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**Findings of Fact and Conclusions of Law
Nature's Wilderness Campground**

1: Applicant's Legal Name:

The applicant's name is Nature's Wilderness, LLC. – A Florida Corporation

2: Applicant's Mailing Address:

Nature's Wilderness, LLC
c/o Mr. Scott Efron
2 Upper Twain Road
Baldwin, ME 04091

3: Applicant's Phone Number:

Mr. Gerry Brown, General Manager, is the primary contact for the project and can be reached at 207-409-7724. Mr. Scott Efron, owner, can be reached at 207-787-6012.

4: Owner of Record:

Nature's Wilderness, LLC is the legal owner of the property. Mr. Scott Efron is the president of Nature's Wilderness, LLC. (Previously submitted).

5: Right, Title or Interest:

Nature's Wilderness, LLC is the legal owner of the property per deed recorded in the Cumberland County Registry of Deeds in book 33066, page 317. (Previously submitted)

6. Property Owners Name:

Nature's Wilderness, LLC is the legal owner of the property. Mr. Scott Efron is the President of Nature's Wilderness, LLC. See attachment 2 for a copy of the property deed.

7. Owner of Record Address:

Nature's Wilderness, LLC
17569 Middlebrook Way
Boca Raton, FL 33496

8. Location of Property:

The property is located at 2 Upper Twain Road.

9. Tax Map and Lot Number:

The development is shown in its entirety as Lot22 on Tax Map 7, with the exception of a 6.58-acre lot sold to Mr. Alexander on or about November 19, 2019 (BK.36185 Pg. 197-198).

10. Zoning District:

The development is located in the Rural Zoning District. The area surrounding Marston's Pond is zoned Resource Protection.

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Additional Contact information on this development is as follows:
Nature's Wilderness is a Florida Corporation
Local Contact is: Gerry Brown by way of Power of Attorney
Local Phone number is: 207-409-7724.

The applicant met with the board on February 28, 2019 in order to go over a list of issues presented by the contract planner from Southern Maine Planning and Development Commission. That list includes the following:

- 1. Since this site will have varied type of camping opportunities it would make sense for the planning board to request a conceptual design of each type of site to see where parking will be and where water/sewer and electric will be provided to hook into the units that will require this.**
- 2. The applicant mentions in the submitted narrative (Campground Rules g.) that there will be Equestrian opportunities in the Campground. Are there stalls and turnout areas for the horses? How and where will manure be stored until it is trucked away? If this use is not going to occur than the rules should be updated to reflect this.**
- 3. The application also mentions Archery as an activity, where will the archery facility be located in relation to camp sites? Will it be supervised at all times?**
- 4. Trash receptacle standard suggest you should have on within 500 feet of all camp sites. The same standard holds true for Privy and toilet facilities. Realizing that some of the sites are for self-contained units those sites would not apply but all other tenting sites do apply to this standard. The applicant should provide a plan showing that both of these types of facilities meet that standard.**
- 5. The applicant has indicated there would be Glamping sites how do these work regarding the issues relevant to #4 above? Maybe further definition of Glamping can address this issue.**
- 6. The site will have cabins which are indicated to have two bedrooms. In my mind that would suggest that 2 couples could rent these units not all of the units will be family members traveling in one vehicle. Is there parking for 2 vehicles on these sites? And have those extra vehicles been added in to the trip analysis?**
- 7. The applicant is proposing to reconstruct Marston Road and finish it with a compacted aggregate base coat. My concern is that even with this material as a finish, during dry summer spells it will get dusty and there are several homes along that road. The applicant may want to develop a plan for the board that assures it will be moistened during these dry periods to control**

91 the dust, or propose some type of paving or liquefied asphalt finish to the
92 road.

93 8. The Plan to me is somewhat unclear in that it has two parallel heavy lines, I
94 assume one signifies the 75' setback from the resource as noted on the plan.
95 The second line is not noted anywhere, my assumption is that it is the 100'
96 setback but it is not noted anywhere on the plan set. I might suggest just
97 eliminating that line to clean the plan up.

98 9. Sheet C-1.2 shows 2 proposed wells within 200' of each other. Is this by
99 design or does the plan need to be corrected?

100 10. Sheets C.2.0-2.2 show a series of Restoration areas on the plans. I have
101 found no documentation as to what the restoration is about or what exactly
102 is being done for restoration. If trees are being replanted than the plan
103 should include detail on how plantings will be accomplished. There is also
104 no plan or narrative to indicate the timing of this restoration. It seems to
105 me that a third party inspector may be required to oversee this restoration
106 plan and any additional construction needed on the site.

107 11. Has the Fire Chief reviewed these plans reviewed the plans or been on-site
108 yet to comment on camp roads for width and tree heights in order to get
109 adequate equipment on to the site during emergency situations?

110 12. The front page of the plan set needs to be corrected to reflect the town of
111 Baldwin not the Town of Windham.

112 13. In general, I believe that there a number of things that need to be cleaned
113 up on the plans and would be happy to discuss them with the applicants
114 engineers so that the planning board does not get bogged down on this issue.

