

# **Baldwin Planning Board**

## **Meeting Minutes 1/09/2020**

### **I. Call to Order**

Pierce called the meeting to order at 7pm

### **II. Roll Call**

Jo Pierce, Nichol Ernst, Sue Olafsen, Matt Fricker, Selectmen Dwight Warren and Gerry Brown, CEO West Sunderland

### **III. Reading of the Minutes From Last Meeting**

Fricker made a motion that we approve the minutes from the last meeting as amended in writing. Olafsen seconded. Passed unanimously.

### **IV. Open Business**

Continuation of a public hearing on Nature's Wilderness from December. Pierce recused himself. Sue Olafsen was nominated to facilitate the public hearing. Olafsen spoke of the last public hearing and explained the reason for the continuation of the hearing. A gentleman, named Mark Chabut, spoke about not being able to attend the last meeting. Olafsen introduced Lee Jay Feldman from SMPDC who pointed out that the technical team for Natures' Wilderness is not present so some technical questions may not be able to be answered. Chabut requested permission to submit a written testimony as a notified abutter. He submitted a letter that is part of the minutes. (see attached) Theresa Grisez discussed that while there are ongoing applications ongoing with the State and DEP, that perhaps the planning board does not have enough information to make a determination on this application. Pierce stated that he appreciates the work Chabut and Grisez put into their written response. Pierce stated that he supports a campground on the property and stated that he likes the progression of the site plan. Pierce stated that he feels the application is not complete. There is currently a traffic study of 113 and rt 5 but does not include Senator Black Rd. Pierce stated that he asks the board to adjourn consideration and set aside to give the applicant more time to put together a complete application. Pierce also stated that he has a concern about enforcement. Pierce stated that Brown reported having had a file with lots of violations that have been rectified, but also pointed out that most people don't have thick files of past violations, or the DEP coming in and making them revegetate property etc. Pierce stated that he fears that it is cheaper to have violations rather than have a permit and once Nature's Wilderness has a CUP how does the town have confidence that Nature's Wilderness will follow the conditions in the permit? Pierce stated that Selectmen are not interested at the last Selectmen's meeting in increasing fines. Also said that CEO spoke at the Selectmen's meeting about how he cannot enforce ordinances. Pierce suggested that the board ask the town lawyer how we can change the land use ordinance until we

can better enforce ordinances. Pierce asked that we take the time to make a “believable” land use ordinance. Feldman stated that it is a state law that a minimum fine is \$100/violation/day but you can fine up to \$2500/violation/day without having to change the ordinance. Feldman stated that the CEO is certified under state law to uphold the land use laws for the state and the local ordinances. Sunderland shared that he sends letters threatening a fine, after three letters it is turned over to the Selectmen who then decide if it is worth going to court, and once a judge rules that is when the fine is levied. Pierce stated that three letters seems like too long. Feldman stated that he had misspoken in that it would take revising our land use ordinance in order to change the fine/day. (Article 4, section 4.4 ). Pierce stated it does not have to be a fine, maybe it’s posting a bond? But what legal method do we have to develop confidence that Nature’s Wilderness will not violate conditions? Member of the public spoke and stated that she also does not have trust or respect after all of the discussions and attending meetings. Also stated that was told by land owner that she was told by Mr. Efron that he owns Deacon Rd and therefore that is where the campground entrance will be located. Discussed that Mr. Efron has threatened bodily harm to the planning board and threatened to sue the town. Discussed fear for her property on Senator Black Rd. Another member of the public asked Gerry Brown that if the property did not become a campground would become a subdivision? Asked if this is a viable tactic for the land or was it a scare tactic? Brown stated that if Nature’s Wilderness cannot have a campground it is possible that they will have a subdivision. Another member of the public stated that it feels like more questions have been uncovered tonight, specifically regarding enforcement, lead to finding a way for the town to delay action until answers/more information can be gathered. Pierce described that the planning board doesn’t just vote “yes” or “no” but that the board works to make the best outcome for everyone. Pierce stated that it is a balancing act that requires Nature’s Wilderness surviving as a business entity and Senator Black Rd can survive as a neighborhood. Another member of the public stated that he was told by Mr. Efron that if the whole thing was not approved he would sell the whole property to Shaw’s and it would become a gravel pit. Pierce stated that in the past the planning board has said to the applicant “okay, you’ve heard the public hearing, do you want us to have a vote at the next meeting or not?” If the planning board holds a vote and then votes down an application a similar application for the same property cannot be considered for two years. Fricker asked Grisez and Chabut to clarify their request for a peer-review. Fricker stated that Feldman had advised that the application was complete enough to be considered. Feldman explained the law around completed applications. Fricker stated that we are not rushing into this, but rather this is part of the process and the public hearing process has been very helpful. Fricker shared Article 8.5 from the land use ordinance which states that if an application is denied, a second request of similar nature cannot be brought before the planning board for two years, unless substantial new evidence can be provided etc. Chabut stated that he feels “late to the game” as they were not present at meetings three years ago. In regards to the peer-review question, Grisez stated that they are requesting a peer-review specifically of the traffic study, essentially, hiring another traffic study company to conduct a traffic study. Feldman stated that as he has been hired, traffic does seem to be the largest issue brought up at the last public hearing, and that it is within his scope to hire a traffic expert to review Bill Bray’s study and make sure that the town is being as thorough as possible. Chabut discussed the previous study lacking consideration of a large amount of traffic entering the southern entrance to Senator Black Rd. Pierce stated it is possible that a turnout lane is needed and it is possible that the state already owns that land, and if we do need one, does Nature’s Wilderness have enough money to buy it? Brown stated that he asked to be taken off the agenda

