

Town of Baldwin Maine  
Planning Board Meeting Minutes 10/24/19

1. **Call to Order**

Strock called the meeting to order at 7:00 PM

2. **Roll Call**

**Board Members :** David Strock, Joe Pierce, Sue Olafsen, Matthew Sanborn

**Selectman:** Dwight Warren, Gerry Brown and **CEO** Wes Sunderland

3. **Agenda Review**

- Review and approve draft minutes from 10/10/19
- Discussion with Ruth P regarding a non conforming lot in Town
- Discussion with Lori W regarding a lot that is partially in resource protection in town
- Brief Discussion with Natures Wilderness LLC (requested by applicant-final CUP application was not submitted and Mr Feldman is not attending)
- Discussion of suggested modifications to the Land Use Ordinance for Mass Gatherings
- Motion to adjourn

4. **Reading of the minutes for the last meeting**

Made corrections to roll call. Joe asked if CEO report would be attached to last meetings' minutes. Strock said they would be attached . Strock also mentioned the agreement regarding certain activities that Natures Wilderness LLC was asked to sign will also be attached. Pierce asked that a reference be made to a statement that Jeffrey Amos of Terradyn had mentioned. It involved a traffic study that may need to include a widening of Rt113 at the intersection(s) of Rt 113 and Henry Black Rd.

Pierce motioned to accept the minutes with corrections and Olafsen seconded. Vote unanimous to accept.

5. **Agenda items**

- A. Strock read an email from Ruth P that asked 3 questions regarding a non-conforming lot in the Town of Baldwin. The lot(s) in question are Map 6 Lots 22 and 23 which lot 23 is the non-conforming lot in question. Strock asked if there is a current dispute and have there been any lawsuits filed. Barbara L (who was representing Ruth P) responded that they were in dispute but no suits have been filed to date. Barbara L said that her land has been surveyed and they have been working to resolve a line dispute with the other landowner. Strock asked CEO if he had any info to share about this issue. CEO said that because the property is in a Rural zone and that it is less than 2 acres it is considered non-conforming. He also mentioned that this particular piece of property has been reduced in size since it was originally created because of Road Construction on

Depot road. Barbara L asked if since the non-conforming lot has been reduced from its original size is it still considered a non-conforming lot or a lot that cannot be built on. She mentioned the lot exists near the intersection of river road and depot road between Estes parking area and her lot just before the Bridge to Cornish. Strock asked when lot 23 was created. Strock asked CEO when the date of significance was and CEO said March of 1975. Barbara L said that the lot was created before that time. Strock reviewed criteria for a lot and was in agreement that it is considered non-conforming. Barbara L mentioned that the original lot was advertised and sold by the Town as a .6 acre lot and now because of road construction it is roughly a .38 acre lot as it exists now. Also she mentioned that the property was sold As Is. Strock asked if there was a boundary dispute over the properties and Barbara L said that they were working on resolving. She also said that if the dispute was settled that her opinion would be that the size of the non-conforming lot would be decreased. Pierce and Strock discussed scenarios that could change the non-conforming status. Strock referenced the ordinance to try to answer Barbara L questions. Pierce said that it would be best to get a legal opinion on the situation because of the fact the lot was involuntary made smaller because of the road project. Strock also said that the ordinance does not have a solid reference to the scenario that created this issue. Strock said that the ordinance does not allow the landowner to make a nonconforming lot smaller but in instances of eminent domain the ordinance does not cover. Eve K mentioned that when the bridge was redone the state took pieces of property from all landowners to widen and change the layout of the road. Strock said that questions could be argued either way but he said that the lot would still be considered non-conforming in most cases. Barbara L made a statement about how the area has changed over the years with increased light and noise pollution. she also asked the board to walk the property to see for themselves. Eve K made the statement that in a previous meeting she was told that the planning board would have to approve the building permit on the property. This would be done after the Saco River Corridor Commission has made their approval. The land in question would possibly fall under resource protection. Pierce asked CEO to speak to it. He provided written info that was reviewed by the board. After reviewing the written material it was agreed that any permits would have to be approved by the planning unless certain exceptions allow it to be approved by the CEO. Strock said that most of the discussion was based on hypothetical and that we don't currently have any permits under review. Strock said that it was a 16d exception it would have to be settled by the planning board.

B.

Strock started discussion regarding Lori W email regarding a lot that is partially in resource protection. The property is located on map 2 lot 1-D. This is on Rt11 in East Baldwin. Pierce asked if the road frontage was in Resource Protection which Lori responded that it was not. Lori W provided info from a survey that was done in 2010 that showed how the lot was setup and where the resource

