

## Minutes for Tuesday, March 22, 2011 Planning Board Meeting

1. **Call to Order:** Chairman David Johnson called the meeting to order at 7:05 PM.
2. **Introduction of Attendees:** Present were: Chairman David Johnson, Secretary Laura Chadbourne, Members Annette Bouchard and Bob Scott, and CEO Eric Gulbrandsen. Absent: Member Gail Bartlett and Alternate Members Ron Kiesman and Jane Gibbons.
3. **Election of Officers:**
  - A. **Chairman:** Laura Chadbourne nominated and Bob Scott seconded David Johnson as Chairman. The motion passed unanimously.
  - B. **Secretary:** Annette Bouchard nominated and Bob Scott seconded Laura Chadbourne as Secretary. The motion passed unanimously.
4. **Read Minutes from March 1, 2011 Meeting:** The minutes from the March 1, 2011 meeting were read by David Johnson. Annette Bouchard moved and Bob Scott seconded the acceptance of the minutes as written. The motion passed unanimously.
5. **Communication & Bills**
  - A. Correspondence Received (by date):
    1. 2/15/11 – email sent to Chairman David Johnson and CEO Eric Gulbrandsen from Richard Trafton (re: US Cellular wireless tower CUP), asking if the CUP application could be considered at the PB’s April meeting. Eric Gulbrandsen replied on 2/15 indicating that this would not be a problem and that he believed David was away.
    2. 3/3/2011 – email received by Secretary Laura Chadbourne from Shannon McManus of KJK Wireless. Email contained attachments related to CUP for wireless tower. Attachments were:
      - Authorization letter signed by landowners
      - Copy of lease agreement between US Cellular and landowners
      - Sound study
      - FAA report
      - Generator spec sheets
    3. 3/7/11 – email received by Laura Chadbourne from Shannon McManus requesting that the applicants be added to the April 19<sup>th</sup> agenda. Email also outlined information regarding the DEP application (which had been requested by the Board in the 1/27/11 letter to KJK). Shannon noted the following: “we never had to file one [DEP application] because we were able to reduce our wetland impacts to a minor amount which doesn’t require a DEP wetland application.” Email also stated that there would be revised sets of plans in the mailed packages to Board members. Finally, the email stated that KJK will mail the soil survey to everybody when it is complete.
    4. 3/8/11 – email received by Chairman David Johnson from Shannon McManus asking if KJK could be added to the May PB “hearing” instead of April 19<sup>th</sup> meeting. Dave Johnson responded via email on 3/9/11 that the PB meeting would be on May 17<sup>th</sup>, and that the Board has no problem rescheduling to May.

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5. 3/8/11 – email received by Laura Chadbourne from Shannon McManus letting Board know that they may want to be at the “hearing in May”. Laura responded on 3/9/11 that Dave Johnson had already given Shannon the May dates.
6. 3/9/11 – mail package received by Laura Chadbourne via US Mail from Shannon McManus of KJK Wireless. Package contained hard copies of above items from email on 3/3. Package also contained:
  - Radio Frequency Engineering Report
  - Revised site plans (1/2 size; two sets)
  - NEPA report
7. 3/10/11 – mail package received by Laura Chadbourne at Sweden Town Office from Shannon McManus of KJK Wireless. Package contained hard copies of above items except it did not have any copies of revised site plans.
8. 3/10/11 – flyer received in PB mailbox from Oxford County Soil and Water Conservation District with a list of their services.
8. 3/14/11 – email received by Laura Chadbourne from Shannon McManus, asking if the Board wanted to do the site walk before the meeting in May, or to schedule it at a meeting, and that they were flexible.

### B. Correspondence Sent (by date):

1. 3/6/2011 - email from Laura Chadbourne to Shannon McManus of KJK Wireless, responding to receipt of emailed materials on 3/3/11. Laura’s email contained excerpts from 1/27/11 letter from Board to KJK, specifically the additional items that KJK needed to submit to the Board. Email also reiterated how many copies of the materials were needed and in what form (mail vs. email), information on upcoming PB meetings for March and April, and a reminder that the CEO no longer needed to be copied or contacted regarding the application.
2. 3/8/2011 - email from David Johnson to Shannon McManus, letting her know that the May PB meeting is on May 17<sup>th</sup>, and that he had no problem rescheduling them to May.

**6. CEO’s Report:** Eric Gulbrandsen submitted the February 2011 CEO report. Annette Bouchard moved and Bob Scott seconded the acceptance of the CEO’s report. The motion passed unanimously.

