

Town of Baldwin Planning Board
Meeting Minutes
September 23, 2021

Planning Board Members in Attendance: Matt Fricker, Jo Pierce, Don Sharp, Tracy Grisez
Planning Board Members Absent: David Strock, Matt Sandborn

I. Public Hearing – Grant Lane Subdivision

Mr. Fricker opened the Public Hearing at 7:02pm.

Applicant provided overview of project and summarized responses to action items previously requested by the Planning Board. Discussion included the water table survey.

Applicant stated he is requesting a 3 Lot (Minor) Subdivision. Applicant reviewed submittals provided to Planning Board, including applications for septic systems and topography map.

Mr. Pierce asked if the applicant would need to return to Planning Board for approval if he wanted to build a garage or shed in the future.

Mr. Fricker stated that, unless the garage included an apartment, a garage and/or shed is not a dwelling unit or separate lot, and thus, would not trigger the Applicant's need to initiate the process for a major subdivision. Instead, the Applicant would coordinate directly with the CEO to secure appropriate and necessary permits for constructing a garage or shed.

There were no questions or comments from the public.

Mr. Fricker closed the Public Hearing at 7:08pm.

II. Planning Board Meeting

Mr. Fricker opened the meeting at 7:08pm

A. Grant Lane Subdivision.

Mr. Fricker reviewed Article 6 items to ensure Applicant had satisfied all requirements. Mr. Fricker noted that the Applicant paid the required fee. Planning Board determined previously that no special account for experts or consultants would be necessary relative to the Applicant's proposed subdivision. Mr. Fricker determined that application is complete, that Public Hearing was held on September 23, 2021.

Mr. Fricker reviewed application materials and commented on sewage disposal information. Water drainage system indicated on survey. Applicant commented that waste water flows away from improvements and pond and toward roads.

Width of streets was discussed. Mr. Pierce reminded Applicant of the “Gordon Milliken Rule” that driveways must be ten (10) feet from boundary lines.

Planning Board reviewed hydrogeologic assessment. Planning Board commented that vehicular traffic was not a concern and that specific “trip” counts or traffic studies were not required.

Applicant commented that Hydrogeologist topography map notes storm water management plan. Applicant stated that materials include certificate of compliance with Shoreland Zoning requirements.

Mr. Fricker and Mr. Pierce commented that many of the submittals had been reviewed and approved by Planning Board during assessment of the approval for Sand Pond Woods subdivision plan.

Mr. Fricker asked the Applicant to discuss plan for removing debris from the site. Applicant stated he would donate wood, perhaps to general assistance program.

Mr. Sharp asked Applicant for certification that drainage flows toward Route 11.

Mr. Fricker commented that the Planning Board could impose conditions on approval of Applicant’s minor subdivision to include that driveway must cut in to Route 107, and that driveway be filled in and revegetated as needed.

Mr. Sharp raised a question as to whether Applicant’s project is a minor or major subdivision. Mr. Sharp reviewed language regarding same, and noted his position that Applicant’s project should trigger major subdivision process. Mr. Sharp requested condition be added to approval specifying that Applicant must return for major subdivision approval if project exceeds specific number of lots or dwelling units.

Mr. Fricker read from Article 9 and stated that addition of any dwelling units on any lot beyond those approved under current application would require Applicant to seek preliminary approval for major subdivision.

Discussion concerning septic approval documentation submitted with application. Mr. Sharp noted that the application only included one septic approval and that project scope required two certifications/approvals. Applicant noted that he received both septic approvals and provided them to the CEO. Ms. Grisez asked Applicant to ensure the Planning Board receives the second approval. Mr. Sharp noted that he would like the opportunity to review a complete application before voting to approve.

Discussion concerning whether Grant Road is a town vs. private road. Determined that Grant Road is a private Road. Language in applicable deed shows Applicant owns the entire road. Applicant agreed to maintain the road.

Mr. Pierce made a Motion to approval Applicant’s subdivision plan. Mr. Fricker seconded the Motion. Planning Board Members in favor of approval: Mr. Fricker, Mr. Pierce, and Ms. Grisez.

Planning Board Members opposed: Mr. Sharp. Mr. Sharp noted that he disagrees with interpretation of the Planning Board as to what qualifies as a minor subdivision and, because Applicant's project includes four (4) dwelling units, Mr. Sharp believes the project should be assessed as a major subdivision. Additionally, Mr. Sharp found the application incomplete due to the second septic certification approval being omitted.

Mr. Fricker, Mr. Pierce, and Ms. Grisez signed and dated the Applicant's survey, and asked the Applicant to return two executed copies to Mr. Sunderland. Mr. Fricker noted that the Planning Board would prepare a written statement of conditions and provide same to Applicant.

B. CEO Update

Mr. Sunderland reported that the tenant on Pigeon Brook had moved out of the prior location and is residing elsewhere in Baldwin.

