

Minutes for Tuesday, September 23, 2014 Planning Board Meeting

1. Call to Order: Chairman David Johnson called the meeting to order at 7:00 PM.

2. Introduction of Attendees: Present were: Chairman David Johnson, Secretary Laura Chadbourne, Members Kevin Taylor, Julie Frum, Alternate Member Ron Kiesman, and CEO Eric Gulbrandsen. Absent was Member Gail Bartlett. Three members of the public also attended: Mr. Jesse Scribner (timber harvesting contractor for CUP applicants Thomas & Monica Hexner), Mr. Jim Spielman (Hexner property abutter), and Mr. Roger Smith representing the Plummer Hill Trust, also abutters.

3. Public Hearing:

- A. Chair called the hearing to order.
- B. Chair determined there was a quorum.
- C. Opening Statement: Chair described purpose of hearing, for a Conditional Use Permit (CUP) application, and general procedure governing hearing conduct:
 - i. Presentation by the applicant or his agent without interruption.
 - ii. All questions by board members, abutters, etc. go through the chair to the applicant during the hearing. Anyone with a question or comment shall state for the record their name, address, business or professional affiliation, the nature of their interest in the hearing, and whom they represent.
 - iii. Presentation by abutters or others.
 - iv. Rebuttal statements by anyone who has previously spoken.
 - v. Opportunity for comments or questions by other attendees.
 - vi. Once everyone has had an opportunity to be heard, the hearing is closed and Board returns to its regular meeting.

Public hearing began with a presentation by Jesse Scribner from Wadsworth Woodlands. Mr. Scribner noted the following points:

- About 22 acres of land in the NRP zone is planned for harvesting on the north side of Webber Pond. Plan to remove about 20-30% of volume in this zone with selective harvesting on the rest of the property.
- Purpose of harvesting is to encourage future tree growth.
- Harvest is planned for the winter 2014-2015 as the ground is too unstable for non-winter harvest. Winter harvest will minimize disturbance.
- There will be no harvesting within 100 feet of Webber Pond.

There were two questions from members of the public, Mr. Roger Smith (representing the Plummer Hill Trust) and Mr. Jim Spielman:

1. How will stream crossings be handled? Mr. Scribner replied that stream crossings will be dealt with by laying a steel pipe in the stream to allow water to continue flowing. Pieces of pulp will be placed on either side to “set” the pipe and prevent it from moving. There will be snow / ice over the top of the pipe which the machinery will travel on.
2. How long will harvesting activities last? Mr. Scribner noted that once it begins, harvest activities are expected to last about one week.

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The Public Hearing portion of the meeting was then concluded.

Site Walk: In accordance with Section XIII. **Conditional Use** in the Zoning Ordinance, which states that within 45 days after the board votes and agreed that the application was complete, a site walk and public hearing are scheduled, the Planning Board held a Site Walk on September 23, 2014. Board Members David Johnson, Kevin Taylor, Julie Frum, Laura Chadbourne, and Alternate Member Ron Kiesman attended the site walk. Additional attendees were: Code Enforcement Officer Eric Gulbrandsen, Jesse Scribner from Wadsworth Woodlands (timber harvesting company representing the Hexners), Jim Spielman, Abutter, and Janet Mahannah (attending on behalf of the Sweden Conservation Committee).

Site Walk: the following was noted from the Site Walk in the NRP zone:

- Harvest is planned for the winter 2014-2015.
- Harvest is mostly hemlock, spruce, and hardwoods. No more than 20-30% of timber in NRP zone will be harvested. Maximum allowed is 40%.
- Stream crossings will be handled via a steel pipe to form a culvert with pulp on each side to stabilize.
- Long term objective of owners is to have a well-maintained wood lot, and to let pines grow.

Application Review: The Board reviewed the application in accordance with the Zoning Ordinance Section XIII Subsection E (Page 49), “Factors Applicable to Conditional Uses”. The Board reviewed each criteria and developed the **Findings of Fact and Conclusions of Law**.

