

Baldwin Planning Board

Meeting Minutes 9/24/2020

The Chairman called the meeting to order at 7:02PM. He expressed appreciation for all attendees practicing social distancing and wearing masks. He noted that the proceedings were being recorded and would be available on the town website.

Roll Call: Planning Board Members: David Strock, Jo Pierce, Matt Fricker, Matt Sanborn, Bob Flint

Board of Selectmen: Dwight Warren

CEO: Wes Sunderland

Others: Numerous members of the public and presenters

Agenda:

1. Review the minutes of the last meeting
2. Discuss Casco Bay Hemp's (Eben Sumner) inquiry regarding a medical caregivers retail site
3. Conduct noticed hearing regarding Nature's Wilderness Resort
4. Entertain motion to adjourn

Meeting:

1. Minutes from the 9/10/2020 meeting, which had been previously distributed to the board members, were approved by the board.
2. Concerning the question of "medical caregivers retail stores," the Chairman stated that the town had previously passed two marijuana related ordinances (at the 2017 Town Meeting) but the state had revised both the medical and recreational marijuana laws within the last years so it wasn't clear how the Town's ordinances stood in light of the new Maine statutes. He therefore requested via the Selectmen's office a legal opinion from Maine Municipal Association (MMA). The Chairman indicated the first underlying problem is that the State did not adopt the "caregiver retail store" language until 2019. Both town marijuana ordinances do not use that terminology. The other issue is that the property Casco Bay Hemp wants to utilize is located within 500 feet of a church which would not be allowed under the current ordinance. MMA

advised that the Maine Medical Marijuana law prohibits the operation of any new registered caregiver retail stores unless a town's legislative body has voted to allow them. The town's existing medical marijuana ordinance **does not** specifically define registered caregiver retail stores nor specifically authorize them. An "opt in" would be needed by the town to authorize them. (The request and the MMA reply are attached.) Eben Sumner then read from the existing medical marijuana ordinance and again requested clarification as to its status. The Chairman explained that the legal opinion was that it had been superseded by the 2019 state medical marijuana statute. A discussion ensued as to how to proceed. It was discussed that a new ordinance could be proposed by voters via a petition or be proposed on the initiative of the Planning Board. Several board members indicated that they would not be inclined to propose a new ordinance. It was also discussed that an "opt-in" ordinance would need considerable time to be developed. Mr. Sumner stated he was a member of a medical marijuana business association and had considerable experience working with municipalities on related ordinances. After a wide ranging discussion it was decided that the Planning Board would take input from Mr. Sumner concerning how he thought the town could revise its existing ordinance and the Planning Board would work toward having a revision available to be voted on at the 2021 Town Meeting. He did not indicate that the Planning Board would necessarily support such a revision at the Town Meeting.

3. The Board moved to the topic of the public hearing concerning NWR which had been voted on at the last meeting. (Jo Pierce recused himself from the Board at that time.) The Chairman stated that he had sent an e-mail to Gerry Brown, MWR manager, officially notifying him of the hearing but did not receive acknowledgement from him. He then printed out the e-mail and sent it registered mail, which was then signed for by Mr. Brown. The Chairman then indicated that he had received an ambiguous opinion from MMA via the Board of Selectmen that the public hearing might not have been properly announced as per the Board of Selectmen's published policies on public hearings, and if the hearing went forward and Board of Selectmen felt so inclined, they could discipline the Planning Board Chair. The Chairman then indicated that he saw three options for the Board: (a) Go forward with the Hearing as planned (b) Reschedule the hearing with notice per policy (c) Hold no hearing.

There was a discussion amongst the Board members as to how to proceed and the merits of the three options. Option "a" would be timely but not effective due to lack of representation by NWR (no one to answer the questions from the Board) and the process might be called into question legally due to the notice issue. Option "b"

