

Baldwin Planning Board

Meeting Minutes 10/25/2018

I. Call to Order

Blake called the meeting to order at 7pm

II. Roll Call

Jo Pierce, Norman Blake, Nichol Ernst, David Strock (arrived late), Selectmen Dwight Warren and Jeff Sanborn. CEO Wes Sunderland

III. Reading of the Minutes From Last Meeting

Read and approved minutes from 9/27/2018.
Read and approved minutes from 10/18/2018

IV. Open Business

- a) Fuller gravel pit
- i) Discussion ensued re: hours of operation. Agreed 7:00am-5pm Monday-Friday and Saturday 7am-1pm per minutes from earlier meeting
- ii) Discussed minimum bond. Blake and Pierce discussed a \$20,000 bond with an escalator clause with adjustment every 5-years based on Consumer Price Index (CPI).
- iii) annually during the month of April the land owner provide the board with a measured survey of the site showing areas in production, awaiting reclamation and in reclamation. The planning board may, at its discretion, require a professional survey. The applicant shall also provide evidence each April that the bond is in place and up to date, insurance coverage is up to date, the reclamation material is still on the property and all conditions are being followed.
- iv) Discussion was brought up about buffers of vegetation needing to be 100ft from right of ways and 200ft from all other boundaries. Buffer will be 250ft from route 11 right of way.
- v) Motion by Pierce to vote on CUP with conditions discussed here and in previous minutes. Blake seconded. Approved unanimously. Strock abstained due to arriving to the meeting late and missing the discussion.
- vi) Discussed with Fuller that once he has insurance and bond it needs to be presented to CEO.
 - B. November 8th, Town lawyer will be present to answer questions from the planning board.
 - C. Nature's Wilderness---Gerry Brown mentioned that he was expecting an answer from the town re: a determination on the cabins related to Nature's Wilderness. Blake stated that the lawyer was not available until November 8th.

D. Pierce brought up that he and Blake were at the Selectmen's meeting this week, and the Selectmen went into an executive session with the town lawyer and did not invite the planning board members that were present. Pierce brought up that the planning board and selectmen might have different agendas or ideas. Pierce raised the question that he would like to have a different lawyer than the town lawyer.

i) Selectmen Sanborn stated that the Executive Session with the lawyer was not predominantly a land-use issue and involved some other legal questions. Blake asked Selectmen present that if the planning board had a disagreement with the Selectmen and the planning board wanted to hire a lawyer, would it be funded and how? What would the process be to hire a different lawyer? Selectmen Sanborn stated that the planning board would have to vote to hire a different lawyer and then the Selectmen would have to vote on approving the funds. Strock brought up that if the town lawyer is at all involved with compliance issues related to Nature's Wilderness, then it might make sense to have a different lawyer to review issues related to land use ordinance.

Strock brought up that with the planning board discussing legal issues with the town lawyer in public that if the Selectmen were using the same lawyer to discuss non-public issues this could lead to waiving attorney-client privilege.

Pierce brought up that emails from the town lawyer should be made public. Strock handed out copies to the board and the applicant.

E. Blake brought up questions he is proposing we bring up with the Town Lawyer:

i) Is it a subdivision?

ii) Do cabins rented constitute a hotel/motel?

iii) What activities are permitted in or on Marston's Pond as a resource protection area?

iv) As far as enforcement. Once the planning board sets the conditions and approves the application must the Selectmen enforce them? Is there a statutory requirement that the Selectmen enforce the conditions? If Selectmen do not enforce a particular aspect, what is the legal remedy?

v) Does the planning board have legal standing to file a suit against the Selectmen for not enforcing something?

vi) What townspeople might have legal standing to sue for violation of the land use ordinance.

vii) 8.1 "Existing violations---an existing application must be denied if a violation exists on the property"—can we proceed with consideration of the project before all violations are cleared up or is it only on the date the application is voted on?

viii) Blake asked if the town has issued any violations for incidents occurring this past weekend at Nature's Wilderness? Sunderland stated that discussion has not happened to make a decision regarding a violation. Answer from Sunderland was unclear.

ix) If the planning board thinks there is a violation and the CEO and selectmen do not think so what happens? Sunderland stated that it is the responsibility of the CEO.

x) Pierce brought up David Laurie's answer to a question from the emails submitted by Strock in which he states that other than a campground other uses can be considered accessories. Pierce asked if accessories have to shut down when the campground isn't open? What opens and shuts legally with the campground?

xi) Pierce brought up that Brown has been vague about answering how do you define the size of the project.

xii) Selectmen Sanborn asked when a public hearing might occur. Blake stated that it is unclear based on answers from the lawyer.

xii)Brown asked if we can have a site walk before snow. Blake stated that it is hard to say due to not hearing what the lawyer has to say. Strock stated that once the lawyer helps clear up whether this is a campground, a subdivision or a hotel/motel etc. Pierce stated that first submission occurred September 20th.

xiii)Strock asked if Brown has thought about a fire plan. Brown stated that there are two exits. Pierce stated that many vehicles couldn't make the second exit.

V. New Business

a)Blake mentioned that the owner of the Whistle Stop discussed coming before the board to discuss adding a restaurant and expanding the square footage of the store and a possible multi-family dwelling above the store.

b) Sunderland brought up a piece of property that 8 months ago it became a resource protection area. Sunderland asked if he is grandfathered because the discussion occurred prior to the designation of a resource protection area. Pierce stated if he took out a permit prior or not would be the designation for it being grandfathered.

VI. Adjournment

Pierce made a motion to adjourn, Strock seconded. Unanimous vote. Meeting adjourned at 8:33pm.

Submitted by: Nichol Ernst