115 The applicant went through this list and discussed each item and indicated that the plans
116 would be changed to address each of the issues. The planning board set the next
117 meeting on this project to be March 28, 2019 in order to give the applicant an
118 opportunity to address all of the concern. The applicant submitted revised plans to
119 SMPDC for review on Monday March 25, 2019 for review prior to the scheduled
120 meeting of March 28.

121
122 During the meeting of March 28, 2019, the applicant had 3 missing pieces of
123 information that the Planning Board has requested prior to them finding the application
124 complete. That information includes:

- 125
126 1. An executed agreement with the town for Marston Road along with a \$40,000
127 bond
128 2. An Emergency Plan reviewed and approved by the Fire Chief
129 3. A complete set of Campground rules
130

131 During the meeting, the board continued to ask questions of the applicant in order to
132 address a serious of concerns on the project. Those issues included:

- 133 • The need for a full 400+ Acre survey not just the 157 acres of the campsite itself
- 134 • Clarification of who the Owner is in regards to a Florida Corporation or a Maine
135 Corporation
- 136 • Needing to establish quiet hours for the evenings as well as ATV shutdowns at
137 night.
- 138 • Identifying the number of staff who will work the overnight at the facility
- 139 • Addressing the Traffic Study use of Vehicle trips and not that of Rv's. Is there a
140 difference?
- 141 • The plans also need updating for a Pool location and Fence detail \
- 142 • The applicant has also verbally indicated that there will be NO Archery program
143 on the premises
- 144 • There was also discussion regarding Live entertainment and what time that type
145 of event would be shut down in the evening.

146
147 The next meeting is scheduled for April 11, 2019. The applicant held several meetings
148 with the board since April of 2019.

149
150 November 2019, the application was found complete and on December 7, 2019 the
151 planning board held a site walk with the applicant and several interested parties from the
152 public joined the walk.

153
154 On December 12, 2019 the board held the first public hearing with the application.
155 Approximately 30 people attended the meeting and spoke regarding several issues. The
156 most prominent issue discussed all evening was Traffic. William Bray, Traffic Engineer
157 and consultant to the applicant presented his initial analysis for 300 camp sites. The
158 initial study submitted to the board was for 250 sites. Trips generated during peak our
159 Weekday is 111 and weekend I projected to be 165. A great deal of the traffic
160 discussion surrounded the intersections of Route 113 and Senator Black Road and
161 Senator Black at Marston. Based on the number of trips, there are concerns about
162 geometrics and alignment for Motor homes and large tow behind campers.

163
164 Some citizens were concerned about kids playing on Marston road and the danger that
165 these added vehicles will bring to the kids in the area.

166
167 The applicant indicated that a phasing scheme to develop the project will be proposed,
168 the board has not seen any phasing plans at this time. The applicant also indicated the
169 project will be required to obtain both a Maine DEP Site Location of Development
170 permit as well as a Maine DOT Traffic Movement permit. The Traffic permit will not
171 occur until the project meets a certain threshold size which will meet the DOT permit
172 standards.

173
174 There were questions also asked in regards to water on the site and the applicant's
175 representative indicated that they would need a permit from the Maine Department of
176 Health and Human Services Well Water Division. As well as a Permit for the two

177 proposed Dumping stations proposed on the site which will be the only two sewerage
178 disposal systems on site. It was noted that both the Wells and the Septic systems must
179 be separated by a minimum of 300 feet.
180

181 On January 9, 2020 the planning board continued the Public Hearing with
182 approximately 30 people in the audience. One abutter spoke and submitted written
183 testimony siting the performance standards and how the applicant has not yet met all of
184 the requirements, several others also spoke about how the enforcement is not working
185 and will need to be evaluated in order for the applicant to comply based on stiffer fines
186 if the applicant does not comply with the regulations. There was also discussion
187 regarding the need to have the project phased in in order to monitor the traffic impacts
188 as well as other impacts that may be associated with the development. The board
189 postponed further discussion to later date uncertain giving the applicant an opportunity
190 to work on addressing these and other concerns.
191

192 In February the board continued the Public Hearing through this meeting and then
193 closed the Public Hearing portion of the meeting with no new information for the
194 board's consideration. During the meeting, the applicant presented a revised plan half
195 the size of the previous application and proposed a 3-phase approach, which provided
196 additional comfort to the planning board. The Planning Board tabled the application
197 until March 12 for additional consideration. The development proposal has been revised
198 as noted above to look like the following:
199

200 Proposed Project

201 The applicant intends to open a campground on the property. The development will be contained
202 within the portion that lies north of Marston's Road and just east of Deacon Road. This
203 development area is approximately 150 acres of the 462 acre property. The development is
204 shown in its entirety as Lot 22 on Tax Map 7, with the exception of a 6.58-acre lot sold to Mr.
205 Alexander on or about November 19, 2019 BK.36185 Pg. 197-198
206

