

Baldwin Planning Board

Meeting Minutes

April 12, 2018

I. Call to order

Norm Blake called to order the regular meeting of the Baldwin Planning Board at 7:06 PM on April 12, 2018 at the Baldwin Town Hall.

II. Roll call

Norm Blake conducted a roll call. The following persons were present: Planning Board members Norm Blake, Jo Pierce, Fred Miner, and Matt Fricker; Selectmen Jeff Sanborn and Dwight Warren; CEO Wes Sunderland.

III. Approval of minutes from last meeting

Matt Fricker read the minutes from the March 22nd, 2018 meeting. The minutes were approved as read.

IV. Open issues

- a) Peavey Garage CUP – The Planning Board Meeting followed a Public Hearing on the Peavey Garage CUP. There was no substantive discussion or questions from any members of the public about the Peavey Garage CUP. No abutters were present.
 - The Planning Board reviewed the draft CUP and specified the conditions to be incorporated in the CUP. The final CUP with specified conditions is included at the end of this document.
 - 7AM-6PM M-S closed Sunday
 - Maximum 1 customer vehicle visible, up to 8 vehicles outdoors behind stockade fence
 - Zero employees
 - Copy received of General Garage Keepers Insurance
 - Disposal of fluids, tires, waste, etc., per proposal
 - Available for inspection during business hours
 - Neat business like appearance...

- Parts and materials shall be stored inside garage
 - 20 sq. ft. sign limit
 - All lighting inward and downward
 - No noise or smell issues...
 - Re: volatile combustibles, advise Fire Dept. of storage of gasses, oxidizers, solvents, etc.
 - CUP unanimously approved.
- b) Nature's Wilderness – As far as retaining consultants to advise on evaluation of Nature's Wilderness CUP, the Town of Baldwin needs to get the cost of the consulting engagement "up front" or have NW place adequate funds in escrow. The Town/Planning Board will obtain estimates and advise NW of costs as consulting continues.
- Taffy Morgan informed the PB that NW has advertised an opening date of 5/18/2018.

V. New business

- a) PB Officers: Norm Blake – Chair; David Strock – Vice Chair; Matt Fricker – Secretary. Unanimously approved.
- b) [New business/summary of discussion]
- c) [New business/summary of discussion]

VI. Adjournment

Norm Blake adjourned the meeting at 8:00 Pm.

Minutes submitted by: Matt Fricker

WLS 625-7000

Received by Planning Board
& MAR 18

For Town Use Only

Date Application Received 3-2-18
Received By: Wes S. CEO
Fee Paid: \$ 150.00

Town of Baldwin, Maine.
Application for Conditional Use Permit

The Land Use Ordinance of the Town of Baldwin allows the Planning Board to grant a Conditional Use Permit for those uses listed specifically as Conditional Uses in Article 6, District Regulations of the code. Before granting a permit, the Board must find that the standards contained in Article 8, Conditional Uses have been met. It is your obligation to submit the necessary materials to allow the Planning Board to determine if those standards have been met. Three copies of the complete application and supporting materials and the applicable fee shall be submitted to the Code Enforcement Officer.

Section A: Basic Information (to be completed by all applicants)

1. Applicant's Legal Name

Frank M. Pooney

2. Applicant's Mailing Address

519 Pogonasket Trail
W. Baldwin, ME 04091

3. Phone number where applicant can be reached during business hours

207-621-9903

4. Are you the owner of record of the property for which the Conditional Use Permit sought?

yes (provide copy of title and go to Question 8)
 no (answer Questions 5, 6, and 7)

5. To apply for a conditional Use Permit, you must have legal right, title, or interest in the property. Please indicate your interest in the property and attach written evidence of this interest.

