

PLANNING BOARD MEETING MINUTES
10/23/14

Attendance: Norm, Joe, Glen, David (a bit late), Bob and Freddy, plus Olin Thomas and a few members of public and Dean Wood.

First Item: Wood's Pellet Mill

Norm Blake reminded everyone of the Site Walk on Saturday at 8:00 a.m. Dean Wood noted that he had blazed a trail to the site from the left dugout behind the school (if folks wanted to walk to the site).

Norm Blake stated that next Monday, the Fire Department will be talking with the Woods about the project at the West Baldwin Fire Barn at 7:00 p.m.

Glen Reynolds submitted a request for conditions on the Woods's Pellet mills, a copy of which is attached. Glen also publicly stated that he will recuse himself from participation in the consideration of the Pellet mill CUP, as he is an abutter and is seeking certain conditions on the CUP. Norm agreed to pass the list of conditions onto the Town's lawyer for review and comment.

Freddy asked whether we knew the amount of the appraisal on the finished mill and how it would impact the Town's valuation and the amount owing to SAD 55. No one present could answer the question. Jo felt that, on the whole, it probably would have a positive tax impact.

MOTION (did not do at start): Jo moved to accept the minutes of the prior meeting as stated. Freddy seconded. The Motion passed unanimously.

There was a brief discussion of who should attend the public hearing on the Pellet mill. Norm said that the applicant should bring whomever they felt was appropriate.

Second Item: Potential Shooting Range Ordinance

There has been a rumor circulating in town that someone may want to put a commercial shooting range in Town.

Bob Flint searched the internet to get an idea of the type of ordinances other towns have regarding shooting ranges. He found two, one from Windham and another from Cape Elizabeth.

The Board had a general discussion of the idea of a shooting range ordinance. Norm stated that he would want to make sure that any ordinance addressed only commercial shooting ranges and did not restrict landowners from shooting on their own property, even with a couple of friends.

The Board agreed to investigate the idea of such an ordinance. Bob will bring a draft proposal to the next meeting for the Board to discuss. Norm mentioned that any land use ordinance has to be approved by the Town at a town meeting, after a public hearing.

Third Item: The Board discussed the idea of posting all CUP's on the website.

There was a general discussion about the idea. No one spoke against it.

MOTION: David made a motion that the Board provide electronic copies of all the CUPs to the Town Clerk and request that they be posted on the Town's website. Jo seconded. The Motion passed unanimously.

The Board discussed whether we should note on the website those CUPs that were no longer active because the use had been dormant too long. The Board generally thought that was a good idea, and we could put an ad in the Shopping Guide to notify folks of this information. The Board also generally discussed how to name the CUPs, including using Map and Lot numbers for easy access.

Fourth Item: Motion to Adjourn, which passed unanimously.

Date: 10/23/2014

My name is Glen Reynolds and I am asking that this letter and the letter of conditions called (SECOND DRAFT Dated 10/23/2014) that I have presented to the Chairman of the Baldwin Planning Board be entered into the minutes of the October 23, 2014 Planning Board meeting.

I am also asking that the letter called (SECOND DRAFT) be included as part of the conditions for the Conditional Use Permit when the Planning Board goes forward with the Public Hearing on November 13, 2014 at 7:00p.m.

The reason for this letter is that I am an abutter to Map 5 Lot 43F, my property is Map 5 Lot 39, and I will not be able to make the Public Hearing on November 13, 2014 to represent myself or my property in the process of setting conditions to mitigate adverse impact (NOISE and WATER) on surrounding properties as the Baldwin Planning Board goes forward with the Application for A Conditional Use Permit for a commercial wood processing, warehouse, storage and distribution (also known as a pellet mill).

(CONDITION 1) of the (SECOND DRAFT) talk's about noise nuisance. Baldwin's Land Use Ordinance does not define what a noise nuisance is for a property abutter except in The Barking Dog Ordinance that speaks of, ANNOY or DISTURB.

As defined in Webster's dictionary a nuisance is to annoy, an act, thing, or person causing trouble, annoyance, etc.

Annoyance is defined as to irritate or bother, as by repeated action.

Webster's defines DISTURB as to disorder, break up the quiet or settled order of, to make uneasy, upset, to interrupt.

I believe that the noise from unloading and loading of trucks, back up beepers from trucks, loaders, fork trucks and all other equipment, and the idling of these trucks in the middle of the night will create a noise nuisance to my property and the property owners on Pigeon Brook Rd.

