

## Minutes for Tuesday, July 18, 2017 Planning Board Meeting

**1. Call to Order:** The meeting was called to order at 7:15 PM.

**2. Introduction of Attendees:** Present were: Chair David Johnson, Secretary Laura Chadbourne, Members Kevin Taylor, Dan Cousins, and Morris Gibely, alternate Member Ron Kiesman, and CEO Larry Lyle. Also present: First Selectman Lori Bennett, Selectman Bruce Taylor, Sven Cole and Martin Mooney from Bridgton Academy, Ross Cudlitz from Oxford County Soil & Water Conservation District, landowners Dan and Julia McQueen and Sweden residents Michelle Windsor, Doug Porter, Ruth and George Connelly.

**3. Minutes from the June 20, 2017 Meeting:** The minutes were reviewed by the group. Kevin Taylor moved and Morris Gibely seconded the acceptance of the minutes as written. The motion passed unanimously.

**4. CEO's Report for June 2017:** CEO Larry Lyle presented the report:

**Building permits issued:** none

**RV Permits issued:** none

**Certificates of Occupancy issued:** Map R7, Lot 30, Wysocki, 27 Waterview Dr., 6/30

**Violation Notices issued:** Map R6, Lot 5, Thomas Goodman, 518 Bridgton Rd., no permit. Stop work order issued 6/12/17

**Timber Harvest notifications:**

1. Map 8, Lot 25-A, James and Deanna Carty, 393 Black Mountain Rd., Logging began 5/8/17
2. Map R6, Lot 5, Thomas Goodman, 518 Bridgton Rd.
3. Map R5, Lot 8-1, Jay Sprinkle, 151 Black Mountain Rd.

**Other:**

- Map U1, Lot 11, Roderick Scott, Plummer School Rd. New home construction, plans attached. 4 bedroom single family home. Because he is in the shoreline, he needs the PCP erosion control and sedimentation plans. He contacted Rick from Main Land survey and is waiting for completion. 6/10/2017
- Selectmen's meeting attended 6/13/2017
- Legal Issues Seminar – USM Lewiston. Requirement for certification. 6/14/2017
- Map R1, Lot 2 – Sven Cole of Bridgton Academy discussed and filled out application for building permit for cabin. 6/16/2017
- Map R4, Lot 16 – William Centamore, 159 Ridlonville Rd., met on 7/1 for building permit
- Planning Board meeting – delivered CEO report, was asked to stay to discuss Bridgton Academy cabin & right of way. 6/20/2017
- Sent letter to Sven Cole denying permit application and reasons why and path forward 6/22/2017
- Sven Cole of BA – acknowledge letter and met builder on the 3<sup>rd</sup> of July

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Laura Chadbourne made a motion to accept the CEO's June 2017 report. Morris Gibely seconded the motion. The motion passed unanimously.

### 5. Communication & Bills

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

1. Received at the June 20<sup>th</sup> Planning Board (PB) meeting:
  - a. From Bridgton Academy (BA), drawing C2.1 dated June 20, 2017, entitled "Right of Way Location, Phosphorus Control, Remediation, and Revegetation Plan", which replaced the previous two drawings entitled C2.1 and S1.1.
  - b. From the landowners, a letter dated June 20, 2017, conditionally approving the following documents with additional changes as agreed to that day between BA and the landowners. Additional changes were to the following documents:
    - Redlined version by Ross Cudlitz of Erosion and Sedimentation control plan received from BA. Redlined version is dated June 13, 2017
    - Redlined version by Ross Cudlitz of Stormwater Maintenance Plan received from BA. Redlined version is dated June 13, 2017
    - Redlined version by Ross Cudlitz of drawing C2.1 dated June 13, 2017
    - Redlined version by Ross Cudlitz of drawing S1.1 dated June 13, 2017
2. Letter from CEO dated 6-21-2017 to BA Assistant Headmaster denying BP application and explaining required steps.
3. Letter from PB dated 6/25/2017 to BA Assistant Headmaster Sven Cole re: PCP, remediation and revegetation Plan. Letter cc'd to BA Head of School, Sweden Selectmen, CEO, and landowners.
4. Letter (email) from PB dated 7/3/2017 to the Bridgton News requesting a block ad for a site walk at 162 Wint Road (McQueen property). Public Notice about site walk also posted at Town Office.
5. Email from PB Secretary dated 7-6-2017 looking for required submittals which were to be received by PB no later than 7-3-2017 with additional responses from BA engineer and town of Sweden engineer. BA engineer hoping to have DEP Permit by Rule (PBR) application ready for submission by Monday 7-10-2017. Response from PB Secretary dated 7-11-2017 reminding BA to ensure that the "activity has already started" box is checked on the PBR application. BA engineer responded on 7-11 that it was included in the application.
6. Plans from BA engineer Rick Dunton dated 7-06-2017 incorporating red-lined changes plus some additional changes not approved by the landowner. Includes: revised C2.1, Plan of Land dated 11-21-1995 and another untitled drawing, undated, with some notes blurred and unreadable, and with no indication that Sawyer Engineering created it. The document does not appear to match the requested plan reference.