Owner - copy of tax bill attached

6. Property Owner's Name

Frank M. Pooney

7. Property Owner's Address

519 Pogonasket Trail
W. Baldwin

8. Location of property for which the permit is sought

519 Pogonasket Trail
W. Baldwin

9. Indicate the Map and Lot number for the property from the Town's assessment records

Map # 5 Lot # 9B

10. Indicate Zoning District in which the property is located (check as many as apply)

Natural Resource Protection Highlands
 Village Commercial Rural

11. List the use for which a Conditional Use Permit is being sought. Please refer to Article 6, District Regulations. The proposed use must be specifically listed as conditional use in the district in which it is located.

6.3C Automobile Repair Garage

Town of Baldwin, Maine
Application for Conditional Use Permit
(continued – page #2)

12. Attach the following information to this application as outlined in Article 8 Conditional Uses. For each item, please indicate by checking that item that it has been included with your application.

- Map 5
Lot 9B
- a. A location map showing the location of the property with respect to roadways and major natural features. This map should allow the Board to locate the parcel in the field and on the Town's zoning and tax maps.
 - b. A written description of the proposed use of the property. This statement shall describe the exact nature of the proposed use.
 - c. An accurate, scale drawing of the lot showing the location of any existing or proposed buildings, structures, and natural features, Driveways and parking areas.

Section B: Standards for a conditional Use Permit (the full text appears in Article 8.3)

1. The Planning Board shall consider impact:

- a. The size of the proposed use compared with surrounding uses.
- b. 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.
- c. The potential generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances.
- d. 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.
- e. The degree to which landscaping, fencing, and other design elements have been incorporated to mitigate adverse impacts on surrounding properties.

2. The Planning Board shall consider facilities:

- a. The ability of traffic to safely move into and out of the site at the proposed location.
- b. The presence of facilities to assure the safety of pedestrians passing by or through the site.
- c. The capacity of the street network to accommodate the proposed use.
- d. The capacity of the storm drainage system to accommodate the proposed use.
- e. the ability of the Town to provide necessary fire protection services to the site and development.

3. The Planning Board shall consider natural characteristics:

- a. 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.

Section C: Shoreland Standards

Section to be completed only if any portion of the property is located within 250 feet of the normal high water mark of Ingalls Pond, Sand Pond, Southeast Pond, Adams Pond, or the Saco River or within 75 feet of any stream. For each standard, attach a written statement demonstrating how the proposed use complies with that standard. For each item, please indicate by checking that item that it has been included with your application. Each standard must be addressed in your submission.

- a. Will not result in unreasonable damage to spawning grounds, fish, aquatic life, birds and other wildlife habitat.
- b. Will reasonably conserve shoreland vegetation.
- c. Will reasonably conserve visual points of access to waters as viewed from public facilities.
- d. Will conserve actual points of public access to waters.
- e. Will reasonably conserve natural beauty.
- f. Will reasonably avoid problems associated with floodplain development or use.

Section D: (to be completed by applicant)

I/We Frank M. Peavey, certify that I/We are the legal applicants for the conditional use permit by this application, that I/We are the owners of the property covered by this application or have the property owner's consent to the filing of this application and have legal interest in the property and that the information contained in this application and supporting materials is accurate and true.

I/We further certify that I/We are in compliance with the standards for granting of Conditional Use Permits contained in the Land Use Ordinance.

Town of Baldwin
Receipt
Signature of Applicant Peavey Date 3/2/18

03/02/18 11:40 AM ID:
TYPE: CUP REF: #37092-1
AMOUNT: 005-009B AMOUNT: 150.00
Total: 150.00*
Paid By: Frank Peavey
Remaining Balance: 0.00
Check: 150.00
1126 - Received 150.00

Signature of Applicant Andy Sundeluck Date MARCH 2ND, 2018
CEO Date Received

Signature of Planning Board: _____

Date of Public Hearing: APRIL 2018

Conditional Use Permit of: FRANK PEAVEY [Signature]

PERMIT DENIED Date: _____ Explanation: _____

PERMIT APPROVED Date: _____ Conditions to Permit (if any) _____

[Signature]
[Signature]
WILL BLAKE
[Signature]

Planning Board Signatures (three signatures) 1. AKOVE
2. _____ 3. _____

To whom it may concern

Waste disposal plan

Waste oil will go to Two Trails Garage in Standish for there waste oil furnace.

