

Town of Baldwin, Maine Planning Board

Minutes from September 25, 2025, Planning Board Meeting

Meeting was called to order by Jo Pierce at 6.57 pm.

Board Members Present

Jo Pierce, Don Sharp, David Strock (came after the meeting started). Matt Fricker, Merhiella Crawford, Mike Ustin (alternate not voting after David Strock arrived). A quorum was established.

Also Present

Selectboard members, Jim Dolloff and Dale Miner, Don Kent, CEO, members of the community, Andrew Porter, Jamie Garland (of Main-Land Development Consultants), Paul Driscoll (Andrew Porter's attorney), and Carol Frost, and Julia Frost.

Minutes

A motion was made by Matt Fricker and seconded by Mike Austin to approve the minutes of September 11, 2025, that was prepared by Don Sharp and were unanimously approved by all voting Board Members present.

1. OLD BUSINESS

Porter Lane Subdivision

Jo Pierce said that there had been a misinterpretation in that at the very end of the process the subdivision was changed by the applicant. Jo said that instead of only one dwelling unit on the lots, there may be more. So, the subdivision map needs to be revised to include how many dwelling units will be on each of the seven lots.

Mr. Driscoll said that the Town ordinances have priority.

Mr. Driscoll said that the Town Ordinances do not restrict the number of dwelling units built a lot to one dwelling unit. And, nowhere in the subdivision application does it say that there will only be one dwelling unit on a lot.

Jo said the Board inserted the one dwelling unit restriction because the applicant told the Planning Board that there will be only one dwelling unit on each lot.

David Strock said that he thinks the Board believed there would only be one dwelling unit per lot because the application used the term "7-lot single-family residential subdivision." Mr. Driscoll said that it was not in there.

Matt Fricker agreed that the ordinances do not restrict one dwelling unit per buildable. However, ever since the first Planning Board meeting, and even on the site walk and public meetings, the applicant left the Planning Board and public with the impression that there would only be one dwelling unit on each lot.

Matt said that there is the possibility that there could be more than one dwelling unit on a lot, possibly as many as four units on a lot. Matt said that the Planning Board should consider requiring that applicant to deposit, in a special account \$15,000 for the Planning Board to hire an independent consultant to review the application.

Mr. Driscoll responded by saying that the plan complies with subdivision ordinance and it would be up to the Code Enforcement Officer (CEO) to issue building permits for additional dwelling units not the Planning Board.

Mr. Driscoll then cited case laws.

Andrew Porter (the applicant) stated that he does not plan to build anything on the subdivision anytime soon and that it is a “key point to reinforce” he is not asking for anything else. He stated that, if we want to build anything different, he needs to come back before the Planning Board and get approval.

Matt said that with existing and proposed State Laws there could be as many as 28 dwelling units in the subdivision.

Jo said we have to go back to the site walk. This is a different application than the Board thought it was considering. Andrew said it was not a last-minute thing.

Don Sharp pointed out that in the subdivision application in the “PROJECT DESCRIPTION” it states that “*The project proposes the development of a new 7-lot single family residential subdivision*”. Don also pointed out that the plans clearly show driveways and the location of proposed septic systems for one dwelling unit on each lot.

Jo asked why was not this issue brought up before, that the applicant may want to put more than one house on each lot.

David said that he does concede that the Town ordinance does not require the applicant to show the number of dwelling units on a lot. David said that he felt the decisions that he made as a Board member, such as whether the driveway was sufficient or not or the set up looks right, was based on the understanding that the applicant was seeking to put one dwelling unit per lot. He said that he has no problem with the applicant putting more houses on a lot, but the Board needs to know the proposed use to make the decisions required by the Ordinance. If the applicant does not want to state the number, then the Board has to assume the maximum number possible.

Jo said that if there is more than one dwelling unit on a private road it becomes a subdivision.

Mr. Driscoll said that if there are any changes to the subdivision it needs to go back to the Planning Board. David suggested a condition that said something to the effect of, if a landowner wants to build

more than one dwelling unit on a parcel, they need to return to the Board. The applicant considered the proposal, but declined to do it.

Matt said that we are repeating ourselves.

Andrew Porter said that we need to play by the rules, and he has no intension of doing anything other than single family homes.

Matt made a two-part motion. Part One: Planning Board to ask the Selectmen for permission to contact the Town Lawyer to review this matter. Part Two: Reset or reevaluate the application and ask the applicant to provide \$15,000 in accordance with 7.1.B of the Subdivision Ordinance to hire an independent consultant to help the Board get through the application.

David asked to do a finding of fact prior to voting on the motion. David proposed the following finding of fact:

- (1) Through statements by the applicant, both written and verbal, the Planning Board was led to believe that the subdivision would be limited to one dwelling unit per parcel;
- (2) The Planning Board's consideration to date of the plan was based on that belief;
- (3) The number of dwelling units in the plan impacts multiple factors of the Planning Board's consideration, such as the amount of traffic, sewage, and the internal road/driveway proposed on Plan.

Don seconded the motion and the Board unanimously approved the findings.

The Board returned to Matt's two-part motion. David stated that he supported the motion because, based on the finding of fact, the Board's prior consideration was based on a misinterpretation of the plan.

The two-part motion was unanimously approved by all voting members of the Planning Board.

David asked if he could talk to the Town lawyer. Mr. Driscoll asked if he could also talk to the Town lawyer. All Board members agreed.

Julia Frost CUP

Steves and Graff letter was reviewed. The letter states that the recorded deed at Book 8342, page 8 shows that a deeded Right of Way was granted across Weeman Road from Mountain Road to the property described in the deed. Carol Frost said that the Right of Way is 2 rods wide.

A Copy of the Fire watch – OSHA 1910.252. was given to the applicant.

Carol Frost said that the survey of the property is in progress and should be completed by 10/9/25.

2. NEW BUSINESS

Jennifer Day

Jennifer Day appeared before the Planning Board to see if she needed a CUP for her salon business, Grace and Glow LLC., in her house on Ledge Road. It was the opinion of the board members that a CUP was not required because this is a home occupation under Town ordinance. Matt made the motion, seconded by David and was unanimously approved.

Will Warren

Will came before the Board to see he would need a CUP for his portable sauna business. He was referred to the CEO.

3. COMPREHENSIVE PLAN

Matt Fricker said that the Comprehensive Plan was approved at the Town Meeting, and the Selectmen have approved 20 copies of the Plan.

4. REVISED SHORELANDS ZONING MAP AND ORDINANCE

Jo said that we need to start talking about the changes.

5. MEETING ADJOURMENT

Meeting was adjourned at 8:40 pm.

Minutes have been prepared by Don Sharp, Planning Board Secretary