

# Town of Baldwin, Maine Planning Board

## Minutes from October 23, 2025, Planning Board Meeting

The Planning Board meeting was called to order by Jo Pierce at 6:58 pm.

### **Board Members Present**

Jo Pierce, Don Sharp, David Strock, Matt Fricker, Merhiella Crawford, and Mike Ustin (alternate). A quorum was established.

### **Also Present**

Selectboard members, Jim Dolloff and Bob Flint, Don Kent, CEO, members of the community, Jamie Garland (of Main-Land Development Consultants), Carol Frost, Julia Frost and Kyle Etheridge, and Mike Morse with Lucy Burnell from Archipelago.

### **Minutes**

A motion was made by Mike Ustin and seconded by Merhiella Crawford to approve the minutes of October 9, 2025, that were prepared by Don Sharp and were unanimously approved.

## **1. OLD BUSINESS**

### **Porter Lane Subdivision**

Jamie Garland presented the Board with revised plans for the Porter Lane Subdivision. The Subdivision Plan was revised as follows:

- Legend has been revised to show that an additional dwelling unit outside of the initial single family dwelling unit will be considered in accordance with revised Note 26.
- Note 26: Additional dwelling units are subject to review of the Planning Board under Article 9: Revision to Approved Plan (May 30, 2025).
- Note 27: Building permit application will show the final location of each dwelling unit.

David Strock said that it appears that the applicant made the changes requested by the Planning Board during the, October 9, 2025, Planning Board meeting.

Jo Pierce said that the following will need to be submitted upon approval of the major subdivision.

- Three full size paper copies of each approved subdivision plan.

- Electronic copy of each approved subdivision plan.

Matt Fricker made the motion to approve the Porter Lane subdivision as revised. The motion was seconded by Don Sharp. The motion was unanimously approved by all the voting members of the Planning Board. Members of the Planning Board signed the subdivision plan on October 23, 2025.

### **Julia Frost CUP**

The applicant objected to the condition that no unregistered vehicles shall be in the front yard setback of property. After discussion with the Planning Board the Conditional Use Permit along with Supplemental Conditioned was signed by three members of the Planning Board.

## **2. NEW BUSINESS**

### **Revision To the Shoreland Zoning Map and Ordinance**

Mike Morse from Archipelago came to the Planning Board to answer questions that the Board might have regarding the proposed revised Shoreland Zoning Map and draft of the proposed Shoreland Zoning Ordinance that his company prepared in accordance with Baldwin Selectmen's request. (The Board members had received electronic copies of the proposed revised plan and ordinance before the meeting. Copies of the proposed map and ordinance are attached to these minutes).

Mike went on to say that the proposed map and ordinance are in accordance with the statewide standards. The statewide standards are written by the Department of Environmental Protection and adopted by the Board of Environmental Protection in Augusta. These standards are used by the towns as a model ordinance as they develop or revise their ordinance to be consistent with the state minimum standard and State law requirements for shorelands protection. The proposed plan and ordinance prepared by Archipelago meets the State minimum requirements, but the Towns can adopt more stringent Standards for shoreland protection. There are no maximum State standards. The purpose of the State minimum standards is to manage development within shoreland areas that have protected natural resources that include great ponds, rivers, certain streams, tributary streams, and freshwater wetlands. More specifically, areas 250 feet from great ponds, rivers and freshwater wetlands; and 75 feet from streams. The MDEP has determined by working with various watersheds folks that in most cases 100 feet setback from a lake and 75 feet setback is sufficient to protect waterbodies. Local ordinances can restrict development beyond these setbacks. One of the primary purposes is to manage development in the shoreland zone, is to protect the waterbodies. The State model ordinance also restricts activities much greater around very sensitive areas around waterbodies. These are areas prone to flooding and areas of steep slope (greater than 20% where there is greater potential for creating a soil erosion problem carrying eroded materials and nutrients into the waterbodies. These areas are protected by a different type of shoreland district called a Resource Protection District. The Towns current Shorelands Zoning Map and Shorelands Zoning Ordinance are heavily weighed to protect all of these areas, including a 250 feet buffer around resource protected areas which effectively says there is to be no development within the setbacks.

