

**TOWN OF BALDWIN
PLANNING BOARD MINUTES
9/10/15**

Attendance: Jo Pierce, Norm Blake, Matt Fricker, David Strock and Fred Miner (CEO Wes Sunderland also attended)

A public hearing was called to order at 7:00 p.m.

Public Hearing – Arthur Jordan CUP (at 7:00)

Norm asked whether the public had any comments on the Jordan CUP.

A brief discussion of the project occurred, including questions about screening.

The public hearing was closed at 7:07 pm when there was no further comment.

Public Hearing – Wood Mill Site Review Application (at 7:08)

A discussion of the project occurred, including a concern that a copy of the Site Plan Review Application was not physically present in the Town Office since it had been left there by the applicant.

The public hearing was closed at 7:40 pm.

The regularly scheduled Planning Board meeting commenced at 7:42 pm.

The minutes of the prior meeting minutes were read.

MOTION: Motion to approve the minutes, passed unanimously.

First Item: Arthur Jordan's CUP Request

Jo asked whether the Board has standard conditions for auto businesses. Norm pointed out that Sections 10.2 and 10.3 of the Ordinance contain standard conditions for such businesses.

The Board reviewed previously approved CUP applications for similar businesses, including Atbro and Mercier. The Board then discussed the following conditions for Mr. Jordan's application:

1. Follow Standard Conditions of the Board
2. Open for inspection at all reasonable times.
3. Maintain a neat and business like appearance.

4. Maintain all necessary permits.
5. Signage not to exceed 20 square feet, but can use both sides.
6. No crushing of vehicles on premises.
7. Must adhere to Standards 10.2 and 10.3 of the Ordinance.
8. Must not exceed on premises: 10 parts vehicles, 5 vehicles for sale, and 5 customer vehicles.
9. Hours of operation: 6 am to 9 pm, after 6:00 pm all operations must be inside.
10. Maximum of 3 employees.
11. All waste oil to be sent to Steve Estes, per agreement.
12. All used tires to be sent to Stratham Tire, per agreement.
13. All vehicle scrap to be sent to CIA, or other reputable scrap dealer.

A Motion was made to approve the CUP application of Mr. Jordan subject to the above conditions. The vote in the affirmative was unanimous. A copy of the signed CUP is attached hereto.

Second Item: Wood Mill Site Review Application

The Board took up consideration of the Wood Mill Site Review Application, a copy of which is attached hereto and may be accessed at the following URL:
<https://www.dropbox.com/s/2d9m3dpbyx94mji/Site%20Plan%20Review%20Application%20-%20Approved%209.10.2015.pdf?dl=0>

The applicant noted that it had not received final approval from the State of Maine as part of the State's site review process, but the applicant expected the State to issue its decision with any required conditions in the near future. The applicant said that most of the information in the Site Review Application was taken directly from its submission to the State, or prior submissions to this Board. The Chair asked that the applicant forward the State's response to the Board. The applicant said that it should be about ten pages long, and it would send it as was already required under the CUP.

Norm indicated that he had a few comments about the application. First, he indicated that he was unhappy that the copy of the Application that had been left at the Town Office had gone missing and only returned to the office recently. Wes Sunderland stated that he brought his copy to the office when he learned the office copy was missing and he believed that a copy had been in the office most of the time. Second, Norm stated that he had reviewed the application and believed that it was substantially complete.

The Board asked questions about Item 11 concerning the wells. The applicant pointed out the location of the wells on one of the enclosed maps. The applicant stated that the mill would use about 7,500 gallons of water a day, in addition to the minimal domestic water usage. David noted that the Application did not identify the size of the wells.

The Board asked questions about the location of the lighting, stating that the application does not identify the location of all lighting. Norm reminded the Board that the basic

conditions included lighting. The applicant stated that it had not determined the location of every light bulb on the project.

The Board asked questions about the missing building dimensions. The applicant stated that the drawings were to scale, so the dimensions could be determined based on that information.

David stated that he was concerned about the potential impact of the mills water usage on nearby wells. He asked whether the projected usage (7,500 gallons a day) could impact nearby wells in terms of both quantity and quality of the water. The general consensus on the Board, based on comparison to Fryeburg's experience with Poland Springs, was that the mill's usage would not have any adverse impact.

David indicated that he would be interested in including a condition concerning the possible negative impact on nearby wells. Norm stated that he did not believe that the Site Review Application provision of the Ordinance permitted the Board to place additional conditions on the project. He believed that the Ordinance only required the applicant to provide the information requested by the Site Review section and the Board's only role was to determine if the information is complete. David disagreed.

