

**TOWN OF BALDWIN**  
**PLANNING BOARD MINUTES**  
9/22/16

Attendance: Norm Blake, Jo Pierce, Matt Fricker, David Strock (arrived at 7:04), Nichol Ernst (alt.) and Fred Miner. Various Selectmen, members of the public, and the Code Enforcement Officer also were in attendance.

Public Hearing – at 7:00 pm, Norm Blake, the Chair, called the meeting to order and opened the public hearing on the renewal of CUP #79, which was issued to FE Wood Natural Energy, LLC on January 8, 2015 (a copy of which is attached).

Public comment and discussion ensued.

At 8:00 pm, hearing no further comments or questions from the public, Norm Blake closed the public hearing.

At 8:00 pm, Norm Blake called the regularly scheduled meeting of the Baldwin Planning Board to order.

Matt Fricker, who served as the acting Secretary for the prior meeting, read the proposed minutes for the 9/9/16 Planning Board meeting.

By unanimous consent (David Strock abstained based on lack of knowledge) the Board voted to accept the meeting minutes as read.

**First Item: FE Wood Natural Energy, LLC CUP renewal**

Jo Pierce Recusal: During the public hearing portion of the meeting, Jo Pierce read a prepared statement (a copy of which is attached). The Board had a discussion of the rules and requirements surrounding when a board member is required to be recused from the vote. Norm Blake referenced the State statute's 10% criteria and an article from the Maine Townsman. Members of the Board (and a member of the public) encouraged Mr. Pierce to recuse himself, irrespective of whether or not he had an actual conflict, to avoid any perception of a conflict of interest. Jo Pierce informed the Board that he felt he had provided a full disclosure via the statement. Whether or not required to do so, he stated that he would voluntarily recuse himself from voting on the FE Wood CUP, but he would participate in the discussion of the CUP with the rest of the individuals at the meeting.

The applicant submitted a Site Review Plan Application, the September 11, 2015 letter from Mr. Strock accepting the original Application (a copy of which will be available at the Town Office), and a check for the fee. Norm Blake asked if there were any changes to the materials from the first application. The Applicant said no.

A Motion was made to renew the prior CUP #79 by Matt Fricker, which was seconded by Fred Miner. The Board Chair, Mr. Blake, then asked for discussion of the pending Motion.

Mr. Blake pointedly asked the Applicant whether there had been any changes to the proposed use set forth in the CUP. Tony Wood stated that there were no material changes in the proposal. Mr. Blake informed the Board that he felt the Board should reapprove the CUP with the same conditions as the prior CUP because nothing had changed with the proposal and the Board had thoroughly reviewed the CUP last time.

Mr. Fricker asked for specific details about when the project will start and when a mill would be up and running. The Applicant stated that they anticipate shovels in the ground next spring and an operating plant by the end of 2017. There was a general discussion, which mostly consisted of the Applicant talking, about the various financing issues related to the project, without naming any of the actual participants or the amounts involved.

Mr. Strock asked whether the project would be scaled or built all at once. The Applicant stated that the project would start at about 25% of full capacity, but all the buildings, roads and visible aspects of the project would be built as set forth on the CUP proposal. However, the amount of machinery or equipment that was placed inside the structures would be sufficient to operate at 25%.

Mr. Strock stated that he felt that the Board should re-evaluate the CUP conditions, specifically with regard to inserting an annual compliance condition that would allow the Board to annually confirm that the applicant continued to be in compliance with the CUP, including having the Applicant pay for an expert if necessary. Mr. Blake indicated that there was a provision for the Board to hire experts to initially assess the CUP but he did not recall anything about putting a condition like that in a CUP. Mr. Fricker questioned whether the performance bond provision may be used, but he did not think that the Board should include that type of language in this particular CUP as he had a high degree of comfort in the State and Federal review processes. Mr. Blake stated that currently compliance is enforced when a complaint is made or the CEO notices something out of the ordinary. Mr. Blake suggested a complaint based system, in which the Applicant would hire an expert to assess credible complaints that are made. The Applicant expressed concern about the cost of refuting minor complaints. Mr. Pierce stated that someone could repeatedly put forth nuisance complaints and the provision may force the Applicant to unnecessarily spend money on it. The Applicant inquired whether the Board would be okay relying on the State testing and compliance mechanisms that occur for the various permits the project needs. Mr. Strock indicated that he would not be satisfied by that approach because he wanted someone who represented the Town keeping track of all the compliance issues on an annual basis.

Mr. Strock stated that he wanted to reopen the discussion of the CUP so the Board could re-assess issues, such as the annual compliance check. Acknowledging that the Board did not seem interested in his approach, Mr. Strock suggested that the Board conduct an

informal poll to determine the Board's interest in reopening consideration of the CUP. An informal poll showed that a majority of the voting members of the Board did not favor reopening consideration of the CUP.

The Board agreed that the specific wording of the Motion should be as follows: "Shall the Board approve, as of today's date, a renewal of CUP #79, with all the conditions of the original CUP?" Mr. Fricker (and the rest of the Board voting on it) agreed to adopt that wording for his motion.

The Board Chair, Norm Blake, called for a vote on the pending motion, as stated above. The Motion passed 3 (Blake, Miner, Fricker) to 1 (Strock). Mr. Pierce had recused himself from the vote.

Norm Blake indicated to the applicant that the CUP would be signed by the Planning Board members voting at the next meeting and then transmitted to the applicant. Mr. Blake provided the Secretary a copy of a Site Plan Review Syllabus.

**Second Item:** Flood Plain Maps/Town Vote

Norm Blake informed the Board that he attended a webinar in which the new Flood Plain Maps were discussed, including the fact that the final maps would be available sometime around Christmas in 2018 and needed to be put to a town vote relatively soon after they were released. Norm indicated that he was concerned about the tight time frame between the anticipated release and our town meeting.

