

Minutes for Tuesday, August 26, 2014 Planning Board Meeting

1. **Call to Order:** Chair David Johnson called the meeting to order at 7:04 PM.
2. **Introduction of Attendees:** Present were: Chairman David Johnson, Secretary Laura Chadbourne, Members Gail Bartlett, Julie Frum, and Kevin Taylor. Also in attendance was CEO Eric Gulbrandsen. Absent: Alternate Member Ron Kiesman.
3. **Minutes from the July 15, 2014 Meeting:** Minutes from July 15, 2014 were reviewed by the group. Gail Bartlett moved and Laura Chadbourne seconded the acceptance of the minutes as written. The motion passed unanimously.
4. **CEO's Report for July 2014:** Eric Gulbrandsen presented the CEO report for July 2014. The following activity occurred:
 1. **BUILDING PERMITS ISSUED:**
 - 06-14, Ronald Leavitt, 18 Heritage Dr., R7,13, 13'x31'shed addition to attached garage, 14'x24' addition to barn \$79.37
 - 07-14, Andrew 7 Rachelle Roy, 369 Knights Hill Rd., R7,13-2, 46'x8' roof attach house to garage \$69.16
 - 08-14, Frank Berry, 409 Sam Ingalls Rd., R6,21A, 26'x35' garage \$49.00
 - 09-14, Deborah Khiel, Gerry Circle, R8,28-1,2600+s/f with 2 porches, attached garage \$558.70
 2. **R. V. PERMITS ISSUED:**
NONE
 3. **CERTIFICATES OF OCCUPANCY ISSUED:**
NONE
 4. **VIOLATION NOTICES ISSUED:**
NONE
 5. **TIMBER HARVEST NOTIFICATIONS:**
 - Charles Simpson, R5,7, Black Mt. Rd.
 - Frank & Sharon LaRosa, R9,17, Knights Hill Rd.
 - The Plummer Hill Trust, R5,19, Webber Pond Rd.
 - Sweden Community Church, R6, ?, Bridgton Rd.
 - Jessica Jones, R5,4, Black Mt. Rd.
 - Black Mt. Enterprises, R8,29, Black Mt. Rd.
 - Melani Eldracher, R1,11, Ridlonville Rd.
 6. **OTHER:**
Conditional Use Permit application for timber harvesting in Natural Resource Protection Zone on Map R5, 16 Webber Pond. Owner Thomas & Monica Hexner.

Laura Chadbourne moved and Gail Bartlett seconded the acceptance of the CEO's July 2014 report. The motion passed unanimously.

5. Communication & Bills

A. Correspondence Received (by date):

1. 8/5/14: email from CEO noting forthcoming Conditional Use Permit (CUP) application for timber harvesting in a Natural Resource Protection Zone on Webber Pond.
2. 8/6/14: emails from CEO containing CUP application material for Tom and Monica Hexner, Map R-5, Lot 16. Secretary forwarded materials to PB members on 8/12/14.

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3. 8/14/14: rec'd in PB mailbox, Notice of a Public Hearing from the Town of Bridgton regarding draft of a Comprehensive Plan for the Town of Bridgton. Public Hearing date was 8/12/14, prior to the receipt of the Notice (envelope was postmarked 8/1/14; however, PB Secretary was on vacation during the first two weeks of August).

B. Correspondence Sent (by date):

1. None.

6. Old Business:

A. Central Maine Power vegetative screening was briefly discussed. CEO will be contacting CMP shortly to address the issue that most of the vegetative screening has died.

7. New Business:

A. Conditional Use Permit application by Thomas & Monica Hexner was reviewed. As of the meeting, the following documents had been received by the Board:

1. A Conditional Use Permit Application dated July 23, 2014, signed by Monica Hexner.
2. Check for \$50 dated 7/25/14 from Wadsworth Woodlands, Inc. for the Conditional Use Permit application fee.
3. Hand drawn map of tree cutting planned in the Limited Residential zone (*received by PB Members at the 8/26 meeting due to email issues which caused not all the information the CEO had sent to be received*).
4. Email dated August 22nd from Jack Wadsworth of Wadsworth Woodlands outlining details of timber harvesting in the NPR zone (*received by most PB Members at the 8/26 meeting due to timing of the email forwarding of the message from CEO the evening of 8/25*).
5. Letter from Wadsworth Woodlands to the Planning Board, dated July 25, 2014, outlining tree cutting planned for the area between the Hexner's house / barn and Webber Pond due to hazardous conditions (*received by PB Members at the 8/26 meeting due to email issues which caused not all the information the CEO had sent to be received*).