A motion was made by Jo to approve the site review application. The motion was seconded by Freddie.

David made a motion to table the decision on the Site Review Application until at least the next meeting because (a) he disagreed with the Chair's position that the Board is unable to place conditions on the applicant; (b) he was concerned about the fact that the Application had not been physically present in the Town Office for public review; (c) he felt the Board should wait for the State of Maine to finalize its site review of the project before the Board votes on this application; and (d) he was not comfortable that the Board had a chance to fully review the contents of the application.

No second was made to the motion to table, so the Chair declared that the motion had failed.

The Chair asked for further discussion regarding the Motion to approve the application.

The Chair reiterated that he did not feel the Board had the ability to impose any further conditions on the applicant through the Site Review process. He said that he had a concern about missing physical copy of the application, but he felt the Board could move forward with the application, especially given that a copy had been available for much of the time. He asked the applicant whether they wanted to have the Board move the issue to a vote because the Board could notice the meeting again, have the application available in the office and vote next meeting.

Matt stated that his notes of the last meeting indicated that the application was supposed to be available in electronic form. Norm and Jo confirmed that it was suggested but not

required to do so. The applicant informed the Board that it would like the Board to move forward with the application at this meeting. David stated that he did not want to vote on the application at this meeting, but his motion to table the issue already had been rejected.

Jo made a motion to move directly to a vote on the application. The motion passed unanimously.

The motion on the floor was to accept the Wood Mill Site Review Application on the grounds that it was complete. The Chair called a vote: In favor were Jo, Fred, Norm, Matt and against was David. The Motion passed 4 to 1. The secretary was instructed to send Mr. Wood a letter, as required by the Ordinance, confirming that the Application was accepted as complete. The letter was sent, a copy of which is attached to the application.

A motion to adjourn passed unanimously at approximately 8:45 pm.

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 Arthur Jordan
- 2. Applicant's Mailing Address PO Box 21 44 School St
East Baldwin ME 04024
- 3. Phone number where applicant can be reached during business hours 207 787 2919 207 831 8841

- 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. Arthur Jordan INC
To have a Garage Business
with my son
Arthur Jordan Jr

- 6. Property Owner's Name Same

- 7. Property Owner's Address Same

- 8. Location of property for which the permit is sought 44 School St

- 9. Indicate the Map and Lot number for the property from the Town's assessment records Map 001 Lot 55 A

- 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.

*Auto Repair
Auto Sales
Auto Warehouse
Recycling Junkyard
Garage*

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.

*10 Parts Cars
5 Sale Cars
5 Working up
Car Wash
3 employees*

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

1. The Planning Board shall consider impact:

- 6 to 9 a. the size of the proposed use compared with surrounding uses;
- VERY Low 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;
- NONE c. the potential generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances;
- NONE 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.

*Oil STEVE ESTES
SCRAP CIA*

2. The Planning Board shall consider facilities:

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

*DRUMS WENO
ON OLD FOUNDATION*

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.

NO flood plains on this 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 Arthur Jordan, 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.

Arthur Jordan 8 26 15
Signature of Applicant Date

Signature of Applicant Date

Date Received by Baldwin Planning Board:

Received by:

Public Hearing Date: 10 SEPT 2015

Conditional Use Permit Application of: ARTHUR L JORDAN

Permit Denied (date): _____

Explanation:

Permit Approved (date): _____

Conditions to Permit if any

CONDITION ATTACHED

Signature of Applicant

Richard L. Jordan

Planning Board Signatures (three signatures needed)

[Signature] BLAKE

[Signature]
Fred [unclear]

[Signature] FRICKER

[Signature]

Conditions for CUP of Jordan

1. Follow Standard Conditions of the Board
2. Open for inspection at all reasonable times.
3. Maintain a neat and business like appearance.
4. Maintain all necessary permits.
5. Signage not to exceed 20 square feet, but can use both sides.
6. No crushing of vehicles on premises.
7. Must adhere to Standards 10.2 and 10.3 of the Ordinance.
8. Must not exceed on premises: 10 parts vehicles, 5 vehicles for sale, and 5 customer vehicles.
9. Hours of operation: 6 am to 9 p.m, after 6:00 pm all operations must be inside.
10. Maximum of 3 employees.
11. All waste oil to be sent to Steve Estes, per agreement.
12. All used tires to be sent to Stratham Tire, per agreement.
13. All vehicle scrap to be sent to CIA, or other reputable scrap dealer.

