

Minutes for Tuesday, September 17, 2019 Planning Board Meeting

1. Call to Order: The meeting was called to order at 7:02 PM.

2. Introduction of Attendees: Present were Planning Board (PB) Members: David Johnson, Laura Chadbourne, Kevin Taylor, Morris Gibely, Bill Graham (Alternate), and Ron Kiesman (Alternate). Member Melanie Eldracher was absent, so Ron Kiesman served as a PB Member. **Code Enforcement Officer (CEO)** Arthur Dunlap also attended. Town resident Shawn Shea also attended.

3. Minutes from the August 20, 2019 Meeting: The minutes were reviewed by the group. David Johnson moved and Morris Gibely seconded the acceptance of the minutes as written. The motion passed unanimously.

4. CEO's Report for August 2019:

CEO reviewed the report with the PB. Discussed timber harvest violation on Map R-05 Lot 52 Route 93; the Board of Selectmen (BOS) is close to deciding the final course of action.

CEO and PB discussed state DOT rules around "directional signs" due to PB member inquiry about legality of Bear Mountain Inn sign on Route 93. Group agreed that the Zoning Ordinance language regarding restrictions on signs (not allowed for businesses outside of Sweden) was confusing given DOT rules for directional signs. PB Secretary will note this as an opportunity once the Zoning Ordinance update effort can get restarted.

Kevin Taylor moved and Morris Gibely seconded the acceptance of the CEO's report; the motion passed unanimously.

5. Communication & Bills

A. Correspondence Received and Sent (by date)

1. Ltr from Bergen Parkinson, LLC dated 8-31-2019 to the Town of Sweden. Invoice for telephone conversation with Planning Board Secretary and Assistant. Total \$52.50. David Johnson signed approval of the invoice at the meeting.

2. Ltrs (emails) from Aimee Heath dated 9-5-2019 to 9-14-2019 to and from PB Secretary (Map U-01, Lot 2) regarding questions related to building permit and dock which will require a conditional use permit. PB and CEO discussed the property which is in a shoreland zone. Arthur confirmed that according to plans submitted by owner, addition to house will not make it more non-conforming than existing property, therefore PB does not need to review the application. A board member noted that the drawing needs to include distance to the roadway centerline to ensure addition is not within 50 feet of the roadway centerline as required by the Town of Sweden's current Zoning and Land Use Ordinance, Section XI. Non-Conformance, subsection C.3.d, which states, "no portion of the expansion shall be closer than 50 feet to the roadway centerline, or closer than 20 feet (or height of the structure, whichever is greater) to the side/read lot line respectively."

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Regarding the proposed dock as described by the owner in emails, CEO and PB agree that the dock proposal will need review by the CEO and likely will need to be submitted to the PB as an application for Conditional Use.

3. Ltr (emails) from AA Jenna Domer dated 9-11-2019 to PB Secretary regarding Central Maine Power (CMP) utility request from Mr. Shawn Shea. No map and lot provided; PB will need to confirm it is in re: Map R-2, Lot 17. Email requests that PB review request from Mr. Shea.

Mr. Shea attended the meeting. PB Secretary verbally asked that Mr. Shea confirm he is the owner of the property which is at 78 Marr Road; he confirmed he is the owner. Mr. Shea reviewed the renovation work being done at his property, including upgrade of electric service. Planning Board reviewed the current Sweden Zoning and Land Use Ordinance Section X.N "Public Utilities" which states, "...extension or enlargement of present facilities, except for extending consumer services via distribution lines, requires a Conditional Use Permit...". Since Mr. Shea's electric changes are an extension of existing consumer service, the Board determined that Mr. Shea does not need to apply for a Conditional Use Permit and therefore does not need formal review of his plans by the Board. PB Secretary will send a note to the Sweden Board of Selectmen (BOS) to confirm the PB's conclusion that no action was needed by the PB. Mr. Shea thanked the group and left the meeting.

4. Ltr (emails) from AA Jenna Domer dated 9-13-2019 to PB Secretary regarding request from Board of Selectmen (BOS) for the PB to review a "winter logging request" on Trull Brook Road. No name, address, map, or lot information provided. Secretary replied with inquiry about whether there was more information available, but there was not.

Board discussed the request, but concluded that there was not enough information to provide a formal review or decision. Several questions were raised, such as what zone the property is in, whether the "winter logging" was standard timber harvesting activity, what specific access was being requested, who would be doing plowing – the town or a private party? Some concerns were raised about whether it was safe to plow the road in winter and if the road could handle timber harvesting activities (concern with bridge on the road). Also whether the town was liable for damages or personal injury if a private party plowed the road.

Chair Dave Johnson will send a note to the BOS about the PB discussion and recommending that the BOS obtain more details about the request in writing.

6. Old Business:

- A. Review draft of letter to Bridgton Academy (BA) requesting update to maintenance log for property at Map U-8, Lot 27. Secretary verbally summarized the draft letter, which reminded BA of its legal requirement to provide maintenance log updates at least annually. Chair signed the letter, which the Secretary will ensure is mailed to BA.

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7. New Business:

- A. Board discussed challenges with last minute agenda items being added to PB meetings by the BOS. PB typically needs at least 10 but preferably 14 days' advance notice to place items on the agenda so that members have time to review the information and perform research as needed in order to come to the PB meetings prepared to discuss the item. Recently, as with Mr. Shea's request at this meeting, the BOS has been committing that PB will review items for which members have not had any advance notice. The process for items to be placed on the PB agenda has always been for the interested party to contact the PB Chair directly. Chair Dave Johnson will send a note to the BOS reminding them of this process.

- B. At 8:05 PM, Chair David Johnson made a motion, seconded by Member Kevin Taylor, for the Board to go into executive session to discuss information received from the Town of Sweden legal firm as well as an outside legal firm re: issues impacting the Planning Board. The motion passed unanimously and the Board went into executive session.

At 8:29 PM, the Board closed the executive session. David Johnson made a motion to have outside counsel send a letter to the Town of Sweden's legal counsel regarding the impacts of actions made by the Town of Sweden Board of Selectman on the Planning Board and Planning Board Assistant. Morris Gibely seconded the motion. The motion passed unanimously.

8. Announcements:

- A. The next regular Meeting will be on Tuesday, October 15, 2019 at 7:00 PM at the Sweden Town Office.

A motion was made to adjourn the meeting. The Chair adjourned the meeting at 8:32 PM.

Respectfully submitted,

Laura Chadbourne,
Secretary, Sweden Planning Board