

Town of Baldwin, Maine
Planning Board
Meeting Minutes from February 13, 2025

Board Members Present

Jo Pierce, Mike Ustin, Merhiella Crawford, David Strock, Don Sharp (Quorum Established)

Also Present

Select Board Member Bob Flint, members of the community

Jo Pierce called the meeting to order at 7p.m.

1. MEETING MINUTES

Minutes from the January 23rd meeting were reviewed and approved.

VOTE: Mike Usted moved to accept the minutes without change. Merhiella Crawford seconded. There was no discussion, and the motion passed unanimously.

2. DISCUSSION OF NATASHA RUSSELL'S PROPERTY ZONING

Natasha Russell, a Baldwin resident, addressed the Planning Board regarding her ongoing struggle to obtain a building permit. After purchasing land several years ago, she was told it was buildable but later discovered much of the lot is in the Resource Protection District. Disputing this classification due to the lot's geography, she followed the Planning Board's guidance and applied for a review under the Shoreland Zoning Ordinance (SZO) in hopes of securing a permit. She was informed that rezoning would require meeting specific criteria under Section 16.E of the SZO. To support her case, she hired a wetland and soil scientist to study her property, and her purpose in attending the meeting was to present his findings.

Before reading the scientist's assessment, David Strock said that he had reviewed the procedure in the SZO and prepared a list of draft findings that would need to exist before the Board could entertain the question of whether the district boundary should be changed. The draft findings included:

- Natasha Russell owns a parcel located on Map 1, Lot 21b.
- Based on the official Shoreland Zoning Map, Russell's parcel is in the Resource Protection District of the SZO.
- Russell has submitted a wetland and stream delineation letter provided by a licensed Site Evaluator and Certified Soils Scientist, who surveyed her property and determined the delineation based on the appropriate US Army Corps of Engineers Wetlands Delineation Manual.
- The delineation shows that Russell's parcel does not meet the requirements to be subject to the SZO, such as the definition of Shoreland Zone - Section 3 (Applicability), and 13A (Establishment of Districts.)

If Russell is able to provide information to support these findings, then the Board could entertain a decision under the SZO whether:

- The delineation presented by Russell provides the required support for an interpretation of the district boundary line for the Shoreland District.

Russell's findings shows that the property has a large area of forested wetland. After discussing the SZO's definitions of "wetland," "freshwater wetland" and "forested wetland," the Planning Board determined that forested wetlands are excluded from the SZO, which is applicable to freshwater wetland, but not forested wetland (Section 3). As a result, Russell's lot is likely buildable. However, the planning board had concerns that the delineation letter may not provide enough information to justify a vote because it does not use the terminology set forth in the SZO. The Board suggested Russell have the wetland scientist revise the delineation letter to meet the SZO requirements in order to make the required findings of fact:

- The letter should address Baldwin's SZO requirements, using the criteria and language set forth in the SZO, not state specifications.
- It must confirm that the lot doesn't meet Baldwin's shoreland zone or SZO applicability standards.
- It should specify – based on his initial findings - that the wetland is a forested wetland, as defined by the SZO, which is not considered a wetland.
- It must clarify that the property is not within 250' of the buffer delineation.

Russell agreed to work with the wetland scientist on the revisions and return to the Planning Board with an updated letter.

Jo Pierce expressed approval of the approach, stating that handling cases individually, rather than as a large issue, helps address problems with land parcels that might be misclassified in the Resource Protection District.

Don Sharp agreed with Baldwin Code Enforcement Officer Mike Lee's previously stated position that the official Resource Protection Zone maps may need to be reviewed. David Strock asked Select Person Bob Flint if funding was available for a more accurate map for shoreland zoning, with overlays for the town's zoned districts and, if possible, property boundaries. Mr. Flint concurred the current map is inaccurate, as it overclassifies Resource Protection districts, and is too restrictive. He agreed to consult with the Southern Maine Regional Planning Commission.

VOTE: At 7:51, David Strock moved to adjourn. Mike Usted seconded. There was no discussion and the motion passed unanimously.