

Baldwin Planning Board Meeting Minutes 05/14/2020

I. Call to Order

Strock called the meeting to order at 7pm

II. Roll Call

Jo Pierce, Matt Sanborn Nichol Ernst, David Strock, Bob Flint (alternate), Matt Fricker Selectmen Gerry Brown, Dwight Warren, CEO West Sunderland, Lee Jay Feldman from SMPDC

III. Reading of the Minutes From Last Meeting

Reviewed minutes from previous meetings that had not been reviewed by the planning board. Tabled the review of several meetings minutes over a question re: Gerry Brown stating that no land was sold off by Nature's Wilderness. The minutes from the 4/23/2020 meeting were approved.

IV. Open Business

A. Discussion of the subdivision ordinance. Bob Flint provided the Maine State statute regarding the definition of a subdivision. If it is different from the town statute, then it needs to be rectified by 2021. Is there anything we need to do to our town ordinance to comply with the state law? Questions was also raised re: the definition of a tract of land and whether or not a private road created by the landowner divides a property or not. Flint suggested that possibly we need to consult with MMA. Feldman stated that the state statute is the minimum requirements that a town must have, but the town can choose to be more restrictive, but cannot choose to be less restrictive. Strock proposed that the board should take time out of our meeting to have two volunteers to look at the subdivision ordinance and compare Baldwin's ordinance to the State ordinance and figure out where there are differences that need to be addressed and then report back to the board. The second challenge is then what to do about it. Strock stated that he would like to go forward with the town's ordinance in front of us as it is unclear how long it will take to figure out the difference. Pierce stated it would be good to compare the town ordinance to state law before we make any more decisions. Ernst agreed with Pierce and stated that he was concerned that we might unwittingly violate a state law if we proceeded without having this subgroup take this on. Pierce and Flint volunteered to review the ordinance in relation to the state statutes by the next planning board meeting.

B. Van Hertel subdivision

Strock stated that Van Hertel owned two parcels of property, the first one is map 1 lot 93 (between Freemont and 113). On that is a sub-issue of someone looking to do a subdivision and submitted papers on doing a subdivision on part of that property. Van Hertel sold off a few parcels of land and one of the new landowners wants to build a subdivision. Is it already a subdivision? Issue two, is Map 1, lot 94 which goes from Freemont to Cram road on 107. There are two subdivision proposals before the board on either side of Sand Pond Rd, and there are several other sub-issues regarding that property. Sunderland has been providing information for the board to try and figure out if the various separations of property have already created a subdivision, separate from the two proposals that are before the board. Ben Thompson has also submitted a map to the board giving various information. Strock stated that the only issue that Sunderland has given the board to look at is whether the two private roads separated out the parcels such that the sale of the land on either side of the road did or did not create as subdivision. The board is waiting for information regarding when the roads were created and by whom. Sunderland stated that the question is not related to a particular applicant but rather answering Pierce's question from the last selectmen's meeting re: whether these were actually roads or not. Thompson discussed that the various owners of land split off from map 1, lot 94 are currently in tree growth, but are also potentially in violation at this time.

Sunderland asked the board look at map 1, lot 93A, which is the subdivision from Ted Theriault. Pierce asked about the remaining parcel that Van Hertel still owns and how does that pertain to the subdivision discussion? Sunderland stated that the division line was made two years ago, and the land the Van Hertel retains will be lot #1, the land that Theriault has is lot #2. Discussion ensued regarding whether the original mother lot has to be part of the whole discussion or whether it is just the corner lot that is proposed to be a subdivision. Strock stated that he feels we need a subdivision application that covers Van Hertel's property, Buckoveckas (sp?) and Theriault, as this has all occurred within five years. Strock stated that he feels all three owners would have to come before the board and discuss what they are going to do with the whole mother lot. Flint agreed with Strock. Pierce shared that sale to an abutter is exempt and shared the passage in the Baldwin subdivision ordinance. Strock asked if it states whether an abutter can be across the street. Land use abutter definition does include someone across a public road. Strock stated that there is a question of whether or not the land use definition applies to the subdivision ordinance. Ernst pointed to a line in the subdivision ordinance that states that definitions not altered in the subdivision definitions can be interpreted by the land use ordinance. Therefore, the definition of an abutting property from the land use ordinance 2.2 says that a parcel across a public road is still an abutting property. The outstanding question is whether or not the entire mother lot has to be included in the subdivision proposal. Strock asked the board for permission to speak to the town lawyer for clarification. The board approved. The board also approved Strock discussing the differences between state statute and town ordinance.

C. Strock brought up a public statement by Efron that he is going to do something other than a campground. There was a new map submitted and Strock wants clarification. Issue three was resolved regarding Natures Wilderness, LLC being able to operate in Maine. Pierce stated that he is recusing himself. He stated that the giving of land to an Aunt of Efron is actually an illegal subdivision as an LLC cannot have a blood relative. Brown stated that there is no change to the plans at all and asked for clarification. Strock stated that Efron is going to offer some free camping sites to cancer survivors. The paperwork submitted to the board is an updated boundary survey. The Nature's Wilderness LLC information has been taken care of, and the LLC can operate in Maine. Brown stated that all of the divisions are legal and we should not be talking about it. Ernst continued to ask some clarifying questions. Asked Strock if when he speaks with the town lawyer he could ask about the mother lot being owned by an LLC. Strock asked that the CEO and selectmen to more gathering of facts on this issue. Strock suggested we move forward. Ernst questioned the wisdom of that if in fact this is an illegal subdivision it will change the whole application, so why are we proceeding. Strock stated he would ask the lawyer. Pierce stated that board was not notified of the transfer of land until recently. Pierce stated that an LLC does not have personhood. Continued to move forward discussing finding of fact document from SMPDC located on the town website. Question regarding "abutting surrounding lands". Strock asked that the language be changed, as it is not abutting land. Feldman suggested it should be changed to "campground property" and not including permission from abutting property owners for primitive recreation or ATV use. Strock asked Feldman if a condition would make sense to add signage to designate the edge of the property. Discussed ATV use from 7am to half an hour after sunset. Fricker stated that it makes sense and he supports those hours. Discussed a condition that there will be no ATV races. No modified exhaust systems—All ATV's must meet state exhaust system requirements. Pierce requested that we invite a warden to the next meeting and it would be helpful. Discussed having a warden come talk to the board about ATV use. Ernst asked if ATV's at a private campground have to be registered in Maine and therefore follow Maine requirements, Brown stated that they do not have to be registered in Maine. Discussed right of entry and inspection by CEO and DHHS. Strock suggested adding the word "and" instead of "or" to make sure it includes town officers being able to enter the property. Discussed registration and made minor changes to language. Water analysis, discussed that a copy of the water analysis for each well or water source. Discussed dump station, not part of phase 1, but will be there for phase 2. Fricker asked what RV's will do with waste during phase 1. Brown stated that there is a plan to put in septic systems designed for campers. Ernst brought up septic systems needing to be in place for phase 1. Pierce asked if there is someone from the state who can come explain to us about campgrounds etc. Strock asked if Feldman could do some review of the septic being provided. Garbage and rubbish was discussed. Discussion ensued regarding animal proofing and dumpsters being secure. Feldman was going to add language regarding animal proofing. Swimming pool was discussed. Sanborn asked for clarification that there will be a fence around the pool. Brown

stated that it is state law that there will be a four foot tall chain link fence with self-closing gates. Feldman will add language. Park amenities and services were discussed and only available to campers and guests. Discussed ensued regarding “and guests”. Brown stated that the rule at the campground will be two guests per campsite. Discussion regarding campers and guests, and some inconsistency in language.

V. Adjournment

Ernst made a motion to adjourn at 9:08pm. Pierce seconded. Passed unanimously

Submitted by: Nichol Ernst