Mike said that the Town ordinance is much more restrictive than the State minimum requirement. The current Shorelands Zoning Map includes small streams, freshwater wetlands smaller than 10 acres, and forested wetlands. He said that the map is inconsistent with the Shorelands Zoning Ordinance, and his mission was to bring the map into agreement with the ordinance. The map that his company prepared scaled back the Shorelands Zoning to the minimum State requirements. In essence the resource protection areas that included small streams, freshwater wetlands smaller than 10 acres and forested wetlands were removed from the map. Realizing the need for the protection of these sensitive resources of the Town, Mike suggested the creation of a Limited Residential District to allow some residential development.

David Strock asked about who asked for the creation of a Limited Residential District. Bob Flint said that the selectmen asked that the State minimum standards be followed and a Limited Residential District should be made to eliminate some of the problems that the Town is dealing with, like the area around Sand Pond. David asked if the proposed map shows the Limited Residential District. Mike said that it does not, but it generally follows the Resource Protection areas currently shown on the map.

Mike went on to point out that the current Baldwin Shorelands Zoning Map is not in agreement between, Section 13 - Establishment of Districts, and Section 17 – Definitions, of the current Baldwin Shoreland Zoning Ordinance as follows:

- Section 13.A: Lists the following four criteria a Resource Protection District,
  - (1) Floodplains along rivers and floodplains along artificially formed great ponds, along rivers, defined by the 100-year floodplain as designated on the FEMA – Flood Insurance Rate Map.
  - (2) Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.
  - (3) Areas of two (2) or more contiguous acres supporting wetlands vegetation and hydric soils which are not part of a freshwater or coastal wetland as defined, and which are not surgically connected to a waterbody during the period of normal high water. **Note:** *these areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.*
  - (4) Land areas along rivers subject to severe bank erosion, undercutting, or riverbed movements, and lands adjacent to tidal waters...
- Section 17 defines Forested Wetland and Freshwater Wetland as follows:

**Forested Wetland** – a freshwater wetland dominated by woody vegetation that is (6) meters tall (approximately twenty (20) feet) or taller.

**Freshwater Wetland** – freshwater swamps, marshes, bogs and similar areas, *other than forested wetlands* which are:

- (1) Of ten or more contiguous acres, or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a normal state, the combined surface area is in excess of ten (10) acres, and
- (2) Inundated or saturated by surface ground water at a frequency and for a duration sufficient to support, and under normal circumstances do support, a prevalence of wetland vegetation typically for life in saturated soils.

Mike then said that the Resource Protection areas shown on the current map include areas described in paragraphs (1), (2) and (3) of Section 13, and do include forested wetlands. He suggested the following courses of action that could resolve the apparent contradiction.

- Leave the current Baldwin Shorelands Zoning as it is and eliminate the words, *other than forested wetlands*, from the definition of Freshwater Wetland in Section 17 of the Shorelands Zoning Ordinance.
- Replace the Resource Protection areas with a Limited Residential District and create a new ordinance that will control a limited development of the environmentally sensitive areas that were in the Resource Protection area.
- Revise the stream Protection District ordinance to be consistent with MDEP and United States Corp of Engineers (USACE) standards and requirements. Small streams not shown on the National Hydrographic Data Set and the definition of stream in the Town ordinance that references the National Hydrographic Data Set are not regulated and do not have to be included. Mike went to say that if a Town does not regulate the small streams, it does not say that the small streams are not protected. They are protected by the MDEP and USACE. This also applies to small wetlands that are protected by the MDEP and USACE.

Matt Fricker said that if the Town decides to go with a Limited Residential District, it will be important for the Board to carefully review and understand Table 1 of the proposed Limited Residential District ordinance. Jo Pierce questioned how a property owner would know if there were wetlands or other environmental concerns on their property. Mike Morse said that the property lines of the lots, shown on the Baldwin Zoning Map, obtained from the County GIS database, have been overlaid over the proposed Shorelands Zoning Map to help property owners, the Code Enforcement Officer and the Planning Board identify possible environmental concerns. Mike said that it would be a good idea for the Town to have a Global Information System map on the Town website, and it would have to be 100 percent consistent with the Zoning Map and Shoreland Zoning Map. Mike also said that a property owner may have to retain a soils scientist to determine if there are any wetlands on the property and then check with MDEP and USACE if any permits are required.

