

Minutes for Tuesday, May 17, 2016 Planning Board Meeting

1. Call to Order: Laura Chadbourne called the meeting to order at 7:00 PM. Laura Chadbourne made a motion for Dan Cousins to act as Chair for the meeting in light of the fact that Chairman Dave Johnson was unable to attend. Gail Bartlett seconded the motion. All Members voted unanimously for Dan Cousins to act as Chair for the May 17th meeting.

2. Introduction of Attendees: Present were: Acting Chairman Dan Cousins, Secretary Laura Chadbourne, Members Gail Bartlett and Kevin Taylor, Alternate Member Ron Kiesman, and CEO Eric Gulbrandsen. Absent was Member David Johnson. Additional attendee from the public was Andrew Black.

3. Public Hearing

- A. Chair called the hearing to order.
- B. Chair determined there was a quorum.
- C. Opening Statement: Chair described purpose of hearing and general procedure governing its conduct:
 - i. Presentation by the applicant without interruption (not applicable as applicant was not present).
 - ii. All questions by board members, abutters, etc. go through the chair to the applicant during the hearing, anyone with a question or comment shall state for the record their name, address, business or professional affiliation, the nature of their interest in the hearing, and whom they represent even if we all know who they are.
 - iii. Presentation by abutters or others (not applicable as no abutters were present).
 - iv. Rebuttal statements by anyone who has previously spoken.
 - v. Opportunity for comments or questions by other attendees.
 - vi. Once everyone has had an opportunity to be heard, the hearing will be closed.
Back to our regular meeting:

CEO Eric Gulbrandsen gave a brief overview of the Bigley/Black application.

Mr. Black mentioned that they would need to construct a small path to the dock site. CEO Eric Gulbrandsen stated to Mr. Black that no more than a cubic yard of material could be removed from the shoreline to construct the path.

Eric then gave a brief overview of the Loiacono application.

Public hearing was then ended as there were no questions from the public.

Site Walk: the following was noted from the Site Walk:

Proposed sites for both docks appeared to conform with the details of each application in terms of location from adjacent properties. The dock sites were further than the minimum of 30' from the boundary of the next closest property, even counting the width of each dock at its widest point.

Minutes for Tuesday, May 17, 2016 Planning Board Meeting

After the Public Hearing, the Board reviewed the following **Factors Applicable to Conditional Uses** as set forth in the Zoning Ordinance Sect. XIII Subsection E (Page 49). It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria. To approve the application, the Board must conclude the following:

1. The use will not have an adverse impact on the spawning grounds, fish, aquatic life, bird or other wildlife habitat. **The property is located in the Limited Residential Zone and not in a Natural Resource Protection Zone. While it is still in the Shoreland Zone, it does not appear that the proposed dock will 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. **The proposed dock does not appear to impact shore cover or visual impact to Keyes Pond.**
3. The use is consistent with the Comprehensive Plan. **The Planning Board sees no conflict with the Comprehensive Plan.**
4. The need for a particular location for the proposed use. **The location of the dock is on the property and conforms to sideline setbacks to adjacent properties; therefore, the location is appropriate.**
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. **Traffic access is not an issue with the proposed dock.**
6. The site design is in conformance with all municipal flood hazard protection regulations. **The dock conforms because it is not a permanent structure.**
7. Adequate provision for the disposal of all wastewater and solid waste has been made. **Wastewater and solid waste will not be generated by the proposed dock.**
8. Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. **Hazardous waste will not be generated by the proposed dock.**
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. **Storm water drainage will not be generated by the proposed dock.**
10. Adequate provisions to control soil erosion and sedimentation have been made. **As long as no shoreland ground is disturbed or excavated for the construction of the dock, soil erosion and sedimentation should not be a concern.**
11. There is adequate water supply to meet the demands of the proposed use, and for fire protection purposes. **The proposed dock does not make any demands on water supplies.**
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. **The proposed dock will not produce noise, glare, odor or other**

Minutes for Tuesday, May 17, 2016 Planning Board Meeting

detrimental features, and is an adequate distance from abutting properties.

