

**Baldwin Planning Board
Meeting Minutes 10/10/2019**

I. Call to Order

Strock called the meeting to order at 7pm

↳ Mr. Pierce

II. Roll Call

Jo Pierce, Nichol Ernst, David Strock (arrived late) Selectmen Dwight Warren and Jeff Sanborn, ~~Jim Doloff~~. CEO West Sunderland

Gerry Brown

III. Reading of the Minutes From Last Meeting

Sanborn made a motion to approve the minutes from the last meeting as submitted by email. Pierce seconded. Fricker abstained from voting, otherwise unanimous.

IV. Open Business

- a. Dawn and Marvin Reinhard appeared to discuss their non-conforming lot. Presented tax information from the early 1970's. Pierce reminded the Rinehard's that according to the September 12th meeting the issue was that the Rinehard's need to actually apply for a building permit and if they are denied they can go to the board of appeals. Encouraged them to go to Wes tomorrow morning to try and get a building permit.

V. New Business

1. Receive a formal report from the CEO regarding his visit to Nature's Wilderness, LLC to check on the watercross activities at the location this past weekend (see CEO report attached) CEO determined no violation occurred.
2. Review the additional submission from Nature's Wilderness, LLC regarding its pending conditional use permit application. Pierce recused himself voluntarily by getting up and moving away from the table. Discussion ensued regarding all of the submissions and what constituted the actual application. With Lee Jay Feldman absent it was decided that we would allow Jeff Amos of Terradyn consultants to present changes to the plan. Strock presented a document (see attached) that Nature's Wilderness would sign to say that certain activities are not included. Brown was not willing to sign the document at this time stating that some of the activities could go either way. Brown stated that he would not sign it because he did not have permission from Mr. Efron, and also that he felt it was his right to be able to do activities he wants on his land. Strock stated that is not necessarily the case if there is a CUP. Fricker explained that it is the role of the

planning board to consider all uses of the campground, and if at any point Nature's Wilderness plans to do an activity it needs to be in the CUP. A member of the public asked if Brown would be willing to put mufflers back on the snowmobiles. Strock stated that he has trouble trusting the applicant is going to do what they say they are going to do and not do other things on the land. Jeff Amos presented new information. It was asked whether the section of Deacon Rd, from Marston's Pond Rd north and it was clarified that the plan is built off the assumption that Deacon Rd is not a town road. Discussed Shoreland zoning setbacks. Discussed that DEP considers it a stream or large wetland because it is less than 30 acres. Strock brought up what type of inland waterway this would classify as in regards to snowmobiles. Amos discussed the site plan and creation of roads and storm water drainage. Strock discussed again that the entire lot is part of the permit not just a development area. Briefly discussed bathrooms, trash and water. Discussed that campground will need a DOT travel permit that will assess the campground, Senator Black Rd and 113. Fricker asked how many sites or what section or percentage might be seasonal. Brown stated that will offer seasonal sites. Strock discussed that any large group activity would change the traffic study. Amos stated that the traffic study in the plan does not include accounting for big events.

Member of the public asked how many people. With 300 sites it is possible to have 900-1200 people. Discussed that population of Baldwin in 2010 was 1525. Member of the public suggested that an article be put in the next warrant about the town giving up rights to Deacon Road North and possible underlying right of way even though it has been abandoned by the town.

Member of the public brought up an old plantation where upper twain rd. meets Deacon Rd and if there were any plans to protect it. Brown brought up staying away from the foundations, but public wanted to know if there were any plans to protect the site. Another member of the public asked the size of the development area, which Amos stated is approximately 150 acres and shared that if they want to expand the campground they would have to come back to the planning board, go back to the DOT for new traffic information and back to the DEP for a new permit regarding storm water etc. Member of the public made a comment that they feel that there is a tremendous amount of disrespect from Nature's Wilderness and a lack of caring for the neighborhood. Stated that Brown and Efron had lied to them several times. Stated that Nature's Wilderness and the people affiliated with it have not been respectful to the neighbors or the town. Fricker stated that he was the individual that called the CEO regarding the noise last weekend. Sunderland stated that Fricker was not the only person that called. Strock stated that the board has not yet declared the application complete. The one outstanding thing was the resolution of a dispute between the town of Baldwin and Nature's Wilderness regarding the road. The town required Nature's Wilderness obtain a bond and a copy of the agreement. Strock stated that we did receive a copy of the agreement between Nature's Wilderness and the town. The performance bond is signed by Brown. Fricker stated that it was his belief that the performance bond needs to be with the owner of the land, not the manager of the property. Selectmen Warren stated that the bond and the agreement are

acceptable to the town. Strock asked Brown for a property survey of the entire 860 acre property. Amos brought up the desire to do a site walk. Strock stated that we will have a site walk when we have a completed application. Ernst and Sanborn stated that we have been waiting a long time for a completed application. Member of the public asked if a CUP is issued indefinitely and what happens if the town is not happy with what is happening at the campground. Discussed how enforcement of a CUP and land use ordinance happens. Another member of the public asked how many people coming into the town is too many? Is there a number? Strock stated that there is not a number. Fricker discussed the process of using Lee Jay Feldman and Southern Maine Planning and Development Commission.