There was considerable discussion between the Board members about the need to revise the current Shoreland Zoning Map. The big unanswered questions that remained are: What was the basis for

determining the limits of the Resource Protection areas? And why were the forested wetlands included in the Resource Protection Area?

Don Sharp gave the Planning Board a study that prepared that he thought answered these questions. Don said that the first thing that he did was trace the Baldwin wetlands that are on the USGS – Steep Falls Quadrangle map. These wetlands came from the National Hydrographic Data Set prepared by the Fire and Wildlife Service. He then overlaid these traced lines over the current Shorelands Zoning Map. They fit perfectly over the limits of the Resource Protection areas on the Shorelands Zoning Map. He did the same thing for the wetland areas that are shown on the Baldwin Tax Maps. Again, the traced lines matched up exactly with the limits of the Resource Protection areas on the Shorelands Zoning Map.

The next thing that Don did was highlight the streams shown on the USGS map. He then compared them to the Shoreland Map and it was clear that the Shoreland Map did not include the smaller streams that are shown on the USGS map.

After this, Don began a discussion about forested wetlands. He said that the USACE and EPA consider forested wetlands as freshwater wetlands. He then showed two excerpts, concerning forested wetlands, that he copied from the MDEP website. The first excerpt says the following:

*Maine's forested wetlands are vital ecosystems that provide critical habitat for wildlife, support biodiversity, and offer numerous environmental benefits. Forested wetlands, also known as wooded swamps, are freshwater wetlands dominated by trees and woody vegetation. In Maine, wetlands are a part of a diverse array of wetland types, which include marshes, bogs, and floodplains. They play a crucial role in maintaining ecological balance supporting various species.*

The second shows eight images of freshwater wetlands. Images of *Forested Swamps* and *Forested Floodplain Wetlands* are two of the eight images of freshwater wetlands.

Next, Don showed three aerial photographs that showed forested wetlands. All three photographs show forested wetlands that are adjacent to waterbodies. Two of the photos were taken in the fall. They show that the trees in the forested areas turn early in the fall and are yellow in color. Don then said that he took a aerial photograph of an area of Quaker Brook drainage basin, near the intersection of Routes 11 and 107 in Baldwin that was taken in the fall, and then he highlighted the areas that possibly could be forested wetlands. He then overlaid the highlighted areas on current Shoreland Zoning Map and found them to fall within the Resource Protection area shown on the map.

Don concluded by saying that it was his opinion that the Resource Protection areas must be protected and the current Shoreland Zoning Map does not need to be changed. Only the definition **Freshwater Wetland** in Section 17 of the current ordinance needs to be revised to eliminate the words, *other than forested wetlands*. It is up to us as the Planning Board to decide if the Board wants to make the map more restrictive or less restrictive. The Board needs to decide if the Shoreland Zoning Map and Ordinance protects our environment or encouraging development. A of Don's presentation is attached to these minutes.

Matt Fricker said that during the preparation of the new Comprehensive Plan a survey was taken of residents of Baldwin. The survey determined that there was a consensus to keep Baldwin, Baldwin. The current Shoreland Zoning Map and Ordinance was included in the Comprehensive Plan to meet this objective.

Jo asked if there is anyone else that Board wants to talk with. Don said that before Mike came, he talked to Jeff Kelinick from the MDEP. Jeff said that he worked with Mike on the preparation of the proposed plan and ordinance, and he said that the proposed plan is in accordance with the State's minimum standards.

David Strock suggested that, as we go forward, the Planning Board during the next couple of months needs to obtain more information and data to decide if the Board wants to make any changes to the map and ordinance before the next Town Meeting.

### **3. NEW BUSINESS**

There was no new business.

### **4. MEETING ADJOURNMENT**

Meeting was adjourned at 8:50 pm.