STANDARD CONDITIONS FOR CONDITIONAL USE

To the Applicant: These Standard Conditions will apply to your conditional use approval. To the extent applicable, these conditions are *additional* to and supplement any specific provisions which the Planning Board may have imposed upon your approval.

1. The Applicant shall carry on the permitted activity in accordance with the description thereof in the application, and in accordance with the documentary and/or testimonial representations presented by the Applicant in connection with the proceeding. Substantial compliance with the description of the activity and representations is a condition of Approval. Any undisclosed and unapproved use of the premises (even if otherwise accessory to the approved use), or any substantial deviation from the activity or representations described in connection with this Approval shall be deemed a violation of the Land Use Ordinance, and may result in revocation of the Approval.
2. By acceptance of this Conditional Use Approval, the Applicant consents to the inspection by the Code Enforcement Officer of all non-residential areas of the premises at reasonable times (with or without prior notice) for the purpose of determining compliance with the conditions of the Approval or any provision of local, state, or federal law. This consent shall not be withdrawn unless the Applicant abandons the approved use, and notifies the Town in writing delivered to the CEO that the activity will not be resumed without a further approval by the Planning Board. Failure to allow any such inspection by the CEO may result in revocation of the Approval.
3. If the Approval is specifically conditioned upon physical improvement of the premises, obtaining of insurance, or other requirement, the activity authorized hereunder shall not be commenced until the Applicant demonstrates compliance with each of the conditions to the CEO, and receives a certificate of occupancy from the CEO evidencing that all conditions have been met. Commencement of the approved activity prior to obtaining such certification may result in revocation of the Approval. Failure to utilize or maintain such physical improvement, insurance, or other requirement thereafter may result in revocation of the Approval.
4. The Approval shall lapse and become null and void if the use authorized by the Approval is not commenced within one (1) year of the date of approval, or if the use is abandoned for a period of one (1) year thereafter. Where there is good cause for the delay, or the discontinuance, and there is no evidence of intent to abandon the use, these requirements may be extended for additional periods not to exceed one (1) year.
5. The Planning Board may schedule a hearing (upon reasonable notice to the Applicant and the public) to determine whether: there is a violation of the Approval or any the condition thereof (including those contained herein); or any other violation of any provision of local, state, or federal law. If the Board determines that a violation has occurred and is either continuing or is likely to recur, the Board may rescind this approval or take such other action to amend or modify the Approval as the Board deems appropriate to protect the public health, safety, or welfare.

areas of the premises and visibility into the viewing booths shall not be blocked or obscured by any doors, curtains, partitions, drapes or any other visual barriers.

10.2 Automobile Graveyard, Automobile Recycling Business and Junkyards

Automobile graveyards, automobile recycling facilities and junkyards shall meet the following standards:

- A. The site of the yard must be enclosed by a visual screen at least six feet high and built in accordance with rules adopted by the Department of Transportation pursuant to 30-A M.R.S.A. §3759.
- B. A vehicle with an intact engine or motor shall not be stored within 100 feet of any body of water or freshwater wetland, as defined by 38 M.R.S.A. §436-A, §§5.
- C. A vehicle shall not be dismantled or stored within 500 feet of a school, church, or public playground or park that existed on the date the permit was issued.
- D. A vehicle shall not be dismantled or stored over a sand and gravel aquifer or aquifer recharge area.
- E. A vehicle containing fluids shall not be dismantled or stored within the 100-year flood plain.
- F. A vehicle shall not be dismantled or stored within 100 feet of a well that serves as a public or private water supply, excluding a private well that serves only the automobile recycling business or the owner or operator's abutting residence.
- G. A vehicle shall not be located or dismantled closer than 20 feet from any lot line unless the operator has notarized written permission from the abutting property owner.
- H. Dismantling of a vehicle shall be performed in accordance with the following standards.
 1. The battery must be removed.
 2. Engine lubricant, fuel, transmission fluid, brake fluid and engine coolant must be drained into watertight, covered containers and must be recycled or disposed of in accordance with applicable federal or state laws, rules or regulations.
 3. Fluids from a vehicle shall not be permitted to flow or be discharged into or onto the ground. A clay lined or concrete barrier must be utilized and maintained.
 4. A recycling operation must comply with all applicable federal or state laws related to hazardous materials.

10.3 Automobile Repair Garage and Automobile Service Station

All automobile repair garages and automobile service stations shall meet the following provisions.

- A. For safety reasons, in repair garages, floors shall be nonflammable and nonabsorbent.

The applicant shall inform the fire department of storage of more than five gallons of inflammable liquids and more than four tanks of inflammable gases or oxidizers.

