

Minutes for Tuesday, December 15, 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 7:05 PM.

2. Introduction of Attendees - present were:

- **Planning Board (PB) Members:** Bill Graham (Chair), Laura Chadbourne (Secretary), Morris Gibley, Melanie Eldracher, David Johnson, and alternate member Lynn Hopkins. **Absent:** Code Enforcement Officer (CEO) Arthur Dunlap
- **Additional attendees:** Warren deWildt, Frank Larosa, citizen

3. Minutes from the November 17, 2020 Meeting: The minutes were reviewed by the group. David Johnson moved to approve the meeting minutes as written. Morris Gibley seconded the motion. The motion passed unanimously.

4. CEO's Reports for September, October, and November 2020:

CEO was not in attendance but had responded in writing to questions from PB members about the September and October reports. PB reviewed the questions and answers from the September and October reports onscreen. A PB member noted a potential concern about the property at 289 Hardscrabble Road (Coughlin, [Map U-6, Lot 03-02](#)). CEO had stated that a licensed surveyor had measured and attested that the distance from the patio to the pond was greater than 100 feet. PB member would like to request that the CEO measure the distance himself since he is responsible for preventing shoreland zone violations. It also looked as if additional development closer to the water might be happening. PB Chair offered to pull the building permit the next time he was at the town office and review it for any disconnects with activities at the property.

- **David Johnson made a motion to accept the CEO's September 2020 report. Morris Gibley seconded the motion. The motion passed unanimously.**
- **Morris Gibley made a motion to accept the CEO's October 2020 report. David Johnson seconded the motion. The motion passed unanimously.**

PB members also had questions about the November CEO report. Specifically:

1. Re: Cindy Tripp, 613 Lovell Road, [Map R-9, Lot 05-A](#). "Still meeting requirements for an auto graveyard" is noted; however, auto graveyards are not allowed in Sweden.
2. Nov. Re: Sheila Hoggatt, 559 Knights Hill Rd., [Map R-08, Lot 37-A](#). Are boulders on her property or on a different property? If a different property, the report should note the map and lot of the other property.
3. How does the CEO keep track of outstanding permits and what is the plan to close out any that are past due? Building permits required that construction start within 1 year and finish before 2 years are up. PB does not have visibility to open permits. Are any older than 2 years? This is more than just a paper exercise. When buildings are built or upgraded, it increases revenue to the town in higher taxes due to higher post-construction valuation. Will ask CEO at Jan. meeting.

Laura Chadbourne made a motion to table the November CEO report given there were outstanding questions for the CEO and he was not present. Morris Gibley seconded the motion. The motion passed unanimously.

5. Communication & Bills – see detail at end of these Minutes

6. New Business:

- A. Board discussed approach to recoup costs of expenses incurred by the town of Sweden related to the CUP applications for proposed solar projects at [Map R-09, Lot 9](#), owner Charlotte Riley and [Map R-09, Lot 17](#), owners Sharon and Francis Larosa.

Minutes for Tuesday, December 15, 2020 Planning Board Meeting

Nexamp had assured PB twice at PB meetings that a check was in the mail. Treasurer has confirmed that no check has been received. Laura to draft up strongly worded letter for PB Chair to send Nexamp along with detail about the individual costs.

B. PB discuss funding request for 2021 Planning Board budget.

Request is appreciated by Budget Committee before end of year. Planning board discussion:

- Not sure if \$25,000 allocated to updating ZO “rolls over”
- General administrative expenses: agreed on request for \$5,000
- PB Assistant: \$16,000 (may need to purchase laptop, printer, or other office supplies for resource)
- TOTAL request would be \$46,000 (minus \$25,000 if ZO update money rolls over) but PB will not use dollars that are not needed. **Laura Chadbourne made a motion for the Planning Board to send a letter to the Board of Selectmen (BOS) with a copy to the Budget Committee with a 2021 Planning Board request for \$46,000 (assuming \$25,000 does not roll over; if so, the request will be for \$21,000). David Johnson seconded the motion. The motion passed unanimously.**
- Comprehensive Plan (CP) – people in town have volunteered to help update this. All agreed this was great news. Melanie attended last BOS meeting and BOS are looking to put together a committee with one BOS member, one PB member, and a few members of the community to update the CP. General consensus is that the ZO updates can be parallel tracked with CP work since many updates are required regardless of how CP is updated. **Lynn Hopkins offered to volunteer as a PB representative for this committee. Laura will send email to David Frum conveying this.**

C. PB review and finalize job description for the PB Assistant (PBA) and determine next steps to obtain administrative support.

