

1. Call to Order Dave Johnson called the meeting to order at 7pm in the Sweden Meeting House.

2. Introduction of Attendees: Present: Gail Bartlett, Annette Bouchard, Dave Johnson and Wolfgang Duve, members; John Smith, first alternate; Eric Gulbrandsen, CEO; and Marcia Storkerson.

Guests: Lisa Ackley, Bridgton News; Sam Black; Gary and Ruth Crowell, agents for Pie Tree Corporation LLC; Dell Foss; and Ed Josephson.

John Smith nominated Dave Johnson to be Chairman. Gail Bartlett seconded the nomination. There being no further nominations, Dave moved to close the nominations. John Smith cast one ballot to elect Dave as Chairman.

3. Meeting Minutes: The minutes from the December 18, 2008 meeting were read and unanimously accepted.

4. Communication and Bills: Dave Johnson read the listings of Correspondence received and Sent since the last meeting:

A. Correspondence Received (by date)

1. Building Permit dated December 19, 2008 indicating that the building now being built by Pie Tree Corporation LLC is a 576 SF apple storage facility.

2. Letter dated December 23, 2008 from Ron Kiesman, resigning from the Planning Board effective December 31, 2008.

3. Letter dated December 31, 2008 from MMA to Planning Board indicating that the proposed farm stand does require a Conditional Use Permit and that it would be limited to the sale of produce raised on the premises during the time when the residence is actually occupied by those operating the farm stand.

4. Letter (undated but sent Jan. 2, 2009) designating Gary Crowell to act as Pie Tree Corporation LLC's agent in all matters pertaining to the application and indicating that the application is now for a farm stand and apple storage facility.

5. Letter dated January 6, 2009 from K&W Timberlands stating that the Subdivision Amendment to Woodbury Hills has been recorded". (The Board still needs a copy of the receipt.)

6. Letter dated January 7, 2009 from FEMA re: final flood hazard determination for our community.

7. Letter dated January 8, 2009 from Shawn Shea (abutter to Pie Tree Corporation LLC) in support of the application for an expanded farm stand.

B. Correspondence Sent (by date)

1. Letter dated December 19, 2008 re: Site walk (at 3pm) & Public Hearing (at 7:30pm) Scheduled for January 15, 2009 for CUP application for Pie Tree Corporation LLC expanded farm stand and retail store. Sent certified mail to applicant and 4 abutters; copies in mailboxes at the Town office to Selectmen, Appeals Board and CEO.

2. Letter dated December 22, 2008 to MMA Legal requesting assistance with Ordinance Interpretation.

3. Letter dated December 22, 2008 to Pie Tree Corporation LLC requesting a letter designating an agent and an amended application.

4. Letter dated December 29, 2008 transmitting \$50 Conditional Use Permit Application Fee to Treasurer.

5. Eric Gulbrandsen presented the CEO's report for December 2008 after the two public hearings. Wolfgang Duve moved and Annette Bouchard seconded that the report be accepted. The motion passed unanimously.

6. Old Business

A. The Board nominated and one vote was cast for Dave Johnson to be the new Chairman at the beginning of the meeting.

B. Public Hearing on the Zoning Ordinance

1. At 7:08pm, Dave Johnson suspended the regular meeting and opened the public hearing on the Zoning Ordinance.

2. The Chair determined there was a quorum of the Planning Board present.

3. The Chair then read the following opening statement and introduction for the public hearing:

Opening Statement: We are here tonight to hold a public hearing on the proposed revisions to the Sweden Floodplain Ordinance with minor changes to the Sweden Zoning and Land Use Ordinance, the Sweden Subdivision Regulations and the Sweden Fee Schedule. During the hearing, anyone with a question or comment shall state for the record their name, address, (residence or business whichever is appropriate), business or professional affiliation, the nature of their interest in the hearing, and whom they represent even if we all know who you are.

Introduction: Sweden is a participant in the National Flood Insurance Program. FEMA has updated their floodplain maps and will be reissuing them this year. We have a copy of the proposed Floodplain Ordinance and the Map here and it is also available on the website at: <http://www.eskerridge.com/Sweden.htm>.

