

Minutes for Tuesday, June 18, 2013 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 Gail Bartlett, Bob Scott, and Julie Frum, Alternate Member Ron Kiesman, and CEO Eric Gulbrandsen. No Members were absent.
3. **Read Minutes from May 21, 2013 Meeting:** The minutes from the May 21, 2013 meeting were read by David Johnson. Gail Bartlett moved and Julie Frum seconded the acceptance of the minutes. The motion passed unanimously.
4. **Communication & Bills**
 - A. **Correspondence Received (by date):**
 1. 5/29 – 5/31/13: series of emails between CEO Eric Gulbrandsen, Chairman Dave Johnson, and Secretary Laura Chadbourne regarding inquiry from Sweden resident Kevin Taylor about a Bridgton subdivision proposal off Westview Lane in Sweden. It was determined that no notification had been served to the Town of Sweden by the Town of Bridgton as is required by state law (if a subdivision is proposed within 500' of a town line, as this one is). Eric noted that he would draft a letter to the Town of Bridgton notifying them of the potential violation.
 2. 5/31/13 rec'd via email by Laura Chadbourne from Eric Gulbrandsen regarding CMP vegetative screening dying off (see below "Old Business"). Eric noted that he will be sending CMP notice about this issue.
 3. 6/3/13: rec'd via email by Laura Chadbourne from Eric Gulbrandsen, email forwarded from Michael Ashe, noting that the length of the dock Mr. Ashe is proposing in the CUP application is 30' long. This information had not been final at the time the Board had received the application at the May 21, 2013 PB meeting.
 4. 6/5/13: rec'd via email by Laura Chadbourne and Dave Johnson from Eric Gulbrandsen, copy of a letter dated 6/3/13 sent from Frank Chowdry, Esq. to Mr. Steve Collins, Chair of the Bridgton Planning Board and Ms. Anne Krieg, Director of Planning, Town of Bridgton. Letter outlined concerns of several Sweden residents about the proposed subdivision in Bridgton (proposed name of subdivision: "Patriot's Way"). Among the concerns mentioned are the state law requirements for joint review of the application since it proposes crossing municipal boundaries. Additionally, the letter challenges the applicant's legal standing to apply due to potential boundary/right of way issues. Finally, the letter outlines concerns about an overburdening of the proposed access road to the subdivision, Westview Drive.
 5. 6/5/13: rec'd via email by Laura Chadbourne and Dave Johnson from Eric Gulbrandsen, copy of a letter dated 6/5/13 from Georgiann Fleck, Executive Assistant for the Town of Bridgton, to the Sweden Planning Board, c/o Eric Gulbrandsen. The letter outlined that at a June 4th meeting of the Bridgton Planning Board, it was determined that joint meetings should be held between Bridgton and Sweden to review the application submitted by Lance Colwell for a 14-lot subdivision known as "Patriot Way" located off Westview Road. The Bridgton Planning Board set an initial date for a joint meeting "to begin discussion of the application" on Tuesday, July 2, 2013 at 7 PM at the Bridgton Town Office.
 6. 6/9/13: rec'd via email by Laura Chadbourne and Dave Johnson from Eric Gulbrandsen, copy of a letter dated 5/31/13 from Eric to Steve Collins, Chairman of the

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Bridgton Planning Board, re: proposed subdivision called "Patriot Way". Letter outlined Town of Sweden's objection to the lack of notification for the presentation of the plan on June 4, 2013. Several portions of Maine Statute "Title 30-A, Chapter 187, Subchapter 4: Subdivisions" were quoted as basis for Sweden's standing on the issue.

7. 6/14/13: rec'd via email by Laura Chadbourne from Carol Colby at O'Donnell, noting that she had received the Ashe CUP sketch and would respond in writing or via phone on Monday, June 17th.