would remove the question of legal notice but would not be timely. Option “c” would not meet the goals of calling the hearing in the first place. The Chairman stated that he preferred option “a” but asked for a motion from the board members as to how to proceed. After more discussion, it was moved and seconded to hold the hearing on 8 Oct 2020 after proper notice as per policy. It motion was passed by a vote of 2 to 1. More discussion ensued about the ability of the Board to hear from the CEO, the Selectmen, and audience members concerning the status of NWR CUP compliance. The CEO presented information on the status of NWR ‘s license request from Maine CDC. He stated that NWR was doing it’s best but the process was frustrating. There were then questions from the audience wondering why NWR was still operating without state licenses and how the planning board could have issued a CUP without state licenses. The Chairman explained that an approved CUP has standard clauses that are conditional on the applicant receiving all state and federal permits and licenses before operating. Matt Sanborn stated that he felt that Gerry Brown, as a member of the Board of Selectmen who are responsible for ensuring compliance with town ordinances, had a conflict of interest, and was negligent in his duties by refusing to comply with the CUP and continuing to operate in violation of state statutes. The Board then discussed what will the procedure be when the hearing occurs on 8 Oct 20. The Chairman stated it would include a discussion about violations that had occurred and perhaps violations that were ongoing, then a discussion of a remedy as outlined in the NWR CUP. Matt Fricker stated he thought the town might be financially liable if it allowed NWR to continue to operate in violation of state health and safety codes.

4. After additional comments it was moved and seconded to adjourn, and passed at 8:48 PM.

Submitted by: Bob Flint

Fwd: Baldwin - Caregiver Retail Store Question

Danielle Taylor <dtaylorbaldwin@gmail.com>

Wed, Sep 23, 2020 at 2:02 PM

To: David Strock <dastrock@gmail.com>

Cc: Jim Dolloff <jdolloffbaldwin@yahoo.com>, Gerry Brown <brownconstruction24@yahoo.com>, Dwight Warren <dwrightwarren4@gmail.com>

See below from MMA legal on caregiver retail question

Thank you,

Danielle

Town of Baldwin
534 Pequawket Trail
West Baldwin, Maine 04091

(Ph) 207-625-9107

Far and away the best prize that life has to offer is the chance to work hard at work worth doing. ~ Theodore Roosevelt

----- Forwarded message -----

From: **Legal Services Department** <legal@memun.org>

Date: Wed, Sep 23, 2020 at 2:00 PM

Subject: RE: Baldwin - Caregiver Retail Store Question

To: dtaylorbaldwin@gmail.com <dtaylorbaldwin@gmail.com>

Dear Danielle and David,

First, the prohibition ordinance copied below only applies to recreational/adult use marijuana establishments, not medical marijuana establishments. The recreational marijuana law cited in the prohibition ordinance (7 M.R.S.A. c. 417) used to provide that recreational marijuana establishments were authorized everywhere in Maine and a municipality had to vote to "opt-out" in order to prohibit establishments within the municipality (which is what the ordinance intended to do). This law was repealed, however, and the new adult use marijuana law requires that municipalities vote to "opt-in" to allow these establishments to operate within the municipality. A prohibition ordinance is therefore no longer necessary.

The Maine Medical Marijuana law prohibits the operation of any new registered caregiver retail stores, unless the town's legislative body has voted to allow the operation of these types of facilities within the municipality. 22 M.R.S. § 2429-D(3). If the medical marijuana caregiver retail store is not already in operation (and has not been operating prior to December 13, 2018), then it may not operate in the municipality unless the town has voted to authorize medical marijuana caregiver retail stores to operate in the municipality. The Land Use Ordinance you copied below probably is not sufficient to argue that the town has "opted-in" to authorize caregiver retail stores. For one, as you noted, the ordinance does not define or clearly authorize caregiver retail stores. In addition, the fact that the ordinance was adopted prior to the new medical marijuana laws, which specifically authorized and defined caregiver retail stores, further supports the argument that the ordinance alone does not authorize new caregiver retail stores to operate within the municipality.

If the town has voted to opt-in to allow medical marijuana caregiver retail stores, then state law specifically provides that municipalities may enact local regulations pertaining to medical marijuana retail stores. 22 M.R.S. § 2429-D. Local regulations, however, must be consistent with state law. I think that the town may be able to enforce its Land Use Ordinance requiring certain medical marijuana establishments obtain a conditional use permit. However, as you noted, the ordinance's definitions are not consistent with current state law and does not specifically include caregiver retail stores. For this reason, I strongly suggest discussing how to proceed with the town attorney.

That being said, in my opinion, the ordinance probably does not regulate caregiver retail stores. I do not think that a caregiver retail store falls under the definition of "registered dispensary" in the ordinance since the definition refers to a registered dispensary operating under state law, which is defined separately in the law from a caregiver retail store. A caregiver retail store probably does not fall under any of the other definitions in the ordinance, but this is ultimately a decision the board will need to make based on the facts of a specific application.

