

**TOWN OF BALDWIN**  
**PLANNING BOARD MINUTES 10/27/16**

Attendance: Norman Blake, Matt Fricker, Jo Pierce

Following a public hearing for expansion of storage facilities by Buzzell Enterprises LLC, the regularly scheduled Planning Board meeting commenced at 7:05 pm. The minutes for the prior meeting (10.13.16) were read and accepted by Board.

**First Item: Buzzell Enterprises, LLC**

The following conditions were established for the Buzzell Enterprises CUP:

- Fencing with card access
- Hours of operation: 6:00 AM – 10:00 PM
- Utilize existing vegetative screening as possible
- All lighting inward and downward
- 6 buildings as per drawings (Sebago Technics), site plan, project #16025.
- Sign maximum 20 square feet
- Standard conditions

It was noted that the operation is intended to be sold to Patco. Greg and Heather from Patco were in attendance with Butch Buzzell. The CUP goes with the land. CUP approved unanimously.

**Second Item: John Viet**

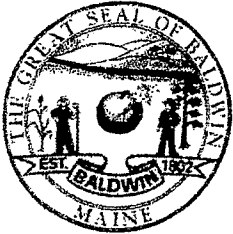
John Viet was requested to get back in touch with the Planning Board on October 27 in reference to trailer on property. CEO Wes Sunderland will contact Mr. Viet.

**Third Item: Nature's Wilderness LLC**

In reference to CUP submitted by Nature's Wilderness, it was noted that the Planning Board cannot consider a CUP if there are outstanding violations levied on the property.

A scaled drawing which identifies all phases of the project is required to be included with the CUP.

At 9:10 p.m., a motion to adjourn passed unanimously.



# Town of Baldwin

534 Pequawket Trail  
West Baldwin, Maine 04091  
Phone: (207) 625-3581  
Fax: (207) 625-7780

Date Application Received: \_\_\_\_\_  
Received by: \_\_\_\_\_  
Fee Paid: \_\_\_\_\_

## APPLICATION FOR CONDITIONAL USE PERMIT (CUP)

The Land Use Ordinance of the Town of Baldwin allows the Planning Board to grant a Conditional Use Permit (CUP) 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: Buzzell Enterprises LLC

2. Applicant's Mailing Address: Po Box 97  
E. Baldwin ME 04024

3. Phone number where applicant can be reached during business hours. 207-310-1964

4. Are you the owner of record of the property for which the Conditional Use Permit is sought?  yes (provide copy of Title and go to question 8)  
 no (answer question 5, 6, and 7)

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



6. Property Owner's Name

Buzzell Enterprises LLC

7. Property Owner's Address

Po Box 97

East Baldwin ME 04024

8. Location of property for  
Which the permit is sought?

Baldwin

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

Map 1

Lot 40,72

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

Natural Resource Protection

Highlands

Rural

Village Commercial

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.

Warehousing & Storage

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.

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 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:**

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, bird 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. Certification (to be completed by all applicants)**

I/we Glendon Buzzell JR, certify that I/we are the legal applicants for the Conditional Use Permit requested 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 material is accurate and true.

I/we further certify that I/we have read the standards for granting of Conditional Use Permits contained in the Land Use Ordinance.

Glendon E. Buzzell Jr      10-5-16  
Signature of Applicant      Date

\_\_\_\_\_  
Signature of Applicant      Date

**For Planning Board Use Only**

Date Received by Baldwin Planning Board:

\_\_\_\_\_

Received by:

\_\_\_\_\_

Public Hearing Date:

\_\_\_\_\_

Conditional Use Permit Application of:

\_\_\_\_\_

Permit Denied (date):

\_\_\_\_\_

Explanation of Denial:

\_\_\_\_\_

Permit Approved (date):

\_\_\_\_\_

Conditions to Permit if any,

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## 10-27-16 Baldwin Planning Board

### Buzzell CUP Conditions

1. Fencing with card access
2. "Whistle Stop" hours: 6:00 AM to 10:00 PM
3. Utilize existing vegetative screening as possible
4. All lighting inward and downward
5. 6 buildings as per drawing and site plan (Sebago Technics Project 16025)
6. Signage maximum 20 square feet
7. Standard conditions per Land Use Ordinance of the Town of Baldwin (5.5.2015)
  - a. Reference Article 9. Performance Standards pp. 27-29.
8. Conditional Use Permit and Site Plan Review Permit Time Limit

Following issuance of a permit, if no substantial start is made in construction, or in use of the property for which such permit has been issued, within 24 months of the date of the permit, the permit shall lapse and become void.

If the use lapses for a period of 24 months then the Conditional Use Permit shall cease to be in force.

Conditional Use Conditions 8-8-03.wpd

**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.