**Third Item:** Scott Efron, Nature's Wilderness Resort

CEO Wes Sunderland informed the Board that he continued to expend significant time and energy on the various issues raised by Scott Efron, including potential violations of the Land Use Code. Mr. Sunderland also informed the Board that he continues to encourage Mr. Efron to take advantage of the Planning Board's CUP application process.

David Strock moved, and the Board unanimously agreed, to adjourn the meeting at 8:54 pm.

Sometimes we do things that are not strictly to our advantage but because we are a part of greater communities that ask on us to support them. I live in Baldwin as does one of my children and all of my grandchildren. I also have been part of the forest products industry for a number of years as was my father before me. The town has need of taxable property that does not cost the town more in expenditure than its taxes bring in. The forest products industry needs a market for low quality wood in order for forest management to make financial sense. Seeing the need in both communities for jobs and capital investment my wife and I agreed on June 17, 2016 that we would provide a small amount of working capital for FE Wood Company Natural Energy after their mill is built. At that time we will receive a small percentage of the ownership of the business. This is a short term investment. Having already completed my biblical term of three score and ten years on earth it is an open question whether or not I will ever see any return on my investment. We saw that the company was having difficulties raising the last bit of financing. Knowing that having someone show confidence can help others make positive decisions we became involved. The ownership level will be well below the 10% figure that triggers a requirement for a board member to recuse himself from voting on a matter before the board. To reiterate: Neither my wife nor I own any part of FE Wood Company Natural Energy. If the mill is built and becomes operational we will invest at that time and receive a very small percentage of the business. This statement is meant to clarify my position in the matter before the board.

**CONDITIONS FOR WOODS' MILL**  
**Conditional Use Permit**

1. Standard Conditions, a copy of which are attached.
2. The Applicant shall be required to perform drinking water testing. The Applicant shall test at four (4) off site locations on adjacent properties, including the properties currently owned by G. Reynolds, R. Day, S. McLaughlin, and a site to be determined by the Planning Board. The applicant also shall have a test site on its property.

Testing Procedure: First, a test shall be performed at each site before the Applicant starts construction to establish a baseline. Second, the Applicant shall conduct a test six (6) months after the first test is performed. Third, the Applicant shall perform tests annually on the anniversary of the first test.

Type of Test: All tests shall be at least sufficient to determine that the water is safe for human consumption.

Distribution of Test Results: The Applicant shall supply the test results to the owners of the property on which the test was performed and a copy of each test to the Planning Board.

Any water test required to demonstrate compliance with this condition will be done by an individual mutually agreed to by the Applicant and the Board and will be paid for by the Applicant.

3. Hours of operation: The attached diagram identifies a red area in which Applicant may operate 24 hours a day, seven days a week. Outside of the red area, Applicant may operate from 6 a.m. to 8 p.m., Monday through Friday and 8 a.m. to 6 p.m. Saturday and Sunday. There shall be no activity outside of red area outside of the approved hours of operation.
4. Sound mitigation: Wooden barriers of some kind, a minimum of 16 feet high, placed to mitigate sound in excess of permitted levels, and a maximum sound average of 45 decibels from 7 p.m. to 7 a.m. and 55 decibels from 7 a.m. to 7 p.m., to be measured at the property line in accordance with DEP procedures.
5. Lighting: All lighting shall be pointed inward and downward, using shielded lights and motion controlled lights where practicable.
6. All building stacks and structures to be painted or colored a dark, non-reflective color.
7. Wood Ash Storage: All wood ash storage to be accomplished to prevent ash from blowing, leeching, and other potentially negative consequences of poor storage of ash.