Antifreeze will be in two separate containers, one marked usable and one marked waste and sent to a recycle center.

Tires will be saved for Bob's Tire Co. who will stop by on a monthly basis to collect.

Batteries will be turned in for core charge when purchasing a replacement battery.

C.I.A. Auto Salvage will also take tires and batteries.

Property owner

A handwritten signature in black ink, appearing to read "F. M. Vealey", written over the printed name "Property owner".

12 APR 2018 PLANNING BOARD

ORDER

OSZUM

OFFICERS

PEAVEY

FRANK

MINOR BODY WORK

EXHAUST

BRAKES

STUCK ON LIFT

- NO SALES

- SIGN

STANDARD CONDITIONS

HOURS OF OPERATION 7A-6P
MON → SAT

- SCREENING -
MAX 1 CUST VEHICLE VISIBLE
MAX 8 OUTDOORS BEHIND STORAGE FENCE
- EMPLOYEES - NONE
- MAINTAIN GENERAL GARAGE KEEPERS
INSURANCE
- DISPOSAL ^{PLAN} OF FLUIDS, TIRES, WASTE
PER PROPOSAL
- FACILITIES OPEN FOR INSPECTION
DURING BUSINESS HOURS
- MAINTAIN NEAT BUSINESSLIKE
APPEARANCE
- PARTS & MATERIALS STORED INSIDE
- SECONDARY CONTAINMENT FOR
FLUIDS
- SIGN MAX 20 SQ FEET
- LIGHTING : INWARD AND DOWNWARD
- INFORM FIRE DEPT OF STORAGE OF
GASES, OXIDIZERS, SOLVENTS, ~~AND EXCEPT~~

STANDARD CONDITIONS FOR CONDITIONAL USE

To the Applicant: These Standard Conditions will apply to your conditional use approval. To the extent applicable, these conditions are *additional* to and supplement any specific provisions which the Planning Board may have imposed upon your approval.

1. The Applicant shall carry on the permitted activity in accordance with the description thereof in the application, and in accordance with the documentary and/or testimonial representations presented by the Applicant in connection with the proceeding. Substantial compliance with the description of the activity and representations is a condition of Approval. Any undisclosed and unapproved use of the premises (even if otherwise accessory to the approved use), or any substantial deviation from the activity or representations described in connection with this Approval shall be deemed a violation of the Land Use Ordinance, and may result in revocation of the Approval.
2. By acceptance of this Conditional Use Approval, the Applicant consents to the inspection by the Code Enforcement Officer of all non-residential areas of the premises at reasonable times (with or without prior notice) for the purpose of determining compliance with the conditions of the Approval or any provision of local, state, or federal law. This consent shall not be withdrawn unless the Applicant abandons the approved use, and notifies the Town in writing delivered to the CEO that the activity will not be resumed without a further approval by the Planning Board. Failure to allow any such inspection by the CEO may result in revocation of the Approval.
3. If the Approval is specifically conditioned upon physical improvement of the premises, obtaining of insurance, or other requirement, the activity authorized hereunder shall not be commenced until the Applicant demonstrates compliance with each of the conditions to the CEO, and receives a certificate of occupancy from the CEO evidencing that all conditions have been met. Commencement of the approved activity prior to obtaining such certification may result in revocation of the Approval. Failure to utilize or maintain such physical improvement, insurance, or other requirement thereafter may result in revocation of the Approval.
4. The Approval shall lapse and become null and void if the use authorized by the Approval is not commenced within one (1) year of the date of approval, or if the use is abandoned for a period of one (1) year thereafter. Where there is good cause for the delay, or the discontinuance, and there is no evidence of intent to abandon the use, these requirements may be extended for additional periods not to exceed one (1) year.
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.

