

## Minutes for Tuesday, July 21, 2020 Planning Board Meeting

*Note: this meeting was held by video-conference as allowed by State of Maine emergency measures put in place in March 2020 in response to the COVID-19 pandemic.*

**1. Call to Order:** The meeting was called to order at 7:00 PM.

**2. Introduction of Attendees** - present were:

- **Planning Board (PB) Members:** David Johnson (Chair), Laura Chadbourne (Secretary), Morris Gibley, and Bill Graham. New Alternate Member Lynn Hopkins attended but since she has not yet been sworn in, was observing. Absent: Members Kevin Taylor and Melanie Eldracher. In accordance with the PB By-laws, Bill Graham was designated by the PB Chair to serve as a voting PB Member.

- **Code Enforcement Officer (CEO)** Arthur Dunlap

**Additional attendees:**

- **Walden Renewables:** Jack Kenworthy and Paul Williamson
- **Flycatcher LLC:** Dave Brenneman (for Rich Jordan)
- **Woodard & Curran** (engineering / project mgmt for **Nexamp**): Darren Stairs
- **Frank LaRosa, Sharon LaRosa, and Charlotte Riley**, property owners in Sweden and interested parties re: Nexamp solar project

**3. Minutes from the June 16, 2020 Meeting:** The minutes were reviewed by the group. David Johnson moved to approve the meeting minutes as written. Morris Gibely seconded the motion. The motion passed unanimously.

**4. Election of Planning Board Chair and Secretary** (For each: motion, second, discuss, then vote).

- David Johnson nominated Bill Graham to be Planning Board Chair. Laura Chadbourne seconded. The motion passed unanimously.
- Bill Graham nominated Laura Chadbourne to be Planning Board Secretary. Morris Gibely seconded. The motion passed unanimously.

In accordance with PB By-Laws, the new PB Chair, Bill Graham, then designated Alternate Member David Johnson to serve as a voting PB member.

**5. CEO's Report for June 2020:**

Arthur presented the report.

- Re: Map R-5, Lot 07-B, CEO asked if there was any record of a driveway right of way. Laura Chadbourne stated that she would check the file spreadsheet and let Arthur know.
- Re: Map R-6, Lot 06-00, CEO received a report that there had been a 178-acre clear cutting of timber. Laura asked if CEO had been over to see it; he had not. Laura mentioned she would go over there soon to see what the cutting looked like. Bill Graham said he would be interested in doing the same.

Bill Graham moved and David Johnson seconded the acceptance of the CEO report for June 2020. The motion passed unanimously.

**6. Communication & Bills**

1. Ltr from PB dated 6-2-2020 to James and Aimee Heath (Map U-01, Lot 2), confirming that the PB had approved the Heath's CUP application for a dock on Keyes Pond. Letter included Findings of Fact and Conclusions of Law related to the application.

2. Ltr (emails) dated 6-13-2020 through 6-19-2020 between the PB and Hannah Welsh, regarding her property at "0 Hillside Lane" (Map R-8, Lot 40 - # not yet designated). Ms. Welsh asked to speak to the PB Secretary separately about how to interpret state and local laws. PB Secretary responded that no PB member can opine on any issue unless in a full board meeting. PB Secretary summarized the research she, the CEO, and even SMPDC legal resources had done. The resulting recommendation from all 3 parties was for Ms. Welsh to consult with a land use attorney to determine next steps.

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3. Ltr (email) from PB dated 6-19-2020 to SMPDC (Lee Jay Feldman) requesting review of Sweden's zoning ordinance and comprehensive plan for an opinion on whether solar farms would be an allowed use as a Public Utility in the town of Sweden. This is in regards to the following properties: Map R-09, Lot 9, owner Charlotte Riley, Map R-09, Lot 17, owners Sharon and Francis Larosa, and Map R-08, Lot 3, 5SS LLC.
4. Ltr (email) from PB dated 6-22-2020 to SMPDC (Lee Jay Feldman) providing information about the solar projects being proposed, including the size (megawatts) of each project and the map and lot numbers. This is in regards to the following properties: Map R-09, Lot 9, owner Charlotte Riley, Map R-09, Lot 17, owners Sharon and Francis Larosa, and Map R-08, Lot 3, 5SS LLC.
5. Ltr (email) to PB dated 6-22-2020 from SMPDC (Lee Jay Feldman, Director of Planning) providing SMPDC's opinion on whether solar farms would be an allowed use as a Public Utility in the town of Sweden (yes, subject to the Conditional Use process and all relative Performance Standards in the town's Zoning Ordinance. The town's Comprehensive Plan does not have anything either supporting or discouraging solar). This is in regards to the following properties: Map R-09, Lot 9, owner Charlotte Riley, Map R-09, Lot 17, owners Sharon and Francis Larosa, and Map R-08, Lot 3, 5SS LLC.
6. Ltr (email) from PB dated 6-23-2020 to Darren Stairs of Woodard & Curran, Jack Kenworthy of Walden Renewables, and Rich Jordan of Flycatcher, LLC. Email directs the potential applicants NOT to submit an application or letter of intent to the PB, based on a proposed review of the town's zoning ordinance and comprehensive plan by SMPDC. This is in regards to the following properties: Map R-09, Lot 9, owner Charlotte Riley, Map R-09, Lot 17, owners Sharon and Francis Larosa, and Map R-08, Lot 3, 5SS LLC.
7. Ltr (email) to CEO dated 6-26-2020 (forwarded by CEO to PB) from the Maine Department of Environmental Protection. Email informs the town of Sweden that a site permit has been approved for "Sweden Solar, LLC and Sweden Solar 2, LLC", and is now subject to local approval. This is in regards to the following properties: Map R-09, Lot 9, owner Charlotte Riley, Map R-09, Lot 17, owners Sharon and Francis Larosa.
8. Ltr (email) to PB dated 7-1-2020 from Aimee Heath (Map U-01, Lot 2). Email asks if property owner can put up a fence for their dogs. PB Secretary replied on 7-7-2020 that the question needed to be directed to the CEO and provided Ms. Heath with his email address.
9. Ltr (email) to PB dated 7-7-2020 from Erika Rowland, Executive Director of the Greater Lovell Land Trust, looking to speak to a PB member for information about potential solar projects in Sweden. Ms. Rowland had been contacted by Walden Renewables about granting an easement allowing Walden to run power lines along an existing corridor. PB Secretary forwarded the note to PB Chair and Alt. Member Bill Graham on 7-7-2020 to address. Ms. Rowland thanked the group via email on 7-8-2020. This is regarding Map R-08, Lot 3, 5SS LLC.
10. Ltr (email) from PB dated 7-7-2020 to Maine Municipal Association Legal Department, requesting an opinion on whether deleting "Zoom video" recordings of previous PB meetings was in violation of any laws. Recordings were taking up too much space and would cost the town money if kept any longer. MMA Legal responded on 7-8-2020 that there is no statutory requirement that any municipal board record its meetings, but that there is a minimal requirement for a "record" of every board meeting and that the PB's detailed meeting minutes easily satisfy the requirements.

