

Minutes for Tuesday, November 16, 2010 Planning Board Meeting

1. Call to Order: Chairman David Johnson called the meeting to order at 7:06 PM.

2. Introduction of Attendees: Present were: Chairman David Johnson, Secretary Laura Chadbourne, Members Gail Bartlett, Annette Bouchard, and Bob Scott, and CEO Eric Gulbrandsen. Absent: Alternate Member Ron Kiesman.

3. Read Minutes from October 19, 2010 Meeting: The minutes from the October 19, 2010 meeting were read by David Johnson. Gail Bartlett moved and Annette Bouchard seconded the acceptance of the minutes as written. The motion passed unanimously.

4. Communication & Bills

A. Correspondence Received:

1. 11/1/2010 rec'd by PB Secretary at home: Copy of letter dated 10/30/10 from CEO to Shannon McManus of KJK Wireless indicating that CUP application materials had been received by CEO with attachment 7 pages of "Excerpts from Swedn Zoning and Land Use Ordinance Seveth Revision March 21,2009. Letter instructed KJK to send copies of site and tower plans to each Board Member.
2. 11/1/2010 rec'd by PB Secretary at home: Check dated 10/10/10 in the amount of \$50.00 from Shannon McManus to the Town of Sweden for CUP application fee.
3. 11/1/2010 rec'd by PB Secretary at home: CUP application form dated 6-14-10 for 190' self-support cell tower with 6 panel antennas at 187'. A 12' x 20' equipment shelter (prefab concrete) with diesel generator located inside. Everything fenced in a 75' x 75' compound. 12' wide gravel access road to lead to the top. Owners listed as The Sweden Realty Trust – Howard and Joan Buker, Trustees and the contractor listed as US cellular c/o KJK Wireless.
4. 11/1/2010 rec'd by PB Secretary at home: enclosed with CUP application from KJK Wireless, Letter from Howard and Joan Buker dated 4-28-10 authorizing U.S. Cellular and its agent to file a zoning application and conduct associated business for an unspecified property on Lovell Rd. Route 93.
5. 11/1/2010 rec'd by PB Secretary at home: enclosed with CUP application from KJK Wireless, a set of US Cellular site plans dated 8-23-10 and a structural design report stamped 9-27-10 for tower.
6. 11/2/2010: rec'd by PB Secretary at home: copy of letter dated 10/30/10 from CEO to PB Chairman indicating that KJK Wireless has submitted an application for a CUP for a wireless communication facility.
7. 11/9/2010: email rec'd by Chairman David Johnson from Ms. Jacqueline Gallishaw regarding a house and property at 375 Black Mountain Rd. (detail under "New Business" below). ; Chairman responded by email that the matter would be discussed at the 11/16/2010 Board meeting.
8. 11/16/2010: email sent by Shannon McManus of KJK Wireless to CEO, cc: Chairman and Secretary, acknowledging receipt of 11/15 email from Chairman (details below), and that she was noting the December PB meeting date on her calendar.

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B. Correspondence Sent (by date):

1. 11/15/2010 from Chairman David Johnson to Shannon McManus of KJK Wireless via email. Email noted receipt by David of the US Cellular site plans on Nov. 15th, and that the information would be on the agenda for the December 21, 2010 Planning Board meeting. At that meeting, the Board would determine whether the application is complete or whether more information might be needed. Also noted in the email was that this application is the first of its kind in Sweden, and that the Board may need expert help in understanding the materials. If the board decided to hire an independent consultant, KJK Wireless would be responsible for the charges but that the charges would be agreed upon in advance.

5. CEO's Report: Eric Gulbrandsen submitted the October 2010 CEO report. Gail Bartlett moved and Laura Chadbourne seconded the acceptance of the CEO's report. The motion passed unanimously.

6. Old Business:

- A. **KJK Wireless ("KJK") update:** It was noted at previous PB meeting that KJK would have to submit CUP application materials no later than November 2, 2010 in order to have those materials on the agenda for the November 16, 2010 meeting. Aside from CEO and Secretary, no other Members received materials from KJK until November 15, 2010, which was too late to be considered on the November 16th agenda.

Additionally, Members received only the site plan drawings from KJK. Secretary offered to make copies of the tower drawings and circulate to all Members before December 2nd (note that charges for copies will be payable by KJK). The other application materials (the CUP application itself) were received by Members via email from CEO.

It was noted by two Members after an initial glance at the site plan drawings from KJK that the plans were complex and likely not to be fully understood by Board Members. Additionally, Chairman had conducted some online research over the past two weeks on wireless towers in Maine and noted that there were a lot of detailed questions put forth during public hearings for these towers, and that the Board needs to be fully prepared if the application is accepted. Chairman put forth the possibility of having Southern Maine Regional Planning Commission (SMRPC) help the Board review the materials. The Board will further discuss this possibility at the next meeting, once Members have had an opportunity to fully review the application materials.

7. New Business:

- A. 375 Black Mountain Road a/k/a Map R8, Lot 25: Chairman received an email from Ms. Jacqueline Gallishaw regarding a property at 375 Black Mountain Road. Ms. Gallishaw is interested in purchasing house at this address and wanted to be sure the house and land had been properly subdivided by the current owner. David had replied via email that he did not have personal knowledge about the issue but that the Board would discuss the matter at the November 16, 2010 meeting.

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Also in the past month, CEO received an email from current owner of the very same lot: R8, Lot 25. The owner is Mr. Mark Lopez, who asked the CEO if this lot could be divided once (into two lots) without it being considered a subdivision. CEO sent email to owner confirming that a single division was not considered a subdivision.

The Board reviewed the Zoning and Subdivision Ordinances regarding this property. The following was noted:

- Lot is in a Residential Zone
- Minimum acreage in this zone is 70,000 sq. ft. (slightly more than 1 ½ acres)
- Minimum road frontage in this zone is 150 feet.
- Minimum road frontage for a back lot is 50 feet.
- Therefore, a minimum of 200 ft. of road frontage is necessary to divide this lot.

Chairman will respond to Ms. Gallishaw with this information, and will encourage her to obtain a copy of the Sweden Zoning Ordinance for her own review.

B. The Board review of Town of Sweden Zoning Ordinance, beginning at Section X.T, page 32, was postponed until a future meeting due to time constraints.

8. Announcements:

A. The next regular Meeting is scheduled to take place on **Tuesday, December 21st at 7:00 PM** at the Sweden Town Office.

B. The board still has an opening for one alternate (an alternate serves a one year term). Should anyone express interest, they can be appointed by the Selectmen.

Gail Bartlett moved and Bob Scott seconded that the meeting be adjourned at 8:10 PM. The motion passed unanimously.

Respectfully submitted,

Laura Chadbourne
Secretary