

2018

# Town of Wells Ordinance Amendments

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**An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells  
to Require Building Design and Construction Standards  
in a portion of the Route One Corridor North of the Intersection of Route 109**

**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 Require Building Design and Construction Standards in a portion of the Route One Corridor North of the Intersection of Route 109” to read as follows:

**Part 1:** Article V (District Regulations), § 145-24, entitled “Residential-Commercial District” is hereby amended as follows:

G. Special provisions.

(4) ~~Within 500 feet of Route 1, the following architectural requirements shall apply:~~

- ~~(a) Reconstruction of exterior facades and additions to existing buildings shall be in the architectural style of the original building, and the materials used shall duplicate the original or be similar in appearance to the original materials or materials commonly used in the Town when the building was constructed.~~
- ~~(b) New construction shall preserve the character of the district by using external building features which are similar to those buildings in the district constructed in the 18th and 19th centuries. Modern materials which duplicate the appearance of materials used in construction in the 18th and 19th centuries may be used on any buildings.~~
- ~~(c) Any new building shall have a gable, hip, saltbox or mansard roof.~~
- ~~(d) The siding on new buildings shall be wooden clapboard or wooden shingles or materials which duplicate these in shape, texture and appearance.~~
- ~~(e) The roofs on all buildings shall be shingled.~~
- ~~(f) If visible from U.S. Route 1, glass panes in windows and doors, if larger than nine square feet, shall be divided by construction or application into panes smaller than one square foot.~~

(4) Commercial Building Design. Proposed buildings or reconstruction of existing buildings or building additions greater than 50% of the existing building footprint shall conform to the following architectural requirements when any portion of the building is located within 500 feet of the Route One right of way and north of the intersection of Route One and Route 109 and north of the intersection of Route One and Harbor Road:

- a) Reconstruction of exterior facades and additions to existing buildings shall be in the architectural style of the original building, and the materials used shall duplicate the original or be similar in appearance to the original materials or materials commonly used in the Town when the building was constructed.
- b) New construction and reconstruction shall use external building features which are similar to those buildings in the district constructed in the 18th and 19th centuries. Modern materials which duplicate the original or be similar in appearance to the original used in construction in the 18th and 19th centuries may be used on any buildings.
- c) Any new building or reconstructed roof shall have a roof with a minimum slope of 7/12 (30.26 degrees) on 80% of the roof area and the remaining roof shall be greater than a 3/12 pitch (14.0 degrees).

- d) The siding on new buildings or reconstructed buildings shall be wooden clapboard, wooden shingles, brick, stone or materials which duplicate the original or be similar in appearance to the original in shape, texture and appearance.
- e) Roofs shall be shingled, slate, or constructed of materials which duplicate the original or be similar in appearance of materials used in construction in the 18th and 19th centuries.
- f) No internally illuminated signs or electronic message signs shall be permitted.
- g) See §145-76 Design Guidelines established by the Planning Board.

**Part 2:** Article V (District Regulations), § 145-26, entitled “General Business District” is hereby amended as follows:

G. Special provisions.

(3) Commercial Building Design. Proposed buildings or reconstruction of existing buildings or building additions greater than 50% of the existing building footprint shall conform to the following architectural requirements when any portion of the building is located within 500 feet of the Route One right of way and north of the intersection of Route One and Route 109 and north of the intersection of Route One and Harbor Road:

- a) Reconstruction of exterior facades and additions to existing buildings shall be in the architectural style of the original building, and the materials used shall duplicate the original or be similar in appearance to the original materials or materials commonly used in the Town when the building was constructed.
- b) New construction and reconstruction shall use external building features which are similar to those buildings in the district constructed in the 18th and 19th centuries. Modern materials which duplicate the original or be similar in appearance to the original used in construction in the 18th and 19th centuries may be used on any buildings.
- c) Any new building or reconstructed roof shall have a roof with a minimum slope of 7/12 (30.26 degrees) on 80% of the roof area and the remaining roof shall be greater than a 3/12 pitch (14.0 degrees).
- d) The siding on new buildings or reconstructed buildings shall be wooden clapboard, wooden shingles, brick, stone or materials which duplicate the original or be similar in appearance to the original in shape, texture and appearance.
- e) Roofs shall be shingled, slate, or constructed of materials which duplicate the original or be similar in appearance of materials used in construction in the 18th and 19th centuries.
- f) No internally illuminated signs or electronic message signs shall be permitted.
- g) See §145-76 Design Guidelines established by the Planning Board.

**Part 3:** Article V (District Regulations), § 145-30, entitled “Rural District” is hereby amended as follows:

G. Special provisions.

(2) Commercial Building Design. Proposed buildings or reconstruction of existing buildings or building additions greater than 50% of the existing building footprint shall conform to the following architectural requirements when any portion of the building is located within 500 feet of the Route One right of way and north of the intersection of Route One and Route 109 and north of the intersection of Route One and Harbor Road:

- a) Reconstruction of exterior facades and additions to existing buildings shall be in the architectural style of the original building, and the materials used shall duplicate the original or be similar in appearance to the original materials or materials commonly used in the Town when the building was constructed.