207 The applicant proposes to develop the site in phases with a series of camp sites, a club house and
208 a general store. There will be a mix of RV compatible sites, cabins & tent sites. The campground
209 will offer a wide variety of amenities to outdoor enthusiasts including swimming, fishing, hiking
210 & mountain biking and use of miles of existing ATV trails. Our plans feature a maximum of 60
211 camp sites in phase I. All remaining land shall remain undisturbed. Each of the campsites will
212 have, at a minimum, one parking space, fire pit & picnic table.
213

214 The development will be constructed over the course of no less than three phases. The phases are
215 shown on the attached phasing plan and break down as follows:
216

217 Phase 1: This phase includes 60 total sites including 19 RV sites and 41 cabin/tent sites.
218 The sites labeled as cabin/tent are interchangeable from a permitting perspective. They
219 both have a smaller footprint than one of the large RV sites. Some of the cabin/tent sites
220 may also be used for small RVs. This phase will also include:

- 221 Updates to the onsite stormwater pond
- 222 Retrofits necessary to install the dry hydrant (fire truck connection).

223 □ Swimming pool
224 □ Improvements to the Marston's Road from the intersection of Senator Black
225 Road to the campground within 1 year of the approval being granted □ Signage improvements to
226 Senator Black Road.

227
228 Phase 2: This phase includes 67 total sites including 39 RV sites and 28 cabin/tent sites.
229 This phase will also include the club house, sewer dump stations and the stormwater
230 upgrades to Marston's Pond.

231
232 Phase 3: This phase includes the three remaining dead end roads and the associated 45
233 RV sites. These dead end sections will be built one at a time and really represent three
234 mini-phases that will be constructed when the applicant has the resources to construct
235 them. The applicant has already cleared much of the proposed development area. No new
236 development is proposed within 250' of Marston's Pond or within 100' of the onsite stream due
237 to the RP zone. Only structures and features that were permitted prior to the enacting of the RP
238 Zone in March 2018 will be located within the Resource Protection Area.

239 240 Project Utilities

241 The majority of sites will be served by an electrical service that will be fed via underground
242 electric lines. Group septic systems will be regionally located around the campground to service
243 the sites. The large cabin sites are expected to have individual water and sewer connections,
244 while the majority of the other sites will rely on regionally located bath houses and laundry
245 houses. Three dump stations will be centrally located to service clients with holding tanks. Septic
246 locations are shown on the plans. HHE-200 forms will be provided by the project site evaluator.
247 The State of Maine Department of Health and Human Services (Department) requires that all
248 sites have access to water carried sewage facilities. The Department stipulates that all water
249 carried sewage effluent shall be disposed of by means of: a public system; or an approved
250 sewage disposal system which is constructed and operated in conformance with applicable state
251 and local laws, ordinances and regulations. Non-water carried sewage disposal facilities include
252 pit privies, vault privies, chemical toilets, and composting toilets are only allowed if specifically
253 permitted through the Department. By the State definition, the entirety of the campground will be
254 serviced with conveniently located (within 500' of all camp sites) water carried sewage facilities.
255 The Department defines sites without access to water or sanitary buildings as a primitive site. We
256 believe that the density requirements of the Town Zoning Ordinances (5,000 SF per site vs.
257 20,000 SF per site) differentiate sites that have access to water carried sewer facilities vs. those
258 that are classified as primitive sites.

259 260 Required State Permits & Project Consultants

261 This project will require a MDEP Site Location of Development Permit prior to beginning the
262 second phase of development. We've had several meetings with MDEP representatives and
263 followed the latest meeting up with a scoping/pre-application meeting at the MDEP Portland
264 Office in October 2018. The project will also need a NRPA Wetland Alteration Permit.
265 The project has been reduced in size and no longer will need a MDOT traffic movement permit
266 since the peak hour trips are now less than 100. William Bray, P.E. of Traffic Solutions has
267 prepared a traffic study. The applicant has previously agreed to upgrade Marston's Road to the

268 Town Road Standards from the intersection with Senator Black Road to the campground
269 entrance. The applicant will also improve the intersection of Marston's Road with Senator Black
270 Road by providing larger entrance radii. The overall property boundary information shown on
271 the attached plans is based upon a boundary survey that was completed in 1996 and was recorded
272 in the Cumberland County Registry of Deeds The plan was updated in 2009 to include the
273 Deacons Road and Marston Road (previously submitted). The property lines near the
274 development area for the campground have been defined by Survey, Inc. (previously submitted).
275 Statewide Surveys, Inc. & Longview Partners, Inc combined to perform a wetland & stream
276 delineation of the project area. Longview Partners performed a vernal pool assessment in the
277 spring of 2018. A significant vernal pool was found on the backside of Marston's Pond that is
278 located within the town Resource Protection District. Onsite topography of the developed area
279 was provided by Statewide Surveys, Inc. Middle Branch Land Surveying provided an existing
280 conditions plan of Marston's Road. The remaining topography was obtained from the State of
281 Maine Office of GIS and is shown at a 2' contour interval. The United States Army Corp of
282 Engineers requested that a site investigation be undertaken to look for the presence of the Small
283 Whorled Pogonia. This type of pogonia is a threatened species. Flycatcher LLC performed a site
284 survey in July of 2019. A grouping of four individual plants were found on the site. A copy of
285 their report is attached. The plants are located approximately 300' from the nearest proposed area
286 of development. The Maine Natural Areas Program will review the plan to ensure that adequate
287 buffering has been provided. Terradyn Consultants, LLC will assist the applicant with the local,
288 state and federal permitting process. Campground Rules The campground rules were previously
289 provided but are included here for your convenience. The campground will publish a series of
290 rules & safety guidelines that its users will agree to adhere to. It will also operate under
291 Department rules and regulations: Specific rules are discussed below:

292 a. **Dates of Operation:** The campground will be open from May 1st through October
293 31st.