ITEM 4

WARRANTY DEED
Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS

THAT, WE, **JED T. ROLLINS**, and **CARLA J. ROLLINS**, for consideration paid, grant to **FRANK M. PEAVEY, JR.**, of Westbrook, County of Cumberland, State of Maine, and whose mailing address is: P.O. Box 743, Westbrook, Maine 04098

with warranty covenants, certain real estate situated in the Town of Baldwin, County of Cumberland, State of Maine, described as follows:

REFERENCE TO EXHIBIT A ATTACHED HERETO.

IN WITNESS WHEREOF, WE, **JED T. ROLLINS** and **CARLA J. ROLLINS**, hereby set our hands and seals this 10th day of April, 2006.

WITNESS:

Jed T Rollins
JED T. ROLLINS

Carla J. Rollins
CARLA J. ROLLINS

State of Maine
County of Cumberland, ss.

Personally appeared the above-named **JED T. ROLLINS** and **CARLA J. ROLLINS**, and acknowledged the foregoing instrument to be their free act and deed.

Date: April 10, 2006

Before me,

Andrew C. Boddles
Notary Public
Attorney at Law

Andrew C. Boddles
Printed Name

MAINE REAL ESTATE TAX PAID

ITEM #5

2016 Real Estate Tax Bill

R974
PEAVEY, FRANK & RANDI
519 PEQUAWKET TRAIL
WEST BALDWIN ME 04091

Current Billing Information	
Land	48,500
Building	125,519
Assessment	174,019
Exemption	15,750
Taxable	158,269
Rate Per \$1000	13.100
Total Due	2,073.32

Acres: 0.00
 Map/Lot 005-009-B Book/Page B23846P118 Payment Due 11/30/2016 2,073.32
 Location 519 PEQUAWKET TRAIL

Information

INTEREST AT 7.00% PER ANNUM CHARGED AFTER 11/30/2016
 As per state law, the ownership and valuation of all real and personal property subject to taxation shall be fixed as of April 1st. For this tax bill, that date is April 1, 2016. If you have sold your real estate since April 1, 2016, it is your obligation to forward this bill to the current property owner. FAILURE TO FORWARD THIS BILL MAY RESULT IN A LIEN BEING PLACED AGAINST YOUR NAME. If you have an escrow account, please forward a copy to your mortgage holder prior to the due date.
 WITHOUT STATE AID FOR EDUCATION AND STATE REVENUE SHARING, YOUR TAX BILL WOULD HAVE BEEN 35% HIGHER.
 As of July 29, 2016 the Town of Baldwin has no bonded indebtedness

Current Billing Distribution		
COUNTY	5.00%	103.67
TOWN	23.00%	476.86
SCHOOL	72.00%	1,492.79

Remittance Instructions

Please make checks or money orders payable to Town of Baldwin and mail to:

Town of Baldwin
 534 Pequawket Trail
 West Baldwin, ME. 04091

N/A

CHK # 1109

Due Date	Amount Due	Amount Paid
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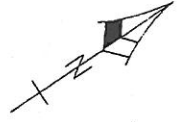
2016 Real Estate Tax Bill
 Account: R974
 Name: PEAVEY, FRANK & RANDI
 Map/Lot: 005-009-B
 Location: 519 PEQUAWKET TRAIL

