

## Minutes for Tuesday, January 25, 2011 Planning Board Meeting

**1. Call to Order:** Chairman David Johnson called the meeting to order at 7:08 PM.

**2. Introduction of Attendees:** Present were: Chairman David Johnson, Secretary Laura Chadbourne, Members Gail Bartlett, Annette Bouchard, and Bob Scott, and CEO Eric Gulbrandsen. Absent: Alternate Member Ron Kiesman.

**3. Read Minutes from December 21, 2010 Meeting:** The minutes from the December 21, 2010 meeting were read by David Johnson. Gail Bartlett moved and Annette Bouchard seconded the acceptance of the minutes with additional information from CEO. The motion passed unanimously.

### 4. Communication & Bills

A. Correspondence Received (by date):

1. 12/21/10 - Letter dated 12/20/10 from Sweden Board of Selectmen notifying PB of amendment to Zoning and Land Use Ordinance for a Wind Energy Facility ordinance. Hand-delivered by CEO to PB Members at 12/21 PB meeting.
2. 12/21/10 - Rec'd in PB mailbox: letter dated 11/1/2010 to Town of Sweden from consulting engineering firm specializing in enforcing building codes.
3. 12/21/10 – Rec'd in PB mailbox: letter dated 12/6/10 to Town of Sweden from SMRPC re: annual dues of \$318.00 for the upcoming year.
4. 1/2/11 – Rec'd via email from CEO: draft proposed wind energy ordinance.
5. 1/4/11 – Rec'd via US Mail from CEO: hard copy of draft proposed wind energy ordinance.

B. Correspondence Sent (by date):

1. 11/15/2010: email from Chairman David Johnson to Shannon McManus of KJK Wireless regarding items due from KJK Wireless to all PB Members by mail.

**5. CEO's Report:** Eric Gulbrandsen submitted the December 2010 CEO report. Annette Bouchard moved and Bob Scott seconded the acceptance of the CEO's report. The motion passed unanimously.

### 6. Old Business:

- A. **KJK Wireless CUP application** - current status: awaiting additional items from KJK Wireless (herein: "KJK"). Letter will be sent from Chairman as official notice that CUP application was not accepted at 12/21/10 PB meeting, and also noting additional items due from KJK. Letter will also include copy of revised and approved Minutes from the 12/21/10 PB meeting. Other updates:
1. Secretary will forward \$50.00 application fee from Shannon McManus for the KJK CUP application to Town Treasurer for deposit, as it is a non-refundable application fee.
  2. Laura Chadbourne brought up a concern about whether KJK wireless tower project will include blasting. Group agreed that if blasting will be included, PB members need information about it as part of the information needed for

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- the CUP application. Dave Johnson to draft and send correspondence to KJK Wireless on behalf of the Board in order to obtain this information.
3. Dave Johnson will follow up with Fire Chief (Jim Willey) regarding whether he needs additional information from KJK regarding fire precautions / protection.
  4. CEO Eric Gulbrandsen contacted the Sweden town Emergency Management Coordinator, Wayne Miller, as well as the Lovell town Emergency Management Coordinator, Stephen Goldsmith, regarding whether the town would be interested in installing an emergency transmitter on the future wireless tower for town/municipal use. CEO will also contact the Oxford County Sheriff's Dept. regarding same.
  5. Dave Johnson was contacted by Michael Cuomo, an engineer working for KJK Wireless, in regards to the High Intensity Soil Survey (HISS) question that the Board had at the Dec. 21<sup>st</sup> meeting. The engineer sent the documents to Dave, who brought copies for the Board to this meeting, outlining Class A, B, and C surveys. Mr. Cuomo advised the DEP would use Class C, but the high-intensity classes are A and B (these are more intensive surveys). Based on the HISS documents and recommendation of Mr. Cuomo, the Board agreed that a Class B survey would be more than sufficient for the KJK Wireless CUP. Dave to follow up with Mr. Cuomo on behalf of the Board to advise him to proceed with a Class B HISS.

### 7. New Business:

- A. **Wind Energy Ordinance:** Group discussed proposed Wind Energy Facility Ordinance (herein: "WEFO") document that was sent to all PB members prior to the meeting. Several concerns, both with the process as well as the ordinance language itself, were outlined:
  1. While the Board understands the Selectmen technically have the authority to put forth an Ordinance amendment request, the Planning Board is the legally authorized Municipal Reviewing Authority. However, the PB has not received any requests from Sweden residents for a WEFO and therefore is not aware of the "desires of the residents" that is stated in the Selectmen's 12/20/10 letter to the PB. Written requests by residents would normally be expected in support of any Ordinance amendment; even then, such a project should be carefully considered. Any single resident request for a change to town Ordinances is not normally considered a valid reason to undertake such a large project.
  2. The WEFO process feels rushed; a public hearing can be called only after there has been an in-depth process by the PB to carefully prepare a draft ordinance in public meetings. Even then, more than one public hearing may be needed to craft the correct ordinance for a town's particular needs. In short, the Board does not feel ready to present this WEFO draft to the public.
  3. The Maine Supreme Court has ruled on several cases involving zoning ordinances where other town ordinances have been "cannibalized" and subsequently challenged. It is important this ordinance be carefully considered to ensure that it meshes with Sweden's Zoning Ordinance and Comprehensive Plan.

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4. In terms of the draft ordinance language itself, the Board is concerned that there is no CUP Board approval process outlined in the draft. If a CUP is needed for something as simple as erecting a sign, why wouldn't the same type of scrutiny be required to gain approval for a wind energy facility?

CEO Eric Gulbrandsen filled in some additional details:

1. Pietree Orchards was denied twice for a building permit application to construct a wind tower since no structures in town (aside from wireless towers) can be over 50 feet in height. Pietree approached the Selectmen asking for resolution; Selectmen then directed PB to review WEFO.
2. In regards to Ordinance draft itself, Eric used the Maine state model as a basis for the draft.

Dave Johnson noted that the Board has no issues with Eric helping with the ordinance process and recognizes that he is assisting at the request of the Selectmen. However, after discussion, the Board agreed to table any further discussion of the WEFO until the next meeting. Meanwhile, Dave will send a letter to the Selectmen outlining the Board's concerns, and asking the Selectmen to reconsider whether even to pursue this ordinance amendment.

**B. Mylar Storage:** Dave Johnson recommended that the PB purchase a hanging file to store subdivision mylars, which by law must be kept by the town in a secure location. Currently, files are stored flat on top of filing cabinets in the Town Office vault; however, the mylars are often moved or covered, and are in danger of being permanently damaged. Julie McQueen has researched some storage solutions and found an inexpensive source. Funds are available in the PB budget for the purchase. Dave will follow up to initiate purchase process.

### **8. Announcements:**

A. Due to PB Member travel and personal conflicts, the next regular Meeting has been changed from Tuesday, February 15<sup>th</sup>, to **Tuesday, March 1<sup>st</sup>** at the Sweden Town Office. The March 1<sup>st</sup> meeting will be followed by the regularly scheduled March meeting on Tuesday, March 15<sup>th</sup>.

Secretary will post notices at Town Office and on Town Bulletin Board as public notice of the change in meeting date.

B. The board still has an opening for one alternate (an alternate serves a one year term). Should anyone express interest, they can be appointed by the Selectmen.

Laura Chadbourne moved and Gail Bartlett seconded that the meeting be adjourned at 8:12 PM. The motion passed unanimously.

Respectfully submitted,

Laura Chadbourne  
Secretary