294 b. **Hours of Entry:** The campground will be controlled by a gated entrance 24-hours
295 a day. Controlled access to and from the campground will be available 24-hours
296 a day. The registration office will be open from 7 AM to 8 PM each day the
297 campground is open. Campers and visitors will be provided instructions on gate
298 access procedures upon check-in. No new (un-registered) visitors will be allowed
299 in after 8 PM.

300 c. **Reservations & Rates:** The applicant has previously provided a sample rate sheet.
301 Reservations will open February 1st of each year. Seasonal sites will need to
302 reserve the site for the following year prior to the expiration of their rental term.
303 After such time, the site will be offered via standard reservation on a first come,
304 first serve basis.

305 d. **Vehicular Access:** All campers will be given directions to the campground from
306 both east & west of the campground access and will be directed to come down
307 Senator Black Road via Marston's Road. It is expected that signage along Route
308 113 will be allowable by the Town and MDOT to direct traffic away from Brown
309 Road.

310 e. **Emergency Preparedness:** Campground safety regulations are published by the
311 American Camp Association (see www.acacamps.org for more information). The
312 applicant is researching those guidelines, will review them with the Baldwin Fire
313 Dept. and intends to enact them. Copies of the campground safety regulations

314 will be provided once prepared. The Nature's Wilderness plan will –at a
315 minimum- feature the following:
316 i. Campfires will be put out prior to quiet/bed time.
317 ii. Camp employees will be trained in emergency procedures including first
318 aid and fire control procedures.
319 iii. All RV, Glamping and cabin sites will have water connections.
320 iv. The campground owns a functioning fire truck that will be available to
321 respond to any fire related emergency.
322 v. A dry hydrant will be installed in the primary stormwater pond along the
323 Marston's Road frontage. The connection will allow all area pumper
324 trucks to connect to a large volume of water. As designed the
325 stormwater/fire pond will contain more than 1,000,000 gallons of water.
326 f. **Number of sites:** The Campground will not permit the placement of any R.V.'s or tents
327 exceeding the number of sites approved by the Town of Baldwin & the State of Maine.
328 g. **Primitive Recreation:** All hiking, biking & equestrian use will be limited to the
329 Campground property. Mounted maps will be posted at various
330 points throughout the trail system and in the club house. Signage will be posted at the
331 perimeter of the campground to demarcate the property line.
332 h. **ATV use:** The campground proposes to allow ATV use within the land owned by
333 the applicant described as lot 22 on Town of Baldwin Tax Map 7. This land area
334 contains existing trails and the campground expects to prepare additional trail
335 networks. All trails, existing and proposed are to be mapped and property/use limits
336 clearly posted on the trails. The campground will display a series of maps located at
337 various points along the trail system and will publish trail maps for the renters. A trail
338 map exhibit is attached to this submittal. Signs will be placed at the perimeter of
339 the defined trail limits signifying that ATV traffic must remain on trails that are
340 specifically indicated on the maps. ATVs will be prohibited from traveling along
341 Marston's Road except at specified crossing locations. The hours of operation of
342 ATV's on the site will be limited to 7 AM to a half hour after sunset each day. The
343 campground reserves the right to impose additional restrictions and/or revoke
344 privileges on the ATV use/users. There shall be no ATV sanctioned races allowed on the
345 property. All ATV's must meet the state requirements for exhausted systems as
346 regulated. ATV's includes Dirt Bikes, Side by Sides, Three Wheelers and the like
347 i. **Right of entry and inspection:** The Town of Baldwin Code Enforcement Officer
348 (CEO) and any duly designated officer or employee of the State of Maine
349 Department of Health and Human Services (Department) shall have the right,
350 without an administrative inspection warrant, to enter upon and into the
351 premises of the campground at any reasonable time in order to determine the
352 state of compliance with this the permit and any rules in force pursuant thereto.
353 j. **Register:** The proprietor shall keep and maintain or cause to be kept and
354 maintained therein, a registry of guests renting or occupying sites. The register
355 may be a book or separate registration form or card electronically. The register shall be
356 signed by the person renting sites or by someone under their direction. The proprietor
357 or their agent shall write opposite each name the number of sites assigned to and
358 occupied by each guest, and the state and license number of any automobile then
359 being used or operated by the registrant. The proprietor or their agent shall keep

360 and preserve the record for 5 years showing the date of registration and duration
361 of occupancy of each site. Said register shall be available to the CEO or any agent
362 of the Department upon request.