protection area of the lot exists. Lori W mentioned that if purchased she would like to build a storage barn on the property. Strock and CEO discussed how a landowner is able to determine setback based on the resource protection maps. Lori showed the CEO and the board some info on the GIS mapping of the property. Board discussed the shoreland zoning ordinance regarding the property. Strock said that the planning board could make an exception for a single family dwelling on the property if there were no other areas on the property that could be built on. CEO said that if the property was recorded before the March 2018 adoption that it was grandfathered. Strock read the rules regarding this and determined that if certain exception existed the permit could be granted to the property. Olafsen suggested that Lori W speak to the current property owner and see if he could file a permit for a building on the property before she purchases the land. Strock said that there is possibly a usable lot there but recommended hiring a professional to survey the property and help determine if enough area existed to build the dwelling, building before presenting for permit and or purchasing the land. Strock said that it would be difficult to make a determination unless we had a permit and plans to look at. Strock said that it is difficult for anyone to determine where the lines of the resource protection zone starts and stops from the maps. Pierce said that in his experience with this he thought the lines were determined based on plant growth. Strock told Lori W that he recommended she should call the DEP and that they could help her determine where the lines are. Strock said that the federal government dictates to the State governments and then to the local governments but it is still difficult to determine exact lines of measurement. Pierce said that the maps were created by aerial pictures done by satellite. Lori W said that if they wanted to do a multistage project how should she proceed. The CEO said that she should include future buildings in permit. Strock mentioned that permits do expire after a certain time unless significant progress is achieved in a timely manner.

C.

Discussion of the Natures Wilderness LLC application. Strock said that at the time that the agenda was written the final application had not been submitted. Pierce recused himself from the table of discussion voluntarily. Scott Efron sent an email to Strock to say that the 3 items that were requested by the board had been submitted. Strock said he had heard from Jeff Amos that all activities to due with the campground will only exist on the Map 7 lot 22. They updated trail map to limit it to that lot. Amos said that the boundary survey has been updated to only include lot 22. Strock said that the boundary survey that was requested was supposed to contain the entire property approx. 800 acres. Strock said he sent a link to Feldman on the updated application. Strock said he would like to post links on the Town of Baldwin website. Gerry Brown said he would check with Amos. Strock asked Gerry what he would like to discuss. Brown asked why we need to have a boundary survey of the entire 880 acre property. Strock replied that the Owner has advertised that the campground is an 880 acre

property so the board would like to see the whole property included. Brown said that the website has been updated to only included lot 22. Strock said the Facebook page still shows that 880 acres still exists in advertisement. Brown said that his website developer was supposed to make changes to website and social media sites and that he would speak to him again. Strock said that LinkedIn also referenced 866 acres property. Strock asked Brown how Natures Wilderness is going to keep its customers on the Lot22 property and not go beyond that area. Brown said that they would put up signs to warn customers not to proceed beyond area. Strock said he would like Scott Efron to sign an agreement that there would be no use beyond the Lot22 area by the campground. Strock said that Efron is still advertising activities that are not included in the current application. Strock asked Brown how he thought the board should be confident that Efron is on board with the application presented. Brown said that once the campground is open that they have to adhere to what the application says and if they don't they are in violation of the CUP. Strock asked if Scott Efron also owned Map 7 lot 23a, 29, Map 11 lot 98 and 98 a. Strock said that any activity on Lot22 could not happen on the other lots. Strock mentioned concern about Efron allowing uses on other properties adjacent to Lot22. Strock and Brown discussed what is considered commercial use of adjacent properties. Also discussion about invited guests compared to paying customers using facility and other properties. Strock asked if Scott Efron will live on the property. Sanborn said that the board is concerned because in the past there has past occurrences of owner inviting large groups of people over to ride around and have racing. Brown said that those occurrences have existed in the past but once the CUP is granted that those activities will not happen because it will then be a campground. Brown said that we need to move on. Strock said the other concern was a discrepancy between the tax map and the Boundary survey. Strock asked if Brown would have Efron sign the previously presented agreement. Brown said that it was too limiting. Further discussion regarding what uses will be on the property. Brown said that he provided what was asked. CEO said that the campground may not be able to keep customers from accessing areas that are outside of Lot22 and gave an example that Walmart marks locations in parking lot that are no parking but people still park there. Strock said he agreed but Natures Wilderness has an obligation to keep their customers and friends from going over the borders into neighboring properties. Discussion regarding special events and what is considered commercial events. Strock said that natures Wilderness has never submitted a complete application because of other uses. Pierce said that according to law anyone who operates a vehicle , snowmobile, ATV on any unowned land it must be registered with the state and that it must not have any modification to its exhaust. Discussion on if under the circumstances we accept the application and move forward. The board would then create restrictions in the permit for activities that we will not allow. Pierce said that Jeff Amos said that there was a more recent survey than what we received. Further discussion on if application

is complete and including all proposed uses. Board agreed to move forward and put on agenda for next meeting. Strock asked if Natures Wilderness could provide paper copies of final application which were provided. Strock asked selectman to find out if any portion of Deacon Road is still a Town road . David said that will need the town lawyer at multiple meetings in the near future. Strock asked if the Marstons pond road is a Town road. Pierce said that all roads in town need to be a 3 Rod Road. Strock asked for clarification about road from Selectmen. Strock asked if the agreed work that was made with the town had been completed yet. Brown said it had not but would be done before frost.

**D. New Business**

CEO said that he was approached by P Jackson regarding a Solar Farm . Strock said that he would put him on the agenda. CEO also mentioned that we have a new town employee and we may be able to approach her about minute taking at the meetings

**6. Motion to Adjourn**

Motion by Sanborn , Seconded by Olafsen Vote Unanimous