4. and 5. The Chair then provided a brief summary of the proposed changes:

The State Planning Office has customized the state model floodplain ordinance for Sweden which contains all of the significant changes that have occurred in the federal regulations since our ordinance was last adopted. It is very important that the town adopt the ordinance by June 30, 2009. The Planning Board must also revise the Zoning Ordinance to reference correct dates, etc. Over the past two years other minor issues have come up and this is the opportunity to correct those also. These changes are shown on the attached spreadsheet with a brief explanation. There are no substantive changes proposed.

The Chair then opened the hearing for public comment and discussion. Dell Foss of Loon Point wanted to be certain her house was not in a floodplain. Eric Gulbrandsen said the state's floodplain mappings are now based on topographical surveys so that elevation is taken into account. In his review of the new mapping, Eric saw no changes since the last iteration.

6. There being no further discussion, the Chair closed the public hearing on the Zoning Ordinance at 7:18pm.

C. Conditional Use Permit Public Hearing for Pie Tree Corporation LLC

1. At 7:19pm, Chairman Dave Johnson called the public hearing on the Conditional Use Permit for Pie Tree Corporation LLC to order.
2. The Chair determined there was a quorum of the Planning Board present.
3. The Chair then read the following opening statement about the hearing and the background leading to the decision for a public hearing:

Purpose of the Hearing: The planning Board is in receipt of an application dated November 14, 2008 made by Pie Tree Corporation LLC for an expanded farm stand and retail store at the existing apple orchard in a rural preservation zone on Waterford Road (Map R-2 Lot 35-A). The original application was for a 1,500 SF building. At the December 18, 2008 meeting of the Board, the owner's representative acknowledged that construction had been started (the footing had been poured and all the forms were in place for the concrete foundation of a 2,000 SF facility) without either a building permit or a conditional use permit. On December 19, 2008 the Code Enforcement Officer issued a building permit for a 576 SF apple storage facility so construction could continue on the building.

A letter dated December 22, 2008 was sent by the Planning Board Chairman to Pie Tree Corporation LLC requesting that an agent be designated to represent them in matters pertaining to the application and that the application be amended to reflect the correct square footages and any change in intent of the application. A letter (mailed January 2, 2009) was received by the Board designating Gary Crowell as the agent in matters pertaining to the application and indicating that the Hearing scheduled for January 15, 2008 is for a farm stand and an apple storage facility. No revised application has been formally submitted but the revised building permit reflects a 576 SF building with a proposed use listed as cold storage

The request is still before the Board to consider the Conditional Use Permit application for an expanded farm stand and retail facility to sell T-shirts, sweatshirts, hats and crafts. There also cooking facilities and the installation of a cider press indicated on the original application. This is not consistent with the most recent correspondence received from the owner and has not been amended as requested to correct the inconsistencies discovered at the December 18, 2008 meeting.

The new building permit application also indicates an existing "retail shed" which is an error in terminology. No permit for a "retail" building of any kind has been issued, and this is actually an existing farm stand.

The Board must clarify the intent of the application with the agent before proceeding with the hearing. It would appear that the original application has been replaced and that the applicant now intends to make application for a 576 SF farm stand and apple storage facility. If this is not the case, the applicant will be required to amend the application for the inconsistencies and possibly provide more information (test pit results, soils tests, site plan, etc. if the intent is to have running water, etc.) in order for the Board to complete the required findings and conclusions.

Once the Board determines the intent of the applicant; they will review the application and evidence presented at this Hearing.

4. At their meeting on December 18, 2008 the Board voted to have a public hearing on January 15, 2009 (within the 45 days as required). A \$50 application fee was received by the Board and was transmitted to the Treasurer on January 5, 2009.

5. Notices were sent as required:

- a. At least 20 days prior to the meeting, required notices were given to the Selectmen, CEO, the Board of Appeals (letters were left in the mailboxes of each on December 24, 2008).
 - b. At least 20 days prior to the public hearing, notices were also sent via certified mail to applicant and abutters. (mailed on December 23, 2008). The Board has receipts for all notices sent but has not received one return receipt.
 - c. At least 10 days prior to the public hearing, notice of the public hearing for the Conditional Use request was made in the Bridgton News (In the January 1 and January 9, 2009 editions) The Board has copies of the advertisements.
6. In accordance with Section XIII. Conditional Use Subsection A. (page 47) Application for Conditional Use: The Planning Board is authorized to hear and decide upon applications for Conditional Use Permits in accordance with State
7. In accordance with Section XIII. Conditional Use Subsection A. 2. The CEO has determined after inspection, that the proposed use is not a permitted use but may be allowed as a Conditional Use as outlined in Section VIII and Section XI of this Ordinance.