13. All performance standards in this Ordinance applicable to the proposed use will be met as follows:

Section VIII.C.5.c “Zone Requirements, Limited Residential Zone, Dimensional Requirements, Structure Setbacks”, page 9:

- 75 feet from roadway centerline
- 100 feet (at all points) from high-water line of a great pond; 75 feet (at all points) from a stream or upland edge of a wetland.
- Height of structure from rear and side lot lines, but not less than 30 feet

Board determined that dock meets requirements of Section VIII.C.5.c

Section X.L., page 26: “Performance Standards, Piers, Docks and Other Shoreland Construction.”

1. **In a Natural Resource Protection Zone:** No permanent or temporary/floating structures (including but not limited to marinas, wharves, docks, or piers) shall be constructed in, on, over or abutting any great pond or stream. **The proposed dock extension is not in a Natural Resource Protection Zone; it is in a Limited Residential Zone.**
2. **In other than Natural Resource Protection Zones:**
 - a. Any permanent structure shall require a permit from the Department of Environmental Protection and a Conditional Use Permit from the Planning Board, if:
 - (1) It is to be constructed in, on, over or abutting any great pond; or
 - (2) Any fill is deposited or dredging is performed therein

Board noted that the proposed dock will not be a permanent structure.

- b. Any new temporary/floating structure shall require a Conditional Use Permit if it:
 - (1) Extends more than 10 feet from the high water mark of a pond or a lake (or more than 10% of the width of a stream measured at normal high water elevation), or is wider than four feet; or
 - (2) Has any permanent parts located between the banks of any stream or below the normal high water elevation of any lake or pond; or
 - (3) Is constructed as part of any commercial use; or
 - (4) Requires dredging, filling, draining, removing or displacing of any shoreland soils, sand, vegetation or other materials; or
 - (5) Is located where navigation or recreational safety may be imperiled; or
 - (6) Is to provide berthing for more than three watercraft, two of which are motorized; or
 - (7) Increases the number of structures to more than one per each 100 feet of shoreline of the lot.

Minutes for Tuesday, May 17, 2016 Planning Board Meeting

Board determined the dock does indeed require a Conditional Use Permit as it extends more than 10 feet and is wider than 4 feet. Applicants did apply for a Conditional Use Permit.

14. The proposed use will be compatible with all uses permitted in the underlying Zone and on abutting properties.

The proposed dock is compatible for the proposed use as outlined for a Limited Residential Zone in accordance with the Sweden Zoning and Land Use Ordinance, Section C.3 (page 8), assuming a Conditional Use is permitted:

“The following uses may be allowed only upon approval of the Planning Board in accordance with the provisions of Section XIII. CONDITIONAL USE:...Piers and docks requiring a Conditional Use Permit.”

15. The proposed use will not have unreasonable impact upon Municipal facilities. **The proposed dock will not have an unreasonable impact upon Municipal facilities.**

The Board then voted on the factors relative to the Conditional Use Permit for the Bigley/Black CUP application. Laura Chadbourne moved for an overall vote and Gail Bartlett seconded the motion. The Board approved the Conditional Use Permit unanimously, with the following conditions as allowed by Section XIII, Subsection F, “Conditions Attached to Conditional Use Permits” (Page 50):

1. The dock shall be constructed as described in the Conditional Use Permit Application. The Sweden Code Enforcement Officer (CEO) will inspect the location and construction of the dock once it is built to ensure it was constructed in the specified location and as outlined in the Conditional Use Permit application.
2. Any construction debris resulting from the construction of the dock extension will be disposed of properly.
3. As noted in Section X.L.2.b.6 in the Town of Sweden Zoning and Land Use Ordinance (page 27), since the Conditional Use Permit application did not request a specific number of watercraft to be allowed at the dock site, applicants must comply with the Ordinance’s standard of three (3) or fewer watercraft, two of which are motorized.

The Board then voted on the factors relative to the Conditional Use Permit for the Loiacono CUP application. Secretary Chadbourne confirmed that signature page of the Loiacono CUP application had been received from the property owner, Stephanie Loiacono. This was the one outstanding item from the initial review of the Loiacono CUP application performed by the Board on 4/19/16.

Laura Chadbourne moved for an overall vote and Kevin Taylor seconded the motion. The Board approved the Conditional Use Permit unanimously, with the same three conditions as outlined above for the Bigley/Black CUP application.

Minutes for Tuesday, May 17, 2016 Planning Board Meeting

Letter of Decision: Secretary Laura Chadbourne to send Letter of Decision to applicant within 7 days as required by the Zoning Ordinance.