8. 6/14/13: rec'd via USPS by Laura Chadbourne (at home address), packet of information from the Town of Bridgton relating to the Patriot Way proposed subdivision. Within the packet was included:

- Cover letter from Georgiann Fleck
- Site plan of proposed subdivision dated 10/11/2011, drafted by Sawyer Engineering and Surveying, Inc.

Copies of the following correspondence:

- Email from Laura Chadbourne requesting mailing of packets to all members
- Letter dated 6/3/13 from Georgiann Fleck to Dick Spencer of Drummond Woodsum regarding the Patriots Way proposed subdivision. Letter requested legal opinion on whether the town needed to have joint meetings with Sweden. Additionally, the letter requested opinion on whether the owner/developer had a right to convey rights of use over the portion of the road that is in Sweden in order to access the proposed subdivision.
- Email dated 6/4/13 from David Kallin, Attorney, to "Georgiann and Rob" in response to above letter. Email states that joint meetings should be held. It also notes that the applicant must show sufficient right, title, and interest (RTI) in the property to be subdivided, including sufficient RTI to access each lot.
- Letter dated 6/13/13 from Georgiann Fleck to Sawyer Engineering and Surveying, requesting that any future information regarding the proposed Patriot Way subdivision be copied to each member of the Sweden Planning Board.
- Letter dated 6/10/13 from Hugh Hastings to Georgiann Fleck, noting that he would want the Planning Board to ensure that the proposed subdivision plans do not include any drainage of water on to his property.
- Letter dated 6/5/13 from Georgiann Fleck to the Sweden Planning Board notifying them of the proposed joint meeting on 7/2/13.
- Records relating to the establishment of the proposed subdivision road name of "Patriot Way", including approval of the proposed name by the E911 coordinator and the Bridgton Board of Selectman on 6/11/13.
- Letter dated 5/31/13 from Eric Gulbrandsen to the Bridgton Planning Board, objecting to the lack of notification to the Town of Sweden about a meeting to discuss the proposed subdivision.
- Letter dated 5/25/13 to Craig Smith of 409 Commons Dr. in Bridgton (abutter within 500' of the proposed subdivision) from Sawyer Engineering, informing Mr. Smith of a meeting of the Bridgton Planning Board on June 4, 2013 regarding the proposed Patriot Way subdivision.
- Letter dated 5/23/13 from Sawyer Engineering to the Bridgton Planning Board, requesting a waiver of one day on the time deadline to mail out notification to abutters about the 6/4 Bridgton Planning Board meeting to review the Patriot

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Way subdivision proposal. Sawyer noted limited hours of the Sweden Town Office, making him unable to obtain abutter information in enough time to send the certified mailing by 5/24 as required in Bridgton's ordinance.

- Letter dated 6/3/13 sent from Frank Chowdry, Esq. to Mr. Steve Collins, Chair of the Bridgton Planning Board and Ms. Anne Krieg, Director of Planning, Town of Bridgton. Letter outlined concerns of several Sweden residents about the proposed subdivision in Bridgton (proposed name of subdivision: "Patriot's Way"). Among the concerns mentioned are the state law requirements for joint review of the application since it proposes crossing municipal boundaries. Additionally, the letter challenges the applicant's legal standing to apply due to potential boundary/right of way issues. Finally, the letter outlines concerns about an overburdening of the proposed access road to the subdivision, Westview Drive.
- Impact statements from the following Bridgton Town Officers:
 - Robert Baker, Code Enforcement Officer (requiring additional information from applicant)
 - James Kidder, Public Works (no concerns)
 - Kevin Schofield, Police Dept. (no concerns)
 - Robert Fitzcharles, Sr., Transfer Station (no concerns)
 - **MISSING:** Glen Garland, fire chief (unable to comment as of date requested)
- Application packet for Patriot Way 14-lot Subdivision, West View Road, Bridgton, ME, prepared by Sawyer Engineering & Surveying, Inc.

