

Baldwin Planning Board

Meeting Minutes 9/10/2020

The Chairman called the meeting to order at 7:08PM. 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

Board of Selectmen: Dwight Warren

CEO: Wes Sunderland

Others: Numerous members of the public and presenters

Agenda:

1. Review the minutes of the last meeting
2. Receive Code Enforcement Officer's report on the status of Nature's Wilderness Resort, including receipt of requested documents
3. Discussion of setting a date for the public hearing on the proposed change to Shoreland Zoning Ordinance;
4. Discussion with Casco Bay Hemp (Eben Sumner) regarding a walk-in retail establishment for medical marijuana in West Baldwin near the intersection of Route 113/Senator Black Road (possibly it would be a Registered Dispensary under 22 MRS 2428)

Meeting:

1. Minutes from the 8/27/2020 meeting, which had been previously distributed to the board members, were approved by the board. The Chairman explained to the audience that draft minutes are distributed to the board members via e-mail for corrections or additions prior to the meeting so that a final version is available to the board at the meeting for approval.
2. CEO's report on status of NWR compliance with its' CUP: (Jo Pierce recused himself from the board for this discussion.) The CEO distributed to the board members a "Report Nature's Wilderness Resort A review of "conditional use permit"

requirements” dated 10 September 2020. The CEO led a review of each item in the document, relaying his findings. These findings were either what he had observed or what he had been told by the campground manager. (A copy of the report is attached.) A number of the items resulted in discussions about the nature of the findings and ongoing actions by the campground management. Some of the items were reported completed; others were reported predicted to be completed by the start of the 2021 season. A number were also reported as “conditional” or “verbal” completed.

Following the presentation by the CEO, Bernadette Monette presented the board a letter from “Concerned Residents of the Town of Baldwin” concerning violation of the campground’s CUP and the lack of state required campground licenses. The letter was signed by 39 residents. (A copy of the complete letter with attachments is enclosed.) Attached were copies of reports from Maine Department of Health and Human Services reporting Imminent Health Hazard Findings issued 6 and 11 August 2020, and a notice of administrative penalty dated 21 Aug 2020. The reports concerned the violations concerning the pool and drinking water. The information in these documents contradicted what had just been reported by the CEO in his report and discussion with the board.

Taffy Morgan expressed concern about the ongoing issues with the campground and the lack of enforcement of the CUP and state guidelines. The Chairman reported that he had talked with the campground manager (Selectman Gerry Brown) about the concerns being expressed to the board. There was a discussion concerning why the state notice non-compliance had not resulted in campground not being issued a notice of violation of its’ CUP. The CEO and the Selectman present indicated they didn’t believe they had the authority to “close” the campground. The issue of who enforces State rules and statutes versus Town ordinances was discussed by the board, the CEO, selectman, and members of the public. At the end of the discussion, it was moved and seconded to invoke item number 5 from the Standard Conditions for Conditional Use from the campground’s CUP which states “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.” The motion was passed unanimously.

There was then a request from the public for a traffic study since traffic on Marston’s and Senator Black Roads higher than what was believed expected for Phase 1 of the campground. No action was taken by the board at this time.

3. Dwight Warren reported that the Board of Selectmen had agreed to schedule a special town meeting to vote on an amendment to the Shoreland Zoning Ordinance as discussed on 27 August 2020. It was voted to hold a public hearing on the issue prior to the 8 October 2020 Planning Board meeting.
4. There was a discussion concerning a notice of interest from Eben Sumner to open a medical marijuana business in West Baldwin in the vicinity of the old West Baldwin Grange Hall. There was a discussion by members of the board concerning the town’s Land Use Ordinance medical marijuana provisions. The Chairman recommended that Mr. Sumner provide a description of what exactly he would like to do for next meeting (24 September 2020) so that the Board could be better able to evaluate it.
5. Matt Sanborn stated that he thought it would be appropriate for the Board of Selectmen to send a letter to Nature’s Wilderness Resort concerning the ongoing issues with the campground compliance with the CUP. Dwight Warren said he would consult with the town’s attorney to see what is advisable.
6. A motion to adjourn was moved and seconded. It was voted unanimously

Submitted by: Bob Flint

REPORT

NATURE'S WILDERNESS RESORT

A review of "conditional use permit" requirements

NATURE'S WILDERNESS RESORT, LLC.

