

Baldwin Planning Board

Meeting Minutes

November 9, 2017

I. Call to order

Norm Blake called to order the regular meeting of the Baldwin Planning Board at 7:05 PM on November 9, 2017 at Baldwin Town Hall.

II. Roll call

Matt Fricker conducted a roll call. The following Planning Board Members were present: Jo Pierce, David Strock, Fred Miner, Nichol Ernst and Matt Fricker

III. Approval of minutes from last meeting

No minutes were read or approved.

IV. Open issues

a) Tom Peavey CUP. A public hearing on the Peavey CUP was held prior to the planning board meeting. There were no public comments.

- Status of all COPs on Peavey's property:
 - Garage (CUP #27) still active
 - Junkyard – never started
 - Used Vehicle Sales (CUP #22) – applicant agrees CUP not being used. CUP cancelled due to discontinuance of intended use for more than 2 years.
- Secretary to write up and include “intended use” into CUP before sending copy to applicant. “Retail business focused on antiques and things. Flea market type tables on 2 acre field on week-ends to east and west of house.”
- CONDITIONS for CUP:
 - Outdoor items on display during business hours only
 - Hours of operation are 8:00 AM to 8:00 PM
 - No on street parking

- All lighting inward and downward
 - Standard Conditions apply
 - Flea market vendors will remove all items prior to closing and will not camp overnight.
 - Parking in designated areas only.
 - All signs made, exit and entrance, less than 20 sq. ft.
 - No visible storage of display tables or other fixtures outside of working hours.
- CUP unanimously approved. Copy attached.

b) Shoreland Zoning – Need public hearing on Shoreland Zoning for 12/14/17.
Unanimous approval. Copy of public notice attached.

V. Adjournment

Norm Blake adjourned the meeting at 8:15 PM.

BALDWIN RESIDENTS

The Town of Baldwin has drafted a revision to its Shoreland Zoning Regulations.

The draft ordinance is being posted on the Town website for your review.

A Public Hearing will be held, as noted below, to give citizens of Baldwin an opportunity to comment on the proposed regulations.

The revised Shoreland Zoning Regulations will then be put forth as an Article for approval at the Baldwin Town Meeting in 2018.

The Planning Board will hold a Public Hearing regarding proposed *Shoreland Zoning Regulations* on **Thursday December 14 at 7pm** at the **Town Office**.

A regular meeting of the Planning Board will follow.

Matt Fricker
PLANNING BOARD SECRETARY



Town of Baldwin

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

CUP
093

Date Application Received: 9/8/17
Received by: RTS
Fee Paid: 15000
Cash
9/8/17

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: THOMAS PEAVEY
2. Applicant's Mailing Address: 517 PEQUAWKET
3. Phone number where applicant can be reached during business hours. 207 807-8211
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 ✓ Thomas Peavey

7. Property Owner's Address ✓ 517 Pequawket Trail

8. Location of property for Which the permit is sought? 517 PEQUAWKET TRAIL

9. Indicate the Map and Lot number for the Property from the Town's assessment records Map 5 Lot 9

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.

RETAIL BUSINESS

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.

Photo Copy

Proposed Use of Property

Retail business
focused on antiques
and things.

- 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 THOMAS PEAVEY, 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.

[Signature]
Signature of Applicant

8-10-17
Date

Signature of Applicant


Date

PAID: [Signature]
Conditional Use Permit Application
8-9-17

Section D: (to be completed by applicant)

I/We _____, certify that I/We are the legal applicants for the conditional use permit 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 materials is accurate and true.

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


Signature of Applicant

11-8-17
Date

Signature of Applicant

Date

Permit Fee: \$ _____

Signature of CEO

Date Received

Official Use: Planning Board.

Date Received by Planning Board: 9/8/17

Received By: _____

Date of Public Hearing: 10/9/17

Conditional Use Permit of: _____

PERMIT DENIED Date: _____ Explanation: _____

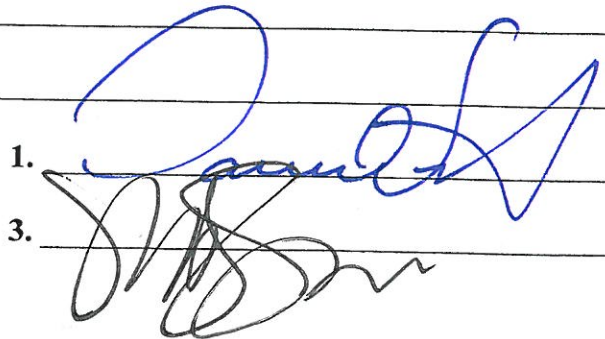

PERMIT APPROVED Date: 10/9/17 Conditions to Permit (if any) _____

5. Prudent review

Planning Board Signatures (three signatures)

2. 

