

Baldwin Planning Board Meeting Minutes 12/12/2019

I. Call to Order

Strock called the meeting to order at 7pm

II. Roll Call

Jo Pierce, Nichol Ernst, Sue Olafsen, David Strock, Matt Fricker, Matt Sanborn (arrived late) Selectmen Dwight Warren, Jim Doloff, Gerry Brown CEO West Sunderland

III. Public Hearing

- A. Public hearing for Nature's Wilderness campground application: approximately 33 members of the public present. Strock discussed the ground rules for a public hearing: that the public would be able to hear a presentation from the principal members of the project and then it would open up for questions. Strock stated that rarely do we have so many people present and discussed keeping emotions in check. Had members of the planning board introduce themselves. Strock also stated that meetings are recorded and that the meetings are available on the town website. Introduced selectmen, CEO and Lee Jay Feldman from SMPDC. Strock stated that the project is at map 7 Lot 22. Also introduced Gerry Brown and Jeff Amos as representatives of Nature's Wilderness. Strock gave a history that we began talking with Nature's Wilderness in March of 2016. Strock stated that Mr. Scott Efron purchased the property and did a lot of work on the property in the summer of 2016. Stated that there was no conditional use permit application until Fall of 2016. First application was rejected. Second application submitted a year later in September of 2017. Gerry and Jeff got involved with the board in early 2018. Strock stated that since the involvement of Brown and Amos things have been progressing. Shared that the state required Nature's Wilderness to revegetate a portion of the property. Strock shared that Brown came to the board and stated the Efron wanted to open an 80-lot subdivision, which slowed the process. Town lawyer became involved in helping decide the difference between a campground and subdivision. In March of 2019 there were six items that needed to be provided for a complete application. The board did not receive a final application until the end of October 2019. The site walk occurred on December 7th, 2019. Pierce voluntarily recused himself.

Presentaton be Jeff Amos from Terradyn construction sharing the project with public. Shared his role in designing and permitting the campground. Shared the evolution of the plan. Showed the public a map and the location of all the sites. Discussed roads being 18 feet wide with a 5:1 slope on the shoulder so that cars and campers can pull off (3:1 was described as "normal"). Also discussed pull-offs. Discussed bathroom and laundry requirements within 500 ft of all campsites. Discussed run off and meeting DEP criteria

for stormwater runoff. Discussed thermal protection where the water leaves Marston's pond to allow water to cool and help to rehabilitate the stream below the pond. Also discussed storm retention pond as a fire pond and dry hydrant for use of fire department if necessary. Discussed that fire and rescue "folks" in town had reviewed the plan. Amos shared 8% or less road grade so that navigable for rescue vehicles. Also discussed the Deacon Road half of the project draining in to "buffers and level spreaders" that meet DEP criteria. This was described as forested area that meets certain criteria and will not be cut in order to help treat storm runoff. Stated that this project will require a permit from the DEP. Also discussed DOT permit. Discussed hiking and ATV trails that will stay within the campground property. Discussed signage at the edge of the property to let visitors know when they are at the edge of campground property. Stated that campground rules have been written and the public could come into the office and look at them.