Zoning Ordinance Sect. XIII Subsection E (Page 49) outlines the **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 concluded the following:

1. The use will not have an adverse impact on the spawning grounds, fish, aquatic life, bird or other wildlife habitat. **The Board found no evidence of impact given that Wadsworth Woodlands has committed to timber harvesting activities using published “Best Management Practices”.**
2. The use will conserve shore cover and visual, as well as actual, access to water bodies. **There will be no timber harvesting within a 100’ buffer of Webber Pond, therefore no visual impact or impact to shore cover.**
3. The use is consistent with the Comprehensive Plan. **The Planning Board sees no conflict with the Comprehensive Plan.**
4. The need for a particular location for the proposed use. **Not applicable as the application relates to timber harvesting on privately owned property.**

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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. **Black Mountain Road, where the timber harvesting landing area will be located, is a quiet secondary road and traffic access and congestion should not be an issue; however, as a condition of approval, a driveway permit from the Town of Sweden must be obtained by the applicants prior to the start of harvesting as required by the Zoning Ordinance.**
6. The site design is in conformance with all municipal flood hazard protection regulations. **The timber harvesting activities as outlined should not cause or impact flooding.**
7. Adequate provision for the disposal of all wastewater and solid waste has been made. **Wastewater and solid waste will not be generated by the proposed use.**
8. Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. **Hazardous waste will not be generated by the proposed use.**
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. **Storm water drainage will not be generated by the proposed use.**
10. Adequate provisions to control soil erosion and sedimentation have been made. **The “Best Management Practices” materials submitted with the application outlines steps that will be taken during timber harvesting activities to minimize erosion. Therefore, the Board finds that 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. **The proposed use does not make any demands on water supplies.**
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. **These issues are covered by existing Town timber harvesting rules as outlined in Section X.W of the Zoning Ordinance, “Timber Harvesting”. Applicants must comply with the Zoning Ordinance.**
13. All performance standards in this Ordinance applicable to the proposed use will be met. **As noted in #12 above, applicants shall comply with Section X.W “Timber Harvesting” in the Zoning Ordinance.**
14. The proposed use will be compatible with all uses permitted in the underlying Zone and on abutting properties.
The proposed timber harvesting activities will take place on a property that is partially in a Natural Resource Protection Zone. As outlined in

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Section VIII.B “Natural Resource Protection Zone”, subsection 3 “Conditional Uses”, “The following uses may be allowed only upon approval of the Planning Board in accordance with the provisions of Section XIII. CONDITIONAL USE:

- **New trails and stream crossings**
- **Timber harvesting and vegetative clearing (see also Section X.)**
- **Signs other than those specifically prohibited**
- **Agriculture, fisheries, and wildlife habitat enhancement”**

Since the applicant has submitted an application for a Conditional Use Permit, the Board finds this factor has been satisfied.

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

The Board discussed each factor relative to the Conditional Use Permit. Dave Johnson moved for an overall vote and Laura Chadbourne seconded the motion. The Board unanimously voted approve the application, with two (2) conditions, as allowed by the Sweden Zoning and Land Use Ordinance Section XIII, Subsection F:

1. **Best practices:** Timber harvesting will follow Best Management Practices for timber harvesting as outlined in the information contained in the CUP application, including prompt removal of any temporary stream crossings. Under no circumstances will any harvesting be in violation of the Town of Sweden Zoning and Land Use Ordinance dated March 21, 2009, specifically section X.W “Timber Harvesting”.
2. **Driveway permit:** Applicants must obtain a driveway entrance permit prior to the commencement of timber harvesting activities as required by the Zoning Ordinance. Contact to obtain a driveway permit is the Code Enforcement Officer, Eric Gulbrandsen.

Notification to Applicants: Secretary Laura Chadbourne to send Letter of Decision to applicants within 7 days as required by the Zoning Ordinance. Secretary to also invoice applicants for fees incurred in excess of the \$50 CUP application fee.

4. Read Minutes from August 26, 2014 Meeting: The minutes from the August 26, 2014 meeting were reviewed. Dave Johnson moved and Laura Chadbourne seconded the acceptance of the Minutes. The motion passed unanimously.