4. Minutes from the April 19, 2016 Meeting: The minutes were reviewed by the group. Gail Bartlett moved and Kevin Taylor seconded the acceptance of the minutes as written. The motion passed unanimously.

5. CEO's Report for April 2016: Eric Gulbrandsen presented the CEO report for April 2016. The following activity occurred:

1. BUILDING PERMITS ISSUED:

02-16 Melanie Eldracher, 105 Ridlonville Rd., R1,11 add two dormers to existing house \$115.48

03-16 Julia & Dan McQueen, 162 Wint Rd., R1, 2 remove deck replace with patio \$116.96

04-16 William Simpson, 160 Black Mt.Rd., R5, 7-A, 30'x72' high tunnel, 28'x16' barn \$56.50

05-16 Jay & Ronny Sprinkle, 151 Black Mt. Rd., R5, 8-1, 28' x36' 1 ¼ story attached garage \$176.20

2. R. V. PERMITS ISSUED:

NONE

3. CERTIFICATES OF OCCUPANCY ISSUED:

Frank & Nicky Howell, R3,30-C, Haskell Hill Rd

4. VIOLATION NOTICES ISSUED:

NONE

5. TIMBER HARVEST NOTIFICATIONS:

NONE

6. OTHER:

On going issues with Bridgton Academy Right of Way and site visit.

Received notification questioning reappointment to CEO position

CEO mentioned that he would be attending a hearing on May 24th held by the Board of Selectmen. The hearing was to determine whether Eric would remain in the CEO position.

Gail Bartlett moved and Laura Chadbourne seconded the acceptance of the CEO's April 2016 report. The motion passed unanimously.

6. Communication & Bills

A. Correspondence Received (by date):

1. Received via email on 4/22/16 from CEO Eric Gulbrandsen, a forwarded email from Stephanie Loiacono. Email contained attachment of the Loiacono CUP application with Stephanie's signature and date of 4/21/16.

B. Correspondence Sent (by date):

1. Secretary Laura Chadbourne sent a memo dated 4/24/16 to the Town Treasurer with attached checks for both the Loiacono CUP application as well as the Bigley / Black CUP application. Memo and checks were left in the Treasurer's mailbox on 4/25/16.

Minutes for Tuesday, May 17, 2016 Planning Board Meeting

2. Secretary Chadbourne sent an email to the Bridgton News on 4/27/16 with a request to post a block ad for the site walk and Public Hearing for the Loiacono and Bigley/Black CUP applications. The Bridgton News confirmed receipt of the email. The block ad appeared as requested in the May 5, 2016 edition of the Bridgton News.

3. Letters dated 4/27/16 sent by Secretary Chadbourne via certified mail, return receipt on April 27, 2016 to Stephanie Loiacono and Andrew Black & Monica Bigley. Letters notified recipients of the site walk and Public Hearing to be held on May 17, 2016 regarding their CUP applications. Copies of the letters were also sent to abutters for each property via certified mail, return receipt. Copies of the letters were also put in the mailboxes at the Town Office for the Sweden Board of Appeals, the Board of Selectmen, and the Code Enforcement Officer.

7. Old Business:

A. Secretary Chadbourne confirmed that signature page of the Loiacono CUP application was received from the property owner, Stephanie Loiacono. This was the one outstanding item from the initial review of the Loiacono CUP application performed by the Board on 4/19/16.

8. New Business:

A. Board expressed interest in having Colin Holme, Assistant Director at Lakes Environmental Association, attend a future Planning Board meeting to discuss shoreland zoning laws. Laura Chadbourne to follow up with Colin to arrange a mutually agreeable date.

9. Announcements:

- A. The next regular Meeting will be **Tuesday, June 21, 2016** at 7:00 PM at the Sweden Town Office. Laura Chadbourne mentioned that she may not be able to attend but would follow up with the group if quorum looked to be at risk.
- B. The board has an opening for one Alternate Member (Alternate Members serve a 1-year term). Should anyone express interest, they can be appointed by the Selectmen.

Gail Bartlett moved that the meeting be adjourned at 7:30 PM. Acting Chairman Dan Cousins adjourned the meeting.

Respectfully submitted,

Laura Chadbourne
Secretary, Sweden Planning Board