B. The applicant shall maintain a waste disposal plan for tires, antifreeze, batteries and oil and maintain secondary containment for waste fluids. Provision shall be made for proper drainage so that contaminated material, rust or other noticeable effluent does not go beyond actual building site.

C. The applicant shall maintain a neat and businesslike appearance with inside storage of parts and materials. The Planning Board may limit the number of vehicles for sale. The Planning Board may limit the number of vehicles parked on the lot and the number of parking spaces.

D. Signs shall not exceed 25 square feet or be more than ten feet above ground.

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.
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.
3. Each recreational vehicle, tent, or shelter site shall be provided with a picnic table, trash receptacle, and fireplace.

B. Areas without water-carried sewage facilities

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

C. Setbacks

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

D. Screening

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

152

24762
(122)

Know all Men by these Presents,

That We the Selectmen acting for the Town of Baldwin

in consideration of one dollar (\$1.00) and other valuable considerations

paid by Arthur Jordan of said Baldwin

and whose mailing address is East Baldwin, Maine 04024

the receipt whereof we do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said

Arthur Jordan his heirs and assigns forever,
a certain lot or parcel of land

with reference to which is listed in the 1966 Valuation Book as

Bounded on the North by Old Route 113 and East by land formerly owned by George Oliver and Betty Chase and now owned by Glen and Norma Haines and on the South by land of Henry Black of Baldwin and on the West by land formerly of Edwin Rounds Heirs and now owned by Edwin Guptill of Baldwin.

Said property currently listed on Property Maps MAP 1 LOT 41 containing 54 acres.

Approximately 3 acres now owned by Arthur Jordan from the original parcel of land.

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging, to the said

Arthur Jordan his

heirs and assigns forever.

In Witness Whereof, the said Selectmen

~~XXXX~~

Town of Baldwin

~~XXXX~~

of the said

do hereby

~~giving, conveying and releasing~~ and relinquishing and conveying or claims the said Town did have by the terms of a all rights ~~in the land~~ 1966 tax lien recorded Cumberland County Register of Deeds Book 2738 ~~XXXXXX~~, have hereunto set our hands and seals this second

Pg 206

day of October in the year of our Lord one thousand nine hundred and eighty.

Signed, Sealed and Delivered in presence of

.....
.....
.....
.....

Lang. W. McNeil
Norman D. McKenney
John D. Murphy

State of Maine. } ss. County of Cumberland October 2 1980 .

Personally appeared the above named

Norman McKenney and acknowledged the above instrument to be his free act and deed.

Before me, *Edw. J. Austin*
Notary Public.
Attorney at Law.



OCT 6 1980
REGISTRY OF DEEDS CUMBERLAND COUNTY, MAINE
Received at 9 24 AM, and recorded in
BOOK 4676 PAGE 52 *Edw. J. Austin* Register

#1 L. ARTHUR JORDAN, JR.

14/8
1426

#2 46 SCHOOL ST.
E. BALDWIN, W.V. 26091

#3 ~~1426~~ - 2919
1787

#4 ~~1426~~ NO * (SHOW TITLE)
CHANGE TO JOHN J. JORDAN w/ PATRICK A. J. SR. (PARENTS AGREEMENT)
5
3
7
↓

#8 46 SCHOOL ST. E. BALDWIN

#9 MAP # 001 LOT # 055-A.

#10 VILLAGE COMMERCIAL

#11-1121 #6

#12-2. SEE EXHIBIT #12-A. (TOWN MAP PHOTOCOPY)

-b. VEHICLE REPAIR GARAGE TO:

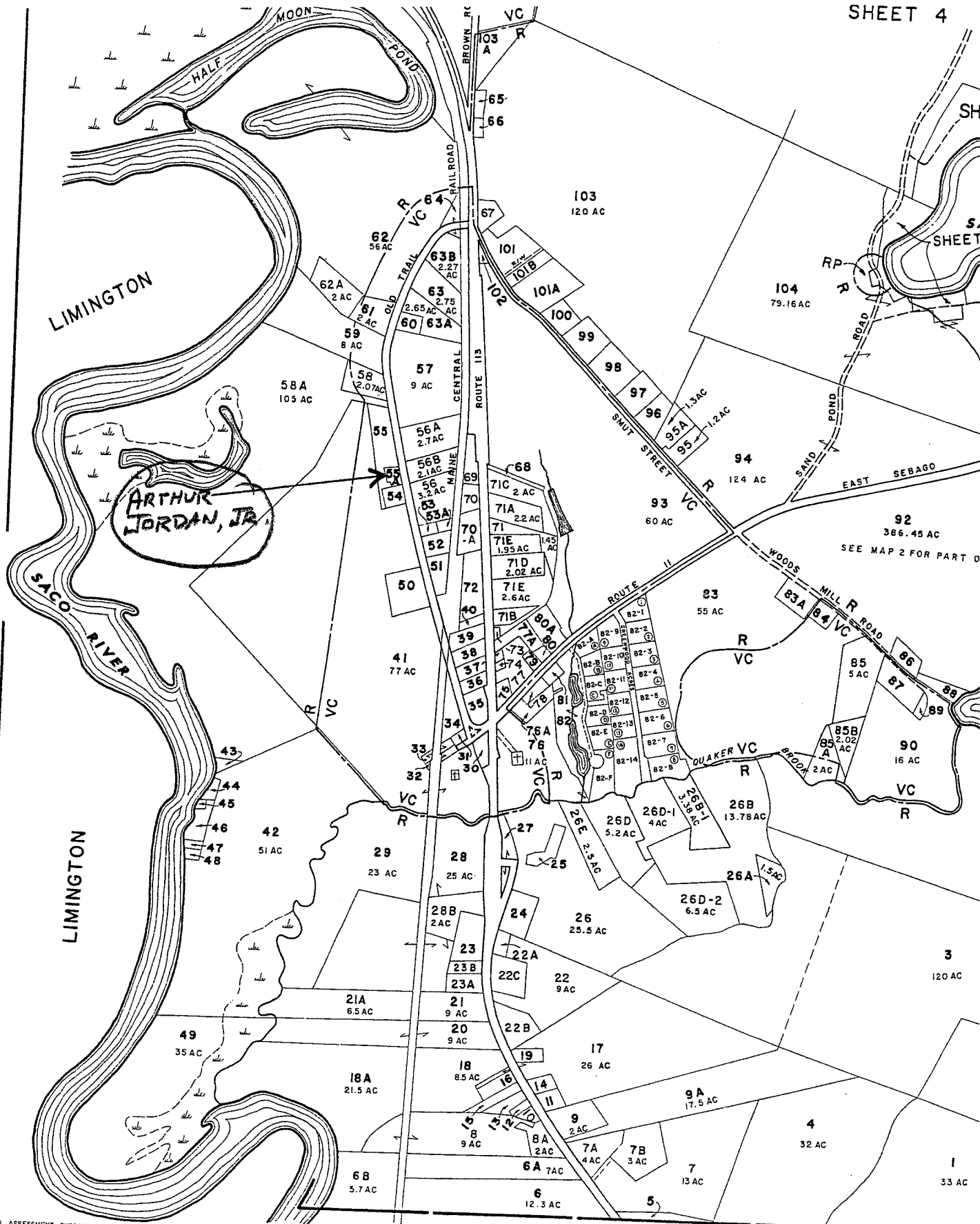
1. MAINTENANCE & REPAIR MECHANICAL PARTS OF VEHICLES
TO INCLUDE CARS, TRUCKS, LARGE TRUCKS, and

CONSTRUCTION OR LEGAL EQUIPMENT

2. AVOID TO PERFORM REPAIR BY WELDING OF PARTS

-c. SEE EXHIBIT #12-c (SCALE DRAWING OF LOT #12-c)

EXHIBIT: 12-A



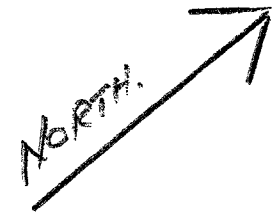
FOR ASSESSMENT PURPOSES ONLY
NOT FOR PROPERTY CONVEYANCES

JOHN E. O'DONNELL & ASSOCIATES
AUBURN, MAINE
1970

STANDISH
PROPERTY MAP
BALDWIN, MAINE

EXHIBIT 12-C

LOT # 55



BRADSHAW PARKING

LOT # 54-A

125' ±

GRAVEL DRIVEWAY

DRIVEWAY

STORAGE SHED

SHOP

60

38

125' ±

25' ±

42' ±

58 HOUSE

OLD FOUNDATION

DIEM # 1850

167' ±

SCHOOL ST. #46

GRAVEL DRIVEWAY

PAVED

PAVED DRIVE

100' ±

HOUSE GARAGE

LOT # 54

EXISTING HOUSE

VEHICLE SALES Display

MAP 001
SCALE 3" = 125 FT.

1" = 125'
3" = 125'
12:1