Please remit this portion with your first payment 2112.02

11/30/2016	2,073.32	
Due Date	Amount Due	Amount Paid

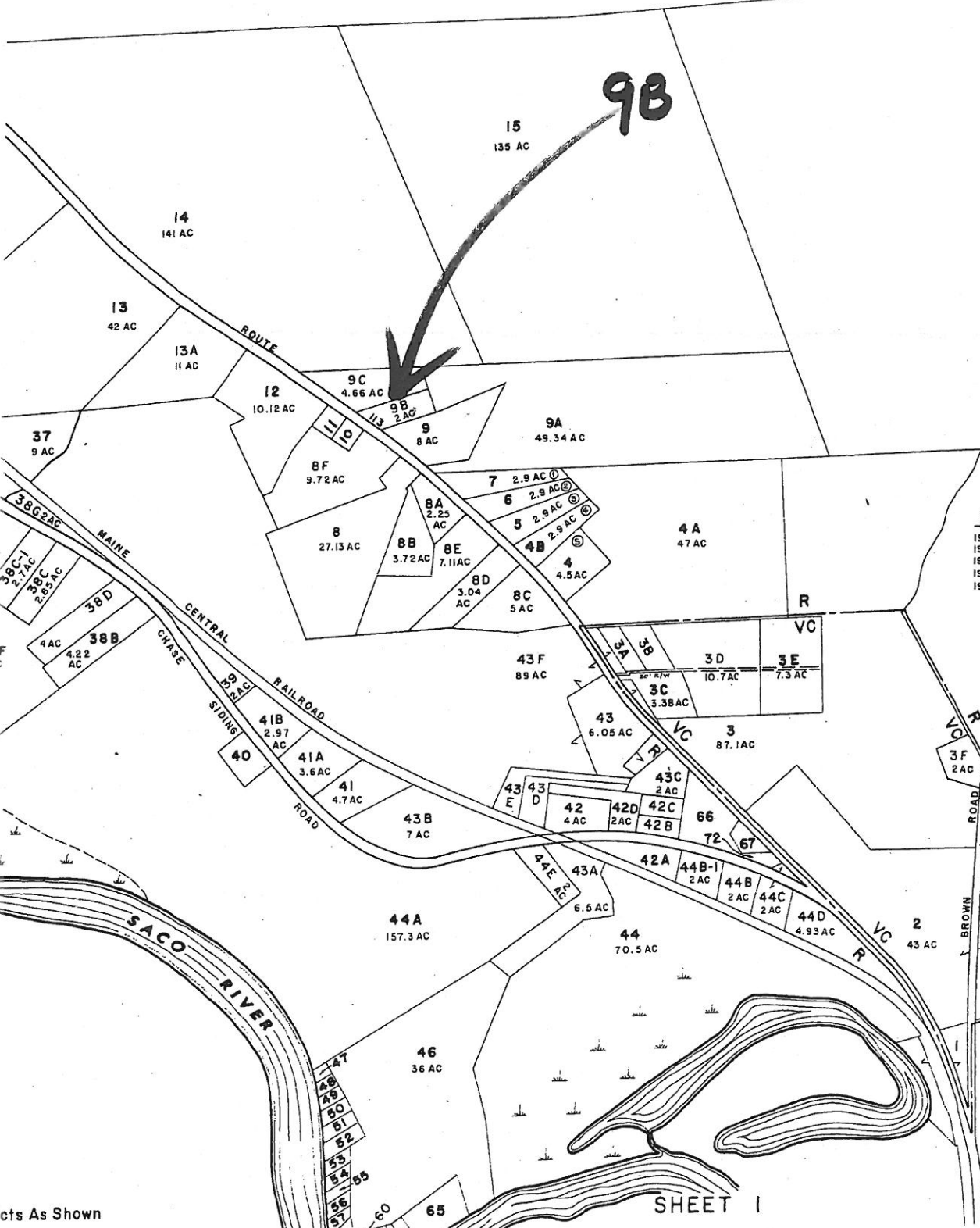
First Payment

#12-A.



SHEET 7

9B



SHEET 4

NEW PARCELS 1984-

1984- 13A
1986- 3C, 3D, 3F
1987- 3D, 3E,
1990- 38A
1993- 8A

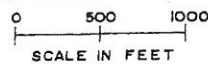
NO PARCEL 35, 36, 17
58

SHEET 1

As Shown

PROPERTY MAP

BALDWIN, MAINE



5

#12-13

TO WHOM IT MAY CONCERN

My name is Frank Peavey, I live at 519 Pequawket trail Map 5 lot 9b. I am applying for a conditional use permit to do automotive repairs.

My intention is to do light mechanical repairs as well as some auto body repairs such as rust repairs. Replacing, repairing rocker panels so vehicles can pass state inspection.