4. 

1. 
3. 

Conditions (1)

- Outdoor items on display during business hours only.
- Hours 8am - 5pm
- No on street parking
- Flea market vendors will remove all items prior to closing and will not camp overnight
- All lighting inward and downward
- Parking in designated areas only
- Signs made for exit, entrance less than 20 sq. ft.

Conditions (2)

- Standard conditions apply.
- No visible storage of display tables or other fixtures outside of working hours.

Conditional Use Conditions 8-8-03.wpd

STANDARD CONDITIONS FOR CONDITIONAL USE

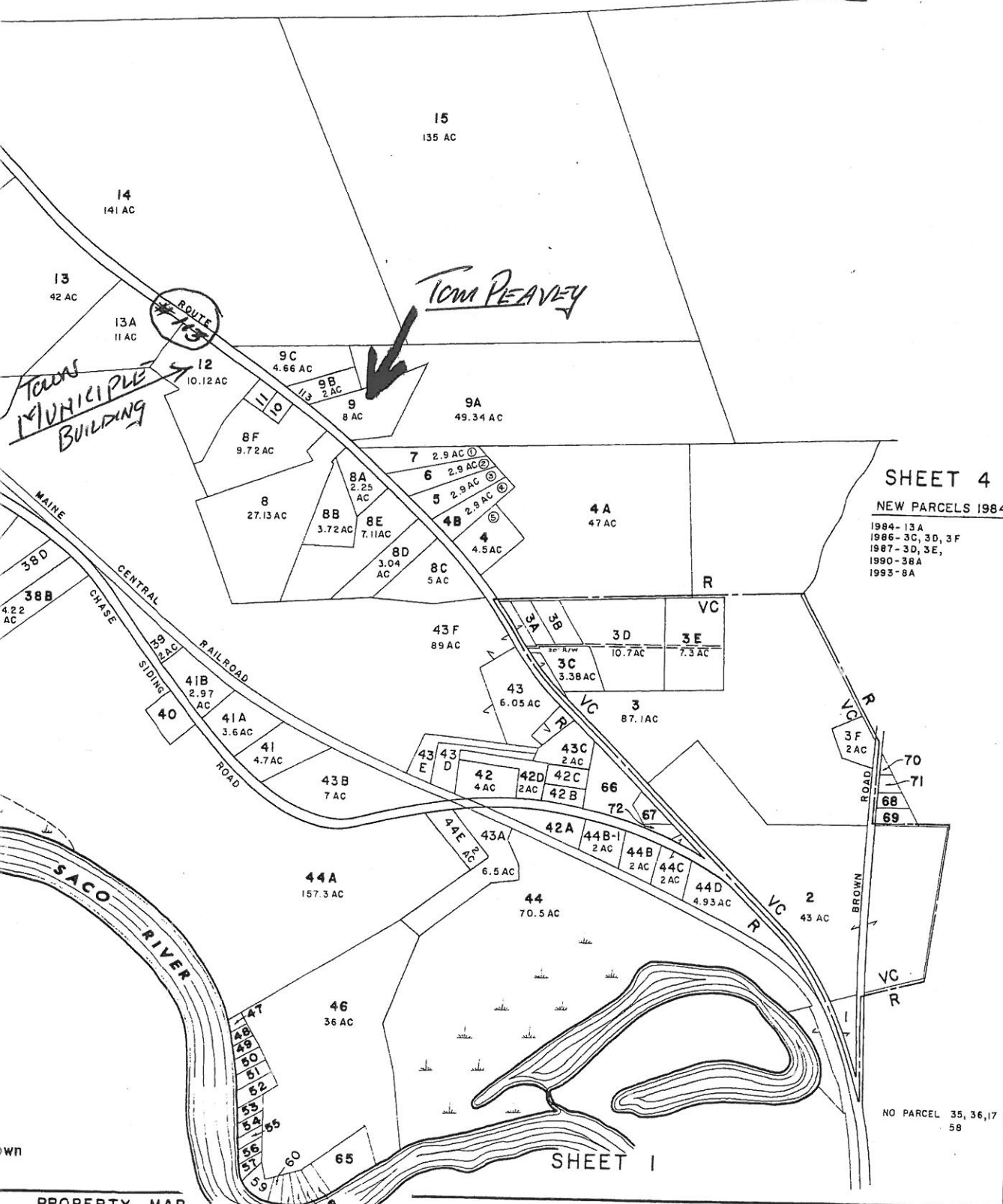
To the Applicant: These Standard Conditions will apply to your conditional use approval. To the extent applicable, these conditions are *additional to and supplement any specific provisions which the Planning Board may have imposed upon your approval.*

