

Minutes for Tuesday, January 19, 2021 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 7:02 PM.

2. Introduction of Attendees - present were:

- a. **Planning Board (PB) Members:** Bill Graham (Chair), Laura Chadbourne (Secretary), Morris Gibley, Melanie Eldracher, David Johnson, and alternate member Lynn Hopkins
- b. **Additional attendees:** Arthur Dunlap, CEO, Warren deWildt, Mary Sohl, Julia McQueen (PB Assistant), Kelly Kneeland, associated with Walden Renewables; Paul Williamson from Walden Renewables.

3. Review Minutes from the December 15, 2020 meeting. Motion to accept the minutes as written made by David Johnson, seconded by Melanie Eldracher. The motion passed unanimously.

4. CEO's Reports November and December 2020

- a. Discussion: PB members had questions about the report:
 - a. Nov. 2020; Sheila Hoggatt (Map R08, Lot 37-A). CEO clarified that the boulders noted in this item were not on Ms. Hoggatt's property but rather on an adjacent property where Ms. Hoggatt had a right of way. The map and lot for the adjacent property should be noted for the record but was not in the report.
 - b. Nov. 2020; Cindy Tripp (Map R9, Lot 05-A). CEO noted that the landowner met the requirements for an auto graveyard. PB members questioned the report because auto graveyards are not addressed in the ZO and therefore are not allowed in Sweden. CEO noted that "auto graveyard" is defined by the State of Maine. Dec. 2020; minor corrections. (Map R5, Lot 25) owner was noted as last name of Lily when it is Linely. Map R9, Lot 18-00 should be Lot 18-A. PB Secretary said she would make the corrections on her end.
- b. Motion to accept the CEO's **November 2020** report made by David Johnson, seconded by Morris Gibley. The motion passed.
- c. Motion to accept the CEO's **December 2020** report made by Morris Gibley, seconded by David Johnson. The motion passed unanimously.

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

6. New Business:

- A. Discussed approach for PB to update Sweden's Zoning and Land Use Ordinance as well as PB engagement in updates to the Comprehensive Plan

Discussion:

- Both ZO and Comprehensive Plan (CP) are overdue for refresh. Julie contacted the Maine Department of Agriculture, Conservation and Forestry (DACF) which replaces the Maine State Planning Office (which was eliminated July 1, 2012) in providing guidance for CP's. The budget committee is proposing a \$10K budget request for update of Comprehensive Plan. It is common in the State of Maine for a PB to provide oversight for CP updates – could be a subcommittee of the PB. Once the town agrees to update the CP, the town makes a request for a Comprehensive Plan Resource Package which can only be done twice a year, April or October. State sends flash drive with all data and provides a checklist. The whole process to update the CP will likely take 1-2 years.
- Once hired, the PB Administrative Assistant should be involved in supporting the administrative work to update the ZO (and CP if PB is also providing oversight to CP update)
- At the very least, Shoreland Zoning and Timber Harvesting need to be updated in ZO ASAP even if CP plan is not yet updated.

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- Bill offered to go to next BOS meeting on 1-26-2021 to bring this up and discuss. Board noted that it will be critical to have non-PB members involved in the CP updates.
 - Timing discussion: some ZO updates are more urgent than others – PB agreed they should get those done immediately, then pause and update the ZO again after the CP is updated.
 - Mike Morse, former Maine DEP employee, and Lakes Environmental Association (LEA) offered to support us for reasonable costs. Julie offered to connect with each of them and get an update on pricing.
- B. PB Chair asked if attendees representing Walden Renewables wanted to make a statement. Paul Williamson from Walden noted that they are attending to keep current on town discussion to see if there's a path forward eventually for solar development. Walden would respect the town's wishes so they just want to keep current on ZO updates.
- C. PB Chair introduced a list of topics identified as areas of the ZO that the PB could focus on as a starting point. Discussion was intended to refresh PB Members and CEO with certain areas of the ZO that have caused confusion or been issues in the past. The PB and CEO went through each item on the list. The following was noted:
- **Phosphorus Control** – this can be complex but is necessary to protect our natural resources. . Goal will be to keep standards simple but still achieving the need to protect the town's natural o PB intends to obtain advice from LEA on this topic.
 - **Roads and Driveways** – CEO suggested that the town Road Commissioner take on this area and notify the CEO and PB of actions.
 - **Signs** – PB / CEO debated “directional signs” vs. “signs advertising a business”. Agreed the language needed to be clearer in the updated ZO to ensure everyone was on the same page.
 - **Timber Harvesting** – PB noted it would need help from one or more experts on this. Timber harvesting violations are not uncommon. Challenge is that state issues permits. . PB discussed the possibility of the town issuing own permits on top of state process. Not sure this could work if state does not refer applicants to town. CEO suggested PB consider hiring a town forester since he is not able to do much forest walking. A town timber harvesting fee could cover the cost.
 - **Permit number issuance.** PB was confused by the issuance of permit numbers and listing under the "permits issued" section of the CEO report when permits are denied. CEO explained that he numbers each permit much like a case number or docket number, so if issues arise later, it can be referred to.
 - **Residential Construction** – ZO and Building Permit application conflict. ZO states construction must start within a year; BP application says 6 months. Maine Uniform Building Code (MUBEC) states start of construction within 6 months. Municipalities of over 4,000 are required to enforce MUBEC. Municipalities of under 4,000 are not required to enforce it but may do so if they choose to adopt it. At this time, Sweden's ZO allows for one year so the Building Permit application should state one year.
 - **Building Permit Fees** – PB and CEO agreed they are far too low. CEO noted that he thinks fees should cover about 75% of a CEO's salary. This will be addressed as a top priority for ZO updates.
 - **Payment of Fees** – PB and CEO agreed that no building permit can be issued until payment received. Although it appeared some had been issued without payment, the CEO noted that was a timing issue with his reports. CEO noted that with the pandemic, it was not as easy to arrange payment drop-offs and building permit pickups as it used to be.
 - **Setbacks** – PB noted concern that a lot on Stearns Pond had construction but that CEO had not measured the setback from the water; instead, a licensed surveyor had done it and CEO inspected the marks. CEO explained that surveyor can measure a straight-line distance when

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there is a slope involved as was the case with this property. A tape measure cannot be accurate because there is a slope.