Brown stated that there are positive benefits to the campground. Seasonal jobs, taxes, gas, garages. Member of the public stated that Brown and Efron have gone out of their way to insult neighbors. Sunderland stated that only in operation a few months and Brown stated that it is going to grow slowly. Board encouraged public to continue to attend meetings.

3. Adjournment

Fricker made a motion to adjourn, Sanborn seconded. Meeting adjourned at 9:09pm.

Submitted by: Nichol Ernst

David Strock

Mon, Oct 7, 3:14
PM (3 days ago)

to Josiah, Matthew, nichol, stickmanfrick, Glen, sgolafsen, dtaylorbaldwin

Board - Below is the proposed agenda for the 10/10/19 meeting

1. Review and approve draft minutes from 9/26/19 meeting;

2. Receive a formal report from the CEO regarding his visit to Nature's Wilderness, LLC to check on the watercross activities at the location this past weekend;
3. Review the additional submission from Nature's Wilderness, LLC regarding its pending conditional use permit application (electronic copies distributed this week);
4. Further discuss possible suggested modifications to the Ordinance for mass gathering;
5. Further discuss possible suggested modifications to the Ordinance regarding maximum noise levels;
6. Entertain motion to adjourn.

Lee Jay will not be in attendance due to a prior commitment.
Thank you.

P.S. Please confirm with me whether you intend to show up on 10/10 or not, so we can ensure that we will have a quorum for our guests.

David

On behalf of Nature's Wilderness, LLC, the undersigned agrees and acknowledges that the following activities are not included in Nature's Wilderness, LLC's conditional use permit application and Nature's Wilderness, LLC will strictly prohibit such activities on the subject property, *i.e.*, the 860 acres designated as Lot 22, Map 7:

1. Any natural or manmade amphitheater;
2. Horse stables or other building where horses are kept;
3. The rental of ATVs, UTVs, or Motor Bikes;
4. All commercial or recreational watercross activities;
5. All commercial or recreational racing or other contest involving ATVs, UTVs, Motor Bikes, snowmobiles, or other motorized vehicles (whether for on-road or off-road use);
6. Commercial snowmobiling activities, or commercial activities of other motorized vehicles for use on snow, outside of the designated dates of operation;
7. All commercial and recreational use of the facilities and property outside of the designation dates of operation;
8. All commercial or recreational activities for individuals who are not rented a camping or RV site at the facility; and,
9. Commercial hunting activities outside of the designation dates of operation.

Authorized Representative of
Nature's Wilderness, LLC

DATED:

By (print):
Position:

Report: Complaint – activity at Marston Pond.

Sept. 30, 2019

On Sunday, Sept. 29th, a call was received from a local neighbor concerning noise coming from the direction of Marston Pond. It was described as “racing going on at Marston Pond”. At 1:30pm, this CEO conducted a visit and inquiry at the area of the pond.

It was observed that four male individuals with snowmobile type vehicles were situated and parked at the sandy beach area of Marston Pond adjacent to Marston Road. The wives, and/or friends, and children of these individuals were present and seemed to be enjoying a leisure time as well as children playing. Obviously, a social event. At that moment, no vehicle activity was under way.

Inquiry determined that the individuals had permission from Gerry Brown to conduct practice runs of “skimming” on the pond. Gerry was not present; (phone call determined that Gerry had been present earlier in the day). The individuals were preparing for a competitive event soon to be scheduled elsewhere. There were marker floats on the water indicating an oval course.

While present, the individuals demonstrated a typical run of the vehicles because this CEO had never experienced/observed a skimming run event. Drivers made about five rounds about the course in which the speed of the vehicles often lifted the front skis out of the water and contact was only by the tread section under the vehicle. Steering was accomplished by the driver leaning hard in the direction of the turn (as if on a motorcycle). Interesting !

The visit was terminated with the assurance that the activity and use of the vehicles would not continue beyond 5pm (being a Sunday). The vehicles were noisy due to no muffler being attached to the engine exhaust therefore it allowed escaping gasses to flow without resistance after engine compression. A typical racing vehicle characteristic.

Conclusion: The activity was allowing guests with family at the premise to practice a sporting event on a private pond. When competitors strive to be winners, they need to practice at some moment in time, somewhere on water. That was what this activity appeared to be, nothing more than practice skimming on an improvised water course.

Wes Sunderland: CEO