If the town has voted to opt-in to allow caregiver retail stores, the town might consider enacting a moratorium on medical marijuana establishments until it can amend its ordinance to address caregiver retail stores (and other authorized medical marijuana establishments) and ensure its provisions are consistent with state law.

I hope this is helpful.

Best,

Breana N. Gersen, Staff Attorney
Legal Services Department

Maine Municipal Association
60 Community Drive, Augusta, ME 04330
1-800-452-8786 (in state)
207-623-8428
FAX 207-624-0187
legal@memun.org

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Caregiver Retail Store Question

David Strock <dastrock@gmail.com>

Thu, Sep 17, 2020 at 5:03 PM

To: Danielle Taylor <dtaylorbaldwin@gmail.com>

Cc: Jim Dolloff <jdolloffbaldwin@yahoo.com>, dwightwarren4@gmail.com, brownconstruction24@yahoo.com

Danielle - The Planning Board is seeking the MMA's assistance on the following question:

An individual wants to operate a "caregiver retail store to sell harvested marijuana to qualifying patients" pursuant to 22 MRSA 2423-A(2)(P). Assuming the individual has all the required state licenses, does the Town of Baldwin Planning Board have any authority over the operation of the "caregiver retail store," either due to the fact the proposed use relates to marijuana or under a standard conditional use, such as a retail store use.

First, when the adult use/recreational marijuana issues arose, the Town passed the following ordinance. It does not seem applicable to this case because the individual will be growing and selling medical marijuana (plus it appears the statutory references are out of date):

[Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs in the Municipality of Baldwin](#)

[Section 1. Authority.](#)

[This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417: and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.](#)

[Section 2. Definitions.](#)

[For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442, as enacted by CHAPTER 417 "MARIJUANA LEGALIZATION ACT" which statute is incorporated by reference as it exists at the time that this ordinance is enacted.](#)

[Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs. Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in this municipality. No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A. § 2442 as enacted by CHAPTER 417 MARIJUANA LEGALIZATION ACT. Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C](#)

[Section 4. Effective date; duration.](#)

[This ordinance shall take effect immediately upon enactment by the municipal legislative body and shall remain in effect until it is amended or repealed.](#)

[Section 5. Penalties.](#)

[This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be deemed a land use violation subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.](#)

Second, when the medical marijuana laws came into effect, the Town passed the following Article under its Land Use Ordinance:

10.11 MEDICAL CANNABIS

A. PURPOSE: The purpose of this ordinance and related guidelines is to regulate the cultivation, processing, storage, and distribution of medical cannabis consistent with the Town of Baldwin Land Use and Development Ordinance and the Maine Medical Use of Marijuana Act (Maine Revised Statutes Title 22, Chapter 558-C).

B. APPROVAL PROCESS

Any proposal to establish a new, or alter an existing, medical cannabis registered dispensary or medical cannabis production facility shall require approval of the Planning Board as a conditional use. Medical cannabis registered dispensaries or medical cannabis production facilities existing prior to this ordinance shall also require approval of the Planning Board as a conditional use. The Planning Board and applicant shall follow: the application process, the review process, performance standards of this ordinance, and the inherent authority of the Planning Board as defined by Article 4 (Administration and Enforcement) of the Land Use Ordinance of the Town of Baldwin. Notification of site walks and public hearings shall include all property owners within 500 linear feet, measured in a straight line from the property boundary of the proposed dispensary or facility. Notification of property owners shall be mailed at least ten days before the scheduled site walk and public hearing. The Planning Board shall be responsible for mailing notifications to property owners to the address identified in the Tax Assessment Book. In addition to other public notification requirements, the town shall notify the Cumberland County Sheriff's Office, the Maine Department of Health and Human Services – Center For Disease Control and Prevention (or its successors), and the Maine Revenue Services prior to the public hearing on any application.

C. STATE AUTHORIZATION

Before submission of a conditional use application, the applicant must demonstrate to the Planning Board their authorization to cultivate, process, store and distribute medical cannabis pursuant to the Maine Medical Use of Marijuana Act (Maine Revised Statutes Title 22, Chapter 558-C).

