

## Minutes for Tuesday, September 17, 2013 Planning Board Meeting

**1. Call to Order:** Chairman David Johnson called the meeting to order at 7:00 PM.

**2. Introduction of Attendees:** Present were: Chairman David Johnson, Secretary Laura Chadbourne, Members Gail Bartlett and Julie Frum, Alternate Member Ron Kiesman, and CEO Eric Gulbrandsen. Absent: none.

Also present was Mr. Steve Collins, Chair of the Bridgton Planning Board.

**3. Minutes from August 20, 2013 Meeting:** Portions of the minutes from the August 20, 2013 meeting were read by David Johnson. Gail Bartlett moved and Julie Frum seconded the acceptance of the minutes with minor amendments. The motion passed unanimously.

**4. CEO's Report for August 2013:** Eric Gulbrandsen presented the CEO report for August 2013. The following activity occurred:

1. BUILDING PERMITS ISSUED:  
Justin Mclver, 6 Gerry Circle, R8, 28-6, 26'x24' garage, fee: \$130.00
2. R. V. PERMITS ISSUED:  
NONE
3. CERTIFICATES OF OCCUPANCY ISSUED:  
NONE
4. VIOLATION NOTICES ISSUED:  
NONE
5. TIMBER HARVEST NOTIFICATIONS:  
Melani Eldracher, Trull Brook Road, R6, 11
6. OTHER:  
Met with Attorney Alan Perry on Ashe Conditional Use Permit.  
Letter of Denial, Shawn & Michael Ashe for Conditional Use permit for a dock.  
Site walk for Patriots Way subdivision

Laura Chadbourne moved and Gail Bartlett seconded the acceptance of the CEO's August 2013 report. The motion passed unanimously.

### 5. Communication & Bills

#### A. Correspondence Received (by date):

1. 8/20/13: received at PB meeting from David Johnson, check dated 7/22/13 from Sawyer Engineering & Surveying, Inc. in the amount of \$100 for the application fee for the Town of Sweden Planning Board review of the Patriot Way subdivision
2. 8/22/13: received at Site Walk for the Patriot Way subdivision from George Sawyer, printout detailing receipts of certified mail notifications sent to abutters for the Aug. 6, 2013 joint Sweden/Bridgton PB meeting.
3. 8/27/13: rec'd via email from Georgiann Fleck, copy of letter dated 8/27/13 to George Sawyer from the Bridgton PB, confirming George's request to table the application for the Patriot Way Subdivision until the October 1, 2013 joint Sweden/Bridgton PB meeting.

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4. 8/30/13: rec'd via email from Georgiann Fleck, draft Minutes from 8/22/13 Site Walk for the Patriot Way subdivision.
  
5. 9/7/13: rec'd via email from Steve Collins, Bridgton PB Chair, copy of email Steve sent to Bridgton Town Manager, Code Enforcement Officer, and Executive Assistant that he had met with the Sweden PB Chair, Secretary, and PB Assistant to discuss procedure for the Patriot Way subdivision. The email noted that the discussion was rigorously restricted to process; no substantive matters were broached.

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

1. 8/25/13: sent via interoffice mail to the Treasurer, check in the amount of \$100 received from George Sawyer for application fee to the Town of Sweden for review of the Patriot Way subdivision.
  
2. 8/25/13: sent via email from Laura Chadbourne to Georgiann Fleck, copy of final approved Minutes of the 8/6/13 joint Sweden/Bridgton Planning Board meeting.
  
3. 8/25/13: sent via US Mail from David Johnson to Bob Scott, letter confirming acceptance of Bob's resignation from the Sweden Planning Board effective July 9, 2013.
  
4. 8/30/13: sent via email to Sweden PB Members, email from Georgiann Fleck containing draft Minutes for the 8/22/13 Site Walk for the Patriot Way subdivision.
  
5. 9/3/13: sent via email from Laura Chadbourne to Georgiann Fleck, corrections to the draft Site Walk Minutes from 8/22.
  
6. 9/7/13: sent via email from Laura Chadbourne to Georgiann Fleck, additional corrections to the draft Site Walk Minutes from 8/22.
  
7. 9/8/13: sent via email from Laura Chadbourne to Steve Collins, Bridgton PB Chair, draft letter to George Sawyer (as Agent for the Patriot Way subdivision) outlining Sweden's subdivision review process. Steve replied the following day confirming he had reviewed it.
  
8. 9/8/13: sent via email from Laura Chadbourne to Steve Collins, details of next regular Sweden PB meeting (time, location, expected attendees).
  
9. 9/10/13: sent via US Mail and email, letter dated 9/10/13 to George Sawyer from David Johnson. The letter was a courtesy correspondence to the Applicant for the Patriot Way subdivision, outlining steps in Sweden's Subdivision Regulations procedure. The email was cc'd to Georgiann Fleck for the Bridgton PB, all Sweden PB members, and the Sweden CEO and PB Assistant.

### **6. Old Business:**

- A. Board reviewed Minutes from 8/22/13 joint Sweden/Bridgton Planning Board Site Walk for the proposed "Patriot Way" subdivision. Gail Bartlett moved and

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Julie Frum seconded the acceptance of the minutes with minor amendments. The motion passed unanimously.

- B. Board to discuss process around next steps for the “Patriot Way” proposed subdivision, including:

**1. Fee required from Applicant for Pre-Application.**

Laura informed the group that \$100 had been received to date from the Agent for application fees, and that about \$33 had already been applied to expenses for mailing and copying fees.