New Correspondence received at the 6/18 Meeting:

9. 6/17/13: rec'd via email by Laura Chadbourne from Carol Colby of O'Donnell & Assoc., confirmation of correct location of right of way located on Map U-8, Lot 6. O'Donnell's revised map appears to match Ashe CUP applicant's drawing. Copies of this email and revised map were distributed by Laura Chadbourne to all PB members and CEO at the 6/18/13 meeting.

10. 6/18/13: rec'd by PB members and CEO at PB meeting: letter dated 6/17/13 from Georgiann Fleck to David Johnson. Dave distributed copies to all meeting attendees. The letter notifies the Board that the joint Sweden/Bridgton Planning Board meeting originally proposed for July 2, 2013 has been moved at the applicant's request to the next regularly scheduled Bridgton Planning Board meeting on August 6, 2013 at 7:00 PM at the Bridgton Town Office. Attached to this letter is a letter from Sawyer Engineering, asking for the next review of the subdivision application be moved to the August meeting to allow time for preparation of additional data for a complete application.

B. Correspondence Sent (by date):

1. 5/31/13: email sent by Laura Chadbourne to CEO Eric Gulbrandsen regarding CMP vegetative screening dying off.
2. 6/8/13: email sent by Laura Chadbourne to all PB Members that for the Ashe CUP, the applicant is looking to build a 30-foot dock.

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3. 6/11/13: email sent by Laura Chadbourne to Georgiann Fleck requesting that the Town of Bridgton immediately mail out copies of all information related to the "Patriot Way" proposed subdivision to each PB member. A contact list was included.
4. 6/12/13: email sent by Laura Chadbourne to all PB members, letting them know to expect a packet of information from the Town of Bridgton regarding the proposed subdivision, and that we would discuss attendance at the proposed 7/2 joint meeting at our next PB meeting on June 18th. Attached to the email was a copy of the letter dated 6/5/13 from Georgiann Fleck to the Sweden Planning Board, requesting our attendance at a meeting with the Bridgton Planning Board on July 2nd.
5. 6/14/13: email sent by Laura Chadbourne to Carol at O'Donnell & Associates (O'Donnell creates the town tax maps). Email requested help from O'Donnell to clarify the sketch included with the Ashe CUP application, as the sketch does not appear to match the town tax map.

5. CEO's Report: Eric Gulbrandsen presented the CEO reports for May 2013. The following activity occurred:

1. BUILDING PERMITS ISSUED:

- Kevin Taylor & Annamarie Pond, West View Lane, R7, 6-1, remodel existing pool house to living space; fee \$90.00
- Pietree, Waterford Rd., R2, 35, remodel farm stand for handicap access; fee \$205.00
- Pietree, Waterford Road, R2, 35A, renovate for handicap access, deck 40' x 10'; fee \$100.00
- Patricia Larkin, Berry Rd., R7, 16B, 10' x 16' deck; fee \$48.04
- Andrew & Ann Lowell, Lee Gray Rd., R6, 25A, 1.75 story 28' x 32' addition; fee \$332.68

2. R. V. PERMITS ISSUED:

NONE

3. CERTIFICATES OF OCCUPANCY ISSUED:

NONE

4. VIOLATION NOTICES ISSUED:

NONE

5. TIMBER HARVEST NOTIFICATIONS:

Katrina Soucy, Black Mt. Road, R5, 7A
Daniel & Barbara Harris, Perry Hill Road, R4, 4

6. OTHER:

CEO Training – completed certification for LPI.
Letter to Town of Bridgton concerning proposed 14 lot subdivision connecting through West View Lane
Facilitate property clean up, Bryan, Knights Hill Rd. R8, 39-0

Laura Chadbourne moved and Bob Scott seconded the acceptance of the CEO's May 2013 report. The motion passed unanimously.

