

## Baldwin Planning Board

### Public Hearing and Meeting Minutes 10/8/2020

The Chairman called the meeting to order at 7:05 PM.

Roll Call: Planning Board Members: David Strock, Jo Pierce, Matt Fricker, Matt Sanborn, Bob Flint  
Board of Selectmen: Dwight Warren  
CEO: Wes Sunderland  
Others: Numerous members of the public and presenters

#### Agenda:

Public Hearing on the proposed shoreland zoning ordinance changes.

Public Hearing on NWR CUP violations.

1. Review the minutes of the last meeting
2. Request for Board members that want to assist with drafting a revision to the towns medical marijuana ordinance.
3. Entertain motion to adjourn

#### Public Hearing on amendment to the Shoreland Zoning Ordinance:

1. The hearing started at 7:05 PM with the Chairman explaining the purpose of the hearing and the goal to hear from the public their support or opposition to the proposed amendment.
2. Attorney Gordy Smith of Long Road Energy explained that they were working on a solar energy generation project on land own by the Pierce's. In surveying the property they found that the "wetlands" as found on the ground differed from what was depicted on the Shoreland Zoning Ordinance Map. These differences are likely because the Shoreland Zoning Map was developed from federal agency provided aerial photographs and not by actual on the ground surveys. This proposed change would allow a property owner to hire a qualified wetlands scientist to determine the actual location of the wetland boundaries. It was reported that the language of the proposed amendment has been blessed by DEP and the Maine Attorney General's office. This is important because any changes to the ordinance must be approved by DEP. There were a number of questions from the audience but no opposition. The Planning Board also discussed changing all instances where "(seventy-five)100" occurred in the ordinance to "(one hundred) 100" to correct and editing error.

Public Hearing concerning Nature's Wilderness Resort (NWR).

1. The hearing started at 07:23 PM. The Chairman explained that the purpose of the hearing was for the Board to determine whether there has been a violation of the conditional use permit and/or local, state, or federal laws, including, but not limited to, (1) operating a campground since July 1, 2020 without a required state-issued campground license (and possibly without other required licenses or permit); (2) allowing ATVs to encroach on adjacent property; (3) failure to post required signage; (4) operating a non-compliant swimming pool; (5) failure to conduct required water testing; and (6) failure to submit required documentation to the Town. If the Board determines that any violation of the conditional use permit and/or local, state, or federal laws has occurred, and is either continuing or is likely to reoccur, the Board may take such appropriate action to protect the public health, safety, or welfare. This being as spelled out in NWR's Conditional Use Permit (CUP) under the section "Standard Conditions for Conditional Use."
2. The Chairman provided a synopsis of the history leading up to the hearing including citizen inputs at several previous Planning Board meetings and Selectmen's meetings. He spoke of the Code Enforcement Officer's (CEO) report of 10 Sep 20 that had reported NWR compliance on a number of topics which were shown to be incorrect. He then requested if NWR had a representative to address questions from the Board and Gerry Brown indicated that he was there for that purpose as the General Manager of NWR. Mr. Brown provided the board with documents showing he had received his state license to operate on 24 Sep 20, good for one year.
3. The Chairman asked why he opened the NWR campgrounds without a state license from early July 2020 until 24 Sep 2020 when he received approval from the state. Mr. Brown indicated that he would not answer the question but was at the hearing to address other questions the Board may have.
4. The Board had a number of questions concerning the license issued by the state. The Chairman noted that the CUP provided for 60 sites total composed of 19 RV and 41 Cabin/Tent sites whereas the state license permitted 12 Cottages, 12 RV (hook-ups) and 16 T&T sites. Mr. Brown explained that T&T stood for Tent and Trailer, a small RV could use a tent site without using utility hookups. He discussed the fact that his state license was good until 9/24/2021 but indicated that if he modified or adds any of the campsites before opening in 2021, he would need to request a new state inspection.
5. Mr. Brown stated the ATV riders planned for that weekend had been cancelled in order to get through the current review with the Planning Board.
6. The Chairman asked why the signage required by lines 635 thru 639 of the CUP had not been installed. Mr. Brown indicated that he was concerned about getting permission from abutters.
7. The Chairman asked about the lack of an NRPA Wetland Alteration Permit (which is concerned with the percentage of wetlands being disturbed). Mr. Brown indicated he the campground had not triggered the requirement for a permit. Upon request for some documentation, he indicated he would try to get a letter from Jeff Amos.
8. The Chairman asked why NWR was using ATV trails that are outside of the 462 acres covered by the CUP. Lines 620 thru 623 and 697/8 limit activities to the area