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7. Letter to PB dated 7-11-2017 from landowners Julie & Dan McQueen approving specific changes as long as the selectmen also approve them and they comply with ZO requirements.
8. Letter to BA dated 7/11/2017 from CEO demanding temporary erosion control maintenance within 7 days.
9. Email from BA's engineer dated 7/11/2017 to PB, First Selectman, town's engineer, and landowners with attachment PDF of plan. Email notes that "note 12" of the plan verbiage has been updated. Response from PB Secretary on 7/12 that blueprint size copies are required by mail; BA engineer noted they were on the way. Additional response from town engineer on 7/13 requesting contractor estimates for cabin and maintenance. BA responded on 7/13 with PDF of hand written estimate. Town engineer responded on 7/13 noting that only low phosphorus fertilizer is permitted. BA engineer confirmed he understood.
10. Email from town engineer dated 7/13/2017 to PB secretary with draft letter of his plan review. Response from PB secretary noting that review should be for the plan dated 7/11, not 7/10. Town engineer confirmed back via email on 7/14.
11. Email from Sweden Selectman Bruce Taylor dated 7/13/2017 to PB secretary with minutes from Selectman's meetings, including May 23, 2017, June 13, 2017, June 27, 2017, and DRAFT minutes for July 11, 2017.
12. Email from town engineer dated 7/14/2017 to BA requesting a quote from BA's contractor, along with responses. BA responded on 7/14 that a contractor has not been selected but noting that he had secured a \$175,000 Letter of Credit. Town engineer responded on 7/14 looking for breakdown of costs between cabin and site work. BA responded on 7/14 noting \$100K for revegetation and maintenance and \$75K for cabin.
13. Plans from BA engineer Rick Dunton dated 7/11/2017 with revised drawing C2.1, with updated verbiage on note 12.
14. Email from town engineer dated 7/15/17 noting that he had just received the email dated 7/11 from BA's engineer with the attached updated plan dated 7/11.
15. Letter from town engineer dated 7/16/17 to PB outlining review of BA's proposed plan.

### **6. Old Business**

- A. Board asked First Selectman Lori Bennett for an update on the PB's request for administrative assistance for the PB and CEO. Lori stated that the job description is done and the Selectmen are posting it in the local papers and onto Indeed.com and Monster.com. The Selectmen may also be able to find someone part time to fill in while the town finds a permanent person for the open role.

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

- A. Planning Board (PB) reviewed for completeness the materials received from Bridgton Academy (BA) and the Town of Sweden related to the proposed phosphorus control plan and remediation and re-vegetation plan for the right-of-way (ROW) over the land of Julie and Dan McQueen (landowner), Map R1, Lot 2. Notes from the discussion:

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Secretary noted that it was difficult for PB to review materials since they arrived in dribs and drabs up until the last minute, with separate versions of the plan C2.1. Typically, the Board looks for a complete package at one time that the group has time to read and can review in totality.

PB Secretary asked BA: why was language in drawing C2.1 dated July 6, 2017 not what we all agreed to in last meeting? Sven Cole from BA noted there had been lots of back and forth, some confusion on language but the drawing C2.1 dated July 11, 2017 had now been agreed to by the landowners and the Selectmen.

Board reviewed the “plan reference” documents provided from Main-Land in package to PB members dated June 6<sup>th</sup>. PB Secretary questioned why one of the document had been referenced as “surveyed by George Sawyer Engineering” when there was no evidence of that. Also, some notes in the drawing were blurred out and not readable. PB asked BA to explain the discrepancies. Sven Cole apologized and noted that he wasn’t sure since Main-Land was not at tonight’s meeting.

Ross Cudlitz provided a brief overview of his written review of the Plan (Ross had reviewed a July 10<sup>th</sup> version of drawing C2.1 but noted that it was the same as July 11<sup>th</sup> drawing). Ross provided a verbal presentation: plan does meet end requirements for phosphorus control and stabilization. A phosphorus control plan usually takes into account the whole parcel, but in this case the end result would have been easements and buffers on the land in perpetuity. But no parties involved want that. The math is accurate for the 1.55 acres which is the disturbed area we saw today on the site walk. Agrees with Rick that once forest grows back and mowed area is only 10 feet wide mowed twice a year, this will provide acceptable phosphorus numbers. If the site doesn’t grow grass and is just mulched, particles will still erode under the mulch. But if BA waits until after first frost to grow grass, winter will really erode it. If BA waits until spring, there might be significantly more cost to remediate the site. Oxford County Soil & Water guidelines are final grass seeding date by September 15<sup>th</sup>, so time is of the essence. Could use “band aid” approach for the winter if needed, but only a few things would sprout. May have to do this approach because would be hard to get topsoil and seed in before Labor Day.

Ross also noted that it’s important that the PB have a quote and commitment from a contractor. Need a contractor to do their own math depending on topography and conditions. BA noted that Khiel Excavation will be doing this, coming out to do emergency control this week. Khiel will provide pricing, probably next week or the week after. Has availability in August and September, plus time available next spring for maintenance.

