

Baldwin Planning Board

Meeting Minutes

August 10, 2017

I. Public Hearing

A public hearing on the Baldwin Community Center was held from 7:00 PM to 7:19 PM.

II. Call to order

Norm Blake called to order the regular meeting of the Baldwin Planning Board at 7:20 PM on August 10, 2017 at the Town Hall.

III. Roll call

Matt Fricker conducted a roll call. The following persons were present: Norm Blake, Jo Pierce, Glen Reynolds, and Matt Fricker. Also present were CEO Wes Sunderland, Selectmen Dwight Warren, Jeff Sanborn, and Bob Flint, as well as Dean Wood, Jim Dolloff, Kathy Pierce and Kurt Olafson.

IV. Approval of minutes from last meeting

Matt Fricker read the minutes from the 7/13 and 7/27 meetings. The minutes were approved as read.

V. Open issues

- a) FEMA – On August 22 Norm and Jo are going to Gray to meet with the FEMA Flood Plain folks. On Sept. 14 at the Planning Board meeting, Lee Jay Feldman from SMPDC (Southern Maine Planning and Development Corp.) will present the plan for Baldwin. At the Town Meeting at the end of August \$3,000 will be requested for Shoreland Zoning and Wetlands mapping. This will be in addition to the \$1,000 approved at the March 2017 Town Meeting.
- b) Community Center – On item 11 “List the use for which a Conditional Use Permit is being sought”, include “mobile and stationary catering”, and “substantially similar uses at the discretion of the Selectmen”, and insert “Examples Follow; after “Detailed Uses”. It was also noted that a Parking Policy is required. Standard Conditions apply. CUP passed unanimously. Signed CUP attached.

VI. New business

- a) Subdivision Senator Black Rd. – Justin Gibbons, Contractor and Aaron Dunning, landowner. Financial consideration of development of property at Map 7 Lot 20E for a new, single family dwelling requires lot to be deeded over to builder J. Gibbons. Once property is complete it will be deeded back over to original landowner A. Dunning. Minor subdivision submission requirements reviewed. A \$10,000 escrow account required from which \$100 per day will accrue to the Town of Baldwin if the land is not transferred back to Dunning within 6 months. A draft of the application for a minor subdivision, and proof of requirement to return property to Mr. Dunning shall be submitted at Planning Board meeting 8/24. Notify abutters. Public announcement to be done for Shoppers Guide on 8/16. Public hearing on 9/14.

VII. Adjournment

Norm adjourned the meeting at 8:30 PM.

Minutes submitted by: Matt Fricker

*submitted to Planning
Board 8-10-17.*

Aaron Dunning
44 Senator Black Road
West Baldwin, Maine 04091

August 10, 2017

RE: Letter regarding Subdivision for The Planning Board

I am writing to you today, to explain the reason why I am requesting minor subdivision.

I am building a new home in West Baldwin on Senator Black Road. The lot that I own is Map 7 Lot 20E. My lot needs to be deeded over to my builder, Hill-Top Land Development and General Contracting, Inc., during the construction process. Once my home is complete, the property will be deeded back over to me.

This is the only reason why I am going through the minor subdivision process. Thank you.

Sincerely,

Aaron Dunning



Town of Baldwin

534 Pequawket Trail
West Baldwin, Maine 04091
Phone: (207) 625-3581
Fax: (207) 625-7780

Date Application Received: _____
Received by: _____
Fee Paid: _____

APPLICATION FOR CONDITIONAL USE PERMIT (CUP)

The Land Use Ordinance of the Town of Baldwin allows the Planning Board to grant a Conditional Use Permit (CUP) 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: Aaron Dunning
2. Applicant's Mailing Address: 44 Senator Black Road
West Baldwin, ME 04091
3. Phone number where applicant can be reached during business hours. 523-9318
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 question 5, 6, and 7)
5. To apply for a Cond. 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. _____

6. Property Owner's Name

Claron Dunning

7. Property Owner's Address

44 Senator Black Rd.

West Baldwin, Maine 04091

8. Location of property for

Which the permit is sought?

Map# 7 lot 20E Book 32024 P91

9. Indicate the Map and Lot number for the

Property from the Town's assessment records

Map 7 Lot 20E

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.

