

**TOWN OF BALDWIN  
PLANNING BOARD MINUTES**

~~10/3/16~~  
10/13/16

Attendance: Norman Blake, Nichol Ernst, Fred Miner, David Strock

The regularly scheduled Planning Board meeting commenced at 7:00 pm.

The minutes for the prior meeting minutes were read and accepted by Board.

**First Item: Buzzell Enterprises, LLC**

Buzzell Enterprises LL currently has a CUP for a 4 building storage facility on Route 113 near the Whistle Stop. Two of the buildings have been constructed and currently are in use. A short time back, Butch Buzzell came to the Board to discuss his desire to construct the other two buildings on the property.

Butch decided that he wants to have the ability to expand the facility to allow for a higher density of use. He submitted a Condition Use Permit application and very detailed plans (available at the Town Office) for the proposed use.

After a general discussion of the proposal, the Board agreed to hold a public hearing on 10/23/16 regarding the CUP (attached).

**Second Item: Nature's Wilderness LLC**

Norm said that Nature's Wilderness had submitted a CUP, but it was not complete. Among other deficiencies, the CUP was not accompanied by a scaled drawing of the proposed use and did not provide a detailed description of the proposed use. Norm made a motion to find the application was incomplete, which was seconded and passed unanimously.

**Third Item: What is a building or structure?**

Norm stated that we need to discuss the definition of a building or structure to provide more clarity in the Code. Perhaps a minimum size of square footage requirement would work. We should discuss whether the Code should state that even non-permitted buildings or structures are subject to the minimum setback requirements. What about exempting structure under a certain size or square footage. Norm asked the Board to start thinking about these matter.

**Fourth Item: The Board members signed the Wood's CUP, as discussed at the last meeting.**

At 8:14 p.m., a motion to adjourn passed unanimously.

0041

FOR TOWN USE ONLY

Date Application Received \_\_\_\_\_  
Received by \_\_\_\_\_  
Fee Paid \_\_\_\_\_

Town of Baldwin, Maine  
Application for Conditional Use Permit

The Land Use Ordinance of the Town of Baldwin allows the Planning Board to grant a Conditional Use Permit for those uses listed specifically as Conditional Uses in Article 6, District Regulations of the code. Before granting a permit, the Board must find that the standards contained in Article 8, Conditional Uses have been met. It is your obligation to submit the necessary materials to allow the Planning Board to determine if those standards have been met. Three copies of the complete application and supporting materials and the applicable fee shall be submitted to the Code Enforcement Officer.

Section A. Basic Information (to be completed by all applicants)

1. Applicant's Legal Name Glendon Buzzell Jr. and Corey Buzzell  
2. Applicant's Mailing Address PO Box 97  
East Baldwin ME  
04024

3. Phone number where applicant can be reached during business hours 879-2711

4. Are you the owner of record of the property for which the Conditional Use Permit is sought?  
 yes (provide copy of title and go to Question 8)  
 no (answer Questions 5, 6, and 7)

5. To apply for a Conditional Use Permit, you must have legal right, title or interest in the property. Please indicate your interest in the property and attach written evidence of this interest.  
See Attached

6. Property Owner's Name Tina Buzzell

7. Property Owner's Address PO Box 97 Route 113  
East Baldwin ME  
04024

8. Location of property for which the permit is sought East Baldwin

9. Indicate the Map and Lot number for the property from the Town's assessment records  
Map 1 Lot 72

10. Indicate Zoning District in which the property is located (check as many as apply)  
 Natural Resource Protection  
 Highlands  
 Rural  
 Village Commercial

11. List the use for which a Conditional Use Permit is being sought. Please refer to Article 6, District Regulations. The proposed use must be specifically listed as conditional use in the District in which it is located.

Warehousing & Storage

12. Attach the following information to this application as outlined in Article 8, Conditional Uses. For each item, please indicate by checking (✓) that item that it has been included with your application.

- a. A location map showing the location of the property with respect to roadways and major natural features. This map should allow the Board to locate the parcel in the field and on the Town's zoning and tax maps.
- b. A written description of the proposed use of the property. This statement shall describe the exact nature of the proposed use.
- c. An accurate, scale drawing of the lot showing the location of any existing or proposed buildings, structures, and natural features, driveways and parking areas.

Section B. Standards for a Conditional Use Permit (The full text appears in Article 8.3)

1. The Planning Board shall consider impact:

- a. the size of the proposed use compared with surrounding uses;
- b. the intensity of the proposed use, including amount and type of traffic to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses;
- c. the potential generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances;
- d. unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate adverse impacts upon surrounding properties;
- e. the degree to which landscaping, fencing, and other design elements have been incorporated to mitigate adverse impacts on surrounding properties.

