areas

The Town of Wells wants to protect its rural and critical rural areas in ways that respect the rights of property owners. As such, the base minimum lot size of 100,000 square feet (2.30 acres), or 40,000 square feet if located east of the Maine Turnpike and connected to public sewer will remain intact throughout the Town's rural areas (Town Code, Chapter 145, Article V, 145-30). Instead of increasing the base lotsize, there are four mechanisms being suggested to control the character of growth in the ruralareas of Wells:

1. Stronger standards for clustering and open space preservation in rural subdivisions in areas where preservation of large undeveloped blocks is a priority. Stronger clustering standards would limit the visual and environmental impacts of development in such keyareas of Wells.
2. In areas where protection of water resources is a priority, wetland areas will be excluded from lot sizes, so the 100,000 square foot minimum will apply to a net lot sizeand not the gross lot size.
3. Maximum allowable lot coverage in some proposed Critical Rural Areas (all impervious surfaces) will be reduced below the 20% coverage now allowed in standardrural areas.
4. In areas with key water resources, land uses and septic systems will be limited tomitigate negative impacts on these resources.

**Note: We recommend removing this paragraph, as the Growth Management Committee is no longer active. The longer section on the Growth Management Ordinance and Committee found later on in this chapter has also been identified for removal.**

~~In addition to these recommended zoning-related provisions, the Growth Management Committee will be tasked with examining other regulations and incentives to mitigate the impacts of growth in the rural and critical rural areas of Wells. This Committee will, within three years of this plan's adoption, develop alternative strategies that will replace the Town of Wells' existing system of growth management.~~

~~As outlined in Policy #4 and Implementation Strategy #7, these alternative strategies mayinclude: a differential growth cap, Transfer of Development Rights (TDR), Purchase of Development Rights (PDR), Impact Fees and other innovative planning tools.~~

**Note: We recommend including the following paragraph explaining the role of Maine's Growth Management Program in municipal comprehensive planning, and how it is relevant for the Wells Comprehensive Planning update.**

Maine's Growth Management Program (GMP) is a set of guiding regulations that were implemented to encourage orderly growth and growth planning. The program requires municipalities to form a comprehensive plan that includes defined section criteria and policy development based upon state goals. A comprehensive plan must include an actionable



implementation strategy section. These guidelines are meant to assist with the uniform and controlled growth at the state, region, and town levels moving forward and allow for some level of standardization in comprehensive plans between municipalities. The states GMP requirements were used as a guide in the updating of the 2005 Wells Comprehensive Plan (Maine State Growth Management Program 2020).

**Comment: Has this played a role in the Town's Land Use planning and regulation amendments in the past 15 years? Would the committee like to revisit this information, and/or incorporate into future land use planning efforts?**

## **Critical Rural Areas**

In all critical rural areas, the base minimum lot size of 100,000 square feet will be kept intact. However, as discussed above, growth will be limited and controlled in these areas through a mix of regulatory and non-regulatory mechanisms. The suggested Critical Rural districts and provisions for each are listed below.

### **Critical Rural 1 – Fenderson Wildlife Commons**

Geographical Description – The area surrounding the Fenderson Wildlife Commons property, stretching from the growth area along Route 109 to the Perkins Town area. This area encompasses a large and contiguous block of mostly undeveloped land that abuts mostly undeveloped land in the Town of Sanford.

#### Land Use Standards

- Maximum lot coverage: 15%
- Required 50% open space preservation for all new residential subdivisions
- Where possible, new residential subdivision units shall be served by community water and sewer systems
- If property to be developed abuts an existing open space, the new open space must abut it
- No new roads will be accepted by the Town of Wells
- No private roads may result in the connection of existing public or private roads
- Vegetated buffers must be maintained along existing public and private roadways

### **Critical Rural 2 – The Heath/West Brook Corridor**

Geographical Description – An area beginning at the Wells Heath property along Routes 109 and 9A stretching along the West Brook Corridor into Perkins Town and along the proposed trail corridor connecting the Heath with Fenderson Wildlife Commons. This district includes mostly undeveloped corridor running several miles from the North Berwick town line to Route 109.

#### Land Use Standards

- Maximum lot coverage: 15%
- Required 50% open space preservation for all new residential subdivisions
- Where possible, new residential subdivision units shall be served by community water and sewer systems
- If property to be developed abuts an existing open space, the new open space must abut it

- No new roads will be accepted by the Town of Wells
- No private roads may result in the connection of existing public or private roads
- Vegetated buffers must be maintained along existing public and private roadways

### **Critical Rural 3 – Tatnic Hills/Mt. Agamenticus**

Geographical Description – A series of undeveloped backland areas located south of Route 9 and west of Hiltons Lane. This area contains several unfragmented blocks of habitat land, some of which abut other unfragmented blocks in the Town of South Berwick.

#### Land Use Standards

- Maximum lot coverage: 15%
- Required 50% open space preservation for all new residential subdivisions
- Where possible, new residential subdivision units shall be served by community water and sewer systems
- If property to be developed abuts an existing open space, the new open space must abut it
- No new roads will be accepted by the Town of Wells
- No private roads may result in the connection of existing public or private roads
- Vegetated buffers must be maintained along existing public and private roadways

### **Critical Rural 4A – Branch Brook Aquifer Travel Time <200 days**

Geographical Description – The portion of the Branch Brook Aquifer Recharge Area with a contaminant travel time of less than 200 days. This area includes the most critical locations in Wells for protection of groundwater, as Branch Brook is the public drinking water source for the Town (as well as for Kennebunk and Kennebunkport).

#### Land Use Standards

- Cluster developments are prohibited
- Wetland areas deducted: 100%
- Maximum lot coverage: 10%
- Require 400-foot septic system setback from Branch Brook
- Require 250-foot building setback from Branch Brook
- Establish controls over the use, handling, and storage of chemical or petroleum products
- Prohibit fuel sales
- Prohibit animal husbandry or agricultural uses that produce animal wastes

### **Critical Rural 4B – Branch Brook Aquifer Recharge Area**

Geographical Description – The balance of the Branch Brook Aquifer Recharge Area that lies outside the 200-day contaminant travel time zone.

#### Land Use Standards

- Cluster developments are prohibited
- Wetland areas deducted: 100%
- Maximum lot coverage: 10%

- Establish controls over the use, handling and storage of chemical or petroleum products
- Prohibit fuel sales
- Prohibit animal husbandry or agricultural uses that produce animal wastes

**Critical Rural 5A – Webhannet River Corridor**

Geographical Description – A corridor along the Webhannet River stretching from the estuary, across Route 1 and west to the Boston & Maine Railroad right-of-way.

Land Use Standards

- Cluster developments are prohibited
- 250-foot building setback (200’ under current zoning)
- Wetland areas deducted: 100%
- Maximum lot coverage: 10%

**Critical Rural 5B – Merriland River Corridor**

Geographical Description – A corridor along the Merriland River, stretching from the estuary to Route 109 where it joins the Heath/West Brook Critical Rural Area.

Land Use Standards

- Cluster developments are prohibited
- 250-foot building setback (200’ under current zoning)
- Wetland areas deducted: 100%
- Maximum lot coverage: 10%

**Critical Rural 5C – Ogunquit River Corridor**

Geographical Description – A corridor along the Ogunquit River from the estuary to the South Berwick town line.

Land Use Standards

- Cluster developments are prohibited
- 250-foot building setback (200’ under current zoning)
- Wetland areas deducted: 100%
- Maximum lot coverage: 10%

**Critical Rural 5D – Lower Branch Brook Corridor (not in Recharge Area)**

Geographical Description – A corridor along Branch Brook beginning below the Aquifer Recharge Area (at about where Route 1 crosses Branch Brook), running to the estuary.