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 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 Carol Dunning, 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 material 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.

Signature of Applicant

Date

Signature of Applicant

Date

For Planning Board Use Only

Date Received by Baldwin Planning Board:

Received by:

Public Hearing Date:

Conditional Use Permit Application of:

Permit Denied (date):

Explanation of Denial:

Permit Approved (date):

Conditions to Permit if any,

Graphic Scale

SCALE: 1" = 150'



STATE PLANNING COORDINATES
NORTH 35 31 27.0
EAST 27 34 40.16

Remaining Land of

Daniel B. Dunning &
Carol W. Dunning

13.26 Acres ±

PROPOSED
TO
Aaron R. Dunning
7.81 Acres ±

Land now or formerly
Margaret V. Black

BOUNDARY SURVEY SKETCH MAP
FOR

**Daniel B. Dunning &
Carol W. Dunning**

Senator Black Road

TOWN OF BALDWIN, COUNTY OF CUMBERLAND,
STATE OF MAINE

MAINE BOUNDARY CONSULTANTS

Scale 1" = 150'

May 5, 2017

Remaining Land of

Daniel B. Dunning &
Carol W. Dunning

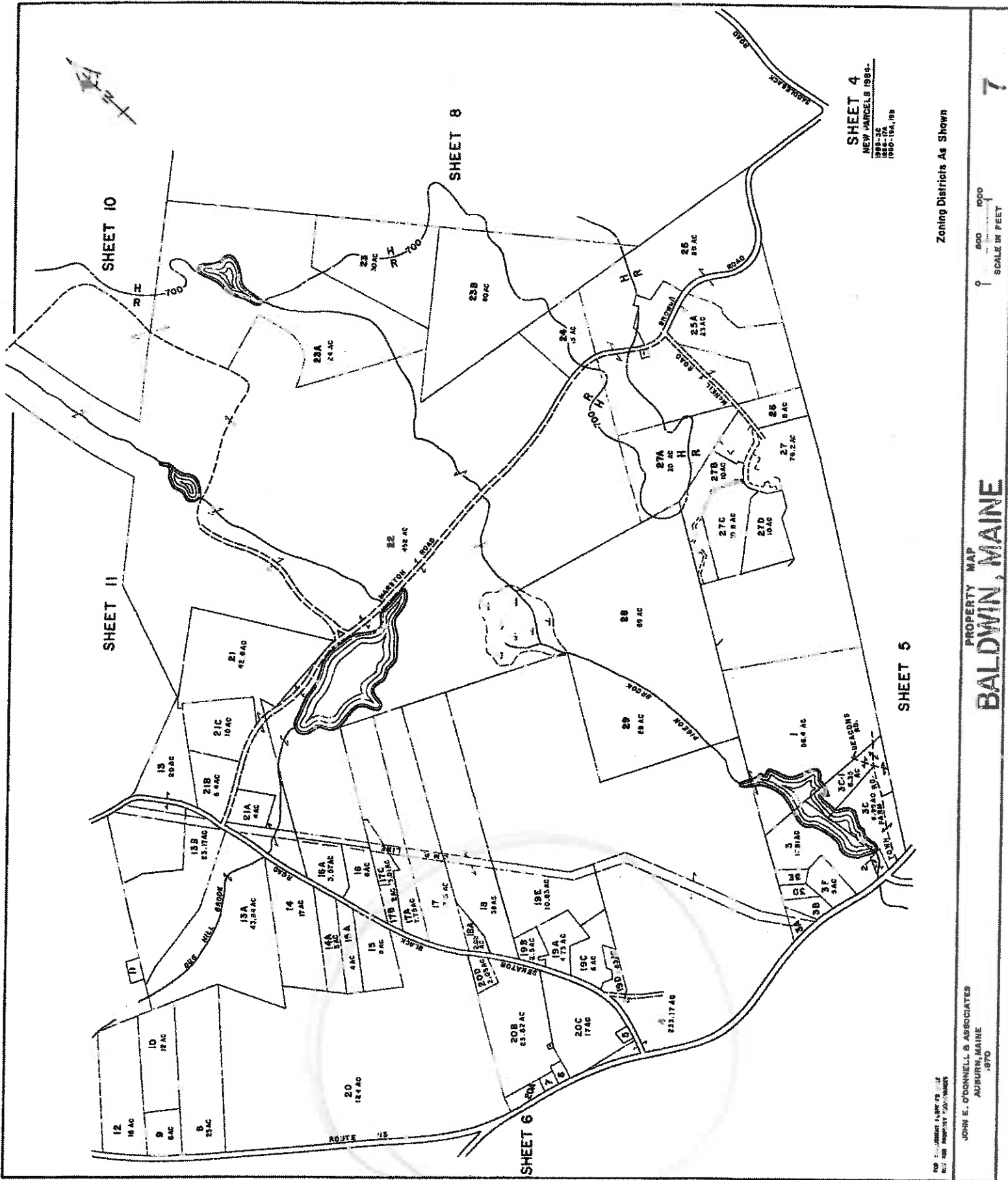
13.26 Acres ±

"Fitch-Chase Cemetery"
Land now or formerly
Richard F. Chase (Jr.) Heirs

Land now or formerly
Margaret V. Black

THIS SURVEY CONFORMS TO THE MAINE BOARD OF
LAND SURVEYING FOR PROFESSIONAL LAND SURVEYORS RULES
OF APRIL 2001 CHAPTER 90, STANDARDS OF PRACTICE

Robert A. Yaffee 5/5/17
ROBERT A. YAFFEE, II, PLS 1305 JAE



SHEET 4
 NEW PARCELS 1984-
 1985-86
 1987-88
 1989-90, 1991

Zoning Districts As Shown

**PROPERTY MAP
 BALDWIN, MAINE**

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

0 500 1000
 SCALE IN FEET

6. Property Owner's Name

7. Property Owner's Address

8. Location of property for
Which the permit is sought?

536 Pequawket Trail West Buxton, ME

9. Indicate the Map and Lot number for the
Property from the Town's assessment records

Map 005 Lot 12

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.

See attached.

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.

See
attached

- ✓ ^{See attached.} b. A written description of the proposed use of the property. This statement shall describe the exact nature of the proposed use.