2. The Planning Board shall consider facilities:

- a. the ability of traffic to safely move into and out of the site at the proposed location;
- b. the presence of facilities to assure the safety of pedestrians passing by or through the site;
- c. the capacity of the street network to accommodate the proposed use;
- d. the capacity of the storm drainage system to accommodate the proposed use;
- e. the ability of the Town to provide necessary fire protection services to the site and development.

3. The Planning Board shall consider natural characteristics:

- The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and flood plains, shall not be such that the proposed use when placed on the site will cause undue harm to the environment or to neighboring properties.

Section C. Shoreland Standards

Section to be completed only if any portion of the property is located within 250 feet of the normal high water mark of Ingalls Pond, Sand Pond, Southeast Pond, Adams Pond or the Saco River or within 75 feet of any stream. For each standard, attach a written statement demonstrating how the proposed use complies with that standard. For each item, please indicate by checking (✓) that item that it has been included with your application. Each standard must be addressed in your submission.

- a. will not result in unreasonable damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
- b. will reasonably conserve shoreland vegetation;
- c. will reasonably conserve visual points of access to waters as viewed from public facilities;
- d. will conserve actual points of public access to waters;
- e. will reasonably conserve natural beauty;
- f. will reasonably avoid problems associated with floodplain development or use.

Section D. Certification (to be completed by all applicants)

I/we Glendon Buzzell Jr. and Corey Buzzell, certify that I/we are the legal applicants for the conditional use permit requested by this application, that I/we are the owners of the property covered by this application or have the property owner's consent to the filing of this application and have legal interest in the property and that the information contained in this application and supporting materials is accurate and true.

I/we further certify that I/we have read the standards for granting of Conditional Use Permits contained in the Land Use Ordinance.

<u>Glendon E Buzzell</u>	<u>9-24-02</u>
Signature of Applicant	Date
<u>Corey Buzzell</u>	<u>9-24-02</u>
Signature of Applicant	Date

Date Received by Baldwin Planning Board: \_\_\_\_\_  
Received by: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

Conditional Use Permit Application of: \_\_\_\_\_

Permit Denied (date): \_\_\_\_\_

Explanation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Permit Approved (date): \_\_\_\_\_

Conditions to Permit if any \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

Planning Board Signatures (three signatures needed)

\_\_\_\_\_

\_\_\_\_\_

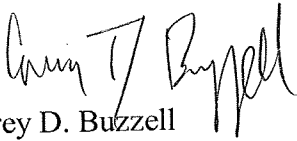
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Attachment for section A number 5 of the conditional use permit.

The property listed on the attached application is under contract to be purchased by Glendon Buzzell Jr. and Corey Buzzell. The transfer of title should be complete within a couple weeks.

  
Corey D. Buzzell


  
Glendon E. Buzzell Jr.

9-25-02

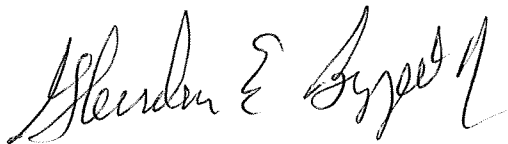
To: Town of Baldwin Planning Board

From: Glendon E. Buzzell Jr. and Corey D. Buzzell  
PO Box 97 East Baldwin Me 04024

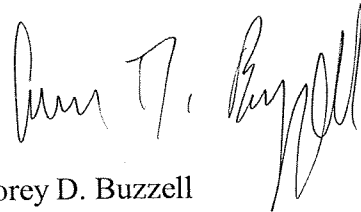
RE: Proposed use for the attached application for a conditional use permit

We propose to erect up to four self-storage units on the attached property. Buildings 1, 2, and 4 (as labeled on the site plan) could contain up to 40 units each with building 3 containing up to 20 units. The stated hours of operation would be from 7 am to 5 ~~am~~ pm  Sunday through Sunday. We expect minimal traffic and noise due to the nature of the business. Initially one building will be constructed with additional units being added according to demand.

Respectfully Submitted,



Glendon E. Buzzell Jr.



Corey D. Buzzell

**PROPOSED APPROACH**  
**BUZZELL APPLICATION**

Nonconforming Lot Issues:

1. The Buzzell lot is "nonconforming" under the definition of a "nonconforming lot" in the Ordinance (p. 8) because it fails to meet the minimum lot size (i.e. 2 acres) for the Village Commercial zone standards set forth in Section 6.4(E).
2. Since the Buzzell lot is a "nonconforming lot" is subject to the requirements of Section 5 of the Ordinance.
3. The Buzzell lot has an existing structure on it, which is a single family detached dwelling. However, Section 5.2(B), entitled "Lots with Structures," does not seem to apply to Buzzell's application. Instead, Section 5.2(A), seems to apply. Based on the advice of the town counsel, the title of that section, "Vacant Lots," does not restrict its scope. In essence, the section does not only apply to completely "vacant" lots.
4. Under Section 5.2(A), a nonconforming lot can be build upon provided that . . . "all provisions of this Ordinance except lot size and road frontage can be met."