Mr. Sunderland reported that the owners of the water tower had planned an "event"; however, there was no need for further permitting, etc.

C. Planning Board "TO DO" Discussion

Mr. Fricker noted that the Planning Board should discuss its short term and long term objectives as it relates to review and update of policy, procedures, and administrative items and generate an outline for addressing each item.

Specifically, Mr. Fricker stated that the Planning Board needs to make progress on updating the Subdivision Ordinance. Mr. Fricker suggested setting aside time at each meeting to review a specific number of pages so the Planning Board is ready to present the proposed revised Ordinance at Town Meeting in May 2022.

Mr. Fricker said he will begin including review of Subdivision Ordinance on future agendas. Mr. Sharp suggested that the Planning Board begin by reviewing initial changes proposed by Mr. Flint and Mr. Pierce.

Mr. Fricker noted that other Ordinances likely need to be reviewed and/or updated, including the Land Use Ordinance and Medical and Recreational Marijuana Ordinance. Current Medical Marijuana provision is 10.11 of Land Use Ordinance. MMA to hold webinar on legal updates pertaining to marijuana use. Mr. Flint and Ms. Grisez to participate in that webinar.

Mr. Fricker noted that the Governor approved an order regarding "Tiny Homes", which allows another dwelling unit up to Four Hundred (400) square feet on any lot. Town of Baldwin appears able to regulate. Mr. Flint references LD1312, which is likely to pass during next legislative session and which will allow one ancillary dwelling unit on any lot while prohibiting municipalities from imposing certain regulations. Mr. Fricker commented that recent language of proposed LD1312 did allow municipalities to place certain "controls" or regulations on ADUs, such as design and constructions regulations.

Mr. Pierce commented on prior objective to preserve open space by allowing concentration through commercial zoning with one (1) acre minimums. Current language in LD1312 does not include a minimum lot size. Discussion regarding Comprehensive Plan and potential need to review, update.

Mr. Fricker suggested that the Planning Board wait for final language on LD1312, after which the Board can review ADUs and Tiny Homes. In the interim, the Board can move forward with updating Land Use Ordinance, Medical and Recreational Use Marijuana Ordinance, and maybe a solar farm ordinance. Mr. Pierce commented that there may be a need to look at zoning and density.

Discussion regarding use of external subject matter expert to assist with drafting proposed revised ordinances vs. Planning Board attempting to draft ordinances. Mr. Pierce commented that Southern Maine Planning has been useful and helpful in assisting in this space previously. Mr. Flint agreed, stating that relying on Southern Maine Planning is “money well spent”, but that we would need to budget for such expenses.

Mr. Fricker suggested that Baldwin reach out to Lee J. Feldman of Regional Planning and Development as for estimate / proposal for enhancing Land Use Ordinance for specified topics. Billing could take place with efforts such that a portion of work could be paid from existing budget.

Mr. Flint mentioned the need to update Comprehensive Plan, and benefit of subject matter expert for that scope of work as well.

Mr. Fricker noted that, hearing no objections, he would contact Lee J. Feldman with Southern Maine Regional Planning and Development and request proposal and timing to assist with Land Use Ordinance Comprehensive Plan. If outside of Southern Maine Regional Planning’s expertise, may be able to consult with Marketing Decisions.

Mr. Flint noted that municipalities and growth plan need to implement a process to include public review and comment. Mr. Pierce noted that perhaps the people who assisted with last plan would like to be involved again.

Mr. Sunderland added that Cornish updated ordinance last year, and that the cost was approximately Two Thousand Five Hundred Dollars (\$2,500).

Mr. Flint and Mr. Fricker suggested holding a joint session with Select Board and Planning Board to discuss project scope and budget.

D. Meeting Minutes

Mr. Fricker noted that the Planning Board has been delayed in providing Danielle meeting minutes for posting on the Town webpage. Mr. Fricker asked members to expedite drafts for review and approval to bring posting of minutes current.

E. Filing Protocol

It has become clear that current filing protocol is incomplete and there are no file folders for current CUPs, including solar farms and subdivisions that have recently been approved. Mr. Fricker stated that it is important for the Planning Board to document and catalog our activities.

Mr. Fricker suggested that we establish and adopt a filing protocol for CUPs and subdivisions and store on CDs, thumb drives, or other which can be placed in file. Due to quality of CDs, etc., may want to consider electronic or cloud storage.

Mr. Pierce discussed the need to ensure storage of our records are secure and that access is limited. Need to treat like a bank account so original documents do not get taken or lost.

Suggest that Board work with Danielle to set up cloud back up system or some other data management protocol. Mr. Sharp said that he will look into options and come back with suggestions.

Mr. Sunderland stated that Kaitlyn is asking for copy of final CUP for Baldwin 6 Solar Project. Mr. Fricker stated that he sent it to Kaitlyn and Paul; but, he would consolidate and get Kaitlyn a complete copy.

The meeting adjourned at 8:51pm.