Land Use Standards

- Cluster developments are prohibited
- 250-foot building setback (200’ under current zoning)
- Wetland areas deducted: 100%
- Maximum lot coverage: 10%

**Critical Rural 6 – Existing Resource Protection Districts**

Geographical Description – The existing RP district areas in Wells. Many of these areas fall within the borders of the newly defined Critical Rural areas but others, especially the Merriland, Webhannet and Ogunquit River estuaries are outside the Critical Rural areas. The purpose of these districts is to protect and preserve fragile environmental areas from intrusions that would upset ecological systems or pose as public health and safety problems (Town Code, Chapter 145, Article V, 145-32).

#### Land Use Standards

- Development is already severely restricted using present standards

### **Rural Areas**

All areas located outside of growth areas and critical rural areas will remain as standard rural areas to preserve the open, rural character of the land that correspond with the Town's existing Rural (R) zoning district. The dimensional and use standards already in place for the R district are recommended to remain intact. However, stronger standards for clustering in subdivisions are recommended to better protect the character of these areas.

The existing R district will be reduced in size by the proposed Critical Rural and Transitional Areas. The only location where the R district is proposed for expansion is for a forested parcel located on the north side of Chapel Road that is currently in the RC district. This area is one of the few large parcels located east of the Turnpike that is registered as Tree Growth in the Current Use Taxation program. Also, its location between York County Community College, the Route 1 corridor and the Town Hall/High School area makes it a potential future area for trails and green space.

The Developed Rural area comprises the Perkins Town section of Wells. While no changes are recommended to land use standards in this area, it was designated as such to recognize the fact that substantial suburban-scale development has already taken place here.

### **Developed Growth Areas**

The developed areas of Wells consist of its coastal residential and business areas. These areas correspond with the current boundaries of the Residential Beach (RB), Residential Drakes Island (RD) and Beach Business (BB) zoning districts. Although these areas are identified as growth areas, the supply of undeveloped land is extremely small, thus limiting the possibility of future growth. The existing dimensional and use standards for these three districts are recommended to remain the same to retain the intended New England family resort character and provide lodging facilities and other services to tourists and residents (Town Code, Chapter 145, Article V, 145-22-25).

## Existing Growth Areas

Existing Growth Areas correspond with established, non-rural zoning districts in Wells that have capacity for future growth. The purposes of Existing Growth Areas range from medium-density residential development to commercial or industrial uses (Town Code, Chapter 145, Article V, 145-21-29). No changes are recommended for the standards of these districts. There are seven existing zoning districts that fall within the Existing Growth Area definition:

1. Residential A (RA)
  2. Residential/Commercial (RC)
  3. Harbor Commercial (Harbor)
  4. General Business (GB)
  5. Light Industrial (LI)
  6. Quarry Manufacturing (QM)
  7. Transportation Center (TC)
- Existing dimensional and use standards for all of these districts are recommended to remain intact. In the two mixed-use areas (RC and GB), clustering will be encouraged, allowing residential development to occur on lots as small as 10,000 square feet for one-family dwellings (Town Code, Chapter 145, Article V, 145).

**Note: The Residential Cluster Development was last amended in 2016, and below are some possible standards to consider.**

### Residential Cluster Development

Residential cluster developments are intended to provide more efficient uses of land, resulting in the preservation of natural land forms, wetlands, wildlife and waterfowl habitats, significant vegetation and agricultural lands, other natural resources, and historical sites (Town Code, Chapter 145, Article VIII, 145-49).

### Land Use Standards

- Permitted in all zoning districts where residential development is allowed
- Minimum requirement of 35% open space and significant natural features
- Minimum lot size may be reduced to 20,000 square feet, and may be reduced further if served by public sewer.

**Note: We recommend deleting this section on Transportation. Aspects of it are outdated (the transportation center was built) and additional transportation information is covered in the Transportation chapter and appendix.**

### ~~Transportation Center District~~

~~The Transportation Center District was created and approved by the Town in 2004. A Comprehensive Plan amendment was simultaneously passed. Since it is a newly-designated zoning district, the contents of the 2004 amendment are included in this update. Changes to the 2004 language have been made as appropriate to reflect the present situation, but the purposes and standards of the amendment have not been altered.~~

~~Transportation Center. Under new zoning the Transportation Center is~~

envisioned to be a small-scale, mixed-use commercial area that would complement the new multi-modal Wells Transportation Center facility. Prior to 2003, this area was zoned as Light Industrial with a small portion zoned as both Residential-Commercial and Mobile Home Park Overlay.

Area Included. The area of a new Transportation Center zoning district focuses on the Wells Transportation Center facility. The boundaries are the Maine Turnpike to the east and the rail line to the south. Directly related development on the other side of the Turnpike is not feasible. Development of uses south of the rail line but related to the Transportation Center would only be possible with some sort of crossing, bridge or tunnel; none of which is envisioned or feasible at this point in time, and certainly not within the ten-year planning period.

The northern boundary for a new district is Route 9/109 (Sanford Road).

In order to include all of the Transportation Center access road and the current Turnpike Authority lands in the district, and also to provide for transportation-related development to the west of the western access road, it is envisioned that the longest line segment of the existing LI boundary in that location would be extended in a straight line to Sanford Road to become the western boundary.

As the Town continues to address the need to improve traffic circulation throughout the Transportation Center District area of Route 9/109, adjustments to the District may be considered.

This is a standalone zoning district. With a new, straight-line western zoning district boundary as described above, the present Rural district zoning would remain unchanged and a small portion of the existing Residential-Commercial district would become Transportation Center district. The existing Mobile Home Park Overlay is envisioned to remain as it is at present and would simply be an overlay of the new Transportation Center district instead of Residential-Commercial.

Desired Uses. The Transportation Center zoning district permits mixed uses aimed toward customers of the multi-modal Wells Transportation Center. Uses include those customarily associated with serving the needs of customers of a multi-modal transportation hub, such as: informational kiosks, sale of convenience items (e.g., toiletries, candy, newspapers, prepared foods, souvenirs), gas stations, restaurants, hotels, motels, conference facilities with associated food service, travel agencies, ATM's, bicycle rental, car rental, self storage, and offices & facilities of transportation providers. Certain uses previously allowed under the existing Light Industrial district regulations continue to be compatible with the Transportation Center development and are allowed (some of which may be types of activities noted above): Office Business, Service Business, Motor Vehicle Rental, Municipal Facility, Commercial Parking Lot, Public Utility Facility, Standard Restaurant, Fast Food Restaurant, and Transportation Facility. Implementing regulations include

criteria for the review and consideration of restaurant drive-through service.

Land Use Guidelines. Development of the transportation center will benefit from more dense and more intensive development, but the regulations should still provide for open areas and landscaping. The plan envisions a density of development and lot coverages similar to (and no greater than) those in the existing General Business District regulations for properties served by public sewer [that is 20,000-sq. ft. minimum lot size and 65% lot coverage]. The district should promote car parking to the rear of developments and provide for buffering of car parking with vegetative and/or non-vegetative landscaping. Building setback distances from Route 9/109 should be limited so as to provide for construction of parking and ancillary facilities to the rear (away from the traveled way) of new buildings. Forty feet is what was recommended in the April 2002 plan. Setbacks from the internal access road can be less than along Sanford Road due to the size of the district, lower speeds of travel, and so as to generate a more pedestrian scale. Landscaping and sidewalks within the front setback should be required and also within the side or rear setback areas if those areas abut the access road.