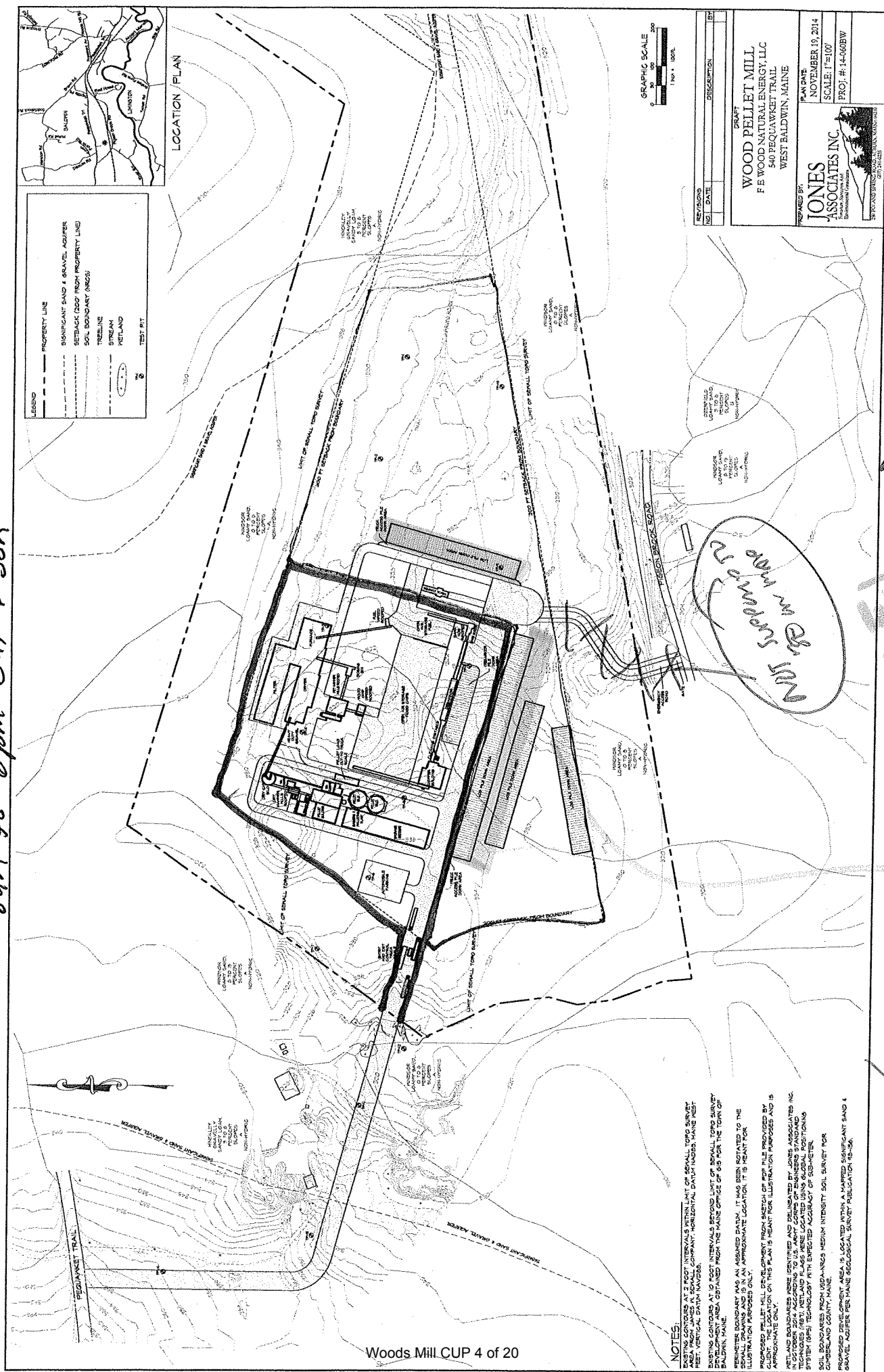
8. The Applicant shall report in writing to Baldwin Fire Department any storage of flammable or hazardous materials.
9. The Applicant shall not have standing traffic in the zone that Town personnel could use to access the sand area. The Applicant must mark such area, which shall be designated by the Baldwin Road Commissioner.
10. Signage: The Applicant shall have a sign no bigger than 20 square feet, with the ability to use both sides of the sign. Any illumination shall not be directed at traffic or directed up in the air.
11. The use must be consistent with stated use in the CUP application, including, but not limited to, the size, intensity of use, and Section B of application, to the extent not expressly modified in this CUP.
12. The size and location of the facility shall be substantially similar to the diagram provided by the Applicant, a copy of which is attached.
13. Access to the facility shall be restricted to the two roads off of Route 113 that were designated in the original submission (one across the Town's property and the other a pre-existing logging road). Main access road shall be up to DOT state highway standards.
14. The Applicant shall not utilize the railroad without returning to the Board to request a modification of the CUP.

## STANDARD CONDITIONS FOR CONDITIONAL USE

**To the Applicant:** These Standard Conditions will apply to your conditional use approval. To the extent applicable, these conditions are *additional to* and supplement any specific provisions which the Planning Board may have imposed upon your approval.

1. The Applicant shall carry on the permitted activity in accordance with the description thereof in the application, and in accordance with the documentary and/or testimonial representations presented by the Applicant in connection with the proceeding. Substantial compliance with the description of the activity and representations is a condition of Approval. Any undisclosed and unapproved use of the premises (even if otherwise accessory to the approved use), or any substantial deviation from the activity or representations described in connection with this Approval shall be deemed a violation of the Land Use Ordinance, and may result in revocation of the Approval.
2. By acceptance of this Conditional Use Approval, the Applicant consents to the inspection by the Code Enforcement Officer of all non-residential areas of the premises at reasonable times (with or without prior notice) for the purpose of determining compliance with the conditions of the Approval or any provision of local, state, or federal law. This consent shall not be withdrawn unless the Applicant abandons the approved use, and notifies the Town in writing delivered to the CEO that the activity will not be resumed without a further approval by the Planning Board. Failure to allow any such inspection by the CEO may result in revocation of the Approval.
3. If the Approval is specifically conditioned upon physical improvement of the premises, obtaining of insurance, or other requirement, the activity authorized hereunder shall not be commenced until the Applicant demonstrates compliance with each of the conditions to the CEO, and receives a certificate of occupancy from the CEO evidencing that all conditions have been met. Commencement of the approved activity prior to obtaining such certification may result in revocation of the Approval. Failure to utilize or maintain such physical improvement, insurance, or other requirement thereafter may result in revocation of the Approval.
4. The Approval shall lapse and become null and void if the use authorized by the Approval is not commenced within one (1) year of the date of approval, or if the use is abandoned for a period of one (1) year thereafter. Where there is good cause for the delay, or the discontinuance, and there is no evidence of intent to abandon the use, these requirements may be extended for additional periods not to exceed one (1) year.
5. The Planning Board may schedule a hearing (upon reasonable notice to the Applicant and the public) to determine whether: there is a violation of the Approval or any the condition thereof (including those contained herein); or any other violation of any provision of local, state, or federal law. If the Board determines that a violation has occurred and is either continuing or is likely to recur, the Board may rescind this approval or take such other action to amend or modify the Approval as the Board deems appropriate to protect the public health, safety, or welfare.

Red 24/17  
 Blue 6am to 8pm Mon-Fri  
 8am to 6pm Sat & Sun



007/10/11/14

all in the  
 200' setback

LOG PILES

EX 6



Town of Baldwin, Maine  
Application for Conditional Use Permit

The Land Use Ordinance of the Town of Baldwin allows the Planning Board to grant a Conditional Use Permit for those uses listed specifically as Conditional Uses in Article 6, District Regulations of the code. Before granting a permit, the Board must find that the standards contained in Article 8, Conditional Uses have been met. It is your obligation to submit the necessary materials to allow the Planning Board to determine if those standards have been met. Three copies of the complete application and supporting materials and the applicable fee shall be submitted to the Code Enforcement Officer.