### 7. Old Business:

- A. The Board reviewed materials received from KJK Wireless re: CUP for wireless tower. Several pieces of information the Board had requested were submitted, as noted in “Correspondence Received” above.

However, after carefully reviewing standard CUP application requirements at the meeting, the Board noted that it is still waiting on several pieces of information, as follows:

1. DEP Application, which should also include a phosphorous control review. It appears that a Stormwater Permit is required due to the amount of impervious area per Chapter 500 Standards of the Stormwater Management Law. It is the Board’s understanding that the application requires DEP review and approval.

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2. Generator fuel: where fuel will be stored (in shelter, outside of shelter, size and location of fuel tank), amount of fuel on site, how fuel will be transported and, if necessary, how it will be disposed of.
3. Generator hours / odors: how often and when generator will run (i.e., create noise) and whether it will produce odors.
4. Traffic and noise: need to know how often trucks will be on site, and how large/loud will vehicles will be.
5. Road maintenance: the lease submitted does not appear to address road maintenance. The Board will require evidence that US Cellular will maintain the road, and how the maintenance will be done.
6. High Intensity Soil Survey
7. Explanation of “Revised” site drawings – the drawings that were sent “as revised” appear to be identical to those sent earlier. Board needs detail from applicant in writing as to what, if anything, has changed.
8. Five **full size** sets of plans. The current plans submitted are half-size. Full size drawings are desired by Secretary, with copy for Town files as well as SMRPC, CEO, and Planning Board assistant.
9. 2 driveway permits
10. A guarantee from the applicant as outlined in the Sweden Zoning and Land Use Ordinance Section X. Performance Standards Subsection Z Wireless Communication Facilities 9: “Prior to approval, the applicant shall submit a guarantee acceptable to the Town in an amount sufficient to pay for the cost of removal of the facility. The guarantee shall be made available to the town upon a finding, including adequate written notice to the applicant, that the facilities have not been used for a six-month period.”

The Board will send a letter to KJK requesting the above missing items. The letter will also note the following:

- Board will require delivery of these materials to each Board member at least two weeks prior to a scheduled Planning Board Meeting in order to give members time to review the materials.
- That we now have an additional Board Member (Jane), and will include her information.
- Reminders about the process:
  - That KJK’s application for a CUP has not been accepted as complete by the Planning Board (pursuant to the Board’s vote not to accept at the 12/21/10 Planning Board meeting).
  - That the Board will not forward a package to SMRPC until the above materials are received; and that SMRPC will not review the materials until payments is received from applicant for that review.
  - That the Board will not accept application as complete until after SMRPC review (and receipt of any additional materials needed pursuant to that review).
  - That only once the application has been accepted as complete will the Board schedule a site walk and Public Hearing.

Additionally, the Board noted items that will be due **from others** (not applicant):

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1. Written response from Wayne Miller
  2. Written response from Stephen Goldsmith
  3. Written response from Oxford County Sheriff
  4. Written statement or comments from Fire Chief (after site walk and review of information)
  5. Written statement or comments from Sweden Historical Society (after site walk and review of information).
- B. The Board briefly discussed the wind energy facility Ordinance amendment request by Board of Selectmen. Given that the warrant article regarding this issue failed at the Town Meeting, the Board agreed not continue to discuss wind generation at this time. It was noted that the Board would be willing to reconsider drafting a proposed amendment to the Ordinance if the right conditions were met. If a resident or residents were truly interested, they need to contact the PB Chair and ask to be put on the PB agenda at a future meeting when the Board has time available. The Board needs an opportunity to review the request, understand its intent, and review the town's Comprehensive Plan and the existing Ordinance to be sure that an amendment can be proposed without it resulting in inconsistencies.
- C. Subscriptions: PB Secretary has renewed subscriptions to the Maine Townsman for all members and has added Jane Gibbons as a subscriber. All magazines will now go to Members' mailing addresses, not to the Town Office.

### **8. New Business:**

- A. None

### **9. Announcements:**

- A. The next regular Meeting will be **Tuesday, April 19, 2011** at 7:00 PM at the Sweden Town Office.
- B. Bob Scott was re-elected to a 5-year Member term at the annual Sweden Town meeting on March 19, 2011.
- C. Jane Gibbons was elected and Ron Kiesman was re-elected to 1-year terms each as Alternate Board Members at the annual Sweden Town meeting on March 19, 2011.

Annette Bouchard moved and Laura Chadbourne seconded that the meeting be adjourned at 8:26 PM. The motion passed unanimously.

Respectfully submitted,

Laura Chadbourne  
Secretary