Proposed Use Issues:

5. Buzzell's requested use is "storage" or "warehousing."
6. Under Section 5(C)(1), which governs the uses on nonconforming lots, "only **permitted uses** shall be allowed on nonconforming lots."
7. Based on advice from town counsel, the use of the term "permitted use" in 5.2(C)(1), which governs the uses allowed on nonconforming lots, can be interpreted to includes both:
  - (a) those uses allowed under "permitted use" section of the village commercial zone at 6.4(B) and
  - (b) those uses allowed under "conditional use" section of the village commercial zone at 6.4(C).

8. This interpretation of "permitted use" is also consistent with Section 5.1, the "purpose" section of the Nonconforming Lot section of the Ordinance, which states one purpose of the Ordinance is to allow nonconforming lots to "be reasonably developed . . . ."
9. The Buzzell's intended use of the subject property is also consistent with the purpose of the Village Commercial zone.
10. That proposed use of "storage" or "warehousing" is a "conditional use" allowed in the village commercial zone under 6.4(C). It comes within the term of "warehousing, storage, distribution" use under 6.4(C)
11. Therefore, the Buzzell's proposed use of the lot is a "permitted use" as that term is used in Section 5(C)(1).
12. Under Section 5(C)(2), all allowed uses on a nonconforming lot (other than single family dwellings) shall be reviewed by the Planning Board as a conditional use.
13. Since it appears that the Ordinance allows the Buzzells to build on the nonconforming lot and the proposed used is allowed as a "conditional use" in the Village Commercial zone, the Board should then review the Buzzell's application under Article 8, which governs conditional use permits, including determining what, if any, conditions should be placed on the permit.





# Town of Baldwin

534 Pequawket Trail  
West Baldwin, Maine 04091  
Phone: (207) 625-3581  
Fax: (207) 625-7780

Date Application Received: \_\_\_\_\_  
Received by: \_\_\_\_\_  
Fee Paid: \_\_\_\_\_

## APPLICATION FOR CONDITIONAL USE PERMIT (CUP)

The Land Use Ordinance of the Town of Baldwin allows the Planning Board to grant a Conditional Use Permit (CUP) for those uses listed specifically as Conditional Uses in Article 6, District Regulations of the code. Before granting a permit, the Board must find that the standards contained in Article 8, Conditional Uses have been met. It is your obligation to submit the necessary materials to allow the Planning Board to determine if those standards have been met. Three copies of the complete application and supporting materials and the applicable fee shall be submitted to the Code Enforcement Officer.

### Section A. Basic Information (to be completed by all applicants)

1. Applicant's Legal Name: Buzzell Enterprises LLC

2. Applicant's Mailing Address: Po Box 97  
E. Baldwin ME 04024

3. Phone number where applicant can be reached during business hours. 207-310-1964

4. Are you the owner of record of the property for which the Conditional Use Permit is sought?  yes (provide copy of Title and go to question 8)  
 no (answer question 5, 6, and 7)

5. To apply for a Cond. Use Permit, you must have legal right, title or interest in the property. Please indicate you interest in the property and attach written evidence of this interest. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Property Owner's Name Buzzell Enterprises LLC

7. Property Owner's Address Po Box 97  
East Baldwin ME 04024

8. Location of property for  
Which the permit is sought? Baldwin

9. Indicate the Map and Lot number for the  
Property from the Town's assessment records Map 1 Lot 40,72

10. Indicate Zoning District in which the  
Property is located (check as many as apply)

- Natural Resource Protection
- Highlands
- Rural
- Village Commercial

11. List the use for which a Conditional Use Permit is being sought. Please refer to Article 6, District Regulations. The proposed use must be specifically listed as conditional use in the District in which it is located.

Warehousing & Storage

12. Attach the following information to this application as outlined in Article 8, Conditional Uses. For each item, please indicate by checking  that item that it has been included with your application.

- a. A location map showing the location of the property with respect to Roadways and major natural features. This map should allow the Board to locate the parcel in the field and on the Town's zoning and tax maps.

- b. A written description of the proposed use of the property. This statement shall describe the exact nature of the proposed use.
- c. An accurate, scale drawing of the lot showing the location of any existing or proposed buildings, structures, and natural features, driveways and parking areas.

**Section B. Standards for Conditional Use Permit**  
(The full text appears in Article 8.3).

**1. The Planning Board shall consider impact:**

- a. the size of the proposed use compared with surrounding uses;
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**3. The Planning Board shall consider natural characteristics:**

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**For Planning Board Use Only**

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Permit Denied (date):

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Explanation of Denial:

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Permit Approved (date):

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Conditions to Permit if any,

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