- ✓ ^{See attached.} 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.

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- _____ 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.

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- ☐ d. will conserve actual points of public access to waters;
- ☐ e. will reasonably conserve natural beauty;
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I/we _____, 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 material 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.

Jeff Wain
Signature of Applicant

8-10-97
2010 Date

Signature of Applicant

Date

11. List the use for which a Conditional Use Permit is being sought.

- Business
- Contractor business
- Financial service
- Manufacturing Office business
- Personal service business
- Retail business; maximum commercial floor area shall not exceed 40,000 square feet total Service business
- Wholesale business
- Commercial outdoor recreation
- Community building
- Eating and drinking places, ~~AND~~ MOBILE AND STATIONARY CATERING
- Light industrial uses
- Municipal uses not listed elsewhere
- Neighborhood stores
- Public nonresidential facility related to education in or research of natural sciences
- Quasi-municipal uses

~~AND~~ SUBSTANTIALLY SIMILAR USES AT THE DISCRETION OF THE
Detailed uses: -EXAMPLES FOLLOW: SELECTMEN.

- Municipal offices
- Lecture/ Conference rooms
- Office space
- Recreation/ Exercise Classes- Zumba, Yoga, Gym, Aerobics, Line Dancing, Ballroom Dance
- Educational Classes and Workshops: Adult education, GED classes, Life Skills, Language
- Entertainment/ Social Activities: Board Games, Clubs/ Groups for cardplaying, Storytelling, Piano Lessons, Singing/ Choir
- Health and First Aid Courses/ Classes, CPR, Parenting, Elderly Care, Diet/ Nutrition
- Agricultural and Outdoor Classes: Hunter Safety, IFW classes, Survival, Map Reading, Landscaping, Beekeeping, Outdoor safety
- Rental Space for Events: Parties, Gatherings, Fundraisers, Yard Sales, Bean Suppers, Turkey Shoots, Craft Fairs
- Food: Kitchen Rental and Classes: Cooking Lessons, Canning Lessons, Kitchen Rental
- Rent/ Storage: Commercial or Residential

12b. A written description of the proposed use of the property.

