

Public Hearing

Town of Baldwin
Zoning Board of Appeals
30 November 2016

Reference: Stop Work Order and Notice of Violation from Baldwin C.E.O. dated 9/23/16
Appellant: Scott A. Efron d.b.a. Natures Wilderness Campground

Chair Albert St. Saviour opened the Public Hearing at 7:00 pm and summarized the current status of the appeal. Of the original 19 violations cited in the Stop Work Order, 15 had been resolved as reported by Baldwin C.E.O. Wes Sunderland. Remaining violations under appeal:

#10: Erection of Playground Structures Without Permits

#15: Playground structures violate setback requirement from Marston Rd.

#17: Violation of Shoreland Zoning Ordinance by tree cutting and construction activities

#18: Playground structures violate setback requirements from water

Members Present: Al St. Saviour (chair), John Doyle (vice chair), Laurie Downey (secretary), Jon Bishop, Ron Parker and Dan Pierce (alternate)

During the public hearing, there was discussion about whether the playground equipment qualified as a "structure" under the local ordinances. There was a sense expressed by several speakers, including the appellant, that the definition under the ordinances of "structure" was overly broad. Baldwin C.E.O. Wes Sunderland agreed with this view, and did not think it necessary to further pursue the violations pertaining to the playground equipment.

Regarding violation #17, there was much confusion expressed by members about the status of Marstons Pond and whether it qualified as a "wetland" under the Baldwin Shoreland Zoning Ordinance. Because the Ordinance was not up to date, a 1992 MEDEP Order was also in force. Robert Hark, attorney for the Appeals Board, was asked his position about whether Marstons Pond qualified as a "wetland" and he said that while the language was not totally clear, he felt it did not qualify. Glenn Haines, former Baldwin C.E.O. and Norman Blake, Chair of Baldwin Planning Board, also gave some background information on the Shoreland Zoning Ordinance and the permit requirements for a campground.

Motion to close the public hearing. All in favor, public hearing closed at approximately 8:25 pm.

Chair St. Saviour opened the regular meeting at 8:30.

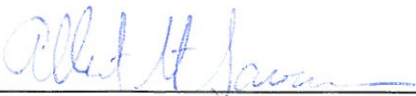
The board discussed the question of "structure" and whether the playground equipment qualified; weight was given to the C.E.O.'s change in position. With respect to Violation #10, motion was made and seconded to grant the appeal. The motion passed 5 - 0.

There was some disagreement about the status of Marstons Pond and whether it qualified as a wetland. With respect to Violation #17, motion was made and seconded to grant the appeal. The motion passed 4 - 1.

Due to the vote on #10, the remaining violations (#15 and #18) were considered moot and no vote was taken.

Motion made and seconded to close the regular meeting. All in favor, regular meeting adjourned at 8:50 pm.

*Minutes submitted by Laurie Downey,
Board of Appeals Secretary*



Albert St. Saviour, Board of Appeals Chair