Section A. Basic Information (to be completed by all applicants)

1. Applicant's Legal Name Dean Wood and Anthony Wood
2. Applicant's Mailing Address 5 Brown Road  
West Baldwin, ME, 04091
3. Phone number where applicant can be reached during business hours 207-286-5003 / 207-210-7805
4. Are you the owner of record of the property for which the Conditional Use Permit is sought?  
 yes (provide copy of title and go to Question 8)  
 no (answer Questions 5, 6, and 7)
5. To apply for a Conditional Use Permit, you must have legal right, title or interest in the property. Please indicate your interest in the property and attach written evidence of this interest.  
Owner, Warranty deed attached.
6. Property Owner's Name Dean Wood and Anthony Wood
7. Property Owner's Address 5 Brown Road  
West Baldwin, ME, 04091
8. Location of property for which the permit is sought Route 113, West Baldwin, ME
9. Indicate the Map and Lot number for the property from the Town's assessment records  
Map 5 Lot 43F
10. Indicate Zoning District in which the property is located (check as many as apply)  
 Natural Resource Protection  
 Highlands  
 Rural  
 Village Commercial

11. List the use for which a Conditional Use Permit is being sought. Please refer to Article 6, District Regulations. The proposed use must be specifically listed as conditional use in the District in which it is located.

Manufacturing, Commercial Wood Processing  
Warehousing, Storage and Distribution

12. Attach the following information to this application as outlined in Article 8, Conditional Uses. For each item, please indicate by checking  that item that it has been included with your application.

- a. A location map showing the location of the property with respect to roadways and major natural features. This map should allow the Board to locate the parcel in the field and on the Town's zoning and tax maps.
- b. A written description of the proposed use of the property. This statement shall describe the exact nature of the proposed use.
- c. An accurate, scale drawing of the lot showing the location of any existing or proposed buildings, structures, and natural features, driveways and parking areas.

### Section B. Standards for a Conditional Use Permit (The full text appears in Article 8.3)

1. The Planning Board shall consider impact:

- a. the size of the proposed use compared with surrounding uses;
- b. the intensity of the proposed use, including amount and type of traffic to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses;
- c. the potential generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances;
- d. unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate adverse impacts upon surrounding properties;
- e. the degree to which landscaping, fencing, and other design elements have been incorporated to mitigate adverse impacts on surrounding properties.

2. The Planning Board shall consider facilities:

- a. the ability of traffic to safely move into and out of the site at the proposed location;
- b. the presence of facilities to assure the safety of pedestrians passing by or through the site;
- c. the capacity of the street network to accommodate the proposed use;
- d. the capacity of the storm drainage system to accommodate the proposed use;
- e. the ability of the Town to provide necessary fire protection services to the site and development.

3. The Planning Board shall consider natural characteristics:

- The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and flood plains, shall not be such that the proposed use when placed on the site will cause undue harm to the environment or to neighboring properties.

### Section C. Shoreland Standards

Section to be completed only if any portion of the property is located within 250 feet of the normal high water mark of Ingalls Pond, Sand Pond, Southeast Pond, Adams Pond or the Saco River or within 75 feet of any stream. For each standard, attach a written statement demonstrating how the proposed use complies with that standard. For each item, please indicate by checking  that item that it has been included with your application. Each standard must be addressed in your submission.

- a. will not result in unreasonable damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
- b. will reasonably conserve shoreland vegetation;
- c. will reasonably conserve visual points of access to waters as viewed from public facilities;
- d. will conserve actual points of public access to waters;
- e. will reasonably conserve natural beauty;
- f. will reasonably avoid problems associated with floodplain development or use.

Section D: Certification (to be completed by all applicants)

I/we Dean Wood and Anthony Wood, certify that I/we are the legal applicants for the conditional use permit requested by this application, that I/we are the owners of the property covered by this application or have the property owner's consent to the filing of this application and have legal interest in the property and that the information contained in this application and supporting materials is accurate and true.

I/we further certify that I/we have read the standards for granting of Conditional Use Permits contained in the Land Use Ordinance.

<u>Dean Wood</u>	<del>7/21/14</del> 10/9/14
Signature of Applicant	Date
<u>[Signature]</u>	<del>7/21/14</del> 10/9/14
Signature of Applicant	Date

Date Received by Baldwin Planning Board:

Received by:

Public Hearing Date:

Conditional Use Permit Application of:

Permit Denied (date):

Explanation:

Permit Approved (date):

Conditions to Permit if any

Signature of Applicant

Planning Board Signatures (three signatures needed)

Blank lined area for signatures.

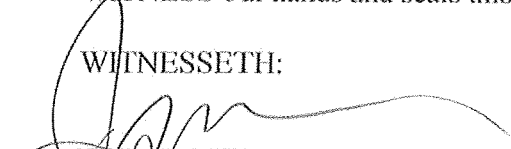
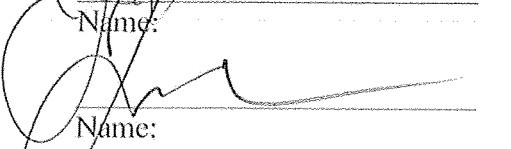
SHORT FORM WARRANTY DEED

Clarence L. Hanscom of Baldwin, Maine and Leslie J. Hanscom, of <sup>Powassal</sup> Baldwin, Maine, FOR CONSIDERATION PAID, grant to Anthony Wood, whose mailing address is 5 Brown Road, West Baldwin, ME, and Dean B. Wood, whose mailing address is 5 Brown Road West Baldwin, ME, as joint tenants and not as tenants in common, with WARRANTY COVENANTS, certain real property, together with any improvements thereon, located on Route 113, Baldwin, Cumberland County, Maine and more particularly described on Exhibit A attached hereto and made a part hereof. af

See attached Exhibit A.

WITNESS our hands and seals this 4<sup>th</sup> day of October, 2013.

WITNESSETH:

  
Name: \_\_\_\_\_  
  
Name: \_\_\_\_\_

  
Clarence L. Hanscom


  
Leslie J. Hanscom

State of Maine  
County of Cumberland, ss.

