

Baldwin Planning Board
Meeting Minutes
May 23, 2024

Meeting Called to Order: 7:01pm

(May 23rd Planning Board Meeting followed the public hearing regarding pending Application for Conditional Use Permit (CUP) submitted by Steve Wilkin relative to the West Baldwin Antique Mall. Upon commencement of the public hearing, however, it was determined that none of the members of the public in attendance were present for the purpose of said public hearing. Thus, the public hearing was closed and the Planning Board meeting was called to order.)

Board Members Present: Jo Pierce, David Strock, Don Sharp, Victoria Abramowska, Mike Ustin, and Tracy Grisez (Tracy Grisez arrived at 7:05pm)
(Quorum Established)

Also Present: Select Board Member, Bob Flint and CEO, Don Kent

Note that Steve Wilkin arrived at 7:05pm. Jo paused the Planning Board's ("PB") discussion regarding Item 1, *following*, to address Mr. Wilkin, informing him that, when the public hearing was commenced at 7:00pm, it was determined that no one was in attendance to participate in the public hearing. Jo announced that Mr. Wilkin was now present and asked if anyone from the public would like to resume the public hearing regarding the West Baldwin Antique Mall. After no comments from the public, Jo invited Mr. Wilkin to stay for the remainder of the meeting, and the Board resumed discussion of CUP for the Flying Squirrel (Item 1, *following*).

1. Consider Application for CUP; Applicant: Thomas Wight/Flying Squirrel DGC, LLC

The Applicant submitted a revised Application for Conditional Use Permit (CUP) which had been modified to include all required information and documentation -- some items had been submitted with previous versions of the Application and some information was submitted for the first time with this comprehensive submission. This (revised) Application for CUP dated May 23, 2024 shall supersede and replace any and all prior, incomplete, or other Applications or materials as submitted to the PB in contemplation of this CUP as made prior hereto. This Application and relevant materials included therewith shall constitute the final Application as submitted for consideration to the PB. All further references to the Application and materials pertinent thereto shall mean and refer to the May 23, 2024 Application and materials submitted by Applicant along with any specific and general conditions as imposed by the PB in consideration of approval thereof.

The Board reviewed the Application and materials and documentation as submitted pursuant thereto (collectively, the "Application") and confirmed the Application was complete. Specifically, the Applicant has properly submitted the Application with all sections completed, a copy of the source deed providing proof of title ownership for the subject property, and a sketch plan of the proposed design/layout of the property. For purposes of the CUP, the Applicant seeks to establish and operate five (5) distinct activities on the premises; specifically a(n): (1)

restaurant that will also operate a game room/arcade, (2) ice cream, coffee, and mini donut shop, (3) pro shop/retail store, (4) disc golf courses (operated by the pro shop), and (5) miniature golf course (operated by the pro shop). The Applicant also proposes to use the property to operate an outdoor gathering area that will include a beverage station, a pavilion with tables, and a building with stage for concerts and events. The Applicant further proposes the use of the property to allow for approximately two miles of trails to be maintained and offered around the perimeter of the subject property that will be open to the public for walking, biking, snow shoeing and cross-country skiing. No motorized vehicles will be permitted. Thus, the conditional uses for which the Applicant is seeking a CUP are: (1) eating and drinking places/establishments, (2) a retail business, (3) a gaming establishment, and (4) commercial outdoor recreation.

The Board and the Applicant systematically discussed each paragraph/provision of the Application and addressed the Board's specific questions and concerns in the normal course. Pursuant to the CUP review process, the Board considered the impact of the various uses and multiple activities as contemplated and determined it necessary to impose several specific limitations or conditions, which will be incorporated into the CUP, along with the PB's set of Standard Conditions, which are included in every CUP, as approved. When discussing the size of the building contemplated by the Applicant (greater than 8,000 square feet), Don noted the PB's need to engage in the Site Plan Review process, which is triggered when the total area of the building exceeds five thousand (5,000) square feet. The Board and the Applicant then reviewed and discussed criteria for the Site Plan Review process for the Rural District pursuant to Section 11.4. After said discussion, the Board found that, due to the total area of the building as contemplated, this Application is subject to Site Plan Review pursuant to Article 11 of Baldwin's Land Use Ordinance. Upon review of said criteria, however, the Board found that modification of the Site Plan Review process was appropriate and elected to impose, as a condition of this CUP, a requirement that the Applicant submit site plan review materials to the PB, once available, and before initiating request for a building permit.

