

Minutes for Tuesday, November 20, 2012 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 Bob Scott and Annette Bouchard, Alternate Member Ron Kiesman, and CEO Eric Gulbrandsen. Absent: Member Gail Bartlett. Also in attendance was Mr. Dimitri Savchick, Certified Erosion Control Contractor for the Maine Department of Environmental Protection. Mr. Savchick represented himself verbally as agent for CUP applicant Thomas Fadden.

3. Read Minutes from the October 23, 2012 Meeting: The Minutes from the October 23, 2012 meeting were read by David Johnson. Annette Bouchard moved and Bob Scott seconded the acceptance of the Minutes as written. The motion passed unanimously.

4. Communication & Bills

A. Correspondence Received (by date):

1. 10/29/12 rec'd by Laura Chadbourne, Secretary, email from Adam Doiron of Doiron Environmental with attachment of newspaper clipping of the Public Notice of DEP Stormwater Management Application filing for the US Cellular proposed wireless tower site (R4, 10B). The Public Notice was published in the September 13, 2012 edition of the Advertiser Democrat newspaper. Doiron also confirmed verbally with Laura that all abutters were successfully contacted via certified mail by Doiron. Laura forwarded this email correspondence to all Planning Board Members via email on 10/29/12.

2. 10/30/12 rec'd by Laura Chadbourne in Planning Board mailbox, copy of letter dated 10/26/12 from CEO Eric Gulbrandsen to Nicholas Hahn, Lead Analyst, Transmission, Vegetation Management at Central Maine Power (CMP). Letter confirmed the Town of Sweden's agreement to CMP's plan to install and maintain a vegetative screen where cutting occurred in violation of CMP's Conditional Use Permit dated June 21, 1975.

3. 11/9/12 rec'd by Laura Chadbourne in Planning Board mailbox, cover letter dated 11/5/12 from CEO Eric Gulbrandsen with attached application for a Conditional Use Permit (CUP) from Tom Fadden and Harold Whitaker for proposed timber harvesting on property on Lee Gray Road at Map R-6, Lot 23. A portion of the property is in a Natural Resource Protection Zone.

4. 11/9/12 rec'd by Laura Chadbourne via email, invitation from Maine Municipal Association to attend "Local Planning Boards and Boards of Appeal" training on Tuesday, Dec. 4, 2012 in Augusta, ME.

B. Correspondence Sent (by date):

1. None.

5. CEO's Report: Eric Gulbrandsen presented the CEO report for October 2012. The following activity occurred:

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- A. Building Permits issued:
 - a. Mark and Myrna Goldstein, U6, 3-1, Hardscrabble Rd., 18' x 21' addition, enclose porch 8' x 16'. Fee: \$131.08.
- B. R.V. Permits issued: none
- C. Certificates of Occupancy issued: none
- D. Violation Notices issues: none
- E. Timber Harvest notifications:
 - a. Black Mountain Enterprises, R8, 29, Black Mountain Rd.
 - b. Small Woodland Owners Association, R3, 22, Goshen Rd.
- F. Other:
 - a. Cindy Tripp, junk vehicles, partial compliance.
 - b. Central Maine Power vegetative screen compliance letter.

Laura Chadbourne moved and Annette Bouchard seconded the acceptance of the CEO's October 2012 report. The motion passed unanimously.

6. Old Business:

- A. None.

7. New Business:

A. Although Mr. Savchick had not requested to appear on this meeting's agenda, Chairman David Johnson allowed Mr. Savchick to speak to the Fadden/Whitaker CUP application. Mr. Savchick passed around a map of the property (from town tax map) overlaid with an indicator of the Natural Resource Protection zone area that is contained within the property. Mr. Savchick made particular note that the applicants will be following harvesting procedures from the Maine Department of Inland Fisheries and Wildlife (MDIFW) for timber harvesting in the NRP zone, since this area is a mapped habitat for brook trout. These procedures are at least as stringent as Sweden's own timber harvesting procedures for Shoreland Zones. Specifically, MDIFW prohibits any timber harvesting within 75' the normal high-water line, and no more than 40% of total volume of trees 4" or more in diameter from 75' to 250' from the high-water line.

Mr. Savchick also described how the proposed stream crossing of Plummer Brook would be addressed. As part of the proposed timber harvesting, a temporary skidder bridge to cross Plummer Brook would be installed; a detailed description of this bridge is contained in the CUP application materials. The bridge will conform to "Best Management Practices (BMPs) for Timber Harvests" as published by the Maine Forest Service. Excerpts of the BMP guide are included in the CUP application, along with a diagram and description of the proposed temporary bridge. Mr. Savchick noted that the bridge would be steel, set on logs or timbers, and will be removed upon completion of timber harvesting.