- **Conditional Use Permit (CUP) criteria** – CEO noted that it would be easier to have CUP criteria in a table format rather than written paragraphs. PB agreed.
- **Piers/Docks** – PB noted that language needed to be clearer, including clarification that a dock was considered a structure for the purposes of the ZO. CEO noted that a landowner had gotten around the ZO intent by building a 4' x 20' dock that ran parallel to the shoreline, 10 feet away from the shore, and did not apply for a Conditional Use Permit.
- **Actions – CEO agreed to take the following actions:**
 1. **Timber Harvesting violation on Rte 93 (Map R05 Lot 52) (Scott Dillon)** – CEO will follow up as no remediation has been done on the property despite requirement to do so.
 2. **RV on Carson's Way** – CEO will write up letter to property owner citing ZO requirements for RVs.

Next steps – Julie will report on Mr. Morse's quote at next PB meeting. PB will vote on whether to engage him for ZO updates. Bill also noted other resources who could help. ZO Committee is comprised of PB members. CP Committee will be a combination of PB members and others. Need to be cautious of risks for some folks if there are in-person meetings and yet we want to keep this moving.

7. Old Business:

- A. PB discussed next steps 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. Letter was delivered to Nexamp on 12/28/2020; no answer as of 1/17/2021.
PB Secretary noted that her town email account had been experiencing problems and she had no emails from mid-Jan through Dec 24, 2020. She had kept up with correspondence but if anything had come in 12/24 – 1/4/21, it may have disappeared.

Vote: Laura Chadbourne moved that the PB Chair call Nexamp and remind them of the payment due. Melanie Eldracher seconded the motion which passed unanimously.

Learning for PB – get a large retainer up front before the CUP application is accepted.

- B. Planning Board funding request for 2021 update
Discussion: noted that BC recommended approving \$16K – this is the correct number.
- C. Planning Board Administrative Assistant job description and posting update
Discussion: PB Chair connected with Leah Rachin, town counsel, who reviewed the PB job description and posting. Some wording updates and it should be good to go. Laura to post on town site by this weekend if possible, will also post on MMA site and pursue posting in local papers.

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. No word back from Jim Willey, PB agreed not to pursue further. It was noted that three vacancies (one member and 2 PB alternates) will be coming up at the next town meeting in March.
- B. The next regular Planning Board meeting is scheduled for Tuesday, February 16, 2021 at 7:00 PM via video conference.

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A motion was made to adjourn the meeting. The Chair adjourned the meeting at 9:06 PM.

Respectfully submitted,

Laura Chadbourne,
Secretary, Sweden Planning Board

Correspondence Detail:

Correspondence Received and Sent (by date):

1. Ltr to PB (no date) from Shirley Crowe. Received on 12-21-2020 in the PB mailbox. Letter appears to have been hand-delivered to Town Office. Inside envelope is a printed email from Bruce Taylor dated 11/13/2020 to the PB related to his concerns with solar development and has annotations by Shirley Crowe. Re: CUPs 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. Ltr from PB dated 12-22-2020 to BOS with PB budget funding request for 2021.
3. Ltr from PB (email) dated 12-22-2020 to BOS regarding PB representation on any Comprehensive Plan update committee that is formed. First Selectman David Frum responded on 12-29-20 that he had received and that the BOS was committed to having PB involvement in the Plan update.
4. Ltr from PB dated 12-23-2020 (via certified mail, confirmed delivered on 12-28-2020) to Ben Axelman of Nexamp. Letter demanded reimbursement of \$4,876.27 in expenses related to solar development CUPs from Nexamp. Re: CUPs for proposed solar projects at Map R-09, Lot 9, owner Charlotte Riley and Map R-09, Lot 17, owners Sharon and Francis Larosa.
5. Ltr from PB (sent by email) dated 12-22-2020 to BOS and Treasurer, notifying them of the PB demand that Nexamp reimburse \$4,876.27 in expenses related to solar development CUPs. Re: CUPs for proposed solar projects at Map R-09, Lot 9, owner Charlotte Riley and Map R-09, Lot 17, owners Sharon and Francis Larosa.
6. Ltr to PB (sent by email) dated 12-29-2020 from CEO, attaching summary of permits issued in 2020.
7. Ltr from PB (sent by email) dated 1-12-2021 to Leah Rachin (town counsel) to review draft job description and job posting for a PB Assistant. Leah responded on 1-13-2021 that she would review early the following week.
8. Ltr from PB (sent by email) dated 1-17-2021 to Ben Axelman of Nexamp, seeking an update from Nexamp on the 12-23-2020 letter from the PB demanding reimbursement for expenses related to solar development CUPs. Re: CUPs for proposed solar projects at Map R-09, Lot 9, owner Charlotte Riley and Map R-09, Lot 17, owners Sharon and Francis Larosa.