October 4, 2013

PERSONALLY APPEARED the above-named Clarence L. Hanscom and acknowledged the foregoing instrument to be his/her free act and deed.

Before me,

  
Notary Public/~~Attorney-at-Law~~  
My Commission Expires:

AURALEE J. BUSSONE  
Notary Public, Maine  
My Commission Expires July 11, 2012

2019  
af

Exhibit A

A certain lot or parcel of land situated on the Southerly side of Route 113 and the Northerly side of Maine Central Railroad - Mountain Division, in the Town of Baldwin, County of Cumberland and State of Maine being more particularly described as follows:

Beginning at a 5/8" capped rebar (#1328) set in the ground at the Northwesterly corner of land previously conveyed to McLain on the Southerly side line of Route 113;

Thence S 14°03'54" E along the Westerly boundary of land of the said McLain 349.14 feet to the Northeasterly corner of land previously conveyed to Buzzell;

Thence S 60°35'15" W along the Northerly boundary of land of the said Buzzell 831.12 feet to the Northwesterly corner of land of the said Buzzell;

Thence S 13°18'08" E along the Westerly boundary of land of the said Buzzell 300.00 feet to the Southwesterly corner of land of the said Buzzell on the Northerly side line of Maine Central Railroad - Mountain Division;

Thence S 76°41'52" W along the Northerly side line of the said railroad 870.08 feet to a point;

Thence continuing along the Northerly side line of the said railroad following a curve to the right with a radius of 3774.51 feet a distance of 1164.39 feet to a point;

Thence N 85°47'04" W continuing along the Northerly side line of the said railroad 2410.58 feet to a point in the center of Polly Brook;

Thence following the center of the said Polly Brook in a generally Northerly direction 727 feet more or less to a 3/4" iron pipe found set in the ground at the Southwesterly corner of land now or formerly of the Town of Baldwin;

Thence N 50°19'19" E along the Southerly boundary of land of the said Town of Baldwin 461.71 feet to a point;

Thence N 47°48'47" E continuing along land of the said Town of Baldwin 176.71 feet to a point;

Thence N 49°54'09" E continuing along land of the said Town of Baldwin 309.35 feet to a 3/4" iron pipe found set in the ground at the Southeasterly corner of land of the said Town of Baldwin and the Southwesterly corner of land now or formerly of S.A.D. #55 (3611/124 & 9538/313);

Thence S 58°55'16" E along land of the said S.A.D. #55 in part by a stone wall 785.12 feet to a 1" iron pipe found set in the ground at the Southeasterly corner of land of the said S.A.D. #55 and the Southwesterly corner of land now or formerly of Robert K. Peare et.al. (6575/235);

Thence S 58°53'27" E along land of the said Peare in part by a stone wall 284.20 feet to a point;

Thence N 49°24'59" E continuing along land of the said Peare 922.34 feet to a 5/8" capped rebar (#2081) feet found set in the ground at the Southwesterly corner of land now or formerly of John Veit (20263/235 & 20169/212);

Thence N 55°49'40" E along land of the said Veit 483.88 feet to a 2" iron pipe found set in the ground;

Thence N 46°45'27" E continuing along land of the said Veit 402.37 feet to the Northeasterly corner of land of the said Veit on the Southerly side line of the said RT 113;

Thence Southeasterly along the Southerly side line of the said RT 113 following a curve to the right with a radius of 2840.41 feet a distance of 101.57 feet to a point;

Thence S 70°49'28" E along the Southerly side line of the said RT 113 a distance of 452.84 feet to a 6" square granite "H" monument found set in the ground;

Thence continuing along the Southerly side line of the said RT 113 along a curve to the left with a radius of 2884.58 feet a distance of 655.72 feet to the point of beginning.

EXCEPTING AND RESERVING TO THE GRANTORS HEREIN that portion of the premises as described as follows:

A certain lot or parcel of land located on the southerly side of Route 113 in the Town of Baldwin, County of Cumberland and State of Maine, bounded and described as follows:

BEGINNING at the northwest corner of land now or formerly of Southridge Development Corporation as described in deed Book 23199, Page 253 recorded in Cumberland County Registry of Deeds (CCRD) on the southerly sideline of Route 113; thence South 06°-09'-04" West along land of Southwest Development Corporation, 319.00 feet to a 5/8" rebar; thence North 87°-15'-02" East continuing along land of Southwest Development Corporation, 112.42 feet to land now or formerly of Cummings as described in deed Book 21811, Page 296 CCRD; thence South 14°-03'-54" East along land of Cummings, 27.73 feet to land now or formerly of Buzzell as described in deed Book 25165, Page 169 CCRD; thence South 60°-35'-15" West along land of Buzzell, 265.30 feet; thence North 61°-33'-19" West across land of Grantors herein, 613.15 feet; thence North 18°-03'-32" East continuing across land of Grantors herein, 318.59 feet to the southerly sideline of Route 113; thence following the southerly sideline of Route 113 on a curve to the left having a radius of 2884.58 feet, a chord bearing South 72°-52'-45" East 600.00 feet, an arc distance of 601.09 feet to the point of beginning.