Transportation and traffic management will be critical to successful development at the transportation center. How to regulate and design the relationship of commercial development to the flow of traffic to/from the Turnpike, along Route 9/109, and to/from the Transportation Center itself will be issues for thoughtful cooperation between developers, landowners, the Turnpike Authority and the Town. They will also deserve careful consideration by the Planning Board in reviewing site plan and subdivision proposals.

Promoting access to and from commercial developments within the transportation center makes sense in terms of "access management". Obviously, that will be the only practical means of access for development that does not have frontage on Route 9/109. Further, for lots that front on Route 109, utilizing the access road will not only facilitate the type of development sought by the town but also provide a safer and more effective means of controlling traffic via the existing traffic signal. Without long-term rights to access that road, promoting development that must use that road will be necessarily hindered. Coordination with the Turnpike Authority will be necessary to accomplish it. The zoning ordinance provides for buffering and screening to protect the residences in the mobile home park presently to the west of this area.

Water & Sewer. Due to the limited land area, the limited capacity of soils there to function efficiently with large-scale septic systems, and the potential for negative impacts on Crediford Brook, the existing public sewer service which has already been extended past the turnpike for the train station must be utilized to promote and serve the development within the Transportation Center Zoning District. Public water should also be provided (through the sleeves currently existing within the turnpike overpass) to promote and serve development of the Transportation Center. This is consistent with the Public Utilities goals and policies found in Chapter 13 of this plan.

**Comment for committee: As mentioned at the beginning of this section, we recommend the committee review the transitional areas section during any future land use visioning.**

## **Transitional Areas**

Transitional areas are locations that are presently zoned for rural uses and densities that the Future Land Use Plan suggests become areas that are redesignated to accommodate future residential, commercial, or industrial uses (as appropriate for each area). Recommended changes in these areas concern minimum lot size, lot coverage and other dimensional standards, as well as allowable uses.

There are six suggested Transitional Areas described below.

### **Transitional Area 1 – Moody**

Geographic Description – Includes all areas south of Route 9B and east of the Maine Turnpike that are currently in the Rural (R) zone, with the exception of the area abutting the Ogunquit River, that is recommended to be part of Critical Rural Area 5C.

Land Use Standards – This area has already seen substantial residential development and needs to be prepared for a potential interchange with the Maine Turnpike, should that come to fruition. Improving access in this area is a priority as well, with a particular need to encourage road connections among new and existing residential developments in order to reduce traffic on Route 1. The following recommendations are made for this area's land use standards:

- Require road and pedestrian connections among new and existing residential developments
- Require water and sewer line extensions for new developments
- Coordinate with developers to facilitate locations of new roads
- Maintain 20% lot coverage but allow an additional 5% for pedestrian facilities
- Reduce minimum lot size from 100,000 to 40,000 square feet with public water and sewer
- Allow a mix of residential and business uses

### **Transitional Area 2 – Community College**

Geographic Description – An area located to the south of Chapel Road and adjacent to the General Business (GB) district, including the York County Community College property and several adjacent commercial and undeveloped properties.

Land Use Standards – The YCCC campus is very important to Wells' economic development needs and may need to expand in the future, possibly to accommodate student housing. This area may be able to accommodate a future roadway that could connect Chapel Road to Mile Road, potentially easing the burden of beach traffic on Route 1. There is already a substantial amount of lodging and transient housing in this area. The following recommendations are made for this area's land use standards:



- Increase allowable lot coverage from 20% to 40%
- Define student housing as “A room or suite of rooms leased to a post-secondary student for a period of ten months or less.”
- Allow all types of student, transient and seasonal housing
- Continue to allow lodging units

### **Transitional Area 3 – Burnt Mill**

Geographic Description – Contains the area located just south of the Merriland River and east of the Maine Turnpike that is currently zoned Rural Residential (R).

Land Use Standards – This corridor has access to the Route 1 corridor and is already located adjacent to developed residential, commercial and industrial areas. As with the Moody area, alternative means of automotive and pedestrian access are needed in this area to support future growth. The following recommendations are made for this area’s land use standards:

- Require road and pedestrian connections among new and existing residential developments
- Require water and sewer line extensions for new developments
- Coordinate with developers to facilitate locations of new roads
- Maintain 20% lot coverage but allow an additional 5% for pedestrian facilities
- Reduce minimum lot size from 100,000 to 40,000 square feet with water and sewer
- Allow a mix of residential and business uses

### **Transitional Area 4 – Hobbs Farm**

Geographic Description – An area located along Meetinghouse and Burnt Mill Roads, adjacent to the existing RA zone along the Route 109 corridor.

Land Use Standards – This area is already experiencing residential growth and is expected to see additional development in the future. However, it is located west of the Turnpike in a semi-rural area. Therefore, the type of growth desired for this area is of a large-lot variety. No changes to dimensional or use standards are recommended—the transitional area designation is simply a means of recognizing how this area is undergoing change.

### **Transitional Area 5 – Crediford Limited Commercial**

Geographic Description – A strip of land located on the west side of Crediford Road (Route 9A), adjacent to the Wells Heath property. This area includes several former gravel pits now owned by the Town of Wells.

Land Use Standards – This area is proposed for a potential business park and other limited commercial development. Its location adjacent to the Wells Heath makes it less suitable for intensive commercial growth, so development in this area will need to be restricted somewhat. To develop this area to its full potential, extensions of

water and sewer lines would be necessary. However, this area is located more than a mile from the end of existing utility lines, and extending lines may prove to be very difficult. The following recommendations are made for this area's land use standards:

- Allow a mix of residential, business and civic uses
- Enact strong access management standards to limit the number of curb cuts on Crediford Road (Route 9A).
- Restrict impacts of lighting in this area on the Wells Heath
- Require that parking facilities are designed in ways that limits their stormwater runoff and that minimizes visual impacts
- *Assuming the use of wells and septic tanks:*
  - Increase maximum lot coverage from 20% to 30%
  - Maintain existing minimum lot size of 100,000 square feet
- *If public water and sewer services are available:*
  - Increase maximum lot coverage from 20% to 40%
  - Reduce minimum lot size to 40,000 square feet

### **Transitional Area 6 – Limited Industrial**

Geographic Description – A narrow area located adjacent to the existing LI zoning district, just to the south of the town landfill and just to the west of the Maine Turnpike.

Land Use Standards – This area is located between the town landfill and a recently-approved residential development. It has environmental constraints, particularly in regard to the availability of drinking water. To ensure that this area balances economic potential with environmental constraints, the following recommendations are made for this area's land use standards:

- Allow limited light industrial uses that produce only minor environmental impacts
- Prohibit all residential uses
- Prohibit the drilling of subsurface wells for drinking water
- Ensure proper buffering from adjacent residential properties

residential, commercial or industrial uses (as appropriate for each area).

Recommended changes in these areas concern minimum lot size, lot coverage and other dimensional standards, as well as allowable uses.

## RECOMMENDATIONS FOR MANAGING GROWTH

**Question for the committee: The Residential Growth Ordinance expired in 2008. The 2005 plan indicates that a new system to replace the Growth Ordinance was desired. Does the committee want to prioritize replacing or planning for the replacement of the ordinance?**

### **The Function of the Existing Residential Growth Ordinance**

For the past 25 years, the Town of Wells has had in place a residential growth ordinance that has set a limit for the amount of new housing units that may be built in any one year. Section 10 of the Inventory outlined the rationale for the Town of Wells' growth ordinance. The primary purpose of slowing the rate of growth in the Town has historically been to maintain a predictable level of growth. The effect of predictability is that the Town has been able to continue to keep up with the additional public capital and operating costs brought on by new residential development.