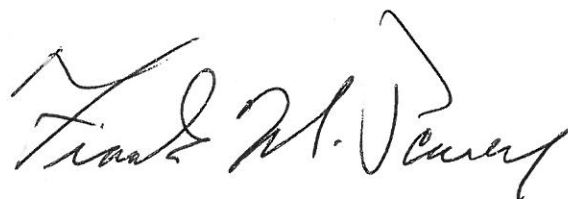
I am retired and only want to supplement my income and generate some extra money to allow me to restore my collector vehicles. This is intended to be on a small scale with no impact to the environment or my neighbors.

I intend to install a stockade fence to block view of any vehicles that I have waiting repairs or restoration.

I have adequate equipment and space to perform repairs as I have outlined.

As I have demonstrated in the 12 years that my wife and I have been here I keep a very neat and groomed property and will continue to do so in this new venture.

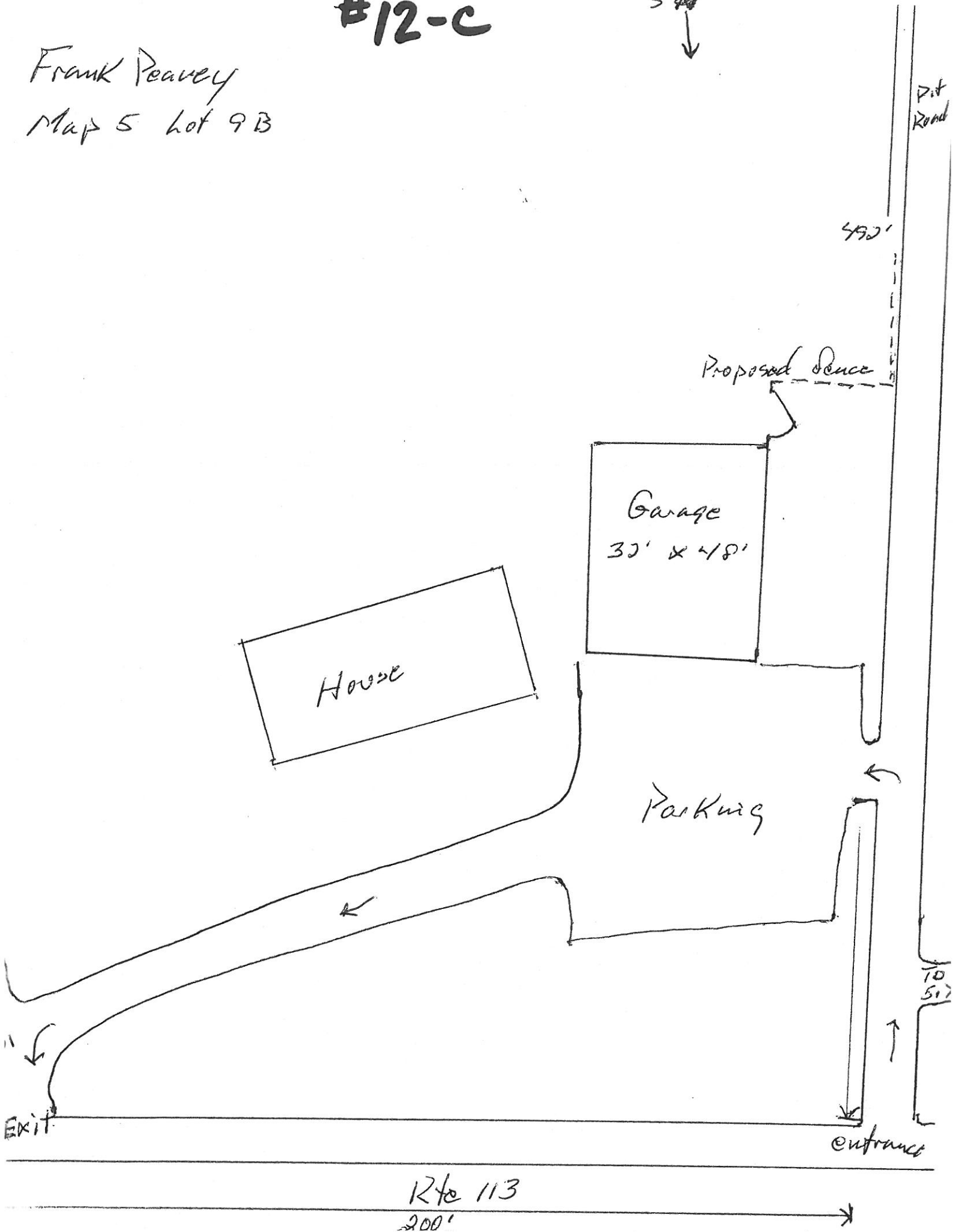
Thank you for your consideration on this. I look forward to working with the town and answering any questions or concerns that you have.