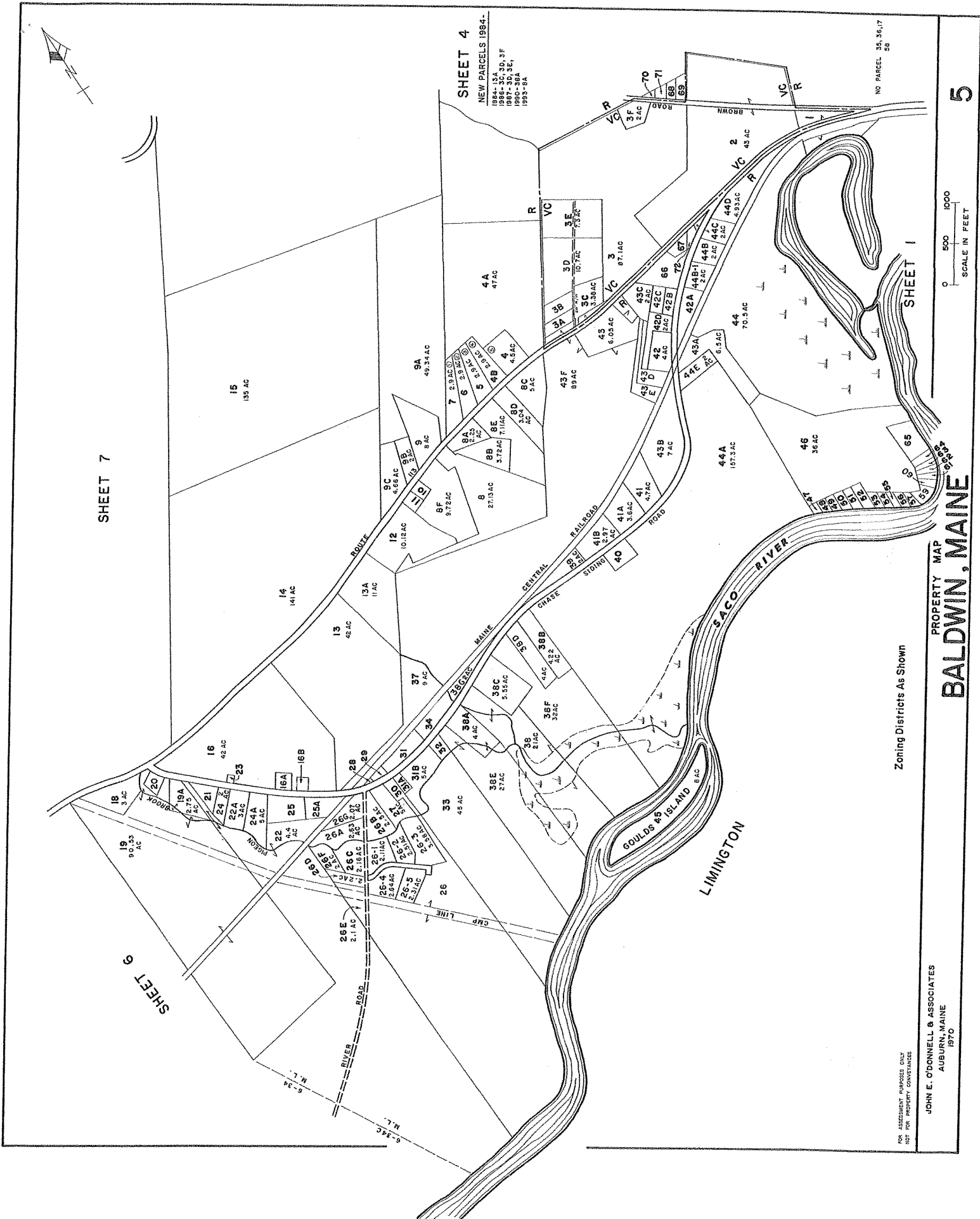
Parcel herein described contains 6.05 acres and is a portion of land described in deed Book 25537, Page 287 CCRD.

Basis of bearings is magnetic meridian of the year 2004.

Parcel is conveyed with and subject to any easements and/or right-of-ways of record.

Being a portion of the premises conveyed to Clarence L. Hanscom and Leslie J. Hanscom by virtue of a Warranty Deed from James E. Cummings dated October 5, 2007 and recorded in the Cumberland County Registry of Deeds in Book 25537, Page 287.