D. EXEMPTIONS

As an accessory use, medical cannabis home production shall be allowed in any qualifying patient's primary year-round residence (as defined by Maine Revenue Services) or any registered medical cannabis caregiver's primary year-round residence (as defined by Maine Revenue Services) in every Land Use District, without any requirements for land use permitting. This exemption shall also extend to registered medical cannabis caregivers who cultivate, process or store medical cannabis in a qualifying patient's primary year-round residence (as defined by Maine Revenue Services) for that qualifying patient's sole use.

E. PERFORMANCE STANDARDS

In addition to other requirements of this section and related provisions of the Town of Baldwin Land Use Ordinance, the following shall apply to any application for a new or amended medical cannabis registered dispensary or a medical cannabis production facility:

1. Medical Cannabis Registered Dispensary Limit

There shall be no more than one medical cannabis registered dispensary in the Town of Baldwin.

2. Medical Cannabis Production Facility Limit

There shall be no more than four registered medical cannabis caregivers allowed to operate within a single medical cannabis production facility.

3. Density Limit

Only one medical cannabis production facility shall be permitted per lot. Additionally, no medical cannabis production facility shall be located on a lot that is within 500 linear of another lot on which a medical cannabis production facility or medical cannabis dispensary is located. This separation requirement will prevent a concentration of these facilities and helps to ensure compliance with the State prohibition against collectives.

4. Proximity Location to Other Uses

No medical cannabis registered dispensary or medical cannabis production facility shall be closer than 500 linear feet, measured in a straight line from the dispensary or facility property boundary, to the nearest point on the boundary of any property which is occupied by an existing medical cannabis production facility, licensed day care facility, school, church or town owned property (excluding town owned roads).

5. Security

Before granting a Conditional Use permit, the Planning Board shall require that the applicant has reviewed the applicant's property and building security plans with the Cumberland County Sheriff's Department and the Sheriff's Department finds the security measures are consistent with state requirements.

6. Outside Appearance

No signs containing the word "marijuana", "cannabis", "420", "710" or any other terms to indicate medical cannabis presence, or any graphics/images such as a green cross or any portion of a marijuana plant or otherwise identifying medical cannabis shall be erected, posted or in any way displayed on the outside of a medical cannabis registered dispensary or a medical cannabis production facility. Interior advertisements, displays of merchandise or signs depicting the activities of a medical cannabis registered dispensary or a medical cannabis production facility shall be screened to prevent public viewing from outside such facility.

7. Odorous Air Contaminants

It shall be an unlawful nuisance for any person to cause or permit the emission of odorous air contaminants from any source so as to result in detectable odors that leave the premises upon which they originate and interfere with the reasonable and comfortable use and enjoyment of property. Upon the following occurrence, any odor will be deemed to interfere with reasonable and comfortable use and enjoyment of property:

(i) No odors associated with this use shall be detectable beyond the property boundaries.

8. Nuisance for Radio Frequency (RF) Noise, Light, Blower Noise

It shall be an unlawful nuisance for anyone to cause or permit the emissions of electromagnetic emissions from any grow lights or environmental controls that cause detectable interference to any licensed radio communications.

All medical cannabis dispensaries and medical cannabis production facilities will be subject to light and noise standards during their Conditional Use Permit (CUP) process.

9. Approved Locations

All medical cannabis registered dispensaries and medical cannabis production facilities will be subject to the Conditional Use Permit process used by the Planning Board.

Medical cannabis registered dispensaries shall only be permitted in the Village Commercial (VC) District.

Medical cannabis production facilities shall only be permitted in the VC District. Further, medical cannabis production facilities shall be prohibited from operating in the Natural Resource Protection (RP) District, Highland (H) District and the Rural (R) District.

F. VALIDITY AND SEVERABILITY

Should any section or provision of this ordinance be declared by the courts to be invalid or unlawful, such decision shall not invalidate any other section or provision of this ordinance.

DEFINITIONS

Marijuana: As defined in State Administrative Rules (10-144 CMR Chapter 122), §1.17, "Marijuana."

Medical Cannabis: Cannabis that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

Medical Cannabis Caregiver: A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of cannabis in accordance with state law. A person who is a registered medical cannabis caregiver must be at least twenty-one (21) years of age and may not have been convicted of a disqualifying drug offense.

Medical Cannabis Land Uses: Any of three (3) types of land uses, defined below, that cover the full range of options for lawful cultivating, processing, storing and distributing medical cannabis.