(CONDITION 1A) defines hours of Outside Operations and is what I am asking for if (CONDITION 1) is not acceptable to the owners of Map 5 Lot43F.

(CONDITION 2) is as written.

Dear, Chairman of The Baldwin Planning Board

My name is Glen Reynolds and I am an abutter to the proposed commercial wood processing, warehouse, storage and distribution (AKA, Pellet Mill) that will sit on Map 5 Lot 43F, my property abuts on Map 5 Lot 39

I am asking that these TWO CONDITIONS be included as part of the CONDITIONAL USE PERMIT when the Planning Board goes forward with the Application for a Conditional Use Permit on 11/13/14 for the Woods Pellet Mill on Map 5 Lot 43F.

CONDITION 1)

That at any time the noise becomes a nuisance to the property owner of Map 5 Lot 39 the owner of Map 5 Lot 39 shall give a written letter to owner of Map 5 Lot 43F of the noise nuisance. When a letter from the property owner of Map 5 Lot 39 has given to the property owner of Map 5 Lot 43F stating a noise nuisance has occurred the owner of Map 5 Lot 43F must build a 16 foot high berm that parallels the northern side of the Maine Central Railroad on the land owned by Map 5 Lot 43F and parallels with property line of Map 5 Lot 39 some 900 feet, and this must be completed within 90 days of the written notice. A drawing where this berm shall be placed if needed has been submitted with this letter of conditions.

OR

CONDITION 1A)

All outside operations at the pellet mill on Map 5 Lot 43F cannot start before 5:00 am and must stop all outside operations at 7:00 pm 7 days a week Monday through Sunday. This includes but not limited to, All trucks in or out, No loading or unloading of any trucks, No loaders or fork trucks in the yard operating and no idling of any trucks or equipment on Map 5 Lot 43F or the road right of way from 7:00 pm to 5:00 am 7 days a week Monday through Sunday

CONDITION 2)

That 6-water test shall be performed in six stages and paid for by the owner of Map 5 Lot 43F, the owner of Map 5 Lot 39 or an Independent Water Analysis Co. shall take water samples on Map 5 Lot 39 and have it tested and a copy of the test results shall be sent to owner of Map 5 Lot 43F for their records.

And at anytime one of the six stages of water test performed comes back with a more positive test of contaminates then the test before, the owner of Map 5 Lot 43F shall pay to have the water supply on Map 5 Lot 39 rectified back to first test results in stage 1 of the water test. Test will be performed as written below.

Stage 1) Test 1 shall be performed before site work starts on Map 5 Lot 43F.

Stage 2) Test 2 shall be performed within 30 days before the Pellet Mill begins operating.

Stage 3) Test 3 shall be performed 1 year after test 2.

Stage 4) Test 4 shall be performed 1 year after test 3.

Stage 5) Test 5 shall be performed 1 year after test 4.

Stage 6) Test 6 shall be performed 3 years after test 5.

Thank You
Glen Reynolds
111 Pigeon Brook Rd
West Baldwin, Maine 04091

such a use in the district. In reaching a determination on this standard, the Planning Board shall consider:

1. The size of the proposed use compared with surrounding uses;
 2. 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;
 3. The potential generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances;
 4. 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;
 5. The degree to which landscaping, fencing, and other design elements have been incorporated to mitigate adverse impacts on surrounding properties.
- B. Municipal or other facilities serving the proposed use will not be overburdened or hazards created because of inadequate facilities. In reaching a determination on this standard, the Planning Board shall consider:
1. The ability of traffic to safely move into and out of the site at the proposed location;
 2. The presence of facilities to assure the safety of pedestrians passing by or through the site;
 3. The capacity of the street network to accommodate the proposed use;
 4. The capacity of the storm drainage system to accommodate the proposed use;
 5. The ability of the Town to provide necessary fire protection services to the site and development.
- C. 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.

8.4 Conditions of Approval

The Planning Board may attach conditions to its approval of a conditional use permit. These conditions may include, but are not limited to, such requirements as: street improvements; access restrictions; hours of use; buffering and screening; utility improvements; performance guarantees for required off-site improvements; professional inspection and maintenance; sureties; performance bonds; type of construction; or any other conditions necessary to fulfill the purposes of this Ordinance. In evaluating each application the Board may request the assistance of the County Soil and Water Conservation District, a state or federal agency, or consultant which can provide

FOR ASSESSMENT PURPOSES ONLY
 NOT FOR PROPERTY CONVEYANCES

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

Zoning Districts As Shown

PROPERTY MAP
BALDWIN, MAINE