# Section A: 12a- Location Map



Woods Mill CUP 12 of 20

SHEET 7

SHEET 6

SHEET 4

SHEET 5

NEW PARCELS 1984-  
 1984- 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

NO PARCEL 35, 36, 17, 58

0 500 1000  
 SCALE IN FEET

Zoning Districts As Shown

PROPERTY MAP  
**BALDWIN, MAINE**

JOHN E. O'DONNELL & ASSOCIATES  
 AUBURN, MAINE  
 1970

FOR ASSESSMENT PURPOSES ONLY  
 NOT FOR PROPERTY CONVEYANCE



***Section A – Basic Information***

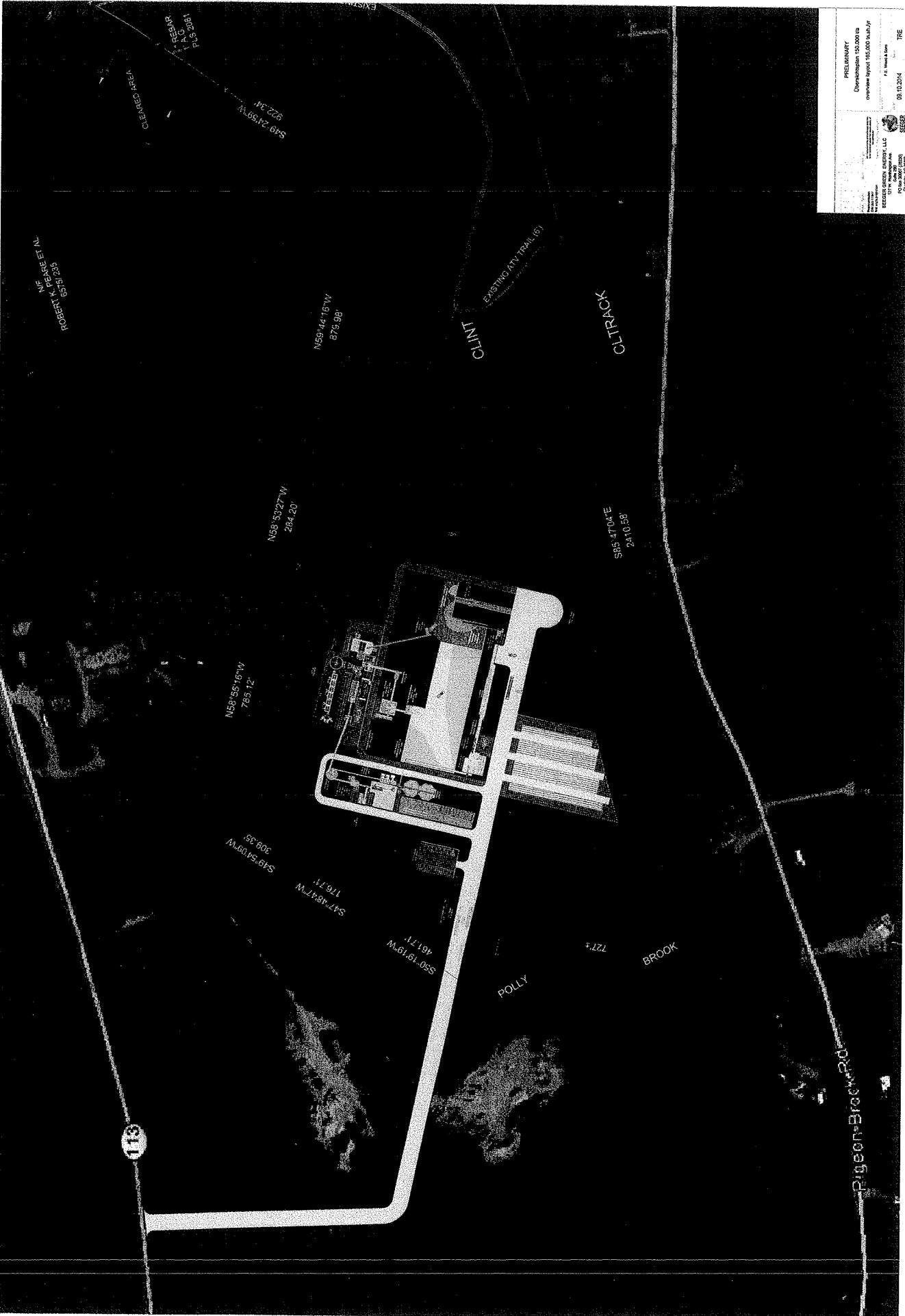
12b. A written description of the proposed use of the property. This statement shall describe the exact nature of the proposed use.

Dean and Anthony Wood are seeking a conditional use permit for the property to accommodate a proposed forest products manufacturing facility on the premises. This facility will produce wood pellets for regional and international consumption. The proposed uses will include:

Manufacturing – Includes processing of raw material (logs, chips, sawmill residues), drying and pelletizing.

Commercial Wood Processing – Includes scaling and delivery of raw material by truck, moving and storage of raw material on the premises, and processing prior to manufacturing.

Warehousing, Storage and Distribution – Includes storage of bulk and packaged finished product in controlled, dry storage, loading and scaling trucks for delivery to final destinations.



PRELIMINARY  
 Date: 08/10/2014  
 Scale: 1" = 100'

Section 17: 100' x 100' - Proposed Facility  
 Woods Mill CUP 14 of 20

## ***Section B – Standards for a Conditional Use Permit***

### **1a. The size of the proposed use compared with surrounding uses;**

The proposed manufacturing facility and associated raw material storage, finished product storage will require approximately 25 acres. A nearby comparable is Limington Lumber, located approximately 1 mile east of the proposed manufacturing facility on Maine Route 113. By comparison, Limington Lumber's sawmill, dry kiln, biomass boiler and warehousing facilities, utilize approximately 26 acres along Maine State Route 113.

### **1b. The intensity of the proposed use, including amount and type of traffic to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses;**

The proposed manufacturing facility will generate an average of 40 incoming truckloads per day of logs, chips and sawmill residues and 20 outgoing truckloads per day of finished product and secondary products. Incoming and outgoing truck traffic will be generated 7 days per week, primarily between the hours of 5am to 9pm. By comparison, Limington Lumber's facility requires an average of 12 incoming truckloads per day of sawlogs, and generates an additional 12 outgoing truckloads per day of wastes (chips, sawdust, bark) and finished products (lumber). Limington Lumber's facility operates 5 days per week, 6am to 4:30pm, 6am to noon on Fridays, with the wood boiler and dry kilns operating 7 days per week, 24 hours per day.

There will be a paved road that surrounds the perimeter of the facility and between buildings. There will be a concrete pad storage area approximately 575' x 165' located in the center of the site that will store chips and bark.

### **1c. The potential generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances;**

The proposed manufacturing facility will be designed to minimize noise, dust, glare and odor emissions from the premises. The facility is surrounded by a 160-200' wooded buffer.

Noise: The facility will be limited to 45dB in the evening (9pm-5am) and 50dB in the daytime (5am-9pm). All processing equipment will be enclosed. Loaders will operate during daytime hours only.

Dust: All roadways will be paved. Log storage yards will be mulched to eliminate dust.

Odors: The facility will not be processing demolition debris or garbage waste streams, only virgin wood. The odors will be the same as any wood storage and chipping facility in the area.

Vibration: No vibrations will be noticeable off the premises.

Glare/Lighting: The facility will not require any upward lighting, and all storage yards and driving areas will be lit with high-efficiency, motion controlled LED lighting which will be pointed downward and to minimize light pollution.

Smoke: The facility will utilize air emission control equipment to eliminate particulate and smoke emissions from the heat plant and dryer.

1d. Unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate adverse impacts upon surrounding properties;

The proposed site is second growth forest which has had several commercial harvests performed. The layout of the site is relatively flat and well drained, and will have 160-200' wooded buffers surrounding the proposed facility to ensure no adverse impacts (noise, visual, runoff) on surrounding properties will occur.

1e. The degree to which landscaping, fencing, and other design elements have been incorporated to mitigate adverse impacts on surrounding properties.

The proposed site will be surrounded by a 160-200' wooded buffer to ensure no adverse impacts on surrounding properties will occur.