363 k. **Water analysis:** A copy of the current water analysis for all wells shall be at the
364 Campground and in view of the public. A water sample shall be taken tested and shown
365 to be satisfactory before the campground opens for the season.

366 l. **Dump Station:** Dump stations will be provided consisting of at least a four inch
367 (10 cm.) sewer riser pipe, connected to the R.V. sewage disposal system,
368 surrounded at the inlet by a 3 foot by 3-foot concrete apron sloped to the drain,
369 provided with a suitable hinged cover and/or screw cap, and a water outlet to
370 permit periodic wash down of adjacent areas. This water outlet shall be protected
371 with an anti-siphon backflow preventer. A sign shall be posted stating that the
372 water from this outlet is not for drinking purposes.

373 m. **Garbage & Rubbish Disposal:** Garbage collection points will be installed and
374 maintained at a number of locations within the campground. Most garbage
375 collection points will be dumpsters, while smaller receptacles may be installed as
376 well. Garbage and rubbish will be kept in durable insect proof and animal proof from
377 animal intrusion containers that do

378 not leak and do not absorb liquids. Plastic bags and wet-strength paper bags may
379 be used to line these containers. All containers will be provided with tight-fitting
380 lids. The campground will provide a sufficient number of containers to hold all of
381 the garbage and rubbish which accumulates between periods of removal.

382 n. **Swimming Pool:** The campground will contain a large swimming pool. It will be
383 constructed and operated in accordance with all state rules applicable to
384 swimming pools as required and submitted to the town and State of Maine.

385 o. **Campground Amenities & Services Limited to Paying Guests:** The park
386 amenities, services & activities will be available only to campers & guests. The
387 campground is not open for use by the general public. The campground intends to offer a
388 variety of amenities, services & activities including:

389 i. **Swimming:** Swimming lessons will be offered to registered campers and taught
390 by a certified instructor.

391 ii **Canoes & Kayaks:** Canoes and Kayaks will be provided for free to campers
392 and invited guests.

393 iii. **Live Music:** Music will be provided intermittently during the summer months for the
394 enjoyment of the campers. Performances shall stop by 10:00 P.M. and be located in the
395 upper field. Live entertainment shall only occur on Friday or Saturday evenings and shall
396 not impact the neighboring properties. It is agreed that the maximum average decibel
397 level will be kept at 45db at the property line between the hours of 10:00 P.M. and 7:00
398 A.M. and sound levels during performances shall be no louder than a maximum average
399 of 70db during performances between the hours of 7:00 P.M. and 10:00 P.M. Sound
400 measures will not be taken on Marston Hill Road.

401 iv. **ATV's** will not be rented to the campers. The term ATV's included all forms of
402 motorized vehicles used for off road enjoyment including but not limited to 3 Wheelers, 4
403 Wheelers, Side by Sides and Motor Cross bikes

404 p. **Multi-purpose Building:** The multi-purpose building will function as a community
405 center, general store & restaurant. It will be open to campers and registered

406 guests between the hours of 8 am to 9 pm.
407 The campground intends to sell retail goods from the general store. No
408 limitations on goods that are offered for sale are proposed under this application.
409 The restaurant will offer prepared and made-to-order food items for sale to
410 campers and registered guests. Menu items are expected to include breakfast,
411 lunch and dinner items. The applicant reserves the right to change the menu
412 items as they see fit. The building will also contain games, TV's and other indoor
413 recreational activities.

414 **q. Primitive Sites Prohibited:** The Nature's Wilderness Campground will not contain
415 any primitive sites.
416
417

418 **A conditional use may be granted by the Planning Board only in the event that the**
419 **applicant has established to the satisfaction of the Planning Board that:**
420

421 A. Neither the proposed use nor the proposed site upon which the use will be located is
422 of such a character that the use will have significant adverse impact upon the value or
423 quiet possession of surrounding properties greater than would normally occur from such
424 a use in the district. In reaching a determination on this standard, the Planning Board
425 shall consider:

- 426 1. the size of the proposed use compared with surrounding uses;
- 427 2. the intensity of the proposed use, including amount and type of traffic to be
428 generated, hours of operation, expanse of pavement, and similar measures of
429 intensity of use, compared with surrounding uses;
- 430 3. the potential generation of noise, dust, odor, vibration, glare, smoke, litter and
431 other nuisances.
- 432 4. unusual physical characteristics of the site, including size of the lot, shape of
433 the lot, topography, and soils, which may tend to aggravate adverse impacts upon
434 surrounding properties.
- 435 5. the degree to which landscaping, fencing, and other design elements have been
436 incorporated to mitigate adverse impacts on surrounding properties.

437
438 B. Municipal or other facilities serving the proposed use will not be overburdened or
439 hazards created because of inadequate facilities. In reaching a determination on this
440 standard, the Planning Board shall consider:

- 441 1. the ability of traffic to safely move into and out of the site at the proposed
442 location;
- 443 2. the presence of facilities to assure the safety of pedestrians passing by or
444 through the site;
- 445 3. the capacity of the street network to accommodate the proposed use;
- 446 4. the capacity of the storm drainage system to accommodate the proposed use;
- 447 5. the ability of the Town to provide necessary fire protection services to the site
448 and development.