The specific conditions imposed by the Planning Board relative to the subject CUP are as follows:

1. Pursuant to the sketch plan as submitted with the Application, one (1) building not to exceed a maximum of 60 feet x 140 feet shall be permitted on the property (the "Building").
2. The Building may contain: (1) the restaurant (including the kitchen), (2) the ice cream, coffee, mini donut shop, (3) the pro shop retail store, and (4) the game room/arcade.
3. The Land Use permitted under the subject CUP for both the restaurant and the ice cream, coffee, mini donut shop shall be an Eating and Drinking Place/Establishment.
4. The restaurant shall be approximately 60 feet x 50 feet in total area, which shall include the kitchen.
5. The restaurant may include up to one hundred (100) seats without requiring additional approval from the Planning Board.
6. The restaurant may operate year-round, January through December.
7. As currently contemplated, the restaurant shall operate Wednesdays, Thursdays, and Fridays, between the hours of 11:00am and 9:00pm and Saturdays and Sundays, between the hours of 9:00am and 9:00pm.

8. However, the restaurant may operate any five (5) days per week between the hours of 9:00am and 9:00pm without seeking additional approval from the Planning Board.
9. The restaurant may also contain an outdoor seating area not to exceed 30 feet x 50 feet.
10. Lighting for the restaurant's outdoor seating area must be inward facing, pointing down, and may not exceed 10 fc as measured at the property line.
11. There shall be no amplified music permitted within the restaurant's outdoor seating area.
12. The restaurant is contemplated as to serve pub fare, beer, wine, and spirits. Thus, the restaurant is contemplated as a Class A restaurant with a Class 1 liquor license.
13. Before engaging in the dispensing or sale of alcohol or alcoholic beverages or conducting any activity pursuant to a liquor license, the Applicant must first seek and obtain all necessary approval(s) and license(s) from the State of Maine and Town of Baldwin Selectboard.
14. Before engaging in the dispensing or sale of alcohol or alcoholic beverages or conducting any activity pursuant to a liquor license, the Applicant must first return to the Baldwin Planning Board to address requirements pursuant to any liquor license and/or applicable standards and conditions pursuant to the operation thereunder, if any.
15. Pursuant to the sketch plan, the ice cream, coffee, mini donut shop shall occupy approximately 60 feet x 20 feet of total area of the Building.
16. The ice cream, coffee, and mini donut shop may engage in the sale of ice cream, coffee, and mini donuts.
17. The ice cream, coffee, mini donut shop is contemplated to operate seasonally.
18. However, the ice cream, coffee, mini donut shop may operate year-round, January through December, without seeking additional approval from the Planning Board.
19. When open and operating, the ice cream, coffee, mini donut shop shall be permitted to operate seven (7) days per week between the hours of 6:00am and 9:00pm.
20. The ice cream, coffee, and mini donut shop may operate a walk up and drive-up window.
21. The ice cream, coffee, and mini donut shop may not operate a drive-thru window. No amplified speaker or separated lighted sign board shall be permitted.
22. Pursuant to the sketch plan, the pro shop retail store shall occupy approximately 60 feet x 30 feet of total area of the Building.
23. The Land Use permitted under the subject CUP relative to the pro shop shall be a Retail Business.
24. The pro shop retail store may engage in retail sales of sports equipment for disc golf and miniature golf and may also sell a selection of snacks and beverages.
25. The pro shop may operate year-round, January through December.
26. The pro shop may operate seven (7) days per week between the hours of 8:00am and 6:00pm.
27. Pursuant to the sketch plan, the game room/arcade shall occupy approximately 60 feet x 40 feet of total area of the Building.
28. The Land Use permitted under the subject CUP relative to the game room/arcade shall be a Gaming Establishment.
29. The game room/arcade will include pool tables, shuffleboard, darts, and various coin operated arcade games.
30. The game room/arcade may operate year-round, January through December.