8. The Chair then described the procedure of the Public Hearing:

- a. Applicant's side to be heard first and shall proceed without interruption.

Questions may be asked through the Chairman. All persons at the hearing shall

abide by the order and direction of the Chairman.

b. The Planning Board may receive any oral or documentary evidence but shall provide, as a matter of policy, for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present its case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

c. The Planning Board Chair may waive any rule relating to the conduct of any hearing, provided that good cause is shown. The rule and reasons for waiving it shall be recorded by the Secretary.

d. After everyone has had a chance to be heard the hearing will be closed and the Board will return to their regular meeting.

No decision is made at the hearing itself. Often the Board reconvenes to their regular meeting after the Public Hearing to discuss the application and make a decision. If more time is needed for the discussion an additional meeting may be required. The Board must render a decision within 30 days of the Public Hearing.

The Chair then turned the floor over to Gary and Ruth Crowell to present the case for the Pie Tree Corporation LLC farm stand at 7:25pm.

Ruth Crowell explained that the farm stand's wares would be limited to what has been raised on site. Pie Tree Corporation LLC does have plans to expand its season by adding new crops. The long-term goal is to transition to sustainable and organic agriculture. A lot of grafting has been done to expand to peaches and pears. Berries and vegetables will also be added. In three years, Pie Tree Corporation LLC hopes to have the orchard certified organic. They very much want to support the traditional lifestyle. There will also be an informal educational component through extension service demonstrations at the orchard. By preserving the land for agricultural use, rather than as a subdivision, Pie Tree Corporation LLC is working to maintain the rural residential character of the Town. In her review of the Zoning Ordinance, Ruth concluded that a Conditional Use Permit for the approximately 2,600 square foot farm stand is something the Planning Board could consider under Home Occupation. The Crowells concluded their presentation at 7:50pm.

The Chair noted that positive comments had been received from abutters. He noted that the Planning Board's challenge is to take a good idea and work through the regulations.

Sam Black noted that there is some confusion between a farm stand and home occupation. To his knowledge, this is the first time the issue has emerged. He also said it was quite unusual to have an applicant deliver such a well-researched presentation and acknowledged all of the homework the Crowells had done. He was all in favor of the granting of a CUP for the project.

John Smith asked whether there were plans to wholesale cider to some place like Hannaford. Gary Crowell said the cider press they planned to have on site would not be big enough to manufacture wholesale cider in bumper crop years, though Pie Tree Corporation LLC will continue to sell apples wholesale to a company which manufactures cider for distribution elsewhere.

The Chair closed the public hearing on the Pie Tree Corporation LLC Conditional Use Permit Application at 8:12pm, thanking the Crowells for being so well prepared. The Board then returned to its regular meeting.

D. Discussion of the Pie Tree Corporation LLC Conditional Use Permit Application.

The Board members were in agreement that the proposed farm stand and apple storage facility were consistent with the comprehensive plan. With respect to Home Occupation, Eric Gulbrandsen thought it met all the criteria and John Smith concurred with him. Eric suggested an annual review of any CUP.

After a lengthy discussion the Chair entertained a motion. John Smith moved to approve a Conditional Use Permit for Pie Tree Corporation LLC Gail Bartlett seconded the motion. The motion was unanimously approved.

5. CEO Report: Eric Gulbrandsen presented his CEO report for December. Wolfgang Duve moved and Annette Bouchard seconded the acceptance of the report. The motion passed unanimously.

Note: There was a site visit to Pie Tree Corporation conducted on Jan. 15, 2009 at 3 PM.

Following is a list of attendees:

Dave Johnson, Wolfgang Duve, John P. Smith, CEO Dave Johnson, Fire Chief Warren Noble, Gary Crowell from Pie Tree Corp.
Gary gave a tour of the site.

7. New Business

There was none.

8. Announcements:

The Chair said the next regular Meeting will be Thursday February 12, 2009 at 7pm at the Sweden Town Meeting House.

At 9:58pm, Gail Bartlett moved to adjourn the meeting.

Respectfully submitted,
Marcia Storkerson