449
450 C. The natural characteristics of the site, including topography, drainage, and
451 relationship to ground and

452 surface waters and flood plains, shall not be such that the proposed use when placed on
453 the site will cause undue harm to the environment or to neighboring properties.

454
455 **Access to Property**

456 Each property shall be provided with vehicular access to the property by abutting public
457 or private ways or roads. Private rights-of-way shall be protected by permanent
458 easements.

459 Access will be by State Aid, Route 113, Town ways and private ways as defined in the
460 town of Baldwin. All access information was provided and discussed as part of the
461 review of this project. The applicant will provide Traffic numbers based on the phases
462 as proposed in the narrative submitted by the applicant.

463
464 Access shall not occur directly from Brown road and the applicant shall not encourage
465 the use of Brown road for access to the site. There shall be no parking allowed on
466 Marston Hill road. The applicant shall pay for all appropriate signage indicating that
467 Brown road is not a through way.

468
469 **Access Limitations**

470 Any lot created after the effective date of this Ordinance, as part of a subdivision as
471 defined by the Town of Baldwin and State of Maine shall have its required road frontage
472 on a way other than Routes 11, 107, and 113, the Douglas Hill Road, and the River
473 Road unless the Planning Board determines that conditions particular to a parcel justify
474 a waiver from this requirement. A waiver shall be granted only if there will be
475 no further subdivision of the parcel and one of the following conditions is met:

476
477 A. There is too little road frontage to reasonably allow for the creation of a new way.

478
479 B. The shape or physical condition of the parcel does not permit access to or creation of
480 a way.

481 No waivers are required. The applicant is not accessing this site via any of the Roads
482 listed above.

483
484 **9.4 Dust, Fumes, Vapors and Gases**

485 Emission of dust, fly ash, fumes, vapors or gases which could damage human health,
486 animals, vegetation, or property, or which could soil or stain persons or property, at any
487 point beyond the lot line of the commercial or industrial establishment creating that
488 emission shall be prohibited. All such activities shall also comply with applicable
489 Federal and State regulations.

490 The applicant shall be responsible for watering the Marston Road periodically during
491 the camping season no dust shall be allowed to encroach on abutting residential
492 properties

493
494 **9.5 Glare**

495 No land use or establishment shall be permitted to produce a stray, dazzling light or
496 reflection of that light beyond its lot lines onto neighboring properties, or onto any
497 public way so as to impair the vision of the driver of any vehicle upon that way.

498 This use is contained within a 462 -acre piece of land and is a Campground. There will
499 be no glare impacting abutting property owners. Campers shall not be permitted to use
500 personal fireworks at the campground. If the Campground management chooses to do
501 fireworks displays, it must first acquire a burn permit from the Regional Forest Ranger's
502 office The State Fire Marshall's rules shall be complied with. The campground
503 management is required to coordinate these events with the local Fire Chief 10 days
504 prior to any event. There shall be no more than 5 events during the Camping season.
505 The Fire Department shall have stand by resources available on site 1 hour before any
506 event to 1 hour after an event has occurred. The campground shall notify all of the
507 general public 10 days prior to Firework events with the placement of a sign letting the
508 public know of the upcoming event at the entrance to the campground and at the
509 intersection of Marston Hill Road and Senator Black Road and a second sign at the
510 entrance to the Campground. The applicant shall also supply the town's CEO with a
511 copy of the Insurance policy which covers the use of Fireworks on the property. This
512 Policy shall be located in the project file within town hall.

513
514 **9.6 Industrial Odors**

515 No land use or establishment shall be permitted to produce offensive or harmful odors
516 perceptible beyond their lot lines, either at ground or habitable elevation.

517 Not Applicable

518
519 **9.7 Off-Street Parking Standards**

520 **A. Applicability**

521 In all new construction, expansions or changes of use there shall be provided off-street
522 parking for their use.

523 The applicant has provided spaces off street for each unit and at the Club House & pool
524 Area

525
526 **B. Requirements**

527 Off-street parking shall be considered an accessory use when required or provided to
528 serve conforming uses located in any district. An off-street parking space shall be 10
529 feet wide by 20 feet long exclusive of maneuvering space. The following minimum
530 number of spaces shall be provided and maintained:

531 Campground1 space per site

532 Service establishments1 space per 200 square feet of gross floor
533 area

534 Eating and drinking establishments.....1 space per 3 seats

535 The plan has made accommodations for the required parking spaces as noted above even
536 though the Eating and Drinking establishment will not be open to the public.

537
538 **C. Off-Street Parking**

539 In any district where permitted or allowed, commercial industrial uses shall provide, as
540 necessary off-street loading facilities located entirely on the same lot as the building or
541 use to be served so that trucks, trailers or containers shall not be located for loading or
542 storage upon any public way.

543 Not Applicable

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9.8 Sewage Disposal

Any use which relies on the soils for treatment of wastewater shall comply with the requirements of the Maine State Plumbing Code. The discharge of wastewater other than to soils shall be in compliance with the regulations of the Maine Department of Environmental Protection.