CEO Eric Gulbrandsen commented that a driveway permit was in process for this property. Since the property is along a town road, not a state road, only a town-approved driveway permit is needed. Secretary Laura Chadbourne inquired whether there were any stone walls that would be dismantled to construct the driveway, and whether this would pose a problem as they are considered historical relics. CEO indicated there were stone walls, but advised that no special permission is needed to dismantle a small section of the stone wall to construct a driveway.

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Board Members then reviewed Conditional Use procedures as outlined in Sweden's Zoning Ordinance (ZO), beginning on page 47, section XIII. B:

1. **Authorization to apply:** has the property owner, or his agent, made the application? The application is signed by owner Tom Fadden; however, Secretary Laura Chadbourne requested written proof that Mr. Savchick is indeed an agent for the owners. Mr. Savchick assured the Board that he would quickly provide a letter proving he is the authorized agent. Laura provided contact information to Mr. Savchick.
2. **Fee:** has the application fee been received? Secretary Laura Chadbourne confirmed that a check for the \$50 application fee was received and transmitted to the town Treasurer. Laura also informed Mr. Savchick that any funds spent in excess of the \$50 (i.e., copies, letters to abutters, etc.) would be charged to the applicant.
3. **Additional Information:** Board members discussed whether additional information would be needed from the applicant:
 - a. **Plan of area:** already included in application
 - b. **High intensity soil survey:** not necessary for this purpose
 - c. **Location of existing and proposed buildings,** parking areas, traffic access, driveways, piers, open spaces, and landscaping: location of proposed driveway, skidder road, and stream crossing are indicated in the application materials; other items not applicable as no buildings are being erected.
 - d. **Plans of buildings, sewerage disposal facilities, and water systems:** not applicable for this purpose as no buildings are being erected
 - e. **Any other pertinent information:** none needed at this time.

Board Members then reviewed the list of "Factors Applicable to Conditional Uses" as outlined in the ZO, Section XIII.E, page 49. The Board reviewed this list ONLY to determine whether the CUP application contained information which would enable the Board to make a future determination to approve/disapprove the application:

1. The use will not have an adverse impact on the spawning grounds, fish, aquatic life, bird or other wildlife habitat.
2. The use will conserve shore cover and visual, as well as actual, access to water bodies.
3. The use is consistent with the Comprehensive Plan.
4. The need for a particular location for the proposed use.
5. Traffic access to the site meets the standards contained in this Ordinance, and traffic congestion has been minimized in accordance with performance standards in this Ordinance.
6. The site design is in conformance with all municipal flood hazard protection regulations.
7. Adequate provision for the disposal of all wastewater and solid waste has been made.
8. Adequate provision for the transportation, storage and disposal of any hazardous materials has been made.
9. A storm water drainage system capable of handling a 25-year storm without adverse impact on adjacent properties has been designed, and will be put into effect and maintained.

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10. Adequate provisions to control soil erosion and sedimentation have been made.
11. There is adequate water supply to meet the demands of the proposed use, and for fire protection purposes.
12. The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development such as, but not limited to, noise, glare, fumes, dust, odor and the like.
13. All performance standards in this Ordinance applicable to the proposed use will be met.
14. The proposed use will be compatible with all uses permitted in the underlying Zone and on abutting properties.
15. The proposed use will not have unreasonable impact upon Municipal facilities.

The Board discussed all 15 factors and noted that information relevant to them, as applicable, appeared to be contained in the CUP application.

Chairman David Johnson requested a motion to accept the CUP application as complete. Bob Scott moved to accept the application, seconded by Laura Chadbourne. The vote was unanimous and the application was accepted as complete.

Secretary Laura Chadbourne will proceed with next steps in the application process, including notifying abutters and ensuring a Public Hearing block ad is published in the Bridgton News. The Public Hearing will be held at the December 18, 2012 Planning Board meeting. The Board agreed to conduct a site walk that same afternoon prior to the hearing. Since darkness falls early in December, the site walk will be held at 3:00 PM.

8. Announcements:

- A. The next Planning Board meeting is scheduled for **Tuesday, December 18, 2012** at 7:00 PM at the Sweden Town Office. This meeting will begin with a Public Hearing for the timber harvesting CUP application from Fadden/Whitaker. The meeting will be **preceded by a site walk for the Fadden/Whitaker CUP at 3:00 PM** at the property located on Lee Gray Road, Map R-6, Lot 23. Property lines and proposed driveway are flagged: orange and pink for lines, blue for driveway entrance.

Annette Bouchard moved that the meeting be adjourned at 8:10 PM. Chairman Dave Johnson adjourned the meeting.

Respectfully submitted,

Laura Chadbourne
Secretary