Bill Bray with Traffic Solutions (a company that does traffic studies) came up to discuss traffic movement. He stated he has been working on the project over the past 1.5 years. Discussed the state requirement for a traffic study and that it is available for anyone in the town office. Discussed that traffic studies always look at peak flow, or hours of the day where traffic volume is highest. Maine DOT requires that any project that will generate more than 100 trips in any hour or any day to get a permit. This project is supposed to create 111 trips during the peak hour of a weekday and 165 trips during the busiest weekend hour. Maine DOT will have a "project scoping meeting" in which the DOT will hold a hearing on this particular project. Bray stated that he suspects the DOT will schedule the meeting around the new year. That meeting will determine the traffic study that needs to be conducted. He stated that he thinks he could have a permit for this project by March at the earliest. Stated that looked at the full length of Senator Black rd and the span of 113 between the south and north intersection with Senator Black. Three-year time period showed that 0 accidents on Senator Black Rd and no identified high crash locations along that section of 113. Bray stated that his assumption is that 40% of trips will arrive from the east on 113, 35% would come from the west on 113 and the rest would come on rt. 25. Discussed safety of intersection of Marston's pond rd and upper Twain. based on line of site compared to speed limit. Fricker asked about intersection of Marston's Rd onto Senator Black. Bray stated that did not measure that intersection but feels it will definitely have to be addressed. Also discussed "left turn warrant" to decide if a left turn lane might be required to turn off of 113 onto Senator Black. Bray stated that their analysis from 2017 did not require a left turn lane, but admitted that the project size has increased as well as the overall traffic flow on 113 and that study will need to be redone. Ernst asked about how exact numbers were determined, as well as why Bray was required to use the 7th edition of traffic studies vs. 10th edition of the trip generation publication. Bray stated that in his experience 10th edition numbers were approximately 15% lower than 7th edition. Strock asked what is the baseline for number of trips from Marston's to Senator Black currently on the weekend (compared to the 165 estimate for peak hours in the weekend). Bray stated that in 2017 the number of trips was 37 vs. 202 with the campground. Bray stated that because these counts were done in October, he is confident that the DOT will likely require summer time numbers when volume is likely higher. Strock asked if traffic study related to any mass gathering numbers at the

campground and Bray stated that he based it on just the number of campsites. Ernst asked about when Bray thought it likely that the campground could obtain a DOT permit. Bray stated that this would likely be in the summer, but also stated that for the first phase of the project as he understands it a permit is not necessary due to the size of the project. Fricker asked about vehicles and number of vehicles compared to class A, B and C campers and how to assess the impact in relation to a traffic study based on passenger vehicles. Bray stated that the DOT considers a large RV the equivalent of two passenger cars. Bray stated that when he does the analysis for left-turn lane etc. is based on actual vehicles, not the size of the vehicle. When he is looking at the size of the intersections he has to take into account the size of vehicles. Fricker also shared his experience with having difficulty navigating a camper and asked if the traffic study could include some assessment of the difficulty of turning with a camper. Bray discussed how to incorporate this into a traffic model. Bray stated that they assumed peak hour between 11am-3pm on Saturday. Bray stated that in his opinion there is not a traffic volume problem. Strock asked if the study considers the size of the road. Bray said that he absolutely will and the DOT will require it as well. Bray stated that assessment has not yet occurred.

One member of the public stated that there is a campground close by in Standish and most of the campers turn left towards Portland, Boston etc, and that perhaps the study incorporate some study of that campground as well. Member of the public asked about the concern of leaving Senator Black to get onto 113 if the traffic volume increases. Concern raised about campers backed up at the eastern intersection of Senator Black and 113 and taking a left. Question was raised about at traffic circle or a traffic light. Bray stated that traffic lights can only be installed under certain traffic volume conditions. Bray stated that enough traffic could never be found to warrant a traffic light. Member of the public stated that all the land on all four sides of that intersection are owned by the same individual and could they be seized by eminent domain. Feldman and Bray stated land could only be taken by the state or a municipality. Brown asked some questions about the traffic volume regarding generation of traffic volume. Fricker advised that type of traffic and speed be taken into consideration in the traffic study. Bray stated that it would.

A member of the public discussed her experience driving an RV for many years and discussed that Senator Black has no speed limits or signs that indicate a curve and that this is important when driving an RV. Also brought up the few times the town has paved Senator Black Rd in the past 35 years this person has lived on the road and how will to road hold up to traffic and the importance of looking at the history of road maintenance. Also discussed some drop offs on the edge of Senator Black Rd., and the concern of the large RV's navigating safely on Senator Black. Stated that many people on Senator Black Rd. walk on the road and have animals and are concerned about traffic. Bray stated that an unposted road in a rural area is assumed to be 45MPH, which would be the current assumption on Senator Black Rd.