The application included:

- Application form including lot information, contractor information, and a brief project description which stated: "Landowners wish to remove trees that are a hazard to their house and barn. Also, need permit to cut in Resource Protection area of Webber Pond on Black Mtn Road."
- Copy of portion of Sweden Tax Map showing project area and some surrounding lots.

The application materials were reviewed in accordance with the Zoning Ordinance Section XIII. Conditional Use Section B. (Page 47). The purpose of the Board's review was to determine, if possible, whether the application materials submitted were complete enough for the Board to make a determination on whether Conditional Use Permit can be granted.

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The Board first discussed whether all materials received were relevant to the CUP application. After careful review of the materials, the Board determined that information submitted related to timber harvesting in the **Limited Residential** or **Residential** portions of the property are not required to be reviewed or approved by the Planning Board. As outlined in Section VIII, subsections C and D of the Town of Sweden Zoning Ordinance, timber harvesting is a permitted use in both Residential and Limited Residential zones, as long as such harvesting conducted in accordance with Section X, subsections W (“Timber Harvesting”) and X (“Vegetative Clearing Within Shoreland Areas”) of the Zoning Ordinance.

After review of the materials submitted related to harvesting in the NPR zone, the Board voted on the completeness of the application.

The following questions were reviewed to determine completeness of the application:
Application for Conditional Use:

Details of the Review of a Conditional Use Permit Application Part I:

Prior to declaring the application complete, the Board is to review the application and must find that the applicant has met the following requirements of the Ordinance

1. Has the property owner of record made the application?

The owners of the property are Thomas and Monica Hexner, although only Monica Hexner signed the application. The Board agreed that the applicants have legal “*standing to apply*”; however, Secretary Chadbourne will follow up with the Hexners to obtain Mr. Hexner’s signature on the application as well.

2. Has the Conditional Use Application fee been received by the Board? A check for \$50 dated 7/25/14 has been received by the Board in accordance with the most recent Sweden Permit Fee Schedule (revised 2009). The check was forwarded to the Treasurer for deposit on September 2, 2014 since an applicant is responsible for these charges whether or not the permit is granted.

3. Has the following information been received?

a. Plan of area showing contours, reference to Mean Sea Level, high water elevation, ground water conditions, bedrock slope or vegetative cover.

The application includes only a copy of the town tax map, which does not include the above information. *The information provided was determined not to be adequate for the purposes of this Conditional Use Permit; at the very least, topographic information and ground conditions (i.e., if applicable, presence of streams and wetlands) is required for this application.*

b. High intensity soil survey.

The Board determined that a high intensity soil survey is not required for this application.

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c. Plan of area showing location of existing and proposed buildings, parking areas, traffic access, driveways, piers, open spaces and landscaping.

The area of the Hexner property within the NRP zone does not contain any buildings, parking areas, traffic access, driveways, piers, open spaces and landscaping; therefore this information is not needed.

d. Plans of buildings, sewage disposal facilities and water facilities.

The Board determined that building plans, sewage disposal facilities, and water facilities are not required for this application.

e. Any other pertinent information necessary to determine if the proposed use meets the provisions of the ordinance. In order to determine this; the Board briefly reviewed Section XIII, Subsection E (page 49) of the Zoning Ordinance:

Factors Applicable to Conditional Uses It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria. To approve the application, the Board must conclude the following:

1. The use will not have an adverse impact on the spawning grounds, fish, aquatic life, bird or other wildlife habitat.
2. The use will conserve shore cover and visual, as well as actual, access to water bodies.
3. The use is consistent with the Comprehensive Plan.
4. The need for a particular location for the proposed use.
5. Traffic access to the site meets the standards contained in this Ordinance, and traffic congestion has been minimized in accordance with performance standards in this Ordinance.
6. The site design is in conformance with all municipal flood hazard protection regulations.
7. Adequate provision for the disposal of all wastewater and solid waste has been made.
8. Adequate provision for the transportation, storage and disposal of any hazardous materials has been made.
9. A storm water drainage system capable of handling a 25-year storm without adverse impact on adjacent properties has been designed, and will be put into effect and maintained.
10. Adequate provisions to control soil erosion and sedimentation have been made.
11. There is adequate water supply to meet the demands of the proposed use, and for fire protection purposes.
12. The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development such as, but not limited to, noise, glare, fumes, dust, odor and the like.
13. All performance standards in this Ordinance applicable to the proposed use will be met as follows:

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Review Section X. Performance Standards:

- D. Erosion and Sediment Control (pages 20-21)
- L. Piers, Docks and Shoreland Construction (pages 26-27)
- T. Soils (page 32)
- W. Timber Harvesting (pages 33-35)
- X. Vegetative Clearing (pages 35-36)
- Y. Water Quality Protection (pages 36-37)

14. The proposed use will be compatible with all uses permitted in the underlying Zone and on abutting properties.

Review Section VIII Zone Requirements:

- A. General Requirements (pages 5-7)
- B. *Natural Resource Protection Zone* (pages 7-8)
- D. *Residential Zone* (pages 9-10)

15. The proposed use will not have unreasonable impact upon Municipal facilities.

After reviewing this information, the Board voted on whether to accept the application.

Four (4) Members voted to accept the application as complete, conditional upon receipt of the additional information outlined below. Members voting to accept were: David Johnson, Julie Frum, Gail Bartlett, and Kevin Taylor. **One (1) Member, Laura Chadbourne, voted against acceptance of the application.**

The Board will require the following two pieces of information in order for the application to be considered complete:

1. A topographic map, including waterways (streams/brooks) of cutting area in the NPR zone with indication of area intended for cutting. The Board agreed that a hand-drawn area on a USGS map would be acceptable.
2. Information about erosion control plans; specifically, how erosion will be prevented during and after timber harvesting. The Board noted that a standard timber harvesting Best Management Practices document addressing erosion control plans would be acceptable.

The Board Secretary will send a letter to the applicants and an email to Wadsworth Woodlands informing them of the additional information needed in order for the Board to consider the CUP application complete. Secretary Chadbourne will also request that Thomas Hexner sign the application form.

Site Walk and Public Hearing: in accordance with Section XIII. Conditional Use, which states that within 45 days after the board votes and agrees that the application is complete, a site walk and public hearing are scheduled.

The Board determined that it will hold a site walk at 6:30 PM on Tuesday, September 23rd at the site at 117 Webber Pond Road, Sweden, Maine, Map R5, Lot 16. The Board

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will then meet at the Town Meeting House at 7 PM for their regular meeting and hold the public hearing at 7:15 pm.

Notice of both the time and place of the site walk and the public hearing and the nature of the Conditional Use request will be sent by Secretary Chadbourne to the Selectmen, CEO, and the Chairman of Board of Appeals.

In addition, at least 20 days prior to the public hearing, the Board is required to send notices of the same to the applicant and all abutters (the list of abutters have been determined by the tax maps) via certified mail, return receipt. Secretary Chadbourne will send letters on or before September 3rd via certified mail to the applicant and to the abutters.

The ordinance also requires that notice is placed as a block ad in the Bridgton News at least 10 days prior to the public hearing. Secretary Chadbourne **will** submit a request to the Bridgton News that a block ad be placed in the September 11th edition of The Bridgton News.

8. Announcements:

- A. The next regular Meeting and Public Hearing for the Hexner CUP will be **Tuesday, September 23, 2014** at 7:00 PM at the Sweden Town Meeting House.
- B. The board has an opening for one Alternate Member (Alternate Members serve a 1-year term). Should anyone express interest, they can be appointed by the Selectmen.

Gail Bartlett moved that the meeting be adjourned at 8:01 PM. Chairman Johnson adjourned the meeting.

Respectfully submitted,

Laura Chadbourne
Secretary, Sweden Planning Board