Report

September 10, 2020

This report is authored by Wes Sunderland, CEO, with the assistance & data from Gerry Brown, Campground Manager, and with provided documents from the Manager reflected as exhibits and photos to support appropriate statements.

Qu.#1: The development and operation of the campground are contained within Phase I.

1-A. The campground has no more than 60 campsites, (19 RV and 41 cabin/tent) (reference to CUP line no. 217-220)

Answer: As of Aug. 25th, a report to the Health Officer of Southwestern Maine, Laurie Davis, and to the State Plumbing Inspector, Brent Larson, reflected a total of 29 Recreational Vehicle sites and 12 cabin sites to equal 41 sites. It is anticipated that the balance of sites will be constructed and ready for the 2021 season.

1-B. No development has been performed for Stage 2 or Stage 3. (lines 228-238)

Answer: No additional campsites, etc. shall be constructed beyond the phase 1 total of 60 sites. However, it is favorable to construct and establish a dumping station for the current campers being accommodated in Phase I and to upgrade stormwater runoff to Marston Pond prior to a start-up on phase 2.

1-C. All development has been confined to Green Phase 1 section of drawings submitted with CUP Application. (line 182 of 2/27/20 CUP application)

Answer: Camp site development has been confined to phase 1, however some campground area improvements have been completed with stormwater runoff to Marston Pond as appropriate. In addition, a single dump station was placed near the RV camp areas for their convenience. These were a phase 2 item.

Qu.#2: Updates have been made to on site storm water pond. (line 221)

Answer: The function of the storm water pond is to catch runoff water channeled from the land to the manmade pond thus allowing the suspended erosion particles settle out of suspension therefore resulting that the collected water is unpolluted when it enters and becomes a part of Marston Pond. Currently, no further work has been schedule.

Qu.#3: Sign improvement made to Senator Black Road. (225-226)(635-639).

Answer: As stated within one year appropriate signage will be established along Senator Black Road and along Brown Road to aid camp patronage with

NATURE'S WILDERNESS RESORT, LLC.

Report (continued)

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directional information to the camp area. Coordination with the Road Commissioner will be required. It is appropriate to have these signs in place prior to the start of the 2021 year camping season. At this writing, plans for a new sign is being positioned at the start of Brown Road.

Qu.#4. Swimming Pool has been installed and in compliance with state laws. (lines 223, & 382-384)

Answer: The basic campground pool was constructed prior to the June 2020 date. As of Aug. 10, 2020, the campground pool has been closed to camper's use by erecting a "snow fence" around the perimeter and posting signs indicating the pool is closed. It has been difficult to obtain fencing material for fence construction. Health Officer, Laurie Davis, instructed additional drainage requirements that need to be met. Personnel training for safety is ongoing to comply with state law. The pool will remain closed and made ready for next year's camp schedule.

Qu.#5. Nature's Wilderness Resort has obtained a NRPA Wetland Alteration Permit. (line 264)

Answer: NRPA refers to "clean water act" and is not applicable at this timeline.

Qu.#6. Signage has been placed on Route 113 and Brown Road (305-309, 466-467)

Answer: Signage shall be placed at the start of Brown Road to prevent or deter the use of that road as entrance to the campground. The "old" 4x4 posts that held the previous "dog care" sign will be utilized for the sign. Approval from the Road Commissioner has been established. (At this writing, the Brown Road sign has been installed). Signage on State Route #113 will be erected prior to the next season of 2021 to direct camp traffic onto Senator Black Road. State DOT approval will be required. Payment will be arranged.

Qu.#7: Signage has been/to be posted on trails at the Nature's Wilderness Resort property boundary. (330-331) (640-643).

Answer: Along ATV trails and walking trails, signage will be positioned to inform camp users about land boundaries of the camp. Signage postings about campground perimeter shall be positioned only where trails approach near property boundaries, not at continuous intervals around the total land perimeter. Signs shall serve the purpose to reduce or eliminate trespassing onto other land. If the camper cannot read and obey, then the responsibility remains with the camper for trespassing.

Qu.#8: Trail signage states ATV traffic must remain on trails specifically indicated On maps. (336-339).

Answer: Sign creation and posting is a continuous ongoing process. Signage exists however, as trails continue to be developed, signage needs to be updated. Currently, adequate signs exist for trail use, both directional and informational, to advise ATV drivers the needed trail information. (see photos).