Technically, the fee which should accompany the Preliminary Plan for a subdivision in Sweden is \$50 per lot; however, since the lots themselves are in Bridgton, and only the road in Sweden, the group discussed how to apply appropriate fees. It was agreed to NOT request additional fees at this time and to continue to track expenses against the original \$100 received, and request additional funds if expenses exceed \$100.

However, the group also noted that if the project proceeded to the Preliminary Plan stage, the Sweden Planning Board will likely request that the applicant set aside enough funds to cover a professional review of the proposed road for the subdivision. This is authorized in the Subdivision Regulations, Article VII, Section 7.1.C: “...any costs for review by others deemed necessary by the Board shall be borne by the applicant. Such costs may include those for independent consulting services such as ... An engineer to review plans for new roads and the management of stormwater and drainage.”

Laura to draft a letter to George Sawyer informing him of the decision on fees.

**2. Discuss if current contour lines in site plan are acceptable (as required by the Subdivision Regulations)**

The group agreed that the contour lines on the site plans already submitted (a contour interval of 5 feet) was adequate. It was noted that any additional site plans submitted as part of the Preliminary Plan would require the same contour interval.

Laura to include information on contour intervals in the letter to George Sawyer.

**3. Any other questions or concerns ahead of the next joint meeting on Oct. 1st.**

a. Eric Gulbrandsen pointed out that some additional abutters needed to be included in future notifications by the applicant, if you consider Patriot Way to be an amendment to the whole West View subdivision. Eric had emailed

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that list to Laura that day. There were also two lots included in Laura's list that he did not believe were within 200'. Laura noted that she'd listed abutters who were within 200' of West View Lane itself, not the whole West View subdivision. Group agreed that the larger group of abutters needed to be notified, not just those near the road.

Laura to include additional abutter information in letter to George Sawyer.

Also, Eric pointed out that while the Patriot Way subdivision proposes 14 lots, there are 3 additional lots in Bridgton that are not part of the Patriot Way subdivision but would have legal rights to use the Right of Ways (ROW), bringing the lot count to 17. The Sweden Planning Board wasn't aware of these additional ROWs when the West View subdivision was approved. We need to take these into consideration in the improvement of West View Lane to handle all these lots.

Julie noted that West View Lane would have to be considered a "Collector Road" given the number of lots. Eric concurred.

b. A general discussion of how road development and ownership are handled by each town occurred. Steve Collins noted that Bridgton makes it a condition of subdivisions that the developers don't ask Bridgton to take ownership of the road. Sweden does the same; it is part of our Subdivision Regulations that private roads remain private (p. 48, section 12.9, "Private Roads").

c. The group reviewed the Sept. 10<sup>th</sup> letter sent to George Sawyer. Any materials for the joint Oct. 1<sup>st</sup> meeting should have been received by Sweden today. Nothing has been received. Steve noted that Bridgton's cutoff is a bit later – 12 days prior instead of 14 days prior, so the applicant had until Thursday. A question was posed to Steve as to whether there were any other differences between the Bridgton and Sweden subdivision regulations. Steve noted that he'd reviewed them both and did not see any substantive differences, just the 14-day vs. 12-day notification.

Gail Bartlett moved and Julie Frum seconded that if the applicant submitted meeting materials by Thursday, Sept. 19<sup>th</sup>, then Sweden would accept them as timely and attend the Oct. 1<sup>st</sup> meeting. The motion passed unanimously.

d. The issue of "Right, Title, and Interest" (RTI) was brought up. The continued question of RTI had been discussed at the 8/20 Sweden PB meeting and the fact that it is not settled is noted in the Minutes from 8/20 which Laura will be sending to George Sawyer, now that they have been approved by the Board. The Sweden Board had decided at the 8/20 meeting that at the next joint Sweden/Bridgton PB meeting, a Sweden Board Member would make a motion to vote on whether the applicant had "standing to apply" / RTI

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for access to Patriot Way, based on the information received to date from the applicant and the abutters' lawyer.

Dave noted that if the deed/title issues are not resolved, it would seem unlikely that a developer would want to spend the time and money to put together a Preliminary Plan.

Laura noted that her understanding is that the Boards need to vote on whether the applicant has standing to apply; we can't just ignore the issue.

Steve added that RTI seems to be a precondition, so we need to vote on that issue first. If the vote confirms that the applicant has standing to apply, only then can he proceed with a Preliminary Plan. We can't vote on the substance of that Preliminary Plan at the same meeting, only whether or not it's complete. The group concurred.

Julie asked Steve whether Bridgton had accepted a Preliminary Plan from the applicant. Steve confirmed they had not.

Laura to highlight in the letter to George Sawyer that the RTI issue is still open as outlined in the Minutes from the 8/20 Sweden Planning Board meeting, and that a vote will need to occur on "standing to apply"/ RTI at the next joint Bridgton/Sweden PB meeting as a required step before a Preliminary Plan can be considered.

- C. The Sweden PB reviewed and agreed on wording of amendment to Planning Board By-Laws which had been voted on at the August 20, 2013 meeting.

### **7. New Business:**

- A. None.

### **8. Announcements:**

- A. The next regular Meeting will be **Tuesday, October 15, 2013** at 7:00 PM at the Sweden Town Office.
- C. The next joint Bridgton/Sweden PB meeting to discuss the Patriot Way Subdivision application will take place on October 1, 2013 at 7:00 PM at the Bridgton Town Office.
- D. The board has an opening for one Member and one Alternate Member (a Member serves a 5-year term; Alternate Members serve a 1-year term). Should anyone express interest, they can be appointed by the Selectmen.

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Gail Bartlett moved that the meeting be adjourned at 8:37 PM. Chairman Dave Johnson adjourned the meeting.

Respectfully submitted,

Laura Chadbourne  
Secretary