2a. The ability of traffic to safely move into and out of the site at the proposed location;

The proposed site will be accessed from Maine Route 113 via an easement granted by the Town of Baldwin. Maine DOT traffic engineers have verified the access point has sufficient line of sight to meet safety and entrance requirements – statement attached. The proposed facility will build and maintain a road according to Maine DOT standards, including traffic control and signage.

2b. The presence of facilities to assure the safety of pedestrians passing by or through the site;

The proposed site does not have any pedestrian access from Maine Route 113, and will be controlled through the gate houses at the access points. The proposed facility will be enclosed by a fence to prevent any uncontrolled pedestrian access.

2c. The capacity of the street network to accommodate the proposed use;

Maine Route 113 is capable of accommodating the proposed use currently. Maine DOT traffic engineers have verified that the roadway is adequate for the proposed use.

2d. The capacity of the storm drainage system to accommodate the proposed use;

The proposed facility will include stormwater control and drainage systems to comply with the Maine DEP Site Location of Development Act permitting statutes.

2e. The ability of the Town to provide necessary fire protection services to the site and development.

The Town and surrounding community fire protection services are sufficient to provide protection to the proposed site and development. The proposed facility will include required emergency access points, water storage and dry hydrant connection points to comply with Town emergency standards.

3. The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and flood plains, shall not be such that the proposed use when placed on the site will cause undue harm to the environment or neighboring properties.

The proposed site will be permitted under the Maine DEP Site Location of Development Act, which will require that the site does not create drainage, water table, stormwater runoff and erosion issues as a result of the development. The proposed site will be developed such that there are no adverse impacts to waterways or protected natural resources, and there are no adverse impacts on neighboring properties regarding drainage, runoff and erosion of the property.

**From:** Fontaine, Anthony <Anthony.Fontaine@maine.gov>  
**Sent:** Tuesday, September 2, 2014 7:25 AM  
**To:** Tony Wood  
**Subject:** RE: Driveway/Entrance Permit Application Link

Tony and Dean,

As discussed during our on-site meeting August 29, 2014, I have reviewed your proposed access locations with our Region Engineer, Kyle Hall, and we are in agreement that the Department will be able to issue Entrance Permits to both locations. As I understand your proposal, you anticipate up to 60 large trucks per day using the site which will have a wood pellet processing facility. In summary, both locations (westernmost owned by the town of Baldwin, easternmost owned by you) meet the minimum standards for basic safety sight distance. Additionally, the westernmost site also meets the recommended (but not required) sight distance for larger vehicles. The easternmost site meets the larger vehicle sight distance recommendation looking in the easterly direction but not in the western direction. As turn lanes will not change conditions for trucks leaving the site, we feel there is no significant advantage to requiring them as part of the Permit. Clearing of brush, saplings, etc to the west of the easternmost entrance will improve sight distance slightly and is advised.

The above is based on our discussions to date with information re vehicle traffic provided by you, and interpretation of the Department's current Access Management regulations. Should either change, the above statements might no longer be valid. Additionally, the above is not an official Permit approval, only the likely outcome should you submit a Permit application.

As always, feel free to contact me if you need additional information or clarification of any of the above.

*Tony Fontaine*  
*MDOT Permit Field Specialist*  
*207-885-7040*  
*anthony.fontaine@maine.gov*

### ***Section C – Shoreland Standards***

**a. Will not result in unreasonable damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;**

The proposed road access will cross Polly Brook, which is a permissible crossing point according to Maine DEP. The road will be built using Maine DEP and Maine DOT standards to reduce damage to stream bottom and fish habitat.

**b. Will reasonably conserve shoreland vegetation**

The proposed stream crossing will minimize impact on shoreline vegetation by designing the crossing to reduce disturbed shoreland soils and vegetation, and utilizing Maine DOT best practices to avoid disturbance during construction. Any fill or reinforcement will be placed inside a retaining wall to minimize area impacted.

**c. Will reasonably conserve visual points of access to waters as viewed from public facilities;**

The proposed stream crossing will be out of sight from all public facilities.

**d. Will conserve actual points of public access to waters;**

The proposed stream crossing would not impact any current public access to the waterway, but would be closed to pedestrian traffic to ensure safe passage for traffic on the crossing.

**e. Will reasonably conserve natural beauty;**

The proposed facility will minimize impact on natural resources and beauty in the area, by reducing impacted area and using modern building practices. A wooded buffer surrounding the proposed facility will conserve views from neighboring properties and public roadways.

**f. Will reasonably avoid problems associated with floodplain development or use.**

The proposed facility is located approximately 50' above the Saco River flood plain, a Zone C area (minimal risk of flooding) according to FEMA Flood Zone Mapping for the region, which is attached. The proposed facility will be designed to withstand normal flood plain activity without problems.

# Section C: F - FEMA Flood Map



Scale: 16 [ ] % [ ] LOMC: 1 [ ]



Planning Board, Town of Baldwin, Maine

Site Plan Review Syllabus

A Site Plan Review Submission consists of responses to each of the bullet points listed in the Land Use Ordinance of the Town of Baldwin, Sections 11.3, 11.4, and 11.6, listed in order. The submittal will speak for itself and will not incorporate prior submissions "by reference". The Planning Board will conduct a brief review of the submittal to determine completeness before accepting a fee of \$150.00, and setting a date for a Public Hearing. Submit 4 copies, additional electronic copy suggested.

Applicant name and Conditional Use Permit number and date of issue:

CUP 79 JANUARY 2015

Site Plan Review complete and accepted for consideration by: (name and date)

27 AUGUST 2015  BLAKE

Site Plan Review application fee ( \$150.00) received by (name and date)

RECEIVED -  BLAKE 27 AUGUST

Public Hearing Scheduled for date:

10 SEPTEMBER 2015

Final Approval (signed and dated by at least three Planning Board members)

- 1.
- 2.
- 3.
- 4.
- 5.