1. Medical Cannabis Home Production (Land Use): Cultivating, processing and/or storing of medical cannabis by a qualifying patient at their own primary year-round residence or a registered medical cannabis caregiver at their own primary year-round residence for use by a qualifying patient. This definition shall also extend to registered medical cannabis caregivers who cultivate, process or store medical cannabis in a qualifying patient's primary year-round residence for that qualifying patient's sole use. This shall be considered an accessory use.

2. Medical Cannabis Production Facility (Land Use): A facility used for cultivating, processing, and/or storing medical cannabis by one or more registered medical cannabis caregiver(s) at a location which is not the registered medical cannabis caregiver's primary year-round residence or their patient's primary year-round residence. This shall be considered a commercial use.

3. Medical Cannabis Registered Dispensary (Land Use): A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis, paraphernalia or related supplies and educational materials to qualifying patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. This shall be considered a commercial use.

I think the first underlying problem is that the State did not adopt the "caregiver retail store" language until 2019. Both our marijuana ordinances pre-date 2019 and, therefore, do not use that terminology. However, it seems that the individual's "caregiver retail store" would be covered under the Town's broad definition of "registered dispensary," but it is not clear to the Board.

The most obvious problem with the individual's desired use is that the property they want to utilize is located within 500 feet of a church. If the individual's "caregiver retail store" is covered as a "medical cannabis registered dispensary," then the Ordinance would automatically prohibit the use at the desired location. The individual has said that we cannot prohibit a "caregiver retail store" at the local level and our Ordinance does not specifically refer to the proposed use.

We are struggling with how to approach this issue. Can we treat it as a dispensary? Should we treat it as a retail store and ignore the marijuana part of the operation? Thank you.

Fwd: Baldwin

Legal Services Department <legal@memun.org>

Wed, Sep 23, 2020 at 4:41 PM

To: "dastrock@gmail.com" <dastrock@gmail.com>

Cc: Danielle Taylor <dtaylorbaldwin@gmail.com>, "jdolloffbaldwin@yahoo.com" <jdolloffbaldwin@yahoo.com>

David,

No apologies necessary at all. I stand by my advice below regarding the fact that an appointed Planning Board would probably be subject to a public meetings policy established by the Select Board, because an appointed Planning Board is subordinate to the Select Board.

I think that the facts you present in your email do raise a question about whether the policy has been violated in this situation. However, I see two opposing conclusions that could be drawn, each of which has some merit. First, the policy explicitly applies to "[a]ll non-regularly recurring town government related meetings, hearings, and public information meetings[.]" If the NWR conditional use permit will be addressed by the Board at a regularly-scheduled Thursday Planning Board meeting, then arguably it is not a "non-regularly recurring meeting" and therefore does not fall within the policy. On the other hand, the Planning Board felt it necessary to provide "special notice" to NWR in order to ensure that someone would attend, which suggests that tomorrow's meeting is something more than a run-of-the-mill regular Planning Board meeting.

Ultimately, if the Select Board believes that their policy was not complied with, I would defer to them. I would also recommend perhaps clarifying the policy to require a meeting agenda be included as part of the published notice.

I hope this is helpful.

Sincerely,

Michael Lichtenstein, Staff Attorney
Legal Services Department

Maine Municipal Association
60 Community Drive, Augusta, ME 04330
1-800-452-8786 (in-state)
207-623-8428
FAX 207-624-0187
legal@memun.org

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From: David Strock [<mailto:dastrock@gmail.com>]
Sent: Wednesday, September 23, 2020 3:00 PM
To: Legal Services Department <legal@memun.org>
Subject: Fwd: Baldwin

Mr. Lichtenstein -

My apologies for the follow up, but I am sure many on the Board will ask the same question and I want to be prepared.

The upcoming "hearing" in question, which feels more like it will be more of a discussion, is scheduled to be part of the regularly scheduled Planning Board meeting on Thursday (i.e., we always meet the second and fourth Thursday of each month). We regularly provide notice of the regular, recurring planning Board meeting in the Shopping Guide and on the Town's website. We provided special notice to NWR because we wanted to make sure someone from the organization showed up.

Does this fact impact your thoughts on the notice requirement for our next meeting?

Thank you.