- Reviewed and edited description
- Agreed that this will be an hourly position, not salaried. All hours would be tracked by the PBA and town pays only for hours worked. Consider using an app to track time worked by the hour.
- PBA would need to be in the town office occasionally to do filing, preferably on days / hours where no other staff is in the office. Other work (spreadsheet/database) to be performed remotely (at home)
- Does an employee need to be bonded? Laura will reach out to First Selectman, Town Clerk, and Treasurer to find out. Also to see if any other dos/don'ts and if the town has an indeed.com account
- Next steps – Laura draft up ad for Conway Daily, Bridgton News, Advertiser Democrat (block ad with link to full job description), and indeed.com. Be clear job is part-time, flexible hours. Resumes to Laura; will share with Bill Graham.
- Will not advertise the amount willing to pay, but looking at up to \$22/hour. At that top rate, the person will need to be very efficient. It was mentioned that the PB needs to be aware of what other office staff are paid and what AAs are paid in surrounding towns.
- MMA might have ad templates for municipal jobs, worth investigating. Laura to look into this.
- Lynn noted that a proficiency test has served her well in hiring employees for her company. Will try to find a version and share it with the group. Laura believes indeed.com offers application testing (would want to test an applicant on Excel skills).
- Idea: advertise at local libraries? (flyer)
- Laura to send out revised description to this group with the changes discussed this evening

Minutes for Tuesday, December 15, 2020 Planning Board Meeting

- D. PB briefly discussed approach to recent concerns and questions re: interpretation of the town's zoning ordinance. Misinterpretation of the ZO can have negative impact on the town. Board agreed to table until January 2021 PB meeting.

7. Old Business:

- A. PB discussed next steps related to overall Zoning Ordinance updates:
- Bill Graham will send to group latest ZO draft where it was left off
 - PB got far along last couple of years, still some work to do on shoreland zoning updates and a few other things.
 - Bill offered to take the lead on this effort and will connect with Julie McQueen on next steps
 - Tuesdays work best for Melanie and others; 6 PM start times would be best

8. Announcements:

- A. The Planning Board has a vacancy for one alternate member with term ending in March 2021. A member may be appointed by the Board of Selectmen. **Melanie Eldracher to follow up with Jim Willey.**
- B. The next regular Planning Board meeting is scheduled for Tuesday, January 19, 2021 at 7:00 PM via video conference.

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

Correspondence Detail:

Correspondence Received and Sent (by date):

1. Ltr to PB (email) dated 11-13-2020 from David Galbraith acknowledging receipt but that he had not had a chance to review the draft Agreements for Payment in lieu of taxes (PILOT) for CUP for proposed solar projects at Map R-09, Lot 9, owner Charlotte Riley and Map R-09, Lot 17, owners Sharon and Francis Larosa. 2 draft agreements attached.
2. Ltr to PB (sent by email) dated between 11-5-2020 and 11-14-2020 from CEO confirming that each CUP if approved would need to obtain a street address for the access roads to each solar development area. Re: CUP for proposed solar projects at Map R-09, Lot 9, owner Charlotte Riley and Map R-09, Lot 17, owners Sharon and Francis Larosa.
3. Ltr from PB (sent by email) dated 11-15-2020 to David Galbraith of SMPDC with changes (tracked in MS Word) to one of the two CUP potential conditions. PB Secretary asked Mr. Galbraith to update the other CUP potential conditions update to match and send them back to the PB. re: CUP for proposed solar projects at Map R-09, Lot 9, owner Charlotte Riley and Map R-09, Lot 17, owners Sharon and Francis Larosa.
4. Ltr to PB (sent by email) between 11-12-2020 and 11-15-2020 to and from David Galbraith of SMPDC. Chain of emails with draft CUP conditions from Mr. Galbraith, plus responses from PB Chair and Secretary. re: CUP for proposed solar projects at Map R-09, Lot 9, owner Charlotte Riley and Map R-09, Lot 17, owners Sharon and Francis Larosa.