Even with this limit in place, Wells still added 467 housing units from 2000 to 2003, which is more than all but one other municipality in York County (Saco added 489). As discussed in the Inventory, the actual rate of development from 2000 through 2003 has set a pace for Wells to probably exceed its 2015 State Planning Office population projection by at least a year or two.

Without the growth limit in place, the present rate of growth in Wells would undoubtedly be higher. As pressure for residential development has mounted since 2000, the current annual growth limit of 132 units has been reached for the past two years and there is now a waiting list for both subdivision and single lot development in the Town. In addition, the Town settled a lawsuit in November 2004 by agreeing to exempt 131 lots in a previously approved subdivision from the growth limit. Finally, as of February 2005, projects totaling 277 proposed new subdivision lots are currently under review by the Planning Board and the Town Planner expects to receive applications for as many as 100 more lots by mid-2005.

Adding up all of these potential new units produces a picture of a Town facing tremendous pressure to grow. In sum:

- With a two year waiting list for growth permits, demand exists for 264 units to be built right now (132 per year);
- An additional 131 lots have recently been exempted from the growth cap and may be built right away;
- Another 277 new lots are in the pipeline (with up to 100 more expected in the immediate future);
- Therefore, it can be reasonably estimated that there is an immediate demand to build as many as 772 housing units in the Town of Wells.

Even at the historic growth rate of between 100 and 132 units per year, the Town already faces a long list of potential capital expenditures. As the Capital Investment Strategy outlines, capital projects totaling about \$23 million have already been identified just to serve the Town's needs at its current growth rate. If the annual growth rate were to increase by a factor of four or greater, the capital needs of the Town would

grow even larger.

The Town of Wells understands clearly that it must move away from a town-wide growth cap. However, given the current demand and the known capacity limitations, the town cannot prudently eliminate the growth cap without having another growth management system in place. It is that rationale which demands that the Town of Wells continue the current growth cap on a strictly temporary basis. As described in Strategies 7 and 8 at end of this chapter, upon adoption of the plan the Town Selectmen would appoint a Growth Management Committee to develop and recommend for adoption a new system of growth management. The temporary cap would be extended for up to a three-year period for this system to be developed and adopted at town meeting.

### **A New System is Needed**

While the growth ordinance has effectively protected Wells from having to address the potential fiscal consequences of unfettered development, the ordinance has not served to reinforce the Town's Comprehensive Plan or its Zoning Ordinance. As Figure 8 shows, residential development in the Town has occurred in a relatively haphazard fashion, with high concentrations of new construction in many rural areas of the Town. Several areas current zoned Rural (Perkins Town, Tatnie Hills, the area west of Route 1 near Moody) have seen a great deal of new development since the early 1990s.

The general conclusion of the Comprehensive Plan Improvement Task Force recognizes that the existing Residential Growth Ordinance may not be the most effective way to manage growth. However, the Task Force feels that zoning alone will not adequately control future residential growth and development. Thus, a new system for growth management is needed in Wells.

### **Recommendation: Appoint a Growth Management Committee to Oversee the Transition to a New System**

The Comprehensive Plan Improvement Task Force has considered a variety of options regarding the management of residential growth in Wells in the context of the Comprehensive Plan Update. It is clear to the members of the Task Force that this issue will require more intensive study than what can be adequately addressed in a Comprehensive Plan. Thus, the Task Force recommends that, as an immediate implementation action, the Board of Selectmen appoint a special Growth Management Committee.

The responsibility of the Growth Management Committee will be to develop alternative strategies to the existing Residential Growth Management Ordinance (growth cap). The Committee will be asked to examine the potential of growth management strategies such as: a differential growth cap, Transfer of Development Rights (TDR), Purchase of Development Rights (PDR), Impact Fees (e.g., stormwater management, transportation, open space) and other innovative planning tools.

~~In conducting its work, the Growth Management Committee must understand the goals and policies of the Land Use chapter of the Comprehensive Plan. Specifically, the strategies developed by the Committee must reinforce the distinctions of growth, transitional, rural and critical rural areas put forth in this plan. The Committee must also pay heed to any changes to state statutes or rules regarding the management of growth to ensure that Wells' ordinances are in compliance.~~

~~The Growth Management Committee will be given a maximum of three years from the adoption of the Comprehensive Plan to complete its work. Within the three-year period, the Committee will develop an alternative system to the present Residential Growth Ordinance and present it to Town Meeting for a vote. The present numerical limitation on residential growth will be phased out in conjunction with the implementation of an alternative growth management system.~~

~~In the interim, the existing Residential Growth Management Ordinance will remain in place as a **temporary** means of limiting the pace of growth. As discussed above, Wells already must plan for about \$23 million in capital investments at its current pace of growth. The Comprehensive Plan Improvement Task Force has concluded that removing the growth cap without having an alternative strategy in place would result in a large spike in the growth rate that would place an undue strain on the Town's finances.~~

## **Standards**

To achieve these policies, the following are Town of Wells' standards to guide development:

1. Existing Town Land Use and Subdivision Ordinances and the desired uses and land use guidelines noted above.

## **Implementation Strategies**

1. Amend the Wells Land Use Ordinance consistent with the Land Use Policies, desired uses and land use guidelines.
2. Establish a program to identify, select and prioritize appropriate lands in critical rural areas for open space protection and possible acquisition.

### **Note: We suggest the following addition to this strategy.**

3. Work with the Wells Conservation Commission, State and Federal entities and private land trust and conservation organizations to assemble a database of parcels suitable for protection based upon guidance policies established by the Conservation Commission. The parcels should focus on Town Natural Resource, Land Use, and Transportation goals, such as establishing protected lands for salt marsh migration due to rising sea levels or parcels that will provide sustainable transportation links such as bike paths or pedestrian commuter paths.

4. Maintain, and enhance where possible, the scenic views and corridors along the easterly side of Route 1 that incorporate coastal waters and marshes.
5. Work with owners of agriculture and forestry lands so they are aware of, and kept up to date with, Maine “current use” programs and encourage the donation or sale of land or conservation easements to the Town or conservation organizations.
6. Manage the development of public infrastructure and facilities in a manner that limits development pressure in rural and critical rural areas.

**Note: The town should revisit or delete the following two strategies. They are no longer relevant.**

- ~~7. Appoint a Growth Management Committee to develop alternative strategies to the existing Residential Growth Management Ordinance (growth cap) within a three-year period from the adoption of the Comprehensive Plan. The Committee will examine the potential of growth management strategies such as: a differential growth cap, Transfer of Development Rights (TDR), Purchase of Development Rights (PDR), Impact Fees and other innovative planning tools.~~
- ~~8. Temporarily maintain the existing Residential Growth Ordinance for a period of no more than three years while the Growth Management Committee works to implement an alternative system to replace it.~~

**Note: The following policies were identified in the Comp Plan Review Criteria Rule (Chapter 208) and we recommend considering them.**

- ~~8. Assign responsibility for implementing the Future Land Use Plan to the appropriate committee, board, or municipal official. **Note: the responsibility could be assigned in existing implementation strategy #1.**~~
- ~~9. Using the descriptions provided in the Future Land Use Plan narrative, maintain, enact or amend local ordinances as appropriate to: **Note: the committee should keep these guidelines in mind as the revisit the Future Land Use plan.**~~
  - ~~a. Clearly define the desired scale, intensity, and location of future development;~~
  - ~~b. Establish or maintain fair and efficient permitting procedures, and explore streamlining permitting procedures in growth areas; and~~
  - ~~c. Clearly define protective measures for critical natural resources and, where applicable, important natural resources.~~
  - ~~d. Clearly define protective measures for any proposed critical rural areas and/or critical waterfront areas, if proposed.~~
- ~~10. Periodically (at least every five years) evaluate the implementation of the plan in accordance with Section 2.7 (bullet #9 directly above).~~
- ~~11. Include in the Capital Investment Plan anticipated municipal capital investments needed to support proposed land uses.~~
- ~~12. Meet with neighboring communities to coordinate land use designation and regulator and non-regulatory strategies.~~
- ~~13. Provide the code enforcement office with the tools, training, and support necessary to enforce land use regulations, and ensure that the Code Enforcement~~

Officer is certified in accordance with 30-A M.R.S.A. §4451.

