

Town of Baldwin, Maine
Planning Board
Meeting Minutes from January 23, 2025

Board Members Present

Jo Pierce, Mike Ustin, Merhiella Crawford, David Strock, Don Sharp, Matthew Fricker, Victoria Abramowska (Quorum Established)

Also Present

Select Board Member Bob Flint, Baldwin CEO Mike Lee, Deputy CEO Cathy Greene, members of the community

Jo Pierce called the meeting to order at 7p.m.

1. MEETING MINUTES

Minutes from the January 7th meeting were reviewed and approved.

VOTE: Merhiella Crawford moved to accept the minutes without change. Mike Usted seconded. There was no discussion, and the motion passed unanimously.

2. PRESENTATION TO THE PLANNING BOARD – TOM WIGHT

Joe Pierce introduced community member Tom Wight and his attorney. Jo clarified that they were present to discuss Mr. Wight's business at 38 Carl Burnell Road – TW Enterprises and Greater Portland Dumpster Rentals – not Mr. Wight's Flying Squirrel business that was described on tonight's meeting agenda. Mr. Wight asked the Planning Board to reconsider some of the restrictions on his current CUP that he felt were inhibiting his business's growth. After discussing the specific restrictions, the board directed Mr. Wight to submit a new CUP application because several of Mr. Wight's requested changes were significant enough to require notification of property abutters, and eventually a public hearing. The board voted to waive the application fee as a gesture of goodwill.

VOTE: Matthew Fricker made a motion that the board waive the fee associated with Tom Wight's submission of a new CUP application. Merhiella Crawford seconded. There was no discussion, and the motion passed unanimously.

3. A DISCUSSION ON WHEN AN EXPANSION OF USE FOR A PROPERTY COVERED BY A CONDITIONAL USE PERMIT REQUIRES CONSIDERATION BY THE PLANNING BOARD AND WHEN IT DOES NOT, AND DISCUSSION OF SECTION 8.1 OF THE LAND USE ORDINANCE

Jo Pierce informed the Planning Board that a building permit had been issued to Robbins Lumber, which led to the construction of a new structure without obtaining the necessary approval from the Planning Board. This action puts the business in violation of its Conditional Use Permit (CUP), which was granted in 2024. According to Baldwin's Land Use Ordinance Section 4.3.2, "No changes shall be made in any approved Conditional Use without approval of the change by the Planning Board." Mike Lee argued that since the building permit was issued to a long-established business, Planning Board approval should not be required. David Strock reiterated the importance of adhering to the Land Use Ordinance. The board agreed that a new CUP submission to address the violation could not be approved by the Planning Board until the issue was resolved, as per Section 8.1 of the Land Use Ordinance, which states that "An application for a conditional use permit or site plan review approval must be denied for any property where a violation exists until such violation has been corrected or resolved." The conversation then shifted to interpreting this section. CEO Mike Lee expressed the view that Section 8.1 creates a circular issue, as it suggests that a business must first resolve a violation before receiving approval for a CUP that addresses that violation. Jo Pierce clarified that the Planning Board strives to work with businesses to resolve such issues. With no immediate resolution in sight and the hour growing late, Victoria Abramowska proposed that the discussion be tabled, especially since there were community members present who wished to address shoreland zoning and resource protection districts.

4. DISCUSSION OF THE SHORELAND ZONING ORDINANCE

The Planning Board heard from several landowners who had their building permits denied because their properties are in the Resource Protection District. David Strock referenced Section 16.E of the Shoreland Zoning Ordinance (attached as Attachment A) which provides a process for landowners to appeal if they believe their property has been incorrectly classified. The Planning Board agreed that Section 16.E offered the best course of action for landowners and suggested developing a form to gather the necessary information outlined in the section to seek an exception to the zoning restrictions.

Deputy CEO Cathy Greene noted that such conflicts are likely to become more common until the official Shoreland Zoning maps and Resource Protection Districts are updated. As an example, she pointed out the inconsistency created in the draft 2025 Baldwin Comprehensive Plan, which encourages business development in areas that are largely within the Resource Protection District, thus restricting such development. Select Board member Bob Flint stated that the Select Board would review the issue of Shoreland Zoning Maps and Resource Protection Districts and determine a way forward.

5. ADJOURN

The meeting adjourned at 9:20.

VOTE: David Strock moved to adjourn. Victoria Abramowska seconded. There was no discussion, and the motion passed unanimously.

ATTACHMENTS

ATTACHMENT A – Section 16.E excerpted from the Shoreland Zoning Ordinance

ATTACHMENT A

Excerpt from the Town of Baldwin's Shoreland Zoning Ordinance
Section 16.E Administration. Special Exceptions

Town of Baldwin Shoreland Zoning Regulations

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.

E. Special Exceptions. In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
- (3) All proposed buildings, sewage disposal systems and other improvements are:
 - (a) Located on natural ground slopes of less than 20%; and
 - (b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

- (4) The total footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
- (5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 100 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone