

Minutes of the Sweden Planning Board Public Hearing on proposed revisions to the Sweden Zoning Ordinance, Subdivision Regulations and Zoning Map

Thursday January 31, 2008 at 7:00 PM

1. Chairperson Grace Keef called the meeting to order at 7:00 PM.

PRESENT: Planning Board chairperson Grace Keef. Planning Board members: Julie McQueen, Rob Slattery, Wolfgang Duve, Alternate John P. Smith, Alternate Gayle Bartlett, CEO: Eric Gulbrandsen

ABSENT: Board Member Ron Kiesman

Visitors: Davis and Shirley Kimball, Sam and Sue Black, Ken and Jane Forde, George Bassett, Ursula Duve, and Marcia Storkerson

2. Chair determined that there was a quorum.

3. Opening Statement: Chair described the purpose of the hearing and general procedure governing its conduct. *"We are here tonight to hold a public hearing on the proposed revisions to the Sweden Zoning and Land Use Ordinance, the Sweden Subdivision Regulations and the Sweden Zoning Map. During the hearing, anyone with a question or comment shall state for the record their name, and the nature of their interest in the hearing, even if we all know who you are."*

4. Julie McQueen gave a brief summary of proposed changes:

A. Zoning Map

- i. A brief history: In 1971 a law was passed that gave the DEP the right to decide to put certain properties into Natural Resource Protection. In 1973 the Division of Inland Fisheries and Wildlife designated certain areas as Significant Wildlife Habitats- Inland Waterfowl and Wading Bird Habitats. The current changes to these habitats are based on 2006 data. A few weeks ago the DEP decided to extend the deadline for updating ordinances to meet the new Shoreland Zoning Laws because the DIFW was looking more carefully at their data and revising it. With the help of the DEP, Sweden was able to get their data updated right away and LEA was kind enough to update Sweden's maps last Friday. There were 6 additional properties affected and several removed from the list, so additional letters of notification were sent out this week and an additional hearing will be held on Feb. 14th to allow the owners of any newly added property to be heard.
- ii. LEA has removed any developed areas from the map as allowed by law. This makes the proposed map (referred to as "Working Draft 1-25-08") less restrictive than the DIFW data shows. State law requires that towns adopt their own ordinances. If Sweden chooses not to adopt the map produced by LEA, the State will adopt the more restrictive version for the Town. The next step would be that the Town would have what is called a "Conditional Approval" which means that the Town is required to use the map that the DEP adopts but is still not in compliance with the Law until the Town legally adopts a map that is acceptable to the DEP.

B. Zoning Ordinance

- i. The Zoning Ordinance was revised in accordance with the Comprehensive Plan in October of 2006. During the summer of 2007, the DEP reviewed Sweden's revised Ordinance and approved it in September of 2007. Further revisions were required in order to comply with new Shoreland Zoning Laws. These changes were very specific and make up most of the proposed changes to the Ordinance.
- ii. Since the Planning Board had to go through the exercise anyway, they took the opportunity to add a section on Road Signs in accordance with the E-911 law that was adopted in the late 1990's. The requirements haven't changed; it's just that now they are incorporated into the Ordinance for easier reference.
- iii. The building permit section has been reworded to allow the Municipal Officers to revise building permit fees as appropriate from time to time without going to the expense of producing a completely new Zoning Ordinance.

C. Subdivision Regulations

- i. Most of the proposed changes to the Subdivision Regulations have been made simply to clarify the process. The Regulations were originally adopted in 1986 and the Board has found through the years that often the process wasn't clear to the applicant or to the Board so we took the opportunity to include the procedure required in each section.
- ii. One addition to Section 9.1.B allows for the Board to require the subdivision applicant to deposit money into a fund which is to be used in the event that any additional testing or inspection is required. This is now a standard practice for the protection of future property owners.
- iii. There are also a couple of DEP requirements in the Subdivision Regulations.
- iv. One change was to the requirement on survey monuments from a 3/4" to a 5/8" monument which is a current industry standard.
- v. The road Section (Section 11) has been updated to incorporate current Maine Road Construction Standards and practices.
- vi. One last change is to delete the option of using a Performance Bond as the guarantee for a proposed subdivision. Applicants don't like to use them and they are difficult for a Town to access in the case of default, so we decided to remove the option to make it easier all around.

5. All attendees were invited to ask questions or make comments and were reminded that questions are to go through the chair.

A. George Bassett asked if property put into NRP was taxed at a lower rate.

*Julie McQueen had asked that same question of the Tax Assessor who said that any property of the type that would be put into NRP was likely already put into the category where it is assessed at the lowest rate. The rate is affected by current market values. The assessor invited the Board to feel free to have anyone with questions contact the assessor's office directly. The Board has no problem with this and John Smith recommended that George exercise the option.

B. Sam Black asked about the reference to the Town of Sweden Fee schedule mentioned in the Building Permit section. The fee schedule will be developed in order to allow the CEO and the Selectmen to adjust rates in accordance with current practices without having to completely revise the Zoning Ordinance. Fee adjustments will still be made in a public forum such as at a Selectmen's meeting. Eric explained that in the past, the cost of building permits was determined based on valuation. They will now be based on a basic fee plus a price square foot which is more equitable and more uniform.

C. There were no questions on the proposed Subdivision Regulations.

6. Announcement: Due to recent changes in the Zoning Map, another Public Hearing will be held on Feb. 14, 2008 (the night of the Planning Board's next regularly scheduled meeting) at 7:00 PM at the Meeting House. This will give those who have been newly added to the list of affected properties an opportunity to be heard. The weather date will be Feb. 21st, 2008.

7. Once everyone had an opportunity to be heard and there were no more questions, the hearing was closed.

8. Adjourned at 7:15 PM.