

## Minutes for Tuesday, May 18, 2010 Planning Board Meeting

**1. Call to Order:** Chairman David Johnson called the meeting to order at 7:02 PM.

**2. Introduction of Attendees:** Present were: Chairman David Johnson, Secretary Laura Chadbourne, Member Gail Bartlett, Member Bob Scott, Member Annette Bouchard, Alternate Member Ron Kiesman, and CEO Eric Gulbrandsen. No Board Members were absent.

**3. Read Minutes from March 16, 2010 Meeting:** The minutes from the April 20, 2010 meeting were read by David Johnson. Annette Bouchard moved and Gail Bartlett seconded the acceptance of the Minutes. The motion passed unanimously.

### 4. Communication & Bills

A. Correspondence Received:

1. 4/26/2010 MMA Legislative Bulletin received in PB mailbox.
2. 5/17/2010 Letter from Howard C. Buker and Joan P. Buker dated May 13, 2010 was received in PB Mailbox. Letter referred to Public Hearing scheduled for May 18, 2010 re: deWildt CUP. Letter stated that Bukers could not attend but that they did “not have a problem” with the dock extension.

B. Correspondence Sent (by date):

1. 4/20/10: Fax announcing deWildt site walk and public hearing details was handed to Eric Gulbrandsen (who works at the Bridgton News), for publication of block ad in the Bridgton News. Fax outlined site walk date and time, public hearing date and time, and name and address of applicants.
2. 4/26/10: Letters re: deWildt CUP site walk and public hearing details sent to the applicants and abutters, as well as copies to Sweden CEO, Board of Selectmen, and Board of Appeals. Letter outlined site walk date and time, public hearing date and time, name and address of applicants.

### 5. Public Hearing (Sequence of Presentations at the Public Hearing):

A. Chair called the hearing to order.

B. Chair determined there was a quorum.

C. Opening Statement: Chair described purpose of hearing and general procedure governing its conduct:

- i. Presentation by the applicant without interruption (not applicable as applicant was not present).
- 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 even if we all know who they are.
- iii. Presentation by abutters or others (not applicable as no abutters were present).
- 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 will be closed.

Back to our regular meeting:

Public hearing ended quickly as there were no attendees from the public.

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**6. CEO's Report:** Eric Gulbrandsen submitted the April 2010 CEO report. Three building permits were issued. Gail Bartlett moved and Bob Scott seconded the acceptance of the CEO's April report. The motion passed unanimously.

### **7. Old Business:**

1. **CEO Issue re: tax map corrections:** discuss status of corrections to tax maps by O'Donnell.
2. **CEO Issue re: Tripp property** on Rte. 93. Property has unregistered vehicles and junk by the road. This was one of the properties in need of tax map correction; then CEO was to take next steps for "spring clean-up".
3. **deWildt CUP:**
  - a. The Planning Board conducted the site walk at 6:30 tonight. All Members of the Board were present.
  - b. The CEO notified the Board in writing and forwarded the Application and the check to the Secretary of the Planning Board on April 7<sup>th</sup>. The secretary forwarded copies to members of the Board. The Board reviewed the application according to Section XIII. Conditional Use of the Zoning Ordinance and found the following:
    1. The property owner of record made the application.
    2. The applicant has submitted the required \$50 application fee and will be responsible for any expenses over the \$50 fee incurred by the Planning Board in considering the application. The applicant is responsible for these charges whether or not the permit is granted.
    3. The board reviewed the application and the required submittals and determined the following:
      - a. Plan of area showing contours, high water elevation, ground water conditions, bedrock slope or vegetative cover is included on page 4 of the application.
      - b. High intensity soil survey is not required for a proposed dock extension.
      - c. Plan of area showing location of existing and proposed buildings, park areas, traffic access, driveways, piers, open spaces and landscaping is included adequately on page 3 of the application.
      - d. Plans of buildings, sewage disposal facilities and water facilities are not required for a proposed dock extension.
      - e. The Board determined that all pertinent information necessary to determine if the proposed use meets the provisions of the ordinance has been provided this time. This review does not constitute the final review of this section for permit approval.

Gail Bartlett moved and Bob Scott seconded to accept deWildt Conditional Use Application complete as submitted. The motion passed unanimously.

**c. Site Walk and Public Hearing:** in accordance with Section XIII. Conditional Use, which states that within 45 days after the board votes and agreed that the application was complete, a site walk and public hearing were scheduled, the Board held a site walk at 6:30 pm on Tuesday May 18, 2010 at the site at 58 Wint Rd (Map U-5 Lot 5).

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Notice of both the time and place of the site walk and the public hearing and the nature of the Conditional Use request were sent to the selectmen, CEO, and the Chairman of Board of Appeals. Laura Chadbourne left the letters in the appropriate mailboxes at the Town Office.

In addition, Laura Chadbourne sent 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 on April 26, 2010 which was at least 20 days prior to the public hearing.