Qu.#9. Nature's Wilderness Resort (NWR) has the appropriate number/location of Garbage and rubbish disposals. (lines 373-377).

Answer: Item "m" (373-377) Garbage and Rubbish Disposal has been established, as written, to serve the camp sites currently in use. (see photos). Each "glamping cabin" has its own trash can. Two "dumpsters" are strategically placed for convenient access/use. NWR schedules the pickup collection of trash at regular timed intervals. This is a contracted task with "CIA Waste Services" located in Limerick, Me. It is the absolute intent with management that NWR maintains a clean and sanitary operation.

Qu.#10. Nature's Wilderness Resort prohibits parking on Marston Road (465-466).

Answer: Nature's Wilderness Resort camp rule brochure shall indicate "no parking" on Marston Road, and that Brown Road is not a "thruway", that is, campers are directed not to use Brown Road as an exit from campgrounds. It is noted that Marston Road and Brown Road are town public roads and public traffic is not under NWR control. Non-camp participants may/might park on the public Marston Road.

Qu.#11. Nature's Wilderness Resort has been periodically watering Marston Road By use of a watering truck or like machine. (lines490-493)(Pg.11 CUP applic'n).

Answer: Nature's Wilderness Resort (NWR) does water roadways for the purpose to keep vehicle road dust at a minimum. NWR has implemented a watering vehicle (utility trailer) to achieve this requirement, (see photo). Watering roadways. Calcium is added to the 150 gallon water tank that aids in holding the wetness to the road surface. Two tank loads will service all the major roadways servicing the camp access. Watering is subject to weather elements, seasonal changes, and volume of use. An effort will be made as appropriately needed to water roadways. In peak camping season and seasonal dry weather, watering roadways will be accomplished several times

each day. In addition, an improvement of road surface with stony gravel may eliminate frequent watering to minimize dust.

Qu.#12: Letter of Credit still in effect. (lines 644-646).

Answer: Nature's Wilderness Resort (NWR) practices that financial matters are NWR private concerns. However, currently there exists no line of credit and construction is completed on contractual terms.

Qu.#13. Confirm Nature's Wilderness Resort (NWR) has not sold or leased any portion of the 462 acre lot used by NWR. (695).

Answer: Since the inception of the CUP on 6-29-20 for campground use to include the camp's 462 acres, there is no deed recorded reflecting any further sale of land pertaining to the acreage referenced. In addition, the previous sub-dividing of land Southeast of road junctions Deacon & Marston Roads has been nullified. The plot involving relative Jane Dunlap has been reversed back to camp land. Only the one plot of 6 acres sold to Alexander Courtland remains as a single dividable plot from a "mother lot". This was accomplished prior to 6-29-20 when all land was not subject to CUP conditions.

Qu.#14. Confirm that Nature's Wilderness Resort (NWR) has secured all required permits and licenses to operate as a campground.

Answer: It is believed/assumed that all required permits and/or licenses have been secured as listed. (see exhibits).

1. Baldwin conditional use permit – awarded June 26, 2020.
2. State campground license - currently conditional status due to pool status.
3. Certificate of well water test – this exists as a monthly requirement and on an outsource contracted fulfillment. Agent Kate Tuft represents the State of Maine Drinking Water Program.

Qu.#15. Confirm that Nature's Wilderness Resort (NWR) has secured all required permits and licenses to engage in the activities conducted at on campground, such as food services.

Answer: The following items are documented as indicated (see exhibits).

1. Food store: N/A. no plans are intended to establish a food store. However, this may be considered during phase 2 development.
2. Retail supply store: Conditional permit from State required pending campground license.

NATURE'S WILDERNESS RESORT, LLC.

Report: (continued)

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3. Beer & wine sales: N/A. Plans for 2021 seasonal operation, State license.
4. Snack/food bar: N/A. Potential food bar has been dismantled due to excessive State requirements. No current plans for 2021 season. Currently, Pre-packaged, snack type food is available for purchase and is considered NOT prepared foods.
5. Game room: This is "recreational", no rules, no fees, no license. At this time, no other established activity planned that may need licensing.