The Town of Baldwin Community Center is located on Route 113. The Town wants to develop this facility two different ways. The Community Center will have a portion of the building dedicated for the Baldwin municipal offices and another part of the building dedicated for people to rent and lease for a variety of purposes. The municipal offices include Code Enforcement, General Assistance, Town Clerk, Selectmen, Assessing and Fire Department. The other portion of the building will provide people a place to rent out and use spaces for a large variety of purposes. Projected uses would support uses such as office spaces, community work, fundraisers, events, social gatherings, and educational classes/ workshops. Detailed uses are listed above in section 11. The existing kitchen will be renovated to meet commercial standards for people to rent and use on a commercial level, such as having food for a function, producing food on a bulk level for sales (example; baked goods to sell at stores) and to be able to hold cooking and/or food preserving classes. The Fire Department office would also offer a space available for other law enforcement departments, such as Game Wardens and Cumberland County Sheriff.

Conditional Use Conditions 8-8-03.wpd

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.



TOWN OF BALDWIN, MAINE
OFFICE OF THE SELECTMEN
534 PEQUAWKET TRAIL, WEST BALDWIN, ME 04091



Addendum to the Baldwin Community Center Conditional Use Permit

May 11, 2017

Baldwin Planning Board;

At this time, it is projected that the Baldwin Community Center hours will be open for use from 6:00AM to 10:00PM, in addition to 24-hour emergency access for emergency services.