- b) New construction and reconstruction shall use external building features which are similar to those buildings in the district constructed in the 18th and 19th centuries. Modern materials which duplicate the original or be similar in appearance to the original used in construction in the 18th and 19th centuries may be used on any buildings.
- c) Any new building or reconstructed roof shall have a roof with a minimum slope of 7/12 (30.26 degrees) on 80% of the roof area and the remaining roof shall be greater than a 3/12 pitch (14.0 degrees).
- d) The siding on new buildings or reconstructed buildings shall be wooden clapboard, wooden shingles, brick, stone or materials which duplicate the original or be similar in appearance to the original in shape, texture and appearance.
- e) Roofs shall be shingled, slate, or constructed of materials which duplicate the original or be similar in appearance of materials used in construction in the 18th and 19th centuries.
- f) No internally illuminated signs or electronic message signs shall be permitted.
- g) See §145-76 Design Guidelines established by the Planning Board.

**Part 4:** Effective Date.

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

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2017.

BOARD OF SELECTMEN OF THE TOWN OF WELLS:

\_\_\_\_\_  
Karl Ekstedt

\_\_\_\_\_  
Kathy Chase

\_\_\_\_\_  
Daniel Hobbs

\_\_\_\_\_  
John Howarth

\_\_\_\_\_  
Timothy Roche

**An Ordinance to Amend Chapter 49 (Personnel Policies)  
of the Code of the Town of Wells to Clarify section 49-13, Eligibility for Benefits**

**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 49 (Personnel Policies) of the Code of the Town of Wells to Clarify section 49-13, Eligibility for Benefits” to read as follows:

**Part 1:** Section 49-13, entitled “Eligibility for benefits” is hereby amended as follows:

**§ 49-13. Eligibility for benefits. [Amended 9-1-2015]**

Regular full-time employees are eligible for benefits as provided herein. Regular part-time employees whose normal workweek is at least 20 hours per week on an annual basis are eligible for the benefits provided on a pro rata basis, except as otherwise provided. Unless these policies provide otherwise, regular part-time employees whose normal workweek consists of 30 to 39 hours per week are eligible for 75% of the benefits available to full-time employees, and regular part-time employees whose normal workweek consists of 20 to 29 hours per week are eligible for 50% of the benefits available to full-time employees. Part-time employees whose normal workweek is less than 20 hours per week, temporary employees and seasonal employees are paid for hours actually worked, including overtime hours when applicable, but are not eligible for benefits except for workers' compensation, Social Security and unemployment compensation insurance as required by law, and as otherwise provided by law. \_

Notwithstanding the Employee Designations set forth in § 49-12 herein, or the eligibility for benefits standards set forth above, temporary and seasonal employees are not entitled to any benefits provided in this Code or in the town personnel handbook, regardless of the hours worked or scheduled weekly or annually. Contract employees are eligible for benefits only to the extent specified in the employment contract or as required by law. Definite-term employees are not eligible for any benefits provided in this Code or in the Town personnel handbook, regardless of the hours worked or scheduled weekly or annually, unless such benefits are specifically approved and granted in writing signed by ~~may be eligible for benefits depending on the nature of the position and the hours worked;~~ the Town Manager at the time of hire or appointment. ~~shall determine eligibility for benefits when such a position becomes available.~~ Upon adoption of this Code provision, the limitations on benefits eligibility set forth herein apply to both current and future employees, as applicable.

**Part 2: Effective Date**

This Ordinance shall take effect 30 days after adoption by the Board of Selectmen.

Given under our hands this 2<sup>nd</sup> day of October, 2018.

BOARD OF SELECTMEN OF THE TOWN OF WELLS:

\_\_\_\_\_  
Karl Ekstedt

\_\_\_\_\_  
Daniel Hobbs

\_\_\_\_\_  
John Howarth

\_\_\_\_\_  
Timothy Roche

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

**An Ordinance to Amend Chapter 212 (Vehicles and Traffic)  
of the Code of the Town of Wells to Clarify and Amend  
Regulations Pertaining to the Use of Roads Abandoned by the Town**

**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 212 (Vehicles and Traffic) of the Code of the Town of Wells to Clarify and Amend Regulations Pertaining to the Use of Roads Abandoned by the Town” to read as follows:

**Part 1:** Section 212-3, entitled “Definitions” is hereby amended as follows:

**ABANDONED ROAD**

A previously public way for which the Town of Wells has approved a notice of presumption of abandonment, pursuant to 23 M.R.S.A. § 3028, as amended, and over which the Town retained a public easement. An abandoned road is not a road that has been discontinued by the Town under 23 M.R.S.A. § 3026-A, as amended.

**MOTOR VEHICLE**

Any self-propelled vehicle not operated exclusively on tracks, including but not limited to motorcycles and all-terrain vehicles (“ATVs”).

**PUBLIC EASEMENT**

The public interest remaining following the Town’s determination that a road has been abandoned. The general public may pass over a public easement by foot but may not pass over a public easement in a motor vehicle, except as allowed by § 212-5(G) of the Town Code.