Another member of the public discussed a pamphlet from Acres of Wildlife and shared it with the board.

Gary McNeil stated that he lives on McNeil Rd. off of Marston's rd. Stated the problem with GPS sends people the back way up Brown Rd. and recommended some kind of signage related to RV's going the wrong way. Strock stated that there has already been some discussion.

One member of the public asked about sewage and water table and water supply. Amos addressed the design of septic systems (bathroom within 500ft of every site). Amos stated two pumping stations for RV's as well as bath houses. Amos discussed wells needing to be at least 300ft from any septic system. Currently there is one in place and the others require a permit to be filed through the state drinking water program.

Another member of the public stated that people already drive too fast on Senator Black Rd and that it is not wide enough to sustain trailers and RV's of different types passing each other. Member stated that they had been told the road can be widened by the town at anytime.

Tracy Morrel from Senator Black Rd discussed school buses going up and down Senator Black Rd. and that there is not a single spot on the road because of it's grade where an RV would be safe. Concern regarding kids riding bikes and playing etc. Also stated that 113 is a 55mph speed limit not 50mph, and that it is not possible to pull out and get up to speed (Morrel stated that she has a camper and has experienced this). Strock asked Bray if the traffic study takes into consideration school bus traffic or non-vehicle use of the road. Bray said that they did not do this and do not typically in a rural area but would be willing to address. Bray stated that they can submit written comments to the DOT traffic scoping meeting. Feldman stated that he can attend the scoping meeting to address these issues with the DOT. Strock expressed frustration with this traffic issue not being fully resolved after three years. Sanborn stated that improvements have to happen and wondering who would pay for them? Bray stated that in his experience that if there are improvements required within the public right of way the applicant would pay for the improvements or state funds can sometimes be accessed.

Another member of the public who lives on Senator Black Rd. asked where are we in the process of deciding whether the project will progress or that the decision is already made and how do we make it work? Strock stated that the job of the planning board is to decide if the conditional use permit is appropriate and what the terms of that permit should be. Strock stated it is not really up to whether the board likes or dislikes the project. Discussed following the land use ordinance and looks at noise, traffic, pollution etc. and to the extent that one of those factors impinges on the neighbors use of their land the board can put conditions on the applicant. Member of the public stated that if the project does move forward that the applicant will remember that there are lots of people that have lived in a particular way for a long time and please don't lose sight of that. Also asked if any members of the planning board or selectmen have a financial interest in the project. Strock stated that Fricker lives somewhat near the property. Strock stated that Pierce has no financial interest but has property that is closer to the property than Fricker's. Brown stated that he is a selectman and also operates the campground as an employee but recuses himself from all things related to the project.

Laurie Downey brought up Article 8.3A of land use ordinance. Brought up a concern of the size of the project and that 300 sites is large. Stated that not opposed to a campsite in general, but 300 sites seems large. Estimated possibly 1000 people at the campground if full and that adds a

lot of the 1500 people that already live in Baldwin. Downey asked if the permitting could be done in phases. Strock stated that the application as submitted does not speak of phases but that it was discussed at the site-walk. Feldman stated that the planning board does have the ability to set a phase limit and performance that has to be provided before the second or third phase can occur. Discussed bonding of phases, and many things that can be developed in relation to establishing phases. Feldman stated that the board can deny an application based on a performance standard not being met and the applicant can come back with a new application redoing the application. Strock stated that will be discussed in public at planning board meetings.

Member of the public stated that signage on Senator Black will need to be clear. Stated that lots of campers and trucks pulled into her driveway looking for the campground and is a safety hazard for her children. Also asked if there will be security and who will police the campground and enforce the rules (such as quiet time etc.). Brown stated that there will be employees on-site 24 hours/day. As an abutter questions were asked about noise requirements and what noise will there be at the campground. Public brought up that at Acres Of Wildlife police are limited on the property due to it being private property. Strock stated that the board has not addressed this issue yet.