The applicant has provided HHE 200 forms for the Septic system designs and all of the information indicated that the above standards will be adhered too.

9.9 Soils and Earth-Moving

No person shall perform any act or use of the land in a manner which would cause substantial or avoidable erosion, create a nuisance, or significantly alter existing patterns of natural water flow in the Town.

The applicants plan shows a great deal of Erosion control measures and the project requires Maine DEP review which will also trigger inspections by the state during construction

9.10 Stormwater Drainage

A. Stormwater drainage systems shall be designed to minimize the volume and rate of outflow from the development.

B. Design of drainage facilities shall accommodate, at a minimum, a 25-year storm frequency

The applicant has demonstrated that they have a more than sufficient stormwater design which must also be approved by Maine DEP prior to the start of construction.

In addition to the above Performance Standards, The Planning Board must also consider the following from Article 10 Section 10.4

Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

- A. Areas containing water-carried sewage facilities
Recreational vehicle and tenting areas containing approved water-carried sewage facilities shall meet the following criteria:
 1. Each recreational vehicle, tent, or shelter site shall contain a minimum of 5,000 square feet, not including roads and driveways.
The applicant's density is equivalent to 288,918 square feet per unit
 2. A minimum of 200 square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site.
The plans have included a typical site design for each camp site that includes a 10'x 20' parking areas well as enough room on each site to maneuver a camper as needed
 3. Each recreational vehicle, tent, or shelter site shall be provided with a picnic table, trash receptacle, and fireplace.

589 Sheet C1.1 includes a typical layout showing all of the above amenities, which
590 must be included on each designated site.

591
592 B. Areas without water-carried sewage facilities

593 Recreational areas without water-carried sewage facilities shall contain a minimum of
594 20,000 square feet, not including roads and driveways, for each recreational vehicle, tent
595 or shelter site.

596 Not Applicable

597
598 C. Setbacks

599 The area intended for placement of the recreational vehicle, tent, or shelter and utility
600 and service buildings, shall be set back a minimum of 100 feet from the exterior lot lines
601 of the camping area and 100 feet from the normal high water elevation of any water
602 body.

603 Not only has the applicant provided the required setbacks, the property itself is much
604 larger than the campground which will be contained within the property. The plans also
605 represent a design that meets the required waterbody setbacks.

606
607 D. Screening

608 All campgrounds shall be screened from adjacent land areas by a continuous landscaped
609 area not less than 25 feet in width containing evergreen shrubs, trees, fences, walls or
610 any combination which forms an effective visual barrier of not less than six feet in
611 height.

612 Not only has the applicant provided the required setbacks, the property itself is much
613 larger than the campground which will be contained within the property.

614
615 **Based on the above Statement of Findings of Fact and Conclusions of Law, the**
616 **Planning Board Approves/Denies the application for Natures Wilderness**
617 **Campground owned and operated by Natures Wilderness, LLC by a vote of which**
618 **includes the following conditions:**

- 619
- 620 • The Campground cannot expand beyond what has been defined as **phase I** of
621 this application without first seeking additional approvals from the Planning
622 Board, including, but not limited to, construction of roads, buildings, camp sites
623 or other features of the phases outside of phase I.
 - 624 • The applicant shall be responsible for watering the Marston Road periodically
625 during the camping season no dust shall be allowed to encroach on abutting
626 residential properties.
 - 627 • The applicant shall develop an evacuation plan for the campers in case of a
628 forest fire or other natural disasters, which may impact the campground. This
629 plan shall be provided to the town and the fire department for their knowledge.
 - 630 • The Campground shall only be opened to the public between the dates of May 1
631 and October 31. No one shall be living on the premises during a non-operational
632 period, with the exception of the campground manager, property owner or
633 immediate family living within the existing house on the property during
634 anytime in the offseason.

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- The Campground shall be responsible for placing directional signage along both Senator Black and Brown Roads. Those signs shall consist of Directional signs as well as any other appropriate signage used within the Manual of Uniform Traffic Devices. The applicant shall consult with the town's Public works department on this issue.
 - All ATV and walking trails shall be signed at or near the property lines of the outer boundary of Nature's Wilderness Campground in order to notify campers of Trespass. If trespass becomes a problem going forward, the applicant shall provide additional signage along the perimeter of the property
 - The applicant shall post a letter of credit for the construction of the campground based on the phase of development. The LOC shall be rolled over and a new one supplied to the town prior to the initiation of construction for that phase.
 - No Hunting will be allowed within the boundary of the property owned by the campground or any other entity affiliated with the campground ownership
 - No personal fireworks shall be allowed at the campground. If the Campground management chooses to do fireworks displays, it must first acquire a burn permit from the Regional Forest ranger's office. The State Fire Marshall's rules shall be complied with. The campground management is required to coordinate these events with the local Fire Chief 10 days prior to any event. There shall be no more than 5 events during the Camping season. The Fire Department shall have stand by resources available on site 1 hour before any event to 1 hour after an event has occurred. The campground shall notify all of the general public 10 days prior to Firework events with the placement of a sign letting the public know of the upcoming event at the entrance to the campground and at the intersection of Marston Hill Road and Senator Black Road. The applicant shall also supply the town's CEO with a copy of the Insurance policy which covers the use of Fireworks on the property. This Policy shall be located in the project file within town hall.
 - No firearms discharge will be allowed for any reason within the campground or associated property surrounding the campground during the operation dates of May 1st to October 31st.