14. Track new development in the community by type and location.

9. Direct a minimum of 75% of new municipal growth related capital investments into designated growth areas identified in the Future Land Use Plan.

**Note: The following policies are suggested implementation strategies for the Committee to consider during the future land use visioning process and for potential incorporation into the Land Use Chapter strategies list.**

1. Develop and open space plan for the Town of Wells.

2. Encourage the participation and comments from the conservation commission on public and private plans for open space.

3. Continually assess existing and future Town-owned lands based upon conservation, recreation, and facility needs.

4. Update ordinances regarding floodplains following the release of updated FEMA maps in 2022.

# Section 8 -- Land Use

## A. FORESTRY AND AGRICULTURAL LAND

### Forestry

Much of the undeveloped area of Wells is in forest. A significant amount of land is being actively managed as forest land or is enrolled in the Tree Growth Tax Law or the Maine Tree Growth taxation program. ~~A total of almost 4,000 acres on 131 different parcels are covered by the tree growth program.~~ As of 2021, 4,034 acres across 67 parcels of the land within Wells are enrolled in the Tree Growth Program. These lands are restricted from development while in the program and subject to a timber management plan. The Maine Forest Service compiles data on timber harvest based on end of year landowner reports. In Wells, from 1991 -2018, a total of 12,669 acres of timber were harvested, at an average of 452 acres per year. 88% of the harvest was selection harvest, 10% was shelterwood harvest, and 2% was clearcut harvest (DACF – Maine Forest Service). The holdings range from approximately 10 acres to 286 acres, with 10 owners controlling 100 acres or more. The current average size of parcels in the program is 30.5 acres, reflecting a trend toward smaller individual parcels in the program

The Soil-Natural Resources Conservation Service rates soils for forest ~~production~~productivity. Productivity is based on the total yield of wood per hectare of mature trees, indicating the potential productivity of the soils for wood crops. Soils rated as for productivity for wood crops are found largely west of Route 1. The Town contains a limited amount of area with soils rated as very good for tree production. These soils are located primarily along Branch Brook, in the Hobbs Brook area, near the Merriland River, along the Sanford town line and around the Green River in the southern part of Town. In addition, large areas of the Town have soils which are capable of supporting commercial forestry use.

### Agriculture

As stated in the Town Code, agriculture is defined as the business of producing or raising plants and crops, including gardening for commercial use, greenhouses not for wholesale business, tree farms, and nurseries. Timber harvesting is not included within the scope of agriculture, nor is the extraction of water for agricultural use (Town Code, Chapter 145, Article V, 145-10). The use of land for agricultural purposes in the Town has diminished over the years. There is still a small amount of land in active agricultural production, including the Spiller Farm and Chick Farm and Rigby farms in Wells Branch, ~~the Merriland Ridge farm on Route 9, Hilton's farm on the Tatnic Road,~~ and a number of horse farms in the Tatnic area. As of ~~2004~~2021 there are ~~17~~22 parcels encompassing ~~1,028~~071 acres of land within Wells enrolled in the ~~Farm and~~ Open Space Tax ~~Act~~program and 21 parcels encompassing 931 acres enrolled in the Farmland Tax Program. These parcels only account for about three percent of the Town's total land area.



The U.S. Department of Agriculture has identified those soil types that are highly suited for agricultural purposes. This land is divided into two categories, prime farmland and farmland of statewide importance. ~~prime farmland and agricultural soils of statewide significance~~. The Town has a very limited amount of prime farmland soils. ~~These are~~ located primarily in the Bragdon ~~farm area~~ Road area adjacent to the town border with North Berwick, and in the Wells Branch area. ~~There is also a limited amount of soils of statewide significance primarily in these same areas~~. Large areas of the town are considered farmland of statewide importance, including the northwestern half of the town and land between Interstate 95 and Route 1.

## **B. RECENT DEVELOPMENT PATTERNS**

### **Residential Development**

**Note for committee: This section may be slimmed if the committee is interested in only discussing trends in land subdivision activity in the past 20-30 years. We have added information on recent subdivision activity within the town but have left historical summaries.**

During the 1970s, Wells experienced a large amount of land subdivision activity. The 1980 Comprehensive Plan identified 73 approved subdivisions in Wells with a total of 1,790 lots during this period. These subdivisions were scattered throughout the Town. Almost half of the subdivisions and almost 60% of the approved lots were located east of the Maine Turnpike in Moody, along Route 9-B, near Route One and near Cozy Corner. The remaining subdivisions were located west of the Turnpike concentrated in the Perkinstown-Ell Pond area, the High Pine-Route 109, scattered along the 9-B area, the Bragdon Road area and Wells Branch. This activity created a substantial inventory of approved lots in Wells.

During the 1980s the level of subdivision activity was significantly lower than that experienced during the 1970s. From January 1980 through August 1988, the Town approved only 19 subdivisions with 5 or more lots and a total of 217 approved lots—less than 15% of the lots approved during the period from 1970 to 1980. Most of this activity occurred in the area west of the Turnpike. During this same period, the Town approved 5 condominium projects with a total of 71 units and the Stephen Eaton elderly housing project with 40 units of subsidized housing for older and handicapped households.

While the level of new subdivision approvals slackened during the 1980s, the Town continued to experience significant development of new housing. Much of this development occurred as single-family housing on the inventory of lots created during the subdivision boom of the late 1970s. Between January 1, 1980, and September 1, 1989, the Town issued building permits for approximately 850 to 900 new single-family homes. In addition, the Town issued permits for approximately 125 new housing units in multifamily structures. Over this same period, permits were issued for locating approximately 200 mobile homes. During this period, the Town had a growth ordinance in effect that limited construction to a maximum of 132 new units per year.

During the early part of the 1990s the level of subdivision approvals and building permits continued to remain static. The pace of development picked up in the latter part of the decade. The level of subdivision activity was much higher than the previous decade. In 1999 alone there

were more subdivision lots approved (245) than during the nine-year period between 1980 and 1988 (217). The bulk of these lots occurred in two developments: The Forest (120 lots) and Spinnaker Ridge (54 lots).

Subdivision activity ~~has actually~~ slowed ~~since in the early 2000s~~, partly in response to the abundance of lots approved in 1999. ~~Between 2000 and 2003, In the four-year period of 2000 through 2003,~~ there were just 122 new subdivision lots approved in Wells, an average of 30 per year. ~~As of~~ ~~Subdivision developments picked up again later in the 2000s; in~~ 2004, there ~~were~~ are an estimated 152 approved but unbuilt subdivision lots in the town. ~~However, in 2010, only 2 subdivision lots were approved, significantly less than the 99 subdivision lots approved the year prior in 2009.~~ Similar to the previous decade, much of this subdivision activity occurred west of the Maine Turnpike, although there was significant subdivision activity between US Route ~~One-1~~ and the Turnpike in the Burnt Mill Road area and the Moody area between Tatnic and Edgewood Roads.