- covered in the CUP. Mr. Brown stated the trails are on property owned by the company and not on abutter's land. The Board pointed out that the CUP stated no expansion of campground activities outside of the property lines of the existing 462 acre lot. Mr. Brown stated that he thought NWR could use all property owned by the company, even beyond the 462 acre site. There was a general discussion from the audience which suggested that ATV traffic at the campground was not causing a disturbance. It was also noted that there is an increasing amount of ATV traffic in general and that Maine has an extensive series of ATV trails that interconnect throughout the state.
9. The Chairman asked why the Letter of Credit as required by lines 644 thru 646 of the CUP had not been posted with the town. Mr. Brown stated that financing of the campground was not the business of the Board and that the campground was being built with borrowing money. The Chairman explained that the letter of credit as explained in the Land Use ordinance was akin to a bond that assured the town could complete the construction if for some reason the owners decided to walk away from the project. Dwight Warren suggested that the term "letter of credit" was confusing and perhaps "bond" or "surety bond" was clearer. Matt Fricker read from the Land Use Ordinance the requirement for a check, performance bond, or letter of credit.
  10. The Chairman requested comments from the audience. Bernie Monnette stated she had hired a lawyer concerning a boundary dispute with NWR. She also stated that the CEO had visited her concerning an unlicensed body shop on her property. She stated Wes Sunderland has told her there was a complaint about unlicensed commercial activity at her residence. Mr. Brown stated that he had filed the complaint with the CEO based on some information he had received and that he was complaining about unauthorized activities just as she was when she instigated investigations of his campground. Mr. Brown stated he was not aware of a boundary dispute concerning her property. Matt Fricker said he had a conversation with his abutter, Nick Herrington, who relayed to Matt that the CEO has said Matt had problems with Nick driving his ATV on Matt's property. Matt stated that he thought there was a pattern of retribution from the CEO towards those involved in speaking out about CUP violations at NWR.
  11. A number of members of the audience expressed frustration with the inability or unwillingness of town officials to hold NWR accountable. The Chairman explained that the Planning Board was not an enforcement agent; that function resided in the Board of Selectmen, the CEO, and state agencies.
  12. The Chairman stated that the Board would take no action at this time except to consider the way forward concerning the number of CUP issues discussed. It was also moved, seconded, and passed 4 to 0 to seek inputs from the road commissioner, the Select Board, and an attorney concerning the letter of credit.
  13. The hearing was closed at 9:16 PM.

The regular meeting of the Planning Board was opened at 9:17 PM.

1. The minutes of the last meeting were approved as written.

2. The Board received two reports related to waiver request in the the Sand Pond Woods and Freemont Woods subdivision applications. The Board accepted the letters to be reviewed at a later meeting.
3. The Chairman asked in anyone wanted to participate with Bob Flint and Sumner in drafting a revision the the Medical Marijuana Ordinance. The Chairman stated the expectation was that the revised ordinance would maintain the spirit of the existing ordinance.
4. The Chairman wanted the audience to that he wanted everyone to understand the value of the contributions of public servants to the operation of local governments.
5. After additional comments it was moved, seconded, and passed to adjourn at approximately 9:30

PM.

Submitted by: Bob Flint