feet
meters

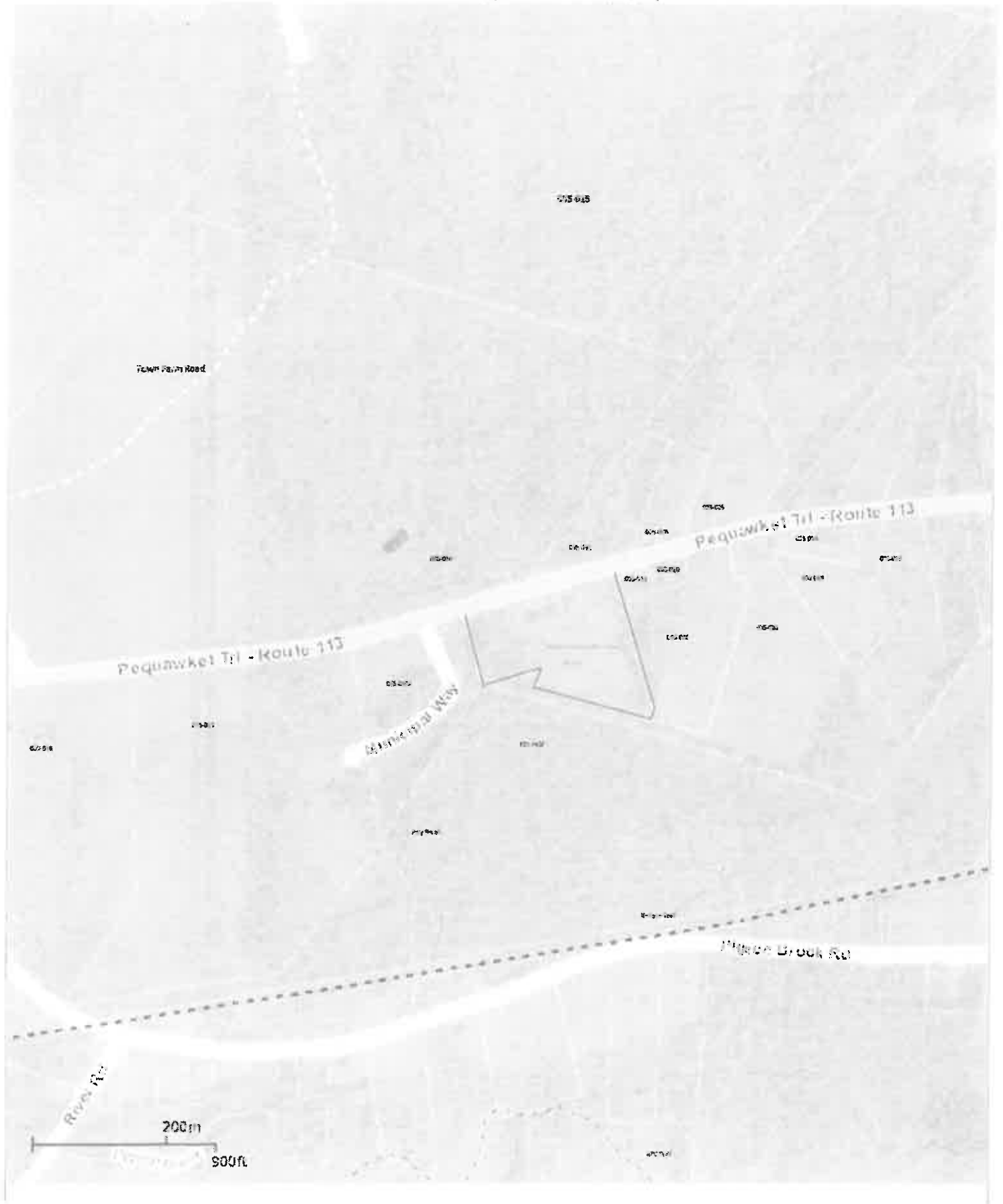
Google Earth

2000

700



Baldwin Community Center Location Map



QUITCLAIM DEED WITHOUT COVENANT

MAINE SCHOOL ADMINISTRATIVE DISTRICT NO. 55, formerly known as School Administrative District No. 55 (the "Grantor"), a body corporate and politic, having an office in Hiram, Oxford County, Maine, for consideration paid, releases to **INHABITANTS OF THE TOWN OF BALDWIN** (the "Grantee"), a body corporate and politic, with an office in the Town of Baldwin, Cumberland County, Maine, whose mailing address is 534 Pequawket Trail, West Baldwin, ME 04091, the following described real property:

The land and buildings known as the "Baldwin Consolidated School," including all of the lots or parcels of land, and all buildings and improvements thereon and all rights and appurtenances thereto, located at and near 536 Pequawket Trail in the Town of Baldwin, County of Cumberland, State of Maine, formerly used as an elementary school, and described in a certain deed of Robert K. Peare and Glenna Irene Peare to Grantor, dated April 24, 1991 recorded in the Cumberland County Registry of Deeds in Book 9538, Page 315, and described in a certain deed of Grantee to Grantor dated October 10, 1974, recorded in said Registry in Book 3611, Page 124 (together, the "Property"). Excepting therefrom a portion of the Property that the Grantor previously conveyed to the Grantee by virtue of a deed dated October 6, 1993 and recorded in said Registry in Book 12046, Page 95.

Subject, however, to right of entry reserved to the Releasor, its successors and assigns, if the Premises hereby conveyed is ever used by or for a school directly or indirectly receiving state education subsidy, including a public charter school, in which resident students of Maine School Administrative District No. 55 are eligible to enroll. This right of entry for condition broken shall not apply to use of the Premises for a school that is limited to providing a day treatment program of educational programming and therapy for students with extreme emotional and behavioral needs, such as the former Sebago Alliance school. This right of entry for condition broken may be exercised only if the holder of the right has provided Releasee, its successors and assigns, with 60 days' written notice and Releasee, its successors and assigns, has not ceased all such use of the Premises. In the event of a written request by a proposed tenant, mortgagee, or grantee of all or a portion of the Premises, the holder of this right of entry shall provide prompt, written confirmation as to whether there has been a use of the Premises giving the holder the right to exercise the holder's right of entry, and, as applicable, whether a specified proposed use of the Premises is considered grounds for the holder of the right to exercise the holder's right of entry.

In Witness Whereof, Maine School Administrative District No. 55 has caused this instrument to be executed this 30th day of September, 2015.

WITNESS

E. William Stockmeyer

Maine School Administrative District
No. 55

By: Carl Landry
Carl Landry
Its: Superintendent

State of Maine
County of Cumberland

September 30, 2015

Personally appeared before me the above named Carl Landry, as Superintendent of Maine School Administrative District No. 55, and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of Maine School Administrative District No. 55.

E. William Stockmeyer
E. William Stockmeyer,
Attorney at Law

Received
Recorded Register of Deeds
Sep 30, 2015 10:46:04A
Cumberland County
Nancy A. Lane