5. CEO’s Report for August 2014: Eric Gulbrandsen presented the CEO report for August 2014. The following activity occurred:

1. BUILDING PERMITS ISSUED:

- 10-14, Stephen Walsh, 3 Hardscrabble Rd., R2,1&1A, 26’x76’ double wide 1 story, single family; fee \$269.42
- 11-14, David Nuefeld, Smarts Hill Rd., R9, 31, 20’x24’ 1 story garage; fee \$55.00
- 12-14, John Lyerla, 535 Knights Hill Rd., R8, 37-5, 15’x16’ enclosed porch; fee \$65.90

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2. R. V. PERMITS ISSUED:
NONE
3. CERTIFICATES OF OCCUPANCY ISSUED:
NONE
4. VIOLATION NOTICES ISSUED:
NONE
5. TIMBER HARVEST NOTIFICATIONS:
NONE
6. OTHER:
E-9-1-1 research on road naming

Laura Chadbourne moved and Julie Frum seconded the acceptance of the CEO's August 2014 report. The motion passed unanimously.

6. Communication & Bills

A. Correspondence Received (by date):

1. 8/25/14: email from CEO to PB Members with additional information re: Hexner CUP application from Wadsworth Woodlands about plan for harvesting in the Natural Resource Protection (NRP) zone area.
2. 8/26/14: hard copy of letter dated 7/25/14 from Wadsworth Woodlands to CEO Eric Gulbrandsen was given to PB Members at the 8/26 meeting. Due to technical issues, it had not come through via an earlier email from CEO. Letter included a hand-drawn map of proposed cutting around the Hexner house and barn. This proposed cutting area is not in a NRP zone; therefore the letter and drawing are not being included as part of the CUP application review.
3. 8/29/14 & 9/3/14: emails from Jesse Scribner at Wadsworth Woodlands with topographic map of Hexner lot in NRP zone as well as BMP (Best Management Practices) manual documenting approach to stream crossings and slope management for erosion control.
4. 9/13/14: rec'd in PB mailbox, page from Hexner application with original signature of Thomas Hexner added to the signature line.

B. Correspondence Sent (by date):

1. 8/27/14: email from Secretary on behalf of the PB to Jack Wadsworth, forester for Hexners. Email outlined additional information needed from applicants in order to complete the Hexner CUP application.
2. 9/1/14: Secretary sent email request to Bridgton News for block ad announcing site walk and public hearing for Hexner CUP (block ad was printed as requested in the 9/11 edition of the Bridgton News)
3. 9/2/14: email from Secretary Laura Chadbourne to Jesse Scribner at Wadsworth Woodlands confirming phone conversation between them earlier in the day. Email

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outlined that the full NRP zone on the Hexner property would be harvested as outlined in the email from Jack Wadsworth dated 8/22 to CEO.

4. 9/2/14: letter dated 8/30/14 from PB Chair to Thomas and Monica Hexner, sent via USPS certified mail, informing them of additional information needed by the PB to complete the CUP application. Letter also included copy of the signature page from the Hexner CUP application and requested that Thomas Hexner sign the page and return to the PB Secretary via SASE.

5. 9/2/14: Public Hearing Notice letters dated 8/30/14 sent via USPS certified mail to the Hexners and 7 abutters. Letter notified recipients of the site walk and Public Hearing for the Hexner CUP. Copy of the letter was left in Town Office mailboxes for Selectmen, Board of Appeals, and CEO.

6. 9/2/14: memo from Secretary transmitting CUP application fee of \$50.00 to the Town Treasurer. Left in Treasurer mailbox at the Town Office.

7. Old Business:

A. **CMP vegetative screening:** no update from CEO at this time.

8. New Business:

A. None.

9. Announcements:

The next regular Meeting will be **Tuesday, October 21, 2014** at 7:00 PM at the Sweden Town Office.

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.

Laura Chadbourne moved that the meeting be adjourned at 7:39 PM. Chair Johnson adjourned the meeting.

Respectfully submitted,

Laura Chadbourne
Secretary, Sweden Planning Board