David Strock

Chair, Baldwin Planning Board

----- Forwarded message -----

From: **Danielle Taylor** <dtaylorbaldwin@gmail.com>
Date: Wed, Sep 23, 2020 at 10:58 AM
Subject: Fwd: Baldwin
To: David Strock <dastrock@gmail.com>
Cc: Jim Dolloff <jdolloffbaldwin@yahoo.com>

David;

Jim Dolloff asked me last night to forward this to you with regards to the NW hearing scheduled for Thursday and the failure to be published in the Shopping Guide.

See below from MMA legal.

Thank you,

Danielle

Town of Baldwin
534 Pequawket Trail
West Baldwin, Maine 04091
(Ph) 207-625-9107

Far and away the best prize that life has to offer is the chance to work hard at work worth doing. ~ Theodore Roosevelt

----- Forwarded message -----

From: **Legal Services Department** <legal@memun.org>
Date: Fri, Sep 18, 2020 at 12:50 PM
Subject: RE: Baldwin
To: Danielle Taylor <dtaylorbaldwin@gmail.com>

Danielle,

Because the Town's public meetings policy was adopted by the Select Board and not by the voters at a town meeting, I think whether the Planning Board is required to abide by the policy depends on whether it is elected or appointed. If the Planning Board is elected, then it is an independent body from the Select Board and would not necessarily be required to follow this or any other policy adopted solely by the Select Board. On the other hand, if the Planning Board is appointed, then it could probably be required to follow the policy.

In seeking to enforce the policy on an appointed Planning Board, however, the Select Board runs the risk of calling into question the validity of the Planning Board's eventual ruling on the conditional use permit and creating a possible basis for appeal. Therefore, if the Select Board wants to take some action to enforce the public meetings policy, then I think the better course of action would be to treat this as a disciplinary matter with the Planning Board chair.

FYI, because this particular Planning Board meeting does not involve the adoption or amendment of a zoning or shoreland zoning ordinance, the Freedom of Access Act (or "FOAA") does not specify the form or amount of the notice which must be used to publicize the meeting. Instead, for non-emergency meetings, the law requires notice to be given in a manner reasonably calculated to inform the public far enough in advance to allow the public to make plans to attend. 1 M.R.S. § 406.

In some communities, this may mean newspaper notice of some sort and in others posting notice around town may be enough. We generally advise giving about a week's notice for regular and special meetings. For emergency meetings (and what you describe below does not sound like one), the FOAA requires the Board to notify a media representative at least 24 hours prior to the meeting, rather than giving notice to the public as described above.

I hope this is helpful.

Sincerely,

Michael Lichtenstein, Staff Attorney
Legal Services Department

Maine Municipal Association
60 Community Drive, Augusta, ME 04330
1-800-452-8786 (in-state)
207-623-8428
FAX 207-624-0187
legal@memun.org

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From: Danielle Taylor [<mailto:dtaylorbaldwin@gmail.com>]
Sent: Friday, September 18, 2020 9:34 AM
To: Legal Services Department <legal@memun.org>
Subject: Baldwin

Good morning

Selectmen would like MMA legal's opinion of the attached policy. The Planning Board has a hearing that is on their schedule, but was not published in the local paper. See attached the Town policy.

I spoke with Jim Dolloff Selectmen chair and he asked to get clarification from MMA legal on whether the PB can still have their hearing legally. Jim believes they are violating the Town policy and should reschedule.

The PB hearing is for the purpose of possibly revoking a CUP that was issued to Nature's Wilderness Campground. The hearing is scheduled for next Thursday September 24th.

I have copied information from an email below from the PB chair that was sent on September 11th and it is pasted below to give you more info on the hearing.

At last night's meeting the Planning Board received information from the Code Enforcement Officer and members of the public that Nature's Wilderness may be in violation of one or more express conditions of the CUP.

Pursuant Lines 747 - 753 of the CUP and a vote held on September 10, 2020, the Planning Board hereby provides you notice that it will hold a hearing on September 24, 2020 at 7:00 p.m. regarding the CUP of Nature's Wilderness. A copy of the relevant portion of the CUP is set forth below:

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

The Planning Board requests that Nature's Wilderness produce one or more representatives to answer questions on its behalf regarding the alleged violations of the CUP. I will provide you a copy of the materials submitted by the CEO and members of the public prior to the September 24, 2020 meeting.

Please advise, as the Selectmen do not believe proper notice was given and it is violating the Town policy they signed back in 2016.

Thank you,
Danielle

Town of Baldwin
534 Pequawket Trail