~~On the other hand, the number of building permits for single and multifamily housing was limited to a certain extent by the Growth Ordinance. Between 1995 and 2003 there were 794 growth permits issued. The lowest year was 1997 with 62 permits issued. The highest was 2003 with the maximum of 132 permits issued. See below for more discussion about the Growth Ordinance.~~

~~From 2010 – 2019, an average of 47 subdivision lots (63 dwellings) were approved every year. The year with the most subdivision lots approved was 2015 (150 lots), and the year with the lowest number of lots approved was 2011 (4 lots). In total, 423 lots were approved (571 dwelling units). From 2010-2019, 994 single family building permits were approved for an average of 124 building permits per year.<sup>1</sup> During this time period, in total, 747 acres of open space were designated to meet the open space land use code requirements for the developments, for an average of 83 acres per year. In 2020, the trend seen during the previous decade was continued; 51 new lots were approved (93 dwelling units) and 160 new single family building permits were approved. Approximately 100 acres of open space were designated in 2020. From 2010-2020, an average of 1.2 acres of open space were created for every dwelling unit.~~

## Non-Residential Development

During the 1980s, Wells experienced a substantial increase in transient/tourist housing accommodations. In 1985 and 1986, the Town approved over 700 units in condo-hotels. The Town also approved 10 motel developments during the 1980s with a total of 329 rooms. Virtually all of this development occurred in the Route ~~1-One~~ Corridor or at Wells Beach.

Wells experienced a large amount of commercial development between 1980 and August 1988. The industrial park saw Shaw's construct a 240,000 square foot distribution center in 1983 and a 230,000 square foot expansion in 1987. During this period, the Town approved over 100,000 square feet of retail and office construction primarily in the Route ~~One-1~~ area. Since 1988, the Town has approved the construction of a new supermarket at the intersection of Route ~~One-1~~ and

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<sup>1</sup> 2010 data is not included in building permit summaries.

the Mile Road adjacent to the existing shopping center.

~~By comparison during the early part of the 1990s commercial development was not as rapid during the 1980s.~~ While non-residential growth has been steady since the middle 1990s, it generally has been smaller scale. There ~~have been~~were two additions to the Spencer Press and smaller retail growth such as Rite Aid and Canon Factory Outlet. One of the most significant non-residential developments ~~has been~~was the York County Technical College.

~~Since 2000~~In the early 2000s, there ~~has been~~been growing reinvestment in older commercial properties in the Route 1 corridor. The Ames department store shut down in 2002, but was redeveloped as a Marden's store that opened in 2004. As Wells' residential base continues to grow other aging shopping centers and stand-alone commercial properties will likely become more attractive for reinvestment.

**Comment: We recommend deleting this section as it appears to no longer be current (Chapter 175 of Wells Town Code expired in 2008).**

## ~~Residential Growth Management Ordinance~~

~~In 1980 Wells adopted a Residential Growth Management Ordinance (presently Chapter 175 of the Municipal Code) to limit the number of residential building permits for new dwelling units in a given year. The ordinance has been modified three times since then: in 1986, 1993 and 2003, to be more reflective of the growth situation at that time and to provide a more efficient and equitable system for managing the issuance of residential growth permits. This ordinance was adopted in an effort to provide for a predictable residential growth rate so that the Town could reasonably plan for community facilities and services such as education, fire, police and roadway maintenance and construction, while protecting valuable natural resources and open space. The Town recognizes that protection of its natural resources enhances its attractiveness for tourism and natural resource-based industries.~~

~~At present, the limit on the number of permits is 132 per year with no more than 11 being issued Town of Wells, Maine — The Comprehensive Plan — Appendix A — Page 65~~

~~in any one month. This growth ordinance has monthly lottery system that further limits the type of permit issue. It allows up to four permits per moth for non-subdivision dwelling units and seven for dwelling units in subdivisions. There are exemptions from the growth ordinance for accessory dwellings, affordable housing units and elderly affordable units. Any individual or corporation building an affordable unit also receives an exemption for one non-affordable unit. From 1993 through 2002, the limit was never reached. In 2003, however, the maximum number of subdivision growth permits was reached. As of September 2004, the waiting time for a growth permit in subdivisions is at about two years.~~

~~There are now 16 other communities in York county with similar such ordinances. There has been some question about the legality of these regulations. Though the state Supreme Court upheld the Town of Eliot's growth ordinance in a 2000 case, the Maine Legislature has amended state statutes on these types of ordinances. The State Planning Office's interpretation of the~~

~~legislation now requires towns to make a strong need-based case for maintaining growth caps. A change to the state statute in 2002 explicitly encourages municipalities to make use of differential growth caps that limit growth in rural areas but encourage growth in urban or urbanizing areas.~~

~~With this in mind, an analysis of the fiscal issues related to Wells' need to maintain its residential growth cap can be found in the Fiscal Capacity chapter (Chapter 10).~~

## **C. CURRENT LAND USES**

### **Introduction**

This element of the Comprehensive Plan Update focuses on existing land uses in Wells. The pattern of land use in Wells gives the community its special character. This character is also shaped by a variety of natural, historical, and cultural features that are intertwined with Wells' historical pattern of growth. The traditional settlement pattern that defines much of Wells' character consists of a major highway corridor with associated commercial, retail and institutional uses, several commercial/residential village centers, one industrial park, scattered residential neighborhoods, and rural areas that are marked by single family housing, agricultural lands and forested areas.

In addition to an understanding of the Town's natural resource opportunities and constraints, an analysis of existing uses is necessary to plan for future growth and change. The accompanying maps and discussion of land use trends help to determine where development has occurred to date and where it is likely to occur in the future. Comparison to existing zoning districts is provided and inconsistencies are identified. This information identifies the needs and problems associated with growth in accordance with the Town's current land use ~~regulations~~regulatory and management system.

### **Residential Land Use**

Residential land use in Wells is by far the largest use of developed land—about ~~10,300~~ 12,800 acres on ~~more than about 5,000-5,500~~ parcels, representing approximately 34.29% of Wells' total land area. ~~This includes the~~

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~~approximately 400 parcels coded as Waterfront by the Wells Assessor's Office and 68 parcels coded as Residential Condominium.~~ Waterfront parcels are primarily seasonal, but have become increasingly populated by year-round residents ~~in the past few years.~~ See **Table 241, Summary of Wells Land Use Data.**

The pattern of residential use in Wells is quite similar to the pattern that was noted in the 1990 and 2005 Comprehensive Plans. ~~In that plan rural subdivisions and centers with established development patterns were considered as one category. Given the additional rural subdivisions that have occurred in the last decade, it would seem appropriate to distinguish it from the established centers. Thus, the~~ IL and devoted to residential purposes generally falls into five

broad categories:

- beach development
- development in the Route 1 corridor on public water and sewer
- rural subdivisions
- centers with established development patterns
- scattered rural residential uses along existing roads.

The Land Use Map provides an indication of those areas in which these patterns dominate. The existing residential development on Drakes Island, Wells Beach, and Moody Beach is relatively high density (~~more than five units per acre~~) on small lots. The average residential use parcel size in this area is just under a quarter of an acre (approximately 4-5 homes per acre). The majority of these structures are ~~one single and two~~-family homes. These areas are virtually fully developed, with only a small number of vacant, buildable lots. ~~These neighborhoods are quite stable.~~

Residential use in the Route 1 corridor, located along Route 1 and east to the beachfront residential area, varies widely in terms of type and density. Most of these areas are serviced by public sewerage and water. The majority of housing in this area have parcel sizes of a half-acre or less. Furthermore, more than 75% of the parcels are less than one acre. The average parcel size is approximately three-quarters of an acre. Though there are some older areas in the corridor that are built at at higher densities (4-8 units per acre), the bulk of housing in the area is newer housing built at densities of about two units per acre. Housing type varies from single-family homes to multi-unit condominium and apartment developments. There is a higher percentage of multi-family or residential condominiums in the Route 1 corridor than in the beach areas.

