

## Baldwin Planning Board

### Meeting Minutes 8/27/2020

The Chairman called the meeting to order at 7:04PM. He expressed appreciation for all attendees practicing social distancing and wearing masks.

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

CEO: West Sunderland

Others: Numerous members of the public and presenters

Agenda:

1. Review the minutes of the last meeting
2. Longroad Energy's request for Shoreland Zoning Ordinance modification - discussion with Lee Jay Feldman and consideration of proposed amendment (attached)
3. Updated up on Board's request to CEO re Nature's Wilderness Resort

1. Minutes from the 8/13/2020 meeting, which had been previously distributed to the board members, were approved by the board.
2. Old Business: Ted Theriault's (Water's Edge) subdivision revision request was reviewed. Drawings still needed to be submitted, fees paid (\$900.00), and the property taken out of tree growth. It was moved and seconded to approve the subdivision. Then a motion was made to amend the motion that would make approval conditional on the payment of all fees and tree growth penalties. The amendment and the motion were approved by the board unanimously.
3. New Business. Long Road Energy's request for an amendment to the Shoreland Zoning Ordinance. Jo Pierce recused himself from the Board during the discussion because it involved a project on land that he owned. The request from Long Road Energy was for the town to consider an amendment to the ordinance that would allow applicants to provide, at their expense, evidence of actual locations of wetlands when applying for conditional use permits. Currently, the only delineation of where regulated wetlands exist is on the Shoreland Zoning Map. The chairman asked Lee Jay Feldman, the author of the Baldwin's ordinance if this was a valid issue and he stated that it was, and that it had come up in other jurisdictions. He provided his recommended amendment section 3 of the ordinance and a copy of it is attached. A motion was approved to request the Board

of Selectmen consider scheduling a town meeting so that the amendment can be put to the voters. It was agreed that it would also be a good time to correct the numerous occurrences in the ordinance where “seventy-five (100) feet” should be “one hundred (100) feet.”

4. The Chairman briefed the status of his discussions with the Board of Selectmen concerning the request to the CEO concerning compliance at Nature’s Wilderness Resort. He reported that the Selectmen were not fully aware of the complexity of the CUP and were therefore amenable to the request. The CEO reported that he had done considerable work reviewing the document with the campground management and would report on the status at the next meeting.
5. Jo Pierce asked if the Planning Board could require applicants hire professional project managers to present their CUP requests to the Board. There was a feeling that the campground permit process could have gone much smoother and quicker if it had been professionally managed from the beginning. However, the consensus of the Board was that the requestor determines how and who presents their requests.
6. Matt Fricker brought up the dirt bike group that would be using the campground as a start/stop location in October. He suggested the need for traffic control. Others mentioned that the group had passed through Baldwin last year and that traffic control was not a problem overall. Matt also spoke about the impact of a large group congregating in Baldwin during the pandemic and the possibility of a super spreader event. Matt also suggested that NWC should be sure to have policies and procedures as laid out by the Maine CDC to ensure wearing of masks, social distancing, and limits on indoor and outdoor gatherings. The gathering of 125 or more people outside is a violation of State pandemic control orders (limit is 100), as is more than 50 indoors (if they gather in the NW clubhouse). The Chairman said he would bring these issues up to the Selectmen.

At 8:14PM a motion to adjourn was moved and seconded. It was voted unanimously

Submitted by: Bob Flint

Proposed Amendment to  
Town of Baldwin  
Shoreland Zoning Ordinance

*Note: The symbol of “\* \* \* \*” indicates that there is missing text that will remain unchanged, which has been left out of this document for the purpose of brevity. Underlines indicate proposed language to add, and ~~strikeouts~~ indicate proposed removals of language.*

**3.Applicability.** This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

- normal high-water line of any great pond or river,
- upland edge of a coastal wetland, including all areas affected by tidal action, or
- upland edge of a freshwater wetland,

and all land areas within 100 feet, horizontal distance, of the normal high-water line of a stream.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

“\* \* \* \*”

**3.Applicability.** This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

- normal high-water line of any great pond or river,
- upland edge of a coastal wetland, including all areas affected by tidal action, or
- upland edge of a freshwater wetland,

and all land areas within 100 feet, horizontal distance, of the normal high-water line of a stream.

The applicability of this Ordinance under this Section may be determined by the Planning Board based on wetland and stream delineation provided by a qualified wetland scientist according to the technical criteria in the U.S. Army Corps of Engineers Wetlands Delineation Manual and the Regional Supplement to the U.S. Army Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region. Such wetland and stream delineation may be requested by \_\_\_\_\_ the Planning Board or may be provided voluntarily by a landowner or applicant.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

“\* \* \* \*”