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.

MAP 5



SHEET 7



SHEET 4

NEW PARCELS 1984-
1984-13A
1986-3C, 3D, 3F
1987-3D, 3E,
1990-38A
1993-8A

NO PARCEL 35, 36, 17
58

SHEET 1

To The Town of Bellwin
I Thomas Peavy at 517 Reguawlat
Trail are regusty for a conditionat
Use Permit For a antiques and Things
shop. at my home The space will be
open 7 Days A week 9^{AM} to 7^{PM}

A handwritten signature in blue ink, consisting of several overlapping, stylized loops and lines.

MAP - 5
LOT #9

TOM PEAVEY
517 PEQUAWKET JR.
BALDWIN

GARAGE

Parking

APPROX
320 FT.

DRIVEWAY

HOUSE

SHOW ROOM

PORCH

PARKING

180 FT.

DRIVEWAY

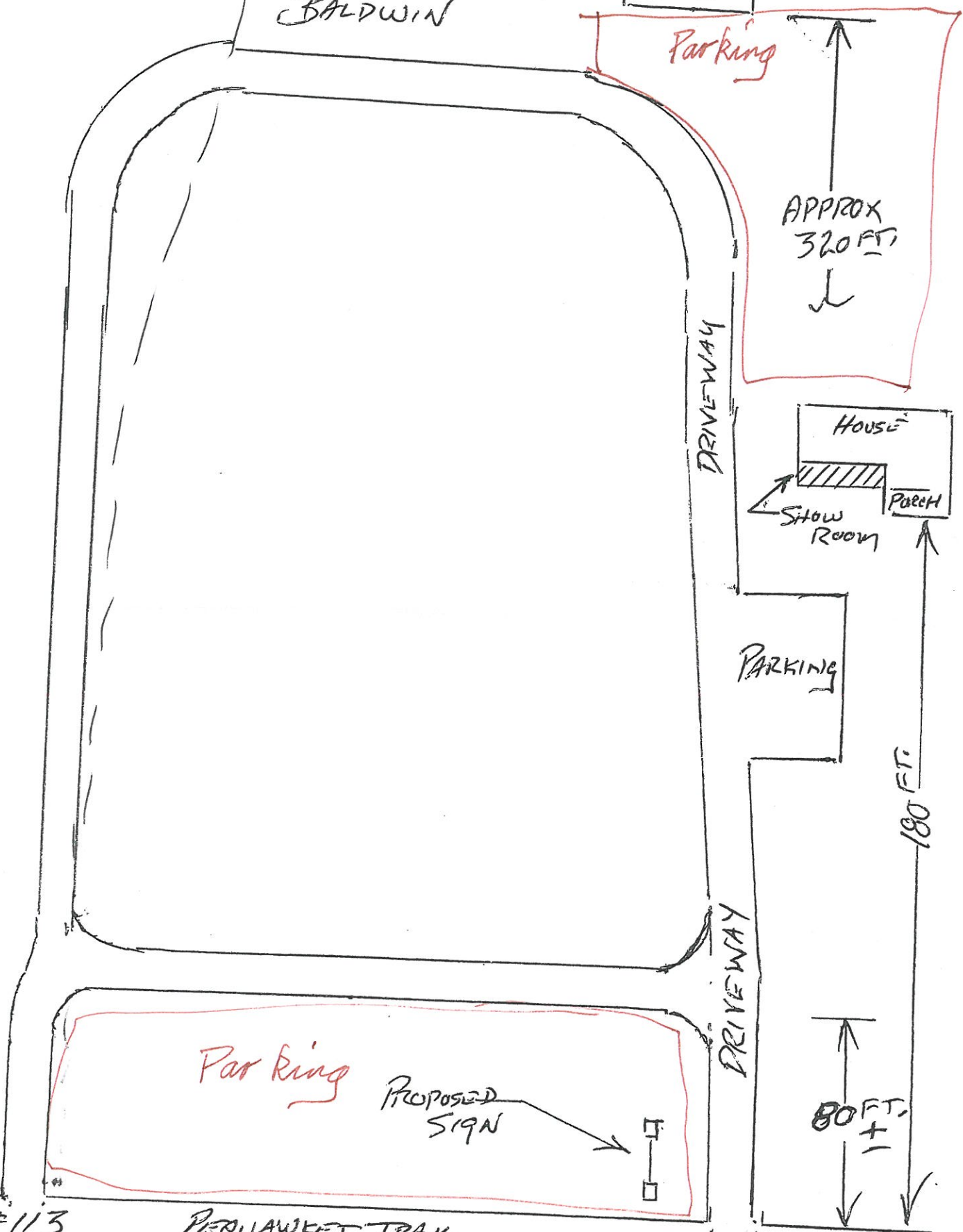
Parking

PROPOSED
SIGN

80 FT.
±

ST. RT. #113

PEQUAWKET TRAIL



RE Account 259 Detail
as of 09/08/2017

Name: PEAVEY, THOMAS G SR. & DEBORAH A

Land: 56,500
Building: 81,952
Exempt 0

Total: 138,452

Location: 517 PEQUAWKET TR
Acreage: 0 Map/Lot: 005-009
Book Page:

2016-1 Period Due:

Ref1: 00000000000
Mailing P.O. BOX 210
Address: EAST BALDWIN ME 04024-

Year	Date	Reference	P C	Principal	Interest	Costs	Total
2016-1 R	09/30/16	Original		1,813.72	0.00	0.00	1,813.72
	10/18/2016		A P	1,813.72	0.00	0.00	1,813.72
		Total		0.00	0.00	0.00	0.00
2015-1 R	09/30/15	Original		1,765.26	0.00	0.00	1,765.26
	11/20/2015		A P	1,765.26	0.00	0.00	1,765.26
		Total		0.00	0.00	0.00	0.00
2014-1 R				0.00	0.00	0.00	0.00
2013-1 R				0.00	0.00	0.00	0.00