REQUESTED DOCUMENTS:

A. NWR campground safety regulations

EXHIBIT: Campground Rules (3 pages)

B. NWR trail map or picture of mounted map

EXHIBIT: TRAIL MAP: Produced from "GPS"

C. Current water analysis for NWR

1. EXHIBIT: 2 Forms – 1. RV sites 2. Glamping sites. (date reported – 8/17/20
2. EXHIBIT: Waste water Disposal System. Local review & verification form.

D. Required permits and licenses NWR has to operate as a campground

Verbal conditional use license. Requires other licenses to be completed first. (this is an ongoing process and inspections are required prior to permitting)

E. Required permits and licenses NWR has to engage in activities at Campground EXHIBIT:

State of Maine Health Inspection Program. License appl. for public pools.

F. Complaints by residents or citations/warning issued by CEO to NWR.

EXHIBIT: (3) 1. E-mail 2. Violation 1. Letter

Also

G. EXHIBIT: Keep Maine Healthy Form: certificate of compliance Maine visitors

H. EXHIBIT: Acknowledgement & Assumption of Risk. (campground issued)

September 4, 2020

Concerned Residents of the Town of Baldwin
West Baldwin, ME 04091

Town of Baldwin Elected Officials
(Selectboard & Planning Board)
534 Pequawket Trail
West Baldwin, ME 04091

Town of Baldwin Officials:

Nature's Wilderness, LLC has become a growing concern for residents of the Town of Baldwin, especially those living on Senator Black Road; and, more specifically, those who are property abutters. For four tumultuous years, the owner (Scott Efron) and manager (Gerry Brown) of Nature's Wilderness, LLC have largely ignored local codes, refused to provide substantiating information to the Baldwin Planning Board, presented false information to members of the Baldwin Selectboard, and disregarded State of Maine laws, all in a concerted effort to mislead Town of Baldwin officials and to illegally open and operate a campground.

At the Tuesday, August 4, 2020, meeting of the Selectboard, Gerry Brown intentionally delivered misinformation about the licensure status of Nature's Wilderness, LLC. Rather than provide written verification of State of Maine licensure, he chose to read general information from the Maine.gov website using his mobile device. When pressed for an actual letter to substantiate his claim that Nature's Wilderness, LLC had the "green light" to be operating, he skirted the request, offering a fabrication that the campground had been granted a conditional license from the State of Maine, pending the results of a water test. He deceived the residents of Baldwin and Town Officials by saying the license would arrive through the mail within three weeks. When asked to reread the information from his mobile device, he reluctantly agreed with gestures of impatience, saying, "I just read it." Code Enforcement Officer Wes Sunderland sat quietly and did not question Gerry Brown's web of deception.

Suspicious that false information had been provided deliberately to hoodwink Town of Baldwin elected officials and the residents who were in attendance, concerned individuals contacted the Department of Health and Human Services (DHHS), Maine Center for Disease Control and Prevention, Division of Environmental and Community Health, Health Inspection Program in Augusta on Wednesday, August 5, 2020. They asked many well-informed questions and were provided with factual information by Michelle Mason Webber, Compliance Specialist. Indeed, as suspected, **Nature's Wilderness, LLC was operating without a license and no application had ever been submitted.** The park was operating illegally. Unbeknownst to our elected town officials?

The State of Maine Department of Health and Human Services moves quickly when there is an imminent danger to health. Thus, Inspector Laurie Harris was assigned to the case. Wasting no time, Inspector Harris visited Nature's Wilderness, LLC the next day, August 6, 2020. After inspecting the pool, an **Imminent Health Hazard Notice** was issued. The pool was not certified, and the campground was not licensed. The pool was to be closed as of August 6. The campground was also issued an **Imminent Health Hazard Notice.**

In spite of the **Imminent Health Hazard Notices** and directives to close the pool and campground, it was evident that the park remained open in violation. When concerned community members once again contacted the State of Maine DHHS to report this total lack of regard for governance and public health (by the owner and manager of Nature's Wilderness, LLC), this prompted the return of Inspector Harris, who saw, firsthand, that park management had not complied as directed. This defiance and total disregard of the laws of the State of Maine resulted in **two Notices of Administrative Penalty Assessment for operating in violation of Imminent Health Hazard Notices**: one for the pool on August 21, 2020; the other for the campground. These documents were sent certified mail and were signed for at Nature's Wilderness, LLC, on August 26, 2020.