The ordinance requires that notice is also placed as a block ad in the Bridgton News at least 10 days prior to the public hearing. Dave Johnson submitted a request that a block ad be placed in the Bridgton News as follows:

“Please post the following as a block ad in the Bridgton News editions April 29 and May 6, 2010: The Sweden Planning Board will hold a Public Hearing on Tuesday May 18, 2010 at 7:15 PM; to consider the Conditional Use application for a dock addition consisting of a 10’ X 10’ section (for a total of 42 ft long). The Board will commence with a site walk at 6:30 pm at the site at 58 Wint Rd (Map U-5 Lot 5); and reconvene in the Town Office at 7 pm for the hearing and their regular meeting. The applicants are Warren and Abigail deWildt of 517 Wire Rd. Wells, ME 04090”

d. 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 concludes the following:

1. The use will not have an adverse impact on the spawning grounds, fish, aquatic life, bird or other wildlife habitat. **The property is located in the Limited Residential Zone and not in a Natural Resource Protection Zone. While it is still in the Shoreland Zone, it does not appear that the dock extension will 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. **The dock extension will not impact shore cover or visual impact to Stearns Pond.**
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. **The proposed use is an extension to a previously approved dock.**
5. Traffic access to the site meets the standards contained in this Ordinance, and traffic congestion has been minimized in accordance with performance

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- standards in this Ordinance. **Traffic access is not an issue with the proposed dock extension.**
6. The site design is in conformance with all municipal flood hazard protection regulations. **The dock conforms because it is not a permanent structure.**
  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 dock extension.**
  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 dock extension.**
  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 dock extension.**
  10. Adequate provisions to control soil erosion and sedimentation have been made. **Since the dock extension is floating, no additional soil erosion shall occur due to this dock extension.**
  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. **The proposed dock extension will not produce noise, glare, odor or other detrimental features.**
  13. All performance standards in this Ordinance applicable to the proposed use will be met as follows:
    - L. **Piers, Docks and Other Shoreland Construction**
      1. **In a Natural Resource Protection Zone:** No permanent or temporary/floating structures (including but not limited to marinas, wharves, docks, or piers) shall be constructed in, on, over or abutting any great pond or stream. **The proposed dock extension is not in a Natural Resource Protection Zone; it is in a Limited Residential Zone.**
      2. **In other than Natural Resource Protection Zones:**
        - a. Any permanent structure shall require a permit from the Department of Environmental Protection and a Conditional Use Permit from the Planning Board, if:
          - (1) It is to be constructed in, on, over or abutting any great pond; or
          - (2) Any fill is deposited or dredging is performed therein**The proposed dock extension will not be a permanent structure.**
        - b. Any new temporary/floating structure shall require a Conditional Use Permit if it:

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- (1) Extends more than 10 feet from the high water mark of a pond or a lake (or more than 10% of the width of a stream measured at normal high water elevation), or is wider than four feet; or
- (2) Has any permanent parts located between the banks of any stream or below the normal high water elevation of any lake or pond; or
- (3) Is constructed as part of any commercial use; or
- (4) Requires dredging, filling, draining, removing or displacing of any shoreland soils, sand, vegetation or other materials; or
- (5) Is located where navigation or recreational safety may be imperiled; or
- (6) Is to provide berthing for more than three watercraft, two of which are motorized; or
- (7) Increases the number of structures to more than one per each 100 feet of shoreline of the lot.

**Applicants did apply for a Conditional Use Permit so have met this requirement.**

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

**The proposed dock extension is to be located in a Limited Residential Zone. A temporary dock is an allowable use in a Limited Residential Zone in accordance with the Sweden Zoning and Land Use Ordinance.**

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

e. The Board voted on each factor relative to the Conditional Use Permit and voted to approve the Application for Conditional Use. David Johnson moved for an overall vote and Gail Bartlett seconded the motion. The Board approved the Conditional Use Permit unanimously.

f. Zoning Ordinance Sect. XIII Subsection F (Page 50) outlines: Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above, the Planning Board has attached the following conditions:

1. The dock extension shall be constructed as described in the Conditional Use Application. The Sweden Code Enforcement Officer (CEO) has made note of the existing dock location. CEO will also check location of dock extension after it is constructed.
2. The dock shall be located 50 feet from the iron pipe marking the westerly boundary of the lot at the edge of the shore (consistent with its current location).
3. Any construction debris resulting from the construction of the dock extension will be disposed of properly.

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**g.** Laura Chadbourne to write Letter of Decision to be sent to applicants within 7 days as required by the Zoning Ordinance. There was discussion around the language in the Zoning Ordinance (Section XIII.B.4, "Conditional Use", page 48) stating the following: "The permit is automatically terminated with any change in use of the property, change in ownership of the property, or change in occupancy of the property." While the Board agreed that this language may cause concern on the part of CUP recipients, it was noted that since this language is part of the town CUP process, and therefore part of town law, it must be a consistent part of any CUP approval.

**8. New Business:** None

**9. Announcements:**

- A. The next regular Meeting will be Tuesday, June 15, 2010 at 7:00 PM at the Sweden Town Office.
- B. The board has an opening for one alternate (an alternate serves a one year term). Should anyone express interest, they can be appointed by the Selectmen.

Gail Bartlett moved and Annette Bouchard seconded that the meeting be adjourned at 8:00 PM.