

Minutes for Tuesday, May 19, 2015 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 Gail Bartlett, Kevin Taylor, and Dan Cousins, and CEO Eric Gulbrandsen. Absent was Alternate Member Ron Kiesman. Additional attendees from the public: Dell Foss and Alberta Ridlon.

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 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:

CEO Eric Gulbrandsen gave a brief overview of the application as the applicants themselves were not present. Public hearing ended quickly as there were no questions from the public.

Site Walk: the following was noted from the Site Walk:

Proposed site for dock appeared to conform with the details of the application in terms of location from adjacent properties. The dock site is further than the minimum of 30' from the boundary of the next closest property, even counting the width of the dock at its widest point. The depth of the pond appears somewhat shallow at the water's edge, explaining the need for a longer dock and the Conditional Use Permit application.

After the Public Hearing, the Board reviewed the following **Factors Applicable to Conditional Uses** as set forth in the Zoning Ordinance Sect. XIII Subsection E (Page 49). 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. **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**

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proposed dock 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 proposed dock not appear to 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 location of the dock is on the property and conforms to sideline setbacks to adjacent properties; therefore, the location is appropriate.**
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. **Traffic access is not an issue with the proposed dock.**
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.**
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.**
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.**
10. Adequate provisions to control soil erosion and sedimentation have been made. **As long as no shoreland ground is disturbed or excavated for the construction of the dock, soil erosion and sedimentation should not be a concern.**
11. There is adequate water supply to meet the demands of the proposed use, and for fire protection purposes. **The proposed dock 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 will not produce noise, glare, odor or other detrimental features, and is an adequate distance from abutting properties.**
13. All performance standards in this Ordinance applicable to the proposed use will be met as follows:

Section VIII.C.5.c “Zone Requirements, Limited Residential Zone, Dimensional Requirements, Structure Setbacks”, page 9:

- 75 feet from roadway centerline

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- 100 feet (at all points) from high-water line of a great pond; 75 feet (at all points) from a stream or upland edge of a wetland.
 - Height of structure from rear and side lot lines, but not less than 30 feet
- Board determined that dock meets requirements of Section VIII.C.5.c**

Section X.L., page 26: “Performance Standards, 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

Board noted that the proposed dock will not be a permanent structure.

- b. Any new temporary/floating structure shall require a Conditional Use Permit if it:
 - (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.

Board determined the dock does indeed require a Conditional Use Permit as it extends more than 10 feet and is wider than 4 feet. Applicants did apply for a Conditional Use Permit.

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

The proposed dock is compatible for the proposed use as outlined for a Limited Residential Zone in accordance with the