On Thursday, August 27, 2020, an individual in attendance at a regularly scheduled Planning Board Meeting asked if Nature's Wilderness, LLC was licensed by the State of Maine to be in operation. A definitive answer was not provided, nor did it appear to be forthcoming.

Further complicating this quagmire is the fact that Selectperson Gerry Brown routinely refuses to fully recuse himself when Nature's Wilderness, LLC is on the agenda. Thus, he influences the discussions and hinders the objectiveness of the other selectpersons. Gerry positions himself to gain an advantage as he pushes forward his "not so hidden" business agenda, specifically, to manage Nature's Wilderness, LLC without following all State of Maine laws pertaining to campgrounds and RV resorts as set forth to protect the safety of the general public.

At this point, the illegal activity and total lack of regard for the law has gone on too long. Incompetent park management is not trustworthy. Scott Efron and Gerry Brown must be held accountable and be required to substantiate all claims with written documentation on official letterhead from appropriate governing bodies (certifying and licensing). Indeed, past behavior is a reliable indicator of future behavior. Thus, it behooves members of the Baldwin Selectboard to make phone calls to the various agencies that oversee the licensure of campgrounds and RV resorts to ascertain that Nature's Wilderness, LLC is in compliance.

And now since many of Gerry Brown's fabrications have been uncovered, and his intent to deceive is not arguable, we, the undersigned individuals, urge Town of Baldwin officials to move forward with intense scrutiny when addressing issues regarding Nature's Wilderness, LLC. It is imperative to examine closely all incoming information from the administrative staff members of Nature's Wilderness, LLC and to consistently require that all submissions be accompanied by documentation. Seemingly a daunting task, it is a reliable best practice to adopt. It is essential to avoid being repeatedly pulled into Gerry Brown's web of deception.

In closing, we want to make it clear that we will continue to make phone calls and have a strong voice. We will not be silenced by our very own elected officials. We will continue to safeguard our liberties and our way of life. Furthermore, we should not be criticized for this commitment, but should be commended for our diligence in keeping Baldwin, Maine, a safe place to live.

Michelle Mercier

Signature

9/6/20

Date

Ronald M. Mercier

Signature

9/6/20

Date

Samantha Barney
Signature

9/6/20
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Betty Lawrence
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Timothy Lawrence
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James W. Sample
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Rebecca Sample
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Janet Puri
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Kathleen Pina
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Christine Beckler
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Stacy J. Hill
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Kathleen Morgan
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Marianne J. Gullat
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9/6/2020
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Laurie Downey
Signature Laurie Downey

9/7/2020
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Mark A. Miller
Signature Mark A. Miller

9/7/2020
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Cassie Dove PhD
Signature Cassie Dove PhD

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Trish Kuntz
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Eleanor Draper

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Cheri Bunnault

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Al Diney

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Diane Dunning

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Conrad Dunning

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Rob Diney

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Paula Biron

Signature

9/7/2020

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Bernadette Menette

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9/7/2020

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Yvonne Kingly

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9-8-2020

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Conrad Kingly

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Signature Jane Kuntz Date 8-7-2020

Signature Kelly Morgan Date 8-7-2020

Signature Barbara Lewis Date 8-7-2020

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Rodney A. Sargent
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Glenda K Metray
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9/07/20
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Joseph L. Tucker
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9-8-2020
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Norma J. Harris
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Glenn E. Harris
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Contact Information

Department of Health and Human Services (DHHS), Maine Center for Disease Control and Prevention,
Division of Environmental and Community Health, Health Inspection Program, Augusta, Maine.

General Information (207) 287-5671

Michelle Mason Webber, Compliance Specialist (207) 287-4282

Laurie Davis, State Inspector (207) 592-5573

Addendum

On **September 8, 2020**, Michelle Mason Webber, Compliance Specialist at the Department of Health and Human Services (DHHS), Maine Center for Disease Control and Prevention, Division of Environmental and Community Health, Health Inspection Program in Augusta, Maine, provided an update about Nature's Wilderness, LLC. She informed concerned Baldwin residents that an application from Nature's Wilderness, LLC had been received on September 2, 2020, and tagged as "active." An application for the pool had also been received. However, licenses for the pool and campground have not been issued because the Administrative Penalties have not been paid. Nature's Wilderness, LLC has until September 26, 2020, to appeal the two Administrative Penalty Assessment Notices.

The attached letter dated September 4, 2020, has not been altered because it is the letter that the signatories read.