West of US Route 1 and the Maine Turnpike there is a greater variety of residential development, but in general it tends to be at a lower density. The size of individual residential parcels is higher than that of the Route 1 corridor or the beach areas, as the average residential parcel size West of Route 1 is approximately 4 acres. There are a number of locations with established residential development areas around the older rural centers. These include such centers as Wells Branch ~~and~~, High Pine, and Hobbs Crossing. These rural centers contain many historic structures on small lots that were developed as railroad villages. ~~Though they are built at higher densities, they lack public water or sewer and often have concerns about environmental resources (particularly in Wells Branch), which can threaten surrounding water resources.~~

Throughout the remainder of the Town, there is a significant amount of scattered residential development along existing public roads. This development is predominantly low density and has on-site septic disposal and water supply.  
Generally, Subdivisions and residential clusters built have been built further from old village centers over the last several decades. Development in the rural areas of Wells is often dependent on on-site water supply and septic disposal, although those closer to Route 1 may have public water and sewer.

~~Over the past several decades there have been more and more relatively large residential subdivisions approved that tend to be more scattered and further from the older village centers than prior to this period. In addition, there are a number of newer (built since 1960) densely developed areas in rural Wells such as Perkins Town and the Route 109/Wire Road area.~~

~~Development in the rural areas of Wells is often dependent on on-site water supply and septic disposal, although those closer to Route 1 may have public water and sewer. The predominant housing type in these areas is single-family homes with a small number of two-family or multifamily units.~~

~~Throughout the remainder of the Town, there is a significant amount of scattered residential development along existing public roads. This development is predominantly low density and has on-site septic disposal and water supply.~~

**Table 24**  
**Land Use Summary**

Use	Number of Parcels	Total Acres	% of Town
Residential Single-Family	5,020	10,045	28.4%
Residential Condominium	68	244	0.7%
Commercial/Industrial	435	3,422	9.7%
Public	219	2,959	8.4%
Other Exempt (Churches, non-profit)	106	1,818	5.1%
Farm/Open Space	17	1,028	2.9%
Tree Growth	131	3,989	11.3%
Vacant	1,116	11,847	33.5%
<b>Total Land</b>	<b>7,112</b>	<b>35,353</b>	<b>100.0%</b>
<i>Source: Wells Assessor Office, 2004</i>			

**Table 1.** Land use summary by land use description, including number of parcels, approximate total acreage, and percentage of total town acreage (source: Town of Wells Land Use base layer).

<u>Use Description</u>	<u>Number of Parcels</u>	<u>Approximate Total Acres</u>	<u>Percentage of Town</u>
<u>Commercial</u>	<u>260</u>	<u>1,279</u>	<u>4%</u>
<u>Industrial</u>	<u>69</u>	<u>1,254</u>	<u>3%</u>
<u>Multi-Family/Residential Condominium</u>	<u>442</u>	<u>1,619</u>	<u>4%</u>
<u>Non-profit/Utilities</u>	<u>113</u>	<u>2,163</u>	<u>6%</u>
<u>Single Family</u>	<u>5,016</u>	<u>11,207</u>	<u>30%</u>
<u>State of Federal Property</u>	<u>144</u>	<u>1,776</u>	<u>5%</u>
<u>Town Property</u>	<u>114</u>	<u>1,806</u>	<u>5%</u>
<u>Vacant</u>	<u>1009</u>	<u>14,435</u>	<u>39%</u>
<u>Other</u>	<u>620</u>	<u>1,327</u>	<u>4%</u>
<b><u>Total Land</u></b>	<b><u>7,787</u></b>	<b><u>36,866</u></b>	<b><u>100%</u></b>

## Commercial/Industrial Land Use

Commercial use of land in Wells occurs in ~~four~~<sup>two</sup> principal areas:

- Wells Beach along Mile Road/Wells Harbor
- ~~the~~ Route One ~~corridor~~Corridor
- Maine Turnpike Interchange location (Exit 109)
- Routes 9 and 109

~~The use of land for industrial establishments is limited to the Spencer Industrial Park between Route 109 and the Burnt Mill Road east of the Maine Turnpike. There are a few contractors and similar uses in other areas of the Town.~~

~~In addition, there are a small number of commercial uses scattered in other areas of the Town, a number of which are associated with the traditional service centers or arterial state roads such as Routes 9 and 109.~~ Commercial/industrial use comprises ~~2,5323,422~~ acres of Wells or approximately ~~7%~~<sup>10%</sup> of the Town's land area. This amount includes extractive uses located in more rural areas of the town in addition to the commercial and industrial parcels east of the Maine Turnpike.

The Wells Beach commercial area along Mile Rd consists of tourist-related uses including motels, restaurants, and shops, as well as small retail uses servicing the residents of the beach area. The intensity of use is high, but the overall area of commercial use is small and concentrated around Casino Square at the eastern end of Mile Road. The Wells Harbor area supports both marine--commercial and recreational uses. This area contains a marina and associated facilities, a restaurant and public parking lots. The average commercial use parcel size in this area is 0.32 acres.

The densest and most expansive commercial use areas in Wells are along the Route 1 corridor, with an average parcel size of 5.2 acres. The Route One commercial area runs from the Ogunquit Town line to Cozy Corner (Route 9 intersection to Kennebunk). The commercial character of this area varies from segment to segment. From Cozy Corner to south of Drakes Island Road is an intensely developed stretch with a variety of commercial uses, including motels, campgrounds, and retail uses. To the south of this area is a segment with limited commercial development. Within this area, the historical building character has been maintained, even though many older properties have been converted

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to commercial use. The area in the vicinity of Wells Corner is extensively developed for commercial uses and to a limited extent functions as the center of the Town. This area includes a mix of retail, restaurant, public, and motel uses.

The area of Route 1 north and south of the Mile Road is the most intensely developed portion of the corridor. This area includes the Town's major shopping facilities, fast food establishments, retail uses, restaurants, and motels. The southernmost section of the Route 1 corridor is centered on the Moody area and is only moderately developed for commercial use. Uses include motels, campgrounds, offices, and scattered retail uses.

There are a number of commercial activities west of the Maine Turnpike. The main areas of commercial activity are around the Maine Turnpike Interchange (Route 95) where the Wells Transportation Center and storage unit buildings are located, as well as ~~Although they are not concentrated in any specific area, there are commercial uses at the intersection of along Routes 9 and Route 109, along and Route 9B in the High Pine area, and in Perkinstown.~~ These uses are predominantly ~~local businesses serving local markets.~~ There are a variety of commercial uses in this area. These scattered commercial lots are on average larger (approximately 9 acres) than those located East of Route 1.

The use of land for industrial establishments is mostly located west of the Turnpike, with the exception of limited to the Spencer Industrial Park between Route 109 and the Burnt Mill Road Road which uses currently include a Shaw's Supermarket warehouse facility, a UPS distribution center, and other industrial establishments east of the Maine Turnpike. ~~There are a few contractors and similar uses in other areas of the Town, including around the Maine Turnpike Interchange, a mining operation along Route 9 near the North Berwick town line, and along route 109 near Saywards corner.~~

There are several active gravel pits in Wells, mostly in the western portion of the Town. These facilities are a major source of sand and gravel for the York County area. A major facility for the processing and handling of earth material (sand, gravel, quarry stone, and pavement production) currently is operated by Pike Industries and is located off Route 9 and the Boyd Road near the North Berwick town line.