as 165 trips per hour does not make sense, Nature's Wilderness has no interest in turnout lanes etc. and if the campground as proposed requires it than they will change the plan. He wants time to re-evaluate. Question was asked regarding set phases. Brown stated that they are fine with phases and truthfully is necessary from a business standpoint. Fricker referenced the last meeting and that Feldman had addressed the idea of phasing the project. Feldman stated that there could be a "phase 1" that can be conditioned to be evaluated before the approval of "phase 2" etc. Pierce discussed the possibility of administrative work for the campground to give people time slots for arrival and departure to minimize traffic. A member of the public stated that she worked at Point Sebago and it is very difficult to ask people to arrive at certain time slots due to Maine traffic etc. Brown stated that the traffic study does not make sense to him and he needs clarification for himself and for the public. Sunderland stated that his opinion is that 165 cars/hour is not consistent, but rather peaks and valleys of traffic flow. Sunderland stated that in his opinion July and August would be the busiest times. Another member of the public stated that regardless of numbers of trips, she is concerned about large campers and their ability to navigate Senator Black Rd. She also expressed concern about signage to help people in campers find the campground. Another member of the public stated that as a resident on Senator Black Rd because he moved over from Parsonsfield off of Rt 160 to find a quiet road off of the main road for grandkids etc. Stated that all the other details are besides the point and is personally against any increase in traffic on Senator Black Road. Another member of the public discussed Danforth Bay campground that requires navigating a neighborhood and it is very well run and suggested that Brown go visit them and discuss how they figured out the traffic piece. Another member of the public stated that the entrance to Senator Black comes off of 113 where people are driving fast whereas Acres of Wildlife has Steep Falls Village to slow everyone down. Brown stated that he needs to get more information before going back on the agenda but did not want to schedule at this time. Fricker asked how do we allow the public to be part of the process once new information is developed. Feldman stated that the planning board should postpone the public hearing until a date uncertain that will be noticed when a date is decided. Another member of the public stated that the increase in gravel trucks and construction vehicles is already increasing the traffic and may be more traffic than the campers once the campground is developed. Feldman stated that the 165 trips/hour was trips generated by the campground, not including background traffic. A member of the public brought a flier that was in her mailbox. Stated that she does not want people posting fliers in their mailbox. Brown stated in his role as a selectmen that the concern has been brought to the attention of the USPS and authorities. Warren stated that the town had nothing to do with any issue regarding the fliers. The mail carriers turned them into the Cornish post office who took action. Fricker made a motion that the public hearing be continued to a date uncertain, Ernst seconded. Passed unanimously. Fricker made a motion that we table the application until the applicant requests to be on the agenda. Feldman stated that this motion is reasonable. Ernst seconded the motion. Passed unanimously.

## **V. New Business**

- A. Pat Jackson from SunRaise—has paid his application fee and has submitted CUP. Receipt of application acknowledged and discussed having him on the agenda for 1/23.
- B. Correspondence from Saco River Corridor Commission. Leo Buckley has applied for an application to build a single family residence on map 23 lot 6. Letter notifies that there will be a public hearing on January 22<sup>nd</sup>, but does not specify where.

**VI. Adjournment**

Olafsen made a motion to adjourn at 8:29pm Fricker seconded. Passed unanimously.

Submitted by: Nichol Ernst