**SUFFICIENT NUMBER**

The number of owners of real property abutting an abandoned road from whom written permission is required before a gate, bar, or other encumbrance may be placed across an abandoned road.

In the case of an encumbrance to be placed across a section Green Road, Newhall Road, or Hill Road, as further defined in subsection E, below, a sufficient number shall be defined as a majority of all owners of real property abutting Green Road, Newhall Road, **and** Hill Road.

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In the case of an encumbrance to be placed across any other abandoned road, a sufficient number shall be defined the majority of all owners of real property abutting that abandoned road.

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**Part 2:** Section 212-16, entitled "Abandoned Roads" is hereby enacted as follows:

**A. Purpose.** The purpose of this section is to clarify the status and proper use of previously public ways now considered abandoned by the Town of Wells, and to balance the needs of the public to use these roads with the need of private abutting landowners to protect their property from unnecessary destruction. This section does not apply to any road discontinued by the Town of Wells, pursuant to 23 M.R.S.A. § 3026-A, as amended.

**B. Use of Remaining Public Easements.** Following the recording of a notice of presumption of abandonment in the York County Registry of Deeds, no person shall use a public easement in a manner inconsistent with the provisions of Section 212-5(G) of the Town of Wells Code of Ordinances.

**C. Placement of gates, bars, and other encumbrances, on or over abandoned roads.**

(i) No individual may place, install, or otherwise maintain a gate, bar, or other permanent or temporary encumbrance on or over an abandoned road unless and until the same is: (1) approved in writing by a ~~majority~~ sufficient number of all owners of real property abutting such an abandoned road, as defined in this section 212-3 and (2) reviewed by Town Engineer, or the Board of Selectmen's designee.

(ii) No such gate, bar, or other permanent or temporary encumbrance may be approved by the Board of Selectmen unless and until the Board finds that all owners of real property abutting such an abandoned road, as well as the Town of Wells, have been provided sufficient ability to unlock or otherwise pass through such an encumbrance. In the case of any encumbrance placed across any portion of Green Road, Newhall Road, or Hill Road, the Board of Selectmen shall ensure that all owners of real property abutting all three roads have been provided sufficient ability to unlock or otherwise pass through said encumbrance.

(iii) The Town may install and maintain gates, bars, or other permanent or temporary encumbrances on or over abandoned roads at public expense only after: (1) receipt of written permission by the ~~majority~~ a sufficient number of owners of real property abutting such an abandoned road, as defined in this section 212-3, and (2) an affirmative vote of the Board of Selectmen.

~~(iv)~~ Once an encumbrance has been approved and installed as set forth in section D(i) and D(iii) above, the Town, or the Town's designee, may repair, replace, or otherwise maintain said encumbrance without first receiving written permission from any abutting property owners.

~~(v)~~ The Town may expend public funds to perform isolated acts of maintenance on

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an abandoned road only after receiving a written request for such act(s) signed by ~~the majority~~ a sufficient number of owners of real property abutting such an abandoned road. Such a request may be approved by the Board of Selectmen only after written notice has been sent to all abutting property owners, and after a public hearing on the request has been conducted.

**D. Inventory of Abandoned Roads.** The Board of Selectmen or the Board's designee shall keep and maintain a publicly available inventory of all roads deemed abandoned by the Town. This section shall be amended from time to time to reflect updates to said inventory.

Currently, the Abandoned Roads as defined in Section 212-3 within the Town of Wells are as follows:

(i) Green Road, 1,900 feet from the intersection with Hickory Lane to the intersection with Hill Road and Newhall Road;

(ii) Newhall Road, from a point in Newhall road which is 3,520 feet from the intersection of Route 9B (Littlefield Road) to the intersection with Green Road and Hill Road;

(iii) Hill Road, from Tatnic Road to the intersection with Newhall Road and Green Road;

(iv) Sandy Lane, from Route 9A (Branch Road) 1,850 feet more or less to the land of the Maine Turnpike Authority;

(v) Taylor Road (now known as Winchester Road), from Loop Road, southeasterly 2,800 feet more or less to a gate;

(vi) Willow Way (formerly known as Pike Road), from the Merriland River, northeasterly approximately 1,056 feet more or less to the end of the pavement of the remainder of Willow Way.

**E. Violations.** Violations of any of the above provisions shall be prosecuted and subject to fines and penalties according to the terms of § 212-14 of Town of Wells Code of Ordinances, as well as applicable provisions of Maine law.

**Part 3:** Section 212-5, entitled "Operation of vehicles" is hereby amended as follows:

**G.** No person shall operate a motor vehicle on or over an abandoned road, except that an owner of real property abutting an abandoned road, or that owner's licensee or invitee, may operate a motor vehicle on or over an abandoned road for the sole and exclusive purpose of accessing that real property.

**Part 4:** Effective Date.

This Ordinance shall take effect 30 days after adoption by the Board of Selectmen.

Given under our hands this 18<sup>th</sup> day of September, 2018.

BOARD OF SELECTMEN OF THE TOWN OF WELLS:

\_\_\_\_\_  
Karl Ekstedt

\_\_\_\_\_  
Daniel Hobbs

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John Howarth

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Timothy Roche

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Kathleen Chase