~~The western portion of the Town contains a number of areas with sandy and/or gravelly soils. These areas are a resource and may be the focus of additional extractive efforts in the future. The utilization of this resource may present conflicts with residential use.~~

## **Open Space and Recreational Land Uses**

Wells has a significant amount of land that is permanently committed as open space. The Town of Wells owns several parcels of land dedicated to open space and recreational use, including the multipurpose fields on Route 9A (~~68-66~~ acres), the Fenderson Wildlife Commons along the Sanford town line, ~~land near Ell Pond (over 400 acres),~~ and the Wells ~~Heath-Great Haith~~ property (~~500-335~~ acres). In addition, the Town is a ~~major~~ landholder (~~245 acres~~) within the Wells National Estuarine Research Reserve, which is approximately ~~1,600~~2,250 acres in total (Wells National Estuarine Research Reserve Management Plan, 2019). Further lands held in conservation include: KK&W Water District (1,384 acres), Nature Conservancy (631 acres), Great Works Land Trust (1,159 acres), and the York Land Trust (156 acres). There are approximately 6,331 total acres of conservation land within the town of Wells (17% of total area) (Table 2).

The state and federal governments are also major owners of open space in the Town. The State owns an approximately 200 acres parcel of land adjacent to Laudholm Farm. ~~This land was acquired with the intention of developing a state park. It is now being~~which is used as part of the Wells Reserve, although there is public beach associated with this parcel. The Rachel Carson National Wildlife Refuge is also a major owner of land within the community. The refuge has acquired approximately ~~865-1,620~~ acres of coastal wetlands and adjacent upland in Wells and continues to



acquire upland fringe areas adjacent to the wetland in an effort to protect wildlife habitat. These lands are also included in the Wells Reserve.

There are a number of other dedicated open spaces within Wells. ~~There are more than 200 acres of open space land that qualify for state's Farm and Open Space Tax Act under 36 MRSA Sec. 4401. Within Wells, 1,071 acres are enrolled in the Open Space Tax Program.~~ These are public-private partnerships between the York Land Trust, the Great Works ~~Town of Wells, Maine~~ ~~The Comprehensive Plan~~ ~~Appendix A~~ ~~Page 70~~

Regional Land Trust, the Nature Conservancy and the Town of Wells. ~~In addition, t~~The Wells Reserve Management Authority also owns land adjacent to the Wells Reserve. ~~In addition, a~~As part of new subdivisions, a number of areas have been set aside as common open space. From 2009 through 2020, approximately 1,716 acres of open space were set aside from new subdivisions (Town of Wells). ~~These include land in the Hamlin Brothers subdivision, Canterbury Manor, Jeremy Cobb Estates, Ocean 18, and Spieebush. The Kennebunk, Kennebunkport and Wells Water District owns four parcels of land in the Branch Brook watershed for the purpose of protecting the water quality of Branch Brook. The Wells Ogunquit Little League has playing fields on Route 9 near the public works garage.~~

~~Wells also has substantial ocean frontage—about five miles.~~ In addition, tThere are about five miles of publicly owned beach frontage in Wells. Public access to the beaches is available at four different locations, as outlined in Chapter 4.

**Table 2. Total acreage of conserved land in Wells, by holder.**

<u>Holder</u>	<u>Approximate Total Acres</u>
<u>Kennebunk, Kennebunkport and Wells Water Districts</u>	<u>1,058</u>
<u>Great Works Regional Land Trust</u>	<u>939</u>
<u>Laudholm Trust &amp; Wells National Estuarine Research Reserve</u>	<u>287</u>
<u>Maine Bureau of Parks and Lands</u>	<u>188</u>
<u>Maine Department of Inland Fisheries and Wildlife</u>	<u>20</u>
<u>Maine Department of Marine Resources</u>	<u>87</u>
<u>Maine Minor Civil Division</u>	<u>1,431</u>
<u>The Nature Conservancy</u>	<u>574</u>
<u>US Fish and Wildlife Service</u>	<u>1,628</u>
<u>York Land Trust, Inc.</u>	<u>119</u>
<b><u>Total Acreage</u></b>	<b><u>6,331</u></b>

### **Municipal Lands**

The Town of Wells owns approximately ~~11449~~ properties that have associated lands that range in size from 0.17 acres (the Boy Scout Hall) to 127 acres (Transfer Station/closed Landfill)-parcels, totaling 1,806 acres of 4.9% of the total land area. Uses of town owned facilities include the Transfer Station/Closed Landfill. ~~Other facilities include the~~ Town Hall site, Town Hall annex, the Town gravel pit on the Burnt Mill Road, public works garage site, and beach parking areas and accesses. The town also owns a number of vacant parcels of land for municipal use, conservation purposes, and for buffer or right-of-way use. ~~In total there are 553 acres of Town-owned land or 1.5% of the land area.~~

In addition, the Town also owns a number of parcels that are not currently used for municipal purposes. The Town should review these parcels to determine their potential for municipal or conservation purposes.

## **Forestry and Agricultural Land**

The inventory of forestry and agricultural land is discussed in detail under Heading A above.

## **Analysis**

Residential development has continued to increase throughout the Town of Wells over the last few decades and continues to be the largest use of developed land in the town. Wells has continued to experience high rates of subdivision growth over the past 10 years, mainly west of Route 1. The majority of new subdivisions approved each year are single-family homes, with one dwelling per lot. This pattern of development requires the Town to increase public services in these previously rural areas. The densest area of development continues to be the residential homes adjacent to the beaches and coastline.

Expanded development in previously rural areas presents conflicts of interest to traditional natural resource industries such as farming, timber, and gravel extraction. While there is substantial acreage in farm and timber current use programs, these areas are still subject to continuing demand for additional residential and commercial development. In addition development in rural areas can threaten natural resources. Nonpoint source pollution from increased stormwater runoff and impervious surface or malfunctioning septic systems in developed areas pose development related threats to the towns natural resources.

In addition, continued intensive development of the Route 1 corridor for commercial uses and lodging has changed the character of this area and has contributed to traffic problems on Route 1. For the past several decades, residential development activity has been spread over the entire geographic extent of the community. Most new single-family housing, which has comprised the bulk of new housing in Wells, has occurred in the western portion of the community in areas that were previously rural in character. This pattern of development has required the Town to increase public services in these areas. It has also resulted in conflicts between traditional natural resource industries, such as gravel extraction and residential uses.

At the same time, the trend toward more intensive development of the Route One 1 corridor for commercial uses and lodging has changed the character of this area and has contributed to traffic problems on Route One 1. While there is substantial acreage in farm and timber current use programs, these areas are still subject to continuing demand for additional residential and commercial development.

Wells has three distinct types of existing character: rural, village and tourist-related. It should be a priority of the Town to maintain the distinctions among these three very different types of places. In addition, the Town will need to continue to monitor mineral extraction (including sand and gravel) activities to not only ensure that they minimize environmental impact, but also to ensure that future non-extractive uses in these locations are compatible with the community's

~~long-term~~long-term goals and policies for these areas.

Lastly, the Town may want to consider creating a system of tracking development that allows it to be used as a current and future planning tool.

~~As the Town continues to grow and change, a better system of tracking development needs to be created. The best tool for tracking change is the assessor's database. While the assessor's database is very effective at fulfilling its primary purpose—determining property assessments—it is presently not currently compatible with efforts to use it as a planning tool. Current land use codes that are useful for planning purposes need to be added to the database, as does information regarding the inventory of approved but unbuilt subdivision lots.~~