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At the Campground, there shall also be no:

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1. Natural or manmade amphitheater constructed.
 2. Horse stables or other building where horses are kept constructed.
 3. Commercial or recreational water cross activities.
 4. Commercial or recreational racing or other organized contest involving ATVs, UTVs, Motor Bikes, snowmobiles, or other motorized vehicles (whether for on-road or off-road use);

- 679 5. Commercial or recreational snowmobiling activities, or commercial activities of other
680 motorized vehicles for use on snow, other than traditional use of the Campground's trails
681 as part of the area's snowmobile trail system.
682
- 683 6. Commercial and recreational use of the facilities and property outside of the designation
684 dates of operation, with the exception of the manager, owner and immediate family
685 members living at the residential house on the property may engage in recreational use of
686 the property provided it is consistent with the limitations for the campground;
687
- 688 7. Commercial or recreational activities for individuals who are not rented a camping or RV
689 site at the facility, with the exception of limited guest of renters.
690
- 691 8. Commercial hunting activities outside of the designation dates of operation.
692
- 693 9. Commercial ice fishing activities.
694
- 695 10. Sale, lease or other type of conveyance of any portion of the existing 462-acre lot.
696
- 697 11. Expansion of the campground activities beyond the property lines of the existing 462-
698 acre lot.
699

700 Additionally, any use permitted or allowed under the Baldwin Land Use Ordinance that is
701 not expressly permitted by the written terms of the Conditional Use Permit or addressed
702 by the operative submission of the applicant shall be strictly prohibited.
703

704
705 STANDARD CONDITIONS FOR CONDITIONAL USE
706

707 To the Applicant:
708

709 **These Standard Conditions will apply to our conditional use**
710 **approval to the extent applicable, these conditions are *additional to***
711 **and supplement any specific provisions which the Planning Board**
712 **may have imposed upon your approval.**
713

714 1. The Applicant shall carry on the permitted activity in accordance with the description
715 thereof in the application, and in accordance with the documentary and/or testimonial
716 representations presented by the Applicant in connection with the proceeding. Substantial
717 compliance with the description of the activity and representations is a condition of
718 Approval. Any undisclosed and unapproved use of the-premises (even if otherwise
719 accessory to the approved use), or any substantial deviation from the activity or
720 representations described in connection with this Approval shall be deemed a violation of
721 the Land Use Ordinance and may result in revocation of the Approval.
722

723 2. By acceptance of this Conditional Use Approval: The Applicant consents to the
724 inspection by the Code Enforcement Officer of all non-residential areas of the premises at

725 reasonable times (with or without prior notice) for the purpose of determining compliance
726 with the conditions of the Approval or any provision of local, state: or federal law. This
727 consent shall not be withdrawn unless the Applicant abandons the approved use, and
728 notifies the Town in writing delivered to the CEO that the activity will not be resumed
729 without a the approval by the Planning Board. Failure to allow any such inspection by the
730 CEO may result in revocation of the Approval.

731
732 3. If the Approval is specifically conditioned upon physical improvement of the
733 premises, obtaining of insurance, or other requirement, the activity authorized hereunder
734 shall not be commenced until the Applicant demonstrates compliance with each of the
735 conditions to the CEO, and receives a certificate of occupancy from the CEO evidencing
736 that all conditions have been met. Commencement of the approved activity prior to
737 obtaining such certification may result in revocation of the Approval. Failure to utilize or
738 maintain such physical improvement, insurance, or other requirement thereafter may
739 result in revocation of the Approval.

740
741 4. The Approval shall lapse and become null and void if the use authorized by the
742 Approval is not commenced within one (1) year of the date of (approval or if the use is
743 abandoned for a period of one (1) year thereafter. Where there is good cause for the
744 delay, the discontinuance, and there is no evidence of intent to abandon the use, these
745 requirements may be extended for additional periods not to exceed one (1) year.

746
747 5. The Planning Board may schedule a hearing (upon reasonable notice to the Applicant
748 and the public) to determine whether: there is a violation of the Approval or any the
749 condition thereof (including those contained herein) or any other violation of any
750 provision of local, state, or federal law. If the Board determines that a violation has
751 occurred and is either continuing or is likely to recur, the Board may rescind this approval
752 or take such other action to amend or modify the Approval as the Board deems
753 appropriate to protect the public health, safety, or welfare

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756 Approved by the Baldwin Planning Board on June 25, 2020 by a vote of 4-0



757
758 _____
759 David Strook, Planning Board Chairman

6/29/20

Date

760
761
762 _____
763 Gerry Brown, General Manager

June 30 - 20

Date