Plans for BA’s cabin were discussed. BA may decide to tear the cabin down, Borsetti was out on the site July 3<sup>rd</sup>. BA waiting on numbers. PB noted it was July 18<sup>th</sup>. If the site visit was back on July 3<sup>rd</sup>, where are the numbers? BA: Don’t know. BA noted that contractor would need to move steel out of the cabin and would need the current travelway to do either demo work or repair.

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Other scenario would be to repair the cabin. PB secretary noted that BA would need the building permit to be approved by the Planning Board since it would include a phosphorus control plan. Same for a demolition – CEO confirmed even a demolition permit would need phosphorus control since the cabin is in a shoreland zone and was moved off its original foundation.

PB Chair noted that the cabin is the critical path in this situation. Can't do anything with the cabin until BA gets approval to remediate the road. Sven Cole stated that BA was looking for a path forward. PB secretary noted that the path forward had been clearly outlined in January of 2017 so why is there any question on what the path is? Why wasn't any action taken until recently? BA noted they had been working in the background on the details from the mediation plan. PB Secretary asked CEO when he had first heard back from BA after they agreed to the mediation plan in January. CEO noted that had not heard from BA at all and finally reached out to them in May to get an update. Secretary noted that any activity BA had done 'in the background' from January until when CEO reached out to BA in May had not been made visible to the town.

Ross Cudlitz stated that if BA chose not to fix the road this summer, BA would need a contractor up there every 7 days all winter checking on it and maintaining it as there is too much risk of further erosion.

PB Chair said he does not see how the cabin repair and remediation plan could possibly be done this summer given all the hurdles ahead of us.

Ross noted that if the work moved past the September 1<sup>st</sup> deadline and turned into a longer term project, the town would likely need a bond, though it is up to the Selectmen on what is required. For a Line of Credit (LOC), when the money runs out, it runs out. Whereas for a bond, applicant puts up the money for the project and pays out of pocket, so twice the amount is put aside for the job. That way, if the applicant walks away, town is kept whole.

Possible idea discussed – emergency PB meeting (7 days' notice required) to review and approve BA's plan. Would need several items from BA, including demo / building plan, phosphorus control plan (PCP) and Ross' review of the PCP. What would be required for a PCP? Ross described some of the possibilities for BA to consider.

PB agreed to meet in one week on July 25, 2017 as a special meeting in order to put closure on these open legal issues and urgent environmental concerns, and to facilitate resolution of the consent agreement with the Town of Sweden. PB agreed to accept email correspondence as this is considered an urgent situation. Chair stated to BA that the PB has a firm expectation that BA will have all required materials submitted to the PB before this meeting. The required materials are:

1. Decision from BA on cabin repair vs. demolition
2. Building permit application or demolition permit. BA to apply through Larry Lyle, Sweden's CEO
3. Phosphorus Control Plan for the cabin repair or demo to Ross Cudlitz for review/approval (with a copy to all listed above)

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4. Direct evidence of cost, commitment, and schedule from BA's contractor for cabin repair/demo
5. Direct evidence of cost, commitment, and schedule from BA's contractor for right of way remediation AND for the one-year maintenance plan
6. Direct evidence of submission of permit by rule application to the Maine DEP
7. Evidence of Maine DEP approval (or approval by non-response) of PBR
8. Bond (if remediation work will not be complete by September 1st) or letter of credit (if work completed before September 1st) for full amount of cost to implement the phosphorus control remediation and re-vegetation plan and to repair BA's cabin (adequacy of amount confirmed by Ross Cudlitz). Bond or letter of credit (LOC) must be approved by the Sweden Board of Selectmen.
9. BA to provide a bond or letter of credit for full amount of cost to cover the one-year maintenance obligation on the re-vegetation plan (adequacy of amount confirmed by Ross Cudlitz). Bond or LOC must be approved by the Sweden Board of Selectmen.

Laura Chadbourne made a motion that the PB not approve the application with conditions as there is not enough information. PB intends to review and made a decision on the application at meeting in one week. Dan Cousins seconded the motion. All members approved the motion except Kevin Taylor who opposed. Motion passed.

Dave Johnson then made a motion to consider allowing BA to remove wood from the McQueens property (from the original clearing of the ROW). The motion was seconded by Kevin Taylor. Discussion: technically this should not be the order of events as a stop work order is still in effect. Remediation plan should be approved first, then the stop work order lifted, then wood can be collected. Motion withdrawn by Dave Johnson, therefore no vote.

### **8. Announcements:**

- A. A Special Planning Board meeting will be held on Tuesday, July 25, 2017 at the Town Meeting House in order to review phosphorus control plan and remediation and re-vegetation plan for the right-of-way (ROW) over the land of Julia and Dan McQueen Map R1, Lot 2.
- B. The next regular Meeting will be on August 15th at 7:00 PM at the Sweden Town Office.
- C. 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.

Laura Chadbourne moved that the meeting be adjourned at 8:50 PM. Chair Dave Johnson adjourned the meeting.

Respectfully submitted,

Laura Chadbourne  
Secretary, Sweden Planning Board