31. The game room/arcade may operate on the same schedule as the restaurant and only when the restaurant is open and operating.
32. Thus, the game room/arcade may operate a maximum of five (5) days per week between the hours of 9:00am and 9:00pm without seeking additional approval from the Planning Board.
33. As currently contemplated, the game room/arcade will operate Wednesdays, Thursdays, and Fridays, between the hours of 11:00am and 9:00pm and Saturdays and Sundays, between the hours of 9:00am and 9:00pm.
34. The Land Use permitted under the subject CUP relative to (1) the disc golf course(s) and (2) the miniature golf course shall be Commercial Outdoor Recreation.
35. Pursuant to the sketch plan, there shall be three (3) eighteen (18) hole disc golf courses located on the property, which shall occupy approximately 50 acres of open space.
36. The disc golf courses may operate year-round, January through December.
37. The disc golf courses may operate seven (7) days a week between the hours of 9:00am and dusk.
38. Pursuant to the sketch plan, there shall be one (1) eighteen (18) hole miniature golf course located on the property, which shall occupy approximately 132 feet x 160 feet of open space or 22,500 square feet of total area.
39. The miniature golf course may operate seasonally, March through November. The miniature golf course will not operate during winter months of December, January, February.
40. When open and operating, the miniature golf course may operate seven (7) days a week between the hours of 9:00am and 9:00pm.
41. Pursuant to the sketch plan, one (1) outdoor gathering area shall be permitted on the property.
42. The Land Use permitted under the subject CUP relative to the outdoor gathering area shall be Commercial Outdoor Recreation.
43. The outdoor gathering area may include a maximum of:
 - (i) one (1) beverage station not to exceed 12 feet x 20 feet; and
 - (ii) one (1) pavilion with picnic tables not to exceed 32 feet x 48 feet; and
 - (iii) one (1) storage building with a stage not to exceed 24 feet x 30 feet.
44. The outdoor gathering area may be used for disc golf and miniature golf tournaments, fundraisers, private parties, and events.
45. Use of the outdoor gathering area shall be limited to Fridays, Saturdays, and Sundays between the hours of 12:00pm and 7:00pm.
46. The outdoor storage building with stage may be utilized for outdoor concerts, music performances, and/or special events.
47. Amplified speakers and amplified music shall be permitted at the outdoor storage building with stage.
48. However, the use of amplified speakers and music is limited to only Saturdays and Sundays between the hours of 12:00pm and 6:00pm.
49. Use of the outdoor gathering area, including use of amplified music and speakers, shall be, at all times, reasonable, and conducted such as to limit noise levels and prevent interference with other residents' quiet use and enjoyment of their property. Noise levels crossing property line shall not exceed 50 decibels.

50. Pursuant to the sketch plan, there shall be a minimum of forty-seven (47) onsite parking spaces available on the property, with each parking space measuring 10 feet x 20 feet.
51. A maximum of one hundred (100) onsite parking spaces, with each space measuring 10 feet x 20 feet, shall be permitted on the property without requiring additional approval by the Planning Board.
52. Parking attendants shall be required any time volume at the property is reasonably expected to exceed onsite parking capacity.
53. Pursuant to the sketch plan, the Applicant shall have and maintain two driveways to the property.
54. The Applicant must obtain all State and local approvals relative to both driveways and must maintain compliance with any standards or requirements regarding placement of driveways and/or ingress or egress onto Route 113 as imposed pursuant to said approvals.
55. The Applicant must place a minimum of four (4) "no parking" signs -- one on either side of both entrances to Route 113 -- to keep entrances to the property and sightlines clear.
56. The Applicant must consult with Baldwin's Fire Chief regarding the subject project/CUP. When available, the Applicant must request the Fire Chief's review and approval of Applicant's Site Plan and Safety Plan. The Applicant shall comply with any recommendations relative to same as suggested or imposed by the Fire Chief.
57. The Applicant must comply with all State and local shoreland, stormwater, and/or wetlands standards and requirements and shall obtain any and all approvals regarding same.
58. Specifically, approximately ten (10) acres of the subject property are delineated as wetlands. As such, Applicant must maintain seventy-five (75) feet no soil disturbance setback pursuant to delineation of wetlands as conducted and recommended by Mark J. Hampton, L.S.E., C.S.S. to ensure compliance with Maine DEP standards.
59. The Applicant shall develop landscaping plan for inclusion in Site Plan. Said plan shall include planting trees along perimeter to create buffer and reduce noise and dust. Pursuant to existing sketch plan, the Applicant shall plant a host of flowering fruit trees, including crab apple trees and pear trees, as well as a variety of evergreen trees.
60. All outdoor lighting must be focused inward and down to limit risk of light pollution. Lighting levels should not exceed 10 fc as measured at the property line.
61. One (1) sign identifying the business shall be permitted. The sign may have writing on both sides. The total area of the sign may not exceed twenty (20) square feet, *e.g.*, 4 feet x 5 feet or 2 feet x 10 feet.
62. No LED lights may be used to illuminate the sign.
63. No residential dwelling units shall be permitted on the property.
64. The Applicant shall, at all times, use and maintain the property as consistent with all terms, conditions, statements, and documentation as included in the Application and related materials as submitted on May 23, 2024.
65. The Applicant shall, at all times, adhere to all conditions imposed by the Planning Board pursuant to the approval of this CUP, as well as the Planning Board's Standard Conditions, all of which shall be made a part of, and incorporated into, the Applicant's final CUP.
66. The Applicant shall, at all times, remain compliant with all State and local law, ordinances, and regulations. Note that failure to timely remit applicable real estate taxes, personal property taxes, and/or State and local licensing fees shall constitute a breach of this condition.