### 7. New Business:

- A. **Potential Solar Projects:** the PB had received a memo from Southern Maine Planning & Development Commission (SMPDC) which was shared on screen for all participants to read through. SMPDC's had been asked by the PB to review the town's Zoning and Land Use ordinance (ZO) as well as the town's Comprehensive Plan as they related to allowing ground mounted solar projects in the Town of Sweden. SMPDC's assessment determined that they would consider a solar

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array to be a Public Utility which is allowed in Sweden's ZO as a conditional use. The memo went on to say that such a project would need to comply with all processes and standards outlined in the ZO. SMPDC also reviewed the town's Comprehensive Plan (CP) and noted that at the time of the last update to the CP (2004), there was no such thing as a local large-scale solar project. Energy issues in general were not discussed in the CP. Therefore, SMPDC did not find any goals, policies, or strategies supporting or discouraging solar in the CP.

Jack Kenworthy from Walden Renewables and Darrin Stairs from Woodard & Curran both stated that they appreciated the clarity and were encouraged that there was a path forward. Both parties plan to continue moving forward with the application process for their solar projects under the town's Conditional Use Permit (CUP) process. This starts with a submission of a Building Permit to the CEO, who will assess it as a CUP (it is assumed) and submit it to the Planning Board for consideration.

David Johnson noted that the PB wants the process to work successfully, so we plan to be thorough to protect the town. Bill Graham added that he'd reviewed all the information that the City of Lewiston had processed for their recent solar project, including the Maine Department of Environmental Protection (DEP) review which was very thorough.

It was mentioned that the PB was allocated funding to update the town's ZO at the town's Annual Meeting just a few days earlier on July 18<sup>th</sup>. The PB will consider updating the ZO in parallel with the solar projects' review if enough resources were available.

- B. **Annual Town Meeting:** PB discussed impact and next steps resulting from the July 18, 2020 Sweden Annual Town Meeting. Townspeople voted overwhelmingly to support the PB requests including funding for the ZO updates as well as funding for administrative assistance dedicated to assist the volunteers on the PB and Board of Appeals.
- C. **Misc. questions for the Board of Selectmen** (from BOS minutes): PB discussed questions on 3 items that had been in BOS meeting minutes over the past few months: two timber harvesting issues and questions on a right of way that the BOS had granted over town property. CEO was able to answer some of the PB's questions but most will need BOS clarification. Laura Chadbourne made a motion to draft a memo with a cc to the Budget Committee for the PB Chair's review asking the BOS to answer a few clarifying questions about the 3 items. David Johnson seconded the motion, which passed unanimously.

At 8:17 PM, Laura Chadbourne made a motion for the Planning Board to go into Executive Session as per MSRA Title 1, Section 405, Subsection 6(A) which covers assignments and duties of appointees. Morris Gibley seconded the motion. At 8:45 PM, the Board ended its Executive Session.

1. Laura Chadbourne made a motion that the PB Chair send a letter to the Board of Selectmen outlining the PB's concerns about the posting of an "Administrative Assistant to the Select Board and the Planning Board" for 32 hours a week. Bill Graham seconded the motion, which passed unanimously.
2. Laura Chadbourne made a motion that the PB draft a job description for the administrative assistance needed for the PB, for up to 12 hours per week. David Johnson seconded the motion, which passed unanimously.

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### 8. Old Business:

- A. None.

### 9. Announcements:

- A. There is an upcoming Maine Municipal Association webinar on July 30<sup>th</sup> for Planning Board members (virtual meeting). Laura will be attending. If anyone else is interested, Laura can get you registered. Lynn would like to attend; Laura to get her signed up.
- B. The next regular Planning Board meeting is scheduled for Tuesday, August 18, 2020 at 7:00 PM via video conference. Bill Graham asked if PB members were interested in holding in-person meetings in the Town Meeting House, obviously with masks required and social distancing as required under COVID-19 emergency measures. Most members were still a bit uncomfortable with meeting in person, and also that with the high summer temperatures, it would likely be hot in the building, even in the evening.

A motion was made to adjourn the meeting. The Chair adjourned the meeting at 8:50 PM.

Respectfully submitted,

Laura Chadbourne,  
Secretary, Sweden Planning Board