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6. Old Business:

A. The Board reviewed the Conditional Use Permit (CUP) application from Shawn & Michael Ashe for a 4' x 30' dock on Stearns Pond off of Pine Point Road. The lot owned by the Ashes is Map U8, Lot 1A, is in a Residential and Limited Residential zone and is listed in the 2012 Town of Sweden tax valuation books as owned by Kenneth and Sandra Philbrick. The Maine Revenue Services Real Estate Transfer Tax Declaration in the Town offices and the warranty deed verify that the property was sold to Shawn and Michael Ashe on October 2, 2012. The property on which the proposed dock would be built is not owned by the applicant; however, the applicant's deed indicates a Right of Way (ROW) across a section of Map U-8, Lot 6, owned by Steven E. Spinney of 25 Goodwin Road, Kittery Point, ME 03905. The deed includes the specific language regarding use of a dock: "This right and easement includes the right...to construct and make use of a private dock for mooring a boat and/or private recreational swimming purposes..."

The application materials were reviewed in accordance with the Zoning Ordinance Section XIII. Conditional Use Section B. (Page 47). The purpose of the Board's review was to determine, if possible, whether the application materials submitted are complete enough for the Board to make a determination on whether Conditional Use Permit can be granted. After careful review of the materials submitted by Shawn and Michael Ashe, the Board voted unanimously to accept the application as complete.

The following questions were reviewed to determine completeness of the application:

Details of the Review of a Conditional Use Permit Application Part I:

Prior to declaring the application complete the Board is to review the application and must find that the applicant has met the following requirements of the Ordinance

1. Has the property owner of record made the application?

The owners of the property are Shawn and Michael Ashe. The applicants are Shawn and Michael Ashe, although only Shawn Ashe signed the application. The Board agrees that the applicants have legal "*standing to apply*"; however, Secretary Chadbourne will follow up with Michael Ashe to obtain his signature on the application as well.

2. Has the Conditional Use Application fee been received by the Board? A check for \$50 dated April 24, 2013 has been received by the Board in accordance with the most recent Sweden Permit Fee Schedule (revised 2009). The check was forwarded to the Treasurer for deposit on 6/18/13 since an applicant is responsible for these charges whether or not the permit is granted.

3. Has the following information been received?

a. Plan of area showing contours, reference to Mean Sea Level, high water elevation, ground water conditions, bedrock slope or vegetative cover.

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The application includes basic information about the placement of the proposed dock to the shoreline and to other properties adjacent to the proposed dock area. The information was determined to be adequate for the purposes of this Conditional Use Permit.

b. High intensity soil survey.

A high intensity soil survey is not required for installation of a dock.

c. Plan of area showing location of existing and proposed buildings, parking areas, traffic access, driveways, piers, open spaces and landscaping.

A very basic plan of the area showing rough location of property lines, existing docks, the right of way, and the proposed dock is included with the application. Although distance measurements between property lines, existing dock(s), and proposed dock were not included in the application, Board Member Gail Bartlett is familiar with the lot and abutting lots and noted that there seemed to be plenty of space for the proposed new dock. Based on her knowledge, the board agreed that the application information is adequate for the purposes of this Conditional Use Permit.

d. Plans of buildings, sewage disposal facilities and water facilities.

Buildings, sewage disposal facilities, and water facilities are not required for installation of this dock.

e. Any other pertinent information necessary to determine if the proposed use meets the provisions of the ordinance.

A discussion occurred regarding whether the Board will require a copy of the Spinney property deed (U-8, 6) to provide evidence that the ROW is also reflected in that deed. Gail Bartlett, who works in the registry of deeds, assured the group that the applicant's deed showing the ROW is all that is necessary from a legal standpoint for the applicant to show proof of the ROW. CEO Eric Gulbrandsen added that his understanding was the same. The board therefore agreed that the application information is adequate for the purposes of this Conditional Use Permit.

Julie Frum moved and Gail Bartlett seconded to accept the Ashe Conditional Use Application complete as submitted. The motion passed unanimously.

Note that this review does not constitute the final review for permit approval.