67. Prior to requesting a building permit, the Applicant must submit to the Planning Board all Site Plan Review documents with the exception of a full topographic survey pursuant to 11.4(A). The Planning Board shall review the Site Plan and related documents; however, the Board shall focus the scope of its action relative to said review to only those items which would create egregious noncompliance with this Application, the conditions imposed and included therein, or applicable provisions of Baldwin's Land Use or other applicable Ordinance.

Upon conclusion of the comprehensive review and all related discussion outlined above, Jo asked if the Board was prepared to move forward on the Application. Jo and David both noted that the scope of the subject Application/project exceeded that ever to come before the Board previously. Both Jo and David expressed some concern that the Board had adequately contemplated and addressed all relevant issues. However, the Board expressed a willingness to proceed pursuant to conditions discussed and imposed during our CUP review process. David made a Motion to approve the CUP subject to all information submitted with the Application materials, conditions discussed during review and enumerated above, and subject to further condition that, once available, the Applicant must submit additional Site Plan Review documentation before requesting a building permit. Mike seconded the Motion. The Motion carried by a unanimous vote in favor of approval. A copy of the CUP as approved, with all corresponding materials and conditions as imposed and included, is attached hereto as Appendix A and incorporated in its entirety to these Meeting Minutes.

2. Recap of PB Process and Meeting Schedule

Tracy asked the Board to confirm process for posting approved Meeting Minutes -- Tracy to email approved minutes to Robyn for posting on the Town website. Jo confirmed. Tracy asked the Board to confirm that documents submitted to the PB during a meeting should be included with the minutes, *e.g.*, the Glenvale Solar letter. David noted the ideal process is to include copies of anything submitted to the PB during that meeting and, when a CUP is approved on that date, to include the full CUP packet as approved.

Tracy asked Jo to recap PB meeting schedule and timeline for conclusion of business related to ordinance review due in next 4-6 weeks. Jo noted that the PB will continue to meet on regular business items on the 2nd and 4th Thursdays of every month, and that we will hold special meetings on the 1st and 3rd Thursdays to address ordinance review business. Jo stated that our deadline for compliance under LD2003 is July 1st and that the Noise and Mass Gathering Ordinance may be incorporated into our LD2003 compliance ordinance. We plan to have a Cannabis Ordinance to put before the town at the Special Town Meeting on June 1st. The FEMA update needs to be approved by June 20th to ensure that residents remain compliant. Jo confirmed that the Board will return to our regular meeting schedule (2nd and 4th Thursdays only) after June 1st.

MEETING ADJOURNED AT 8:28pm.

APPENDIX A

APPLICATION MATERIALS WITH CONDITIONS IMPOSED
AS APPROVED BY THE PLANNING BOARD ON MAY 23, 2024

RELATIVE TO:

APPLICATION FOR CONDITIONAL USE PERMIT (CUP) SUBMITTED BY
APPLICANT THOMAS WIGHT, PRESIDENT; THE FLYING SQUIRREL DGC, LLC.