2012-1 R				0.00	0.00	0.00	0.00
2011-1 R				0.00	0.00	0.00	0.00
2010-1 R				0.00	0.00	0.00	0.00
2009-1 R				0.00	0.00	0.00	0.00
2008-1 R				0.00	0.00	0.00	0.00
2007-1 R				0.00	0.00	0.00	0.00
2006-1 R				0.00	0.00	0.00	0.00
2005-1 R				0.00	0.00	0.00	0.00
2004-1 R				0.00	0.00	0.00	0.00
2003-1 R				0.00	0.00	0.00	0.00
2002-1 R				0.00	0.00	0.00	0.00
2001-1 R				0.00	0.00	0.00	0.00
2000-1 R				0.00	0.00	0.00	0.00
1999-1 R				0.00	0.00	0.00	0.00
1998-1 R				0.00	0.00	0.00	0.00
Account Totals as of 09/08/2017				0.00	0.00	0.00	0.00

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

RE Account 259 Detail
as of 09/08/2017

Name: PEAVEY, THOMAS G SR. & DEBORAH A

Land: 56,500

Location: 517 PEQUAWKET TR

Building: 81,952

Acreage: 0 Map/Lot: 005-009

Exempt 0

Book Page:

Total: 138,452

2016-1 Period Due:

Ref1: 00000000000

Mailing P.O. BOX 210

Address: EAST BALDWIN ME 04024-

Year	Date	Reference	P	C	Principal	Interest	Costs	Total
------	------	-----------	---	---	-----------	----------	-------	-------

Dear Baldwin Residents:

The Planning Board will conduct a

PUBLIC HEARING

on **Thursday, November 9th at 7pm**
at the **town office**

to hear public comment on the application of
Thomas Peavey for a retail sales establishment (an-
tiques) at his property on Map 5, Lot 9 on Rte 113.
Regular meeting of the Planning Board will follow.

*Nichol Ernst,
acting secretary of the Baldwin Planning Board*