671-9903

#12-C

Frank Peavey
Map 5 Lot 9B



Dirt Road

490'

Proposed fence

Garage
30' x 48'

House

Parking

Exit

Entrance

10 50'

Rte 113
200'



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/12/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Chalmers Insurance Group, Parsonsfield 32 Federal Road PO Box 726 Parsonsfield ME 04047	CONTACT NAME: Robyn Edgecomb, ACSR PHONE (A/C, No, Ext): (207)625-3262 E-MAIL ADDRESS: redgecomb@ChalmersInsuranceGroup.com	FAX (A/C, No): (207)625-8784
	INSURER(S) AFFORDING COVERAGE INSURER A: Atlantic Casualty Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
INSURED Frank Peavey 519 Pequawket Trail West Baldwin ME 04091		

COVERAGES **CERTIFICATE NUMBER:** 18-19 **REVISION NUMBER:**

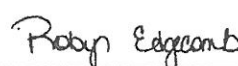
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			3110000010	04/06/2018	04/06/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

Town of Baldwin 534 Pequawket Trail West Baldwin ME 04091	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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BALDWIN RESIDENTS

Frank M. Peavey, of Baldwin, ME has applied for a Conditional Use Permit (CUP) to operate an Automobile Repair Garage at 519 Pequawket Trail, West Baldwin, Map 5, Lot 9B.

The Planning Board will hold a Public Hearing for this CUP on Thursday, April 12, 2018 at 7pm at the Town Office.

A regular meeting of the Planning Board will follow.

Matt Fricker, Planning Board Secretary

March 28, 2018

BALDWIN PLANNING BOARD

534 Pequawket Trail, W. Baldwin ME 04091

Subject: Applicant and Abutters Notice: Peavey Automobile Repair Garage Public Hearing

DEAR APPLICANT OR LANDOWNER,

You are receiving this notice¹ because:

- a) you are an applicant for the Peavey Automobile Repair Garage CUP, or
- b) your property is within 500 feet of the proposed Peavey Automobile Repair Garage.

Frank M. Peavey has applied for a Conditional Use Permit to operate an Automobile Repair Garage business at 519 Pequawket Trail, West Baldwin, Map 5, Lot 9B. The business will do light mechanical repairs as well as some auto body repairs such as rust repairs, replacing/repairing rocker panels so vehicles can pass state inspection, etc. .

The Planning Board will hold a Public Hearing on Thursday April 12 at 7pm at the Town Office.

If you would like to know more, please come join us at the Public Hearing. *Please be advised that no public comments relative to the Conditional Use Permit for the Peavey Automobile Repair Garage will be considered after the close of the Public Hearing.*

A regular meeting of the Planning Board will follow the Public Hearing.

SINCERELY,



MATT FRICKER, SECRETARY, BALDWIN PLANNING BOARD

stickmanfrick@ptd.net

(215) 527-2822

1. Land Use Ordinance – Town of Baldwin; Section 4.3, Conditional Use Permits and Site Plan Review; Subsection D, Public Hearing; Item 1: The Board shall notify by regular U.S. mail, first class, postage prepaid, the applicant and the owners of all property within 500 feet of the property involved at least 10 days in advance of the hearing, of the nature of the application and of the time and place of the public hearing.

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