Sanborn stated that the board has asked the applicant to include everything they want in the application. Stated that this is the 5th application that the board has seen. Sanborn discussed the redesign of the site plan. Sanborn stated in his opinion it is unlikely that there will be 300 sites in the next 5-10 years.

Pierce asked if a permit could be granted before all of the traffic studies are done. Strock stated that the path of how to proceed is unclear after hearing this traffic study report this evening. Strock stated that a certain size campground can be done without a traffic study and perhaps that will be the size the board is willing to consider without a completed traffic study. Feldman stated that some towns say "do not come back for final approval from the town until you get all permits from the State". Feldman stated he would not recommend approving a permit before the state permits are in place. Fricker asked for a list of all the permits that Nature's Wilderness will need from the State in order complete the project as proposed. Discussion ensued.

Member of the public brought up numerous noise complaints that have already happened on the property. Asked about fireworks, shooting range, motor bikes, snow-cross. Brown stated that no more snowmobiles, no shooting range, maybe fireworks on 4th of July, ATV's are allowed on the property and not leave the property. Member of the public asked that the conditions expressly prohibit certain uses. Selectmen stated that they would take a look at the Marston's Rd sign and its current visibility.

Another member of the public stated that if there are fireworks if they could be over the lower pond and someplace that is safer due to thicker trees and fire. Also asked what this project will do the property values and taxes? Pierce shared that he heard an estimate that the town will receive approximately \$19,000 in revenue from taxes. Strock did state that most people are concerned about property value decreasing, not increasing because of the project.

A member of the public asked Bray if the traffic study was based on 300 sites being filled. Bray stated that it was originally done in 2017 based on 250 sites and then the permit sent to the state was based on 300 studies and that this person felt the volume of the traffic will not be as severe as if the campground is full all the time. Bray stated that the rates he used likely account for a less than full campground, and also it is possible that it could be a higher volume if the campground is full.

Pierce stated that 25 people can put an article on the warrant in the town of Baldwin and make fireworks illegal or anything else and that is good reason for Nature's Wilderness to be willing to compromise.

Member of the public asked about impact fees for uses. Strock stated that Baldwin as a town has not been open to impact fees in the past. Also question of guardrails was raised. Amos stated that Senator Black Rd is a town road and it meets town road standards and does not expect that the DOT will require widening of the road. Strock asked Bray for the traffic movement application.

Member of the public began by thanking the members of the board. Also stated that if there were a way to work out a mutually agreeable project for everyone that would be ideal. Stated that very worried about real estate values and her barn is across the street from her house. Expressed worry about animals and grandchildren and never would have moved to the location if she knew this project was going to be created.

Another member of the public that is an abutter stated that their main concern was related to ATV traffic and will it wander over to their property and will concerns about ATV use or overuse be managed with the same intentionality as the discussions about the roads. Strock stated that applicant has been open to posting the border of the property and usage will not extend to other properties, even ones owned by the applicant. Brown stated that the campground will not be a racing venue and just a family campground with some use of trails. Brown stated that all trails will be closed loops. A member of the public stated that she heard the campground might connect with the existing trail system for ATV's. Brown stated that they campground had been approached but there is no deal that has been made. Strock stated that he would be interested in the applicant developing a four phase plan and what that will look like.

Fricker referenced article 10.4 related to size of a campsite related to ordinance and water carried facilities. Amos addressed the concern stating that all the sites meet the state definition of "water carried facilities" which meets the requirement of 1/5000 square feet. Amos stated that it is more about density, and also that there was plenty of square footage per site as the plan is currently designed.

Fricker made a motion to extend the public hearing to the next scheduled planning board meeting on January 9th. Sanborn seconded. Unanimously approved.

IV. New Business

A planning board meeting was called to order. Strock explained again that the public hearing would continue. Discussion ensued about noticing the hearing in the Shopper's Guide. Other new business was postponed.

V. Adjournment

Olafsen made a motion to adjourn, Ernst seconded. Voted unanimously to adjourn at 9:37pm.

Submitted by: Nichol Ernst