Minutes for Tuesday, December 15, 2020 Planning Board Meeting

5. Ltr to PB (sent by email) dated 11-15-2020 from Sweden landowner Julia Marino re: concerns for consideration of PB in their decision re: CUP for proposed solar projects at Map R-09, Lot 9, owner Charlotte Riley and Map R-09, Lot 17, owners Sharon and Francis Larosa. PB Secretary confirmed receipt.
6. Ltr to PB (sent by email) dated 11-16-2020 from Sweden former board member Jerry Genesis re: concerns for consideration of PB in their decision re: CUP for proposed solar projects at Map R-09, Lot 9, owner Charlotte Riley and Map R-09, Lot 17, owners Sharon and Francis Larosa. PB Secretary confirmed receipt.
7. Ltr to PB (sent by email) dated 11-16-2020 from Sweden resident Linda Bradley re: concerns for consideration of PB in their decision re: CUP for proposed solar projects at Map R-09, Lot 9, owner Charlotte Riley and Map R-09, Lot 17, owners Sharon and Francis Larosa. PB Secretary confirmed receipt.
8. Ltr to PB (sent by email) dated 11-16-2020 from Sweden resident Bruce Taylor re: concerns for consideration of PB in their decision re: CUP for proposed solar projects at Map R-09, Lot 9, owner Charlotte Riley and Map R-09, Lot 17, owners Sharon and Francis Larosa. PB Secretary confirmed receipt.
9. Ltr to PB (sent by email) between 11-16-2020 and 11-17-2020 to and from David Galbraith of SMPDC. Chain of emails with updated draft CUP conditions from Mr. Galbraith, plus response from PB Secretary. re: CUP for proposed solar projects at Map R-09, Lot 9, owner Charlotte Riley and Map R-09, Lot 17, owners Sharon and Francis Larosa.
10. Ltr to PB (sent by email) dated between 11-14-2020 and 11-15-2020 to Darrin Stairs of Woodard & Curran noting that expected construction costs in each CUP application were still about twice the expected amount. Darrin responded confirming that the application materials had been updated and provided a link to the full set of documents. Re: CUP for proposed solar projects at Map R-09, Lot 9, owner Charlotte Riley and Map R-09, Lot 17, owners Sharon and Francis Larosa.
11. Ltr from PB (sent by email) dated 11-17-2020 to Ben Axelman of Nexamp and Darrin Stairs of Woodard & Curran forwarding draft conditions of approval as a courtesy to them and with a caveat that the conditions would only be considered if the applications were approved. Re: CUP for proposed solar projects at Map R-09, Lot 9, owner Charlotte Riley and Map R-09, Lot 17, owners Sharon and Francis Larosa.
12. Ltr to PB (sent by email) dated 11-17-2020 from Darrin Stairs of Woodard & Curran with comments on the draft conditions document. Re: CUP for proposed solar projects at Map R-09, Lot 9, owner Charlotte Riley and Map R-09, Lot 17, owners Sharon and Francis Larosa.
13. Ltr to PB (sent by email) dated 11-18-2020 from John P. Smith thanking the Planning Board for their outstanding job in reviewing the recent solar farm CUP applications.
14. Ltr to PB (email) dated 11-18-2020 from the PB Chair expressing how proud he is to be a member of this group of people and thanking everyone for the immense time and effort that went into the solar development CUP reviews.
15. Ltr to PB (emails) dated 11-19-2020 to and from Jack Kenworthy of Walden Renewables and the PB Chair. Walden asked to speak to the PB Chair ASAP. PB Chair responded that discussion by PB members of potential solar applications would need to happen at a PB meeting and invited Walden to review the minutes from the 11-17-2020 meeting when they were available.

Minutes for Tuesday, December 15, 2020 Planning Board Meeting

16. Ltr to PB (emails) dated 11-20-2020 to 11-23-2020 from Paul Williamson of Walden Renewables to and from the PB Chair and PB Secretary. Walden submitted a FOAA request which the PB Secretary responded on 11-23-2020 to with draft meetings minutes from 11-17-20 and Findings of Fact for the Sweden Solar LLC and Sweden Solar 2 LLC CUP applications. PB Chair also forwarded Walden a link to the video recording of the PB's 11-17-2020 meeting.
17. Ltr from PB (email) dated 11-21-2020 to David Frum, FOAA Officer for the Town of Sweden, making him aware of the Walden Renewables FOAA request and that it had been fulfilled.
18. Ltr from PB (sent by USPS and also via email) dated 11-23-2020 to Ben Axelman of Nexamp, confirming that the Sweden PB had voted to deny both of the CUP applications. Letter outlined appeals process should applicants wish to appeal. Letter also reminded applicants that the town was still waiting on a payment requested on 11-2-2020 to cover application expenses which are the responsibility of the applicant. Full Findings of Fact and Conclusions of Law document was attached to letter. Re: CUP for proposed solar projects at Map R-09, Lot 9, owner Charlotte Riley and Map R-09, Lot 17, owners Sharon and Francis Larosa.
19. Ltr to PB (email) dated 11-25-2020 from Lucy Marx and Tom Goodkind thanking the Planning Board for their hard work and attention to detail related to the solar development CUP applications.
20. Ltr to PB dated 11-30-2020 (received in PB mailbox on 12-2-2020) from SMPDC with an invoice for services rendered by David Galbraith related to CUP applications for proposed solar projects at Map R-09, Lot 9, owner Charlotte Riley and Map R-09, Lot 17, owners Sharon and Francis Larosa.
21. Ltr to PB dated 11-18-2020 (received in PB mailbox on 12-2-2020) from Bernstein Shur noting a past due invoice.
22. Ltr from PB (email) dated 12-9-2020 to Doris Ortiz at Bernstein Shur requesting clarification on past due invoice. Ms. Ortiz responded that it was a past due balance on an older invoice. PB Secretary responded that she would look into it with the treasurer.