Site Walk and Public Hearing: in accordance with Section XIII. Conditional Use, which states that within 45 days after the board votes and agrees that the application is complete, a site walk and public hearing were scheduled.

The Board will hold a site walk at 6:30 PM on Tuesday, July 16th at the site on Pine Point Road at Map U-8, Lot 6. The Board will then meet at the Town Office at 7:00 pm for their regular meeting and hold the public hearing at 7:15 pm.

Notice of both the time and place of the site walk and the public hearing and the nature of the Conditional Use request will be sent to the Selectmen, CEO, and the Chairman of

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Board of Appeals. Secretary Chadbourne will leave the letters in the appropriate mailboxes at the Town Office this week.

In addition, at least 20 days prior to the public hearing, Secretary Chadbourne will send notices of the same to the applicant and all abutters (the list of abutters have been determined by the tax maps) via certified mail, return receipt. Secretary Chadbourne will send these letters this week to the applicant and to the abutters.

The ordinance requires that notice is also placed as a block ad in the Bridgton News at least 10 days prior to the public hearing. Secretary Chadbourne will submit a request that a block ad be placed in the Bridgton News editions as follows:

“Please post the following as a block ad in the Bridgton News editions July 4 and July 11: The Sweden Planning Board will hold a Public Hearing on Tuesday, July 16 at 6:30 PM to consider the Conditional Use application for construction of a 4’ x 30’ dock on Stearns Pond. The Board will commence with a site walk at 6:30 PM at the site on Pine Point Road (Map U-8, Lot 6) and reconvene in the Town Office at 7:00 PM for the hearing and their regular meeting. The applicants are Shawn and Michael Ashe of 5 Stanley Ave., Dracut, MA 01826.”

B. Central Maine Power (CMP) vegetative screen: the Board and CEO discussed that the vegetative screening planted by CMP last fall (to comply with their Conditional Use Permit) had died. Eric Gulbrandsen will be notifying CMP shortly of the issue.

C. Board voted on whether to amend the Planning Board By-Laws to move the “CEO Report” agenda item in each meeting ahead of “Communication and Bills”. Gail Bartlett moved to shift the “CEO Report” agenda item before “Communication and Bills”. Laura Chadbourne seconded the motion. The motion passed unanimously.

7. New Business:

A. Laura Chadbourne affixed a CD to the “Sweden Planning Board Guide” binder of each PB Member. The CD contains a full copy of the Planning Board Guide contents for each Member’s reference.

B. “Patriot Way” proposed subdivision: the group discussed the upcoming joint Bridgton / Sweden Planning Board meeting proposed by the Town of Bridgton, now on August 6, 2013 rather than July 2. The group confirmed that a quorum of at least 3 members can attend this meeting. Laura Chadbourne to contact Georgiann Fleck to confirm Bridgton Planning Board’s attendance on August 6th.

There was some additional discussion between Board members and the CEO about the complexity of the issues involved in determining legal standing of the subdivision applicant to use the existing West View lane (in Sweden) to access the proposed new subdivision in Bridgton. Julie Frum offered to follow up with Julie McQueen, Planning Board Assistant, to coordinate what additional information, if any, will be needed to be sourced or reviewed prior to the August 6, 2013 meeting with the Bridgton Planning Board.

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Dave Johnson noted that the role of the Planning Board is not to make a legal determination of ownership; however, should those ownership issues be worked out, the Board must be prepared to undertake a formal subdivision review process of the application to ensure that elements related to the portion of the subdivision in Sweden (likely the access road) meet the Town of Sweden's Subdivision Ordinance standards.

9. Announcements:

- A. The next regular Meeting will be **Tuesday, July 16, 2013** at 7:00 PM at the Sweden Town Office.

- B. The board 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 that the meeting be adjourned at 8:34 PM. Chairman Dave Johnson adjourned the meeting.

Respectfully submitted,

Laura Chadbourne
Secretary