

## Minutes for Tuesday, October 15, 2019 Planning Board Meeting

**1. Call to Order:** The meeting was called to order at 7:05 PM.

**2. Introduction of Attendees:** Present were Planning Board (PB) Members: David Johnson, Laura Chadbourne, Kevin Taylor, Melanie Eldracher, Morris Gibely, and Ron Kiesman (Alternate). Alternate member Bill Graham was attending an “elected officials” seminar in Bridgton, but joined the meeting at 8 PM. **Code Enforcement Officer (CEO)** Arthur Dunlap also attended.

**3. Minutes from the September 17, 2019 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 September 2019:**

CEO reviewed the report with the PB. Laura Chadbourne moved and Kevin Taylor seconded the acceptance of the CEO’s report; the motion passed unanimously.

CEO brought up topic of solar arrays in Sweden. Arthur has been contacted by someone potentially interested in establishing a commercial solar array within the town of Sweden. The array would generate about 5 megawatts of power and be connected into the electric power grid. PB asked how many solar panels 5 MW would represent. CEO did not know specifically, but land required for other similar arrays producing that much power is about 20 acres. Board noted this could be hundreds of solar panels. CEO wanted to understand if this would be considered a “public utility” under the town of Sweden’s Zoning Ordinance. Board noted that even if it is a public utility, other public utilities (i.e., Fairpoint, Central Maine Power) do not operate their businesses from the town of Sweden. Therefore, this proposal would need to be considered by taking into consideration Sweden’s Comprehensive Plan. The group looked at page 61 of the current Town of Sweden Comprehensive Plan (May 2004), “Economics” section, which states:

#### **“Town Policies**

- To continue to limit commercial development to small-scale, low-impact, and nonpolluting enterprises, such as home occupations.
- To encourage sustainable agriculture and forestry, commensurate with Sweden’s natural, rural, and residential character.
- To ensure any commercial development does not detract from, or degrade, Sweden’s natural and rural-residential character, or unfavorably impact surrounding property conditions and values, or municipal resources.”

CEO will be meeting with the agent for the company interested in the solar array and will share the above information with them.

### **5. Communication & Bills**

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

1. Ltrs (emails) from Aimee Heath dated 9-18-2019 to 9-20-2019 to and from PB Secretary Laura Chadbourne (Map U-01, Lot 2). Ms. Heath requested an update on PB meeting outcome from 9-17-2019 meeting. Secretary responded that regarding the home addition, the PB had confirmed that the CEO would be managing that directly with her. Secretary noted that Ms.

## Minutes for Tuesday, October 15, 2019 Planning Board Meeting

Heath would need to work with the CEO on a Conditional Use Permit application for the proposed dock to be submitted to the PB.

2. Ltr (email) from PB Secretary 9-20-2019 to Ann Freeman, Esq. of Bernstein Shur, containing signed engagement agreement between Bernstein Shur and the Town of Sweden Planning Board.
3. Ltr (email) from PB Secretary Laura Chadbourne dated 9-22-2019 to Board of Selectman (BOS) and Administrative Assistant (AA) Jenna Domer regarding Central Maine Power (CMP) utility request from Mr. Shawn Shea Map R-2 Lot 17. Secretary confirmed that Mr. Shea presented information at the 9-17-2019 PB meeting. PB reviewed Sweden's Zoning Ordinance, Article X, and confirmed that based on the information presented, the effort does not require a review from the PB. Ron Shorey, Selectman, sent a reply email thanking the PB.
4. Ltr (emails) from PB Secretary Laura Chadbourne dated 9-7-2019 through 9-22-2019 to AA and Ron Shorey, Selectman, regarding concerns about PB filing.
5. Ltr (email) from PB Chair David Johnson dated 9-23-2019 to BOS and AA regarding request from Board of Selectmen (BOS) for the PB to review a "winter logging request" on Trull Brook Road. The PB noted that the request did not contain sufficient information for the PB to determine if a review by the PB is required (no name, address, map, or lot information had been provided). Email suggested that BOS obtain additional written information about the request. PB also brought up several potential concerns about the nature of the request, including liability for private plowing of a closed town road. Finally, email reminded BOS about the process for items to be added to the PB meeting agendas. First Selectman Fowler forwarded the email to AA requesting she reach out to Maine Municipal Association with some questions about liability.
6. Ltr (email) from AA Jenna Domer dated 9-26-2019 to PB Chair and Secretary with letter from BOS and a copy of a new town Volunteer Policy adopted by the BOS on 9-24-2019. Letter dated 9-25-2019 is related to invoices for town attorney as well as PB filing which the AA stated she will no longer support.
7. Ltr from Bridgton Academy (BA) dated 10-2-2019 to Planning Board, outlining maintenance inspections of the right of way (ROW) at Map U-8, Lot 27 which crosses Map R-1 Lot 2 currently owned by Julia and Dan McQueen .
8. Ltr (email) from AA Jenna Domer dated 10-2-2019 to BOS, cc PB Chair and Secretary, with attachment of letter dated 10-1-2019 which is a notification of timber harvest violation at Map R-5 Lot 52.
9. Ltr from Ann Freeman, Esq. of Bernstein Shur (representing the Town of Sweden Planning Board) dated 10-7-2019 to Leah Rachin, Esq. at Bergen & Parkinson (Town of Sweden legal counsel). Letter outlined concerns regarding actions taken by the BOS.

## Minutes for Tuesday, October 15, 2019 Planning Board Meeting

10. Ltr (email) from AA Jenna Domer dated 10-9-2019 to PB Chair, cc PB Secretary, with attachment of letter dated 10-8-2019 which is a revised notification of timber harvest violation at Map R-5 Lot 52.

### 6. Old Business:

- A. Board reviewed response letter from Bridgton Academy (BA) regarding maintenance report for Map U-8, Lot 27 and determine if any further action needed. Secretary Laura Chadbourne will confirm that the inspection having been done by BA themselves and not a third party complies with requirements (Board recollection is that this is fine, but Secretary will confirm). Secretary will also add a copy of the report to the BA maintenance log which is in the town files.
- B. Board discussed impact to PB of information (letter to PB and volunteer policy) received from AA on 9-26-2019 (item #5 in correspondence).
- a. Filing support impact:** the AA's letter stated that she will no longer perform the function of filing Planning Board documents. **PB discussion:**
- This action by the BOS puts the PB back in the challenging position addressed 3years ago re: the need for skilled administrative support.
  - The PB is going to be forced into a position to hire its own help to get the work done which will cost the town money.
  - An alternative would be to reduce hours of AA so that another person can be hired to do the work, resulting in a zero-cost impact to the town.
- Tabled further discussion until next meeting.
- b. Volunteer Policy impact:** AA's letter conveys a new Volunteer Policy adopted via BOS vote on September 24, 2019, and notes that Julie McQueen "may volunteer for the Planning Board abiding to the Town of Sweden Volunteer Policy adopted on September 24, 2019. The Town of Sweden does not have a Planning Board Assistant position." **PB discussion:**
- The Volunteer Policy was adopted with no input by the PB or even notification to the PB before it was adopted. In the past, the BOS consulted with individuals and boards impacted by town policy decisions so that there was balanced input and agreement on the need for such policies as well as the crafting of the language.
  - The statement that there is no PB Assistant position is incorrect. The Planning Board voted to create the Planning Board Assistant position on May 8, 2008, and officially notified the Director of MMA Legal Services of the PB Assistant position via letter.
  - The Volunteer Policy is very heavy-handed and will discourage any volunteers wanting to raise their hands which is a detriment to the town. The letter from the AA also demands that the PB Assistant abide by the new Volunteer Policy even though the PB Assistant has been assisting the PB for over 10 years.
  - Since existing town volunteers apparently need to abide by the new policy, are Sweden volunteer firefighters required to complete an application, go through an interview, provide reference checks, and sign a volunteer service agreement as outlined by the

## Minutes for Tuesday, October 15, 2019 Planning Board Meeting

- new Policy? Kevin Taylor offered to reach out to AA to ensure the new Volunteer Policy is being applied consistently. If not, the policy is being administered inequitably.
- No one on the PB understands what problem the BOS is trying to solve by adopting this new policy.
  - Finally, is it legal for one board (i.e., BOS) to impose a volunteer policy on another independently elected board? Kevin Taylor to reach out to MMA legal to obtain input on this question.
- c. Zoning ordinance risk:** PB discussed this risk which has been brought up with the PB as well as to the BOS multiple times. The town's Zoning Ordinance (ZO) no longer complies with state law, putting the town at legal risk. The PB requested funding via the BOS months ago to hire professional help to update the ZO but was refused. This continues to be a real risk to the town. Further discussion tabled until next meeting.
- C. Board asked if anyone had received response from BOS after they received letter sent by Ann Freeman to Leah Rachin. Secretary Laura Chadbourne had heard from Ms. Freeman that Ms. Rachin had shared the letter with the BOS on 10-7-2019 or 10-8-2019; however, no one on the PB has been contacted. Kevin Taylor had attended the BOS meeting on 10-8-2019 and the letter was not mentioned, although the BOS did go into executive session and it could have been reviewed there. Since it had only been a week since the BOS had received the letter, PB will wait until next meeting to see if any response is forthcoming. Until the next PB meeting in November, the PB Secretary, Chair, and PB Assistant will continue conversations and act on behalf of the Board with Ann Freeman as needed. Board members noted that if no significant progress is made on the BOS issues by its next meeting in November, the PB may determine to take further action, including consideration of initiating a recall election as allowed by the town's Recall of Elected Municipal Officers Ordinance.

### 7. New Business:

- A. Bill Graham provided a brief overview of the Maine Municipal Association's "Elected Officials" training he attended that evening earlier that evening.

### 8. Announcements:

- A. The next regular Meeting will be on Tuesday, November 19, 2019 at 7:00 PM at the Sweden Town Office.

A motion was made to adjourn the meeting. The Chair adjourned the meeting at 8:30 PM.

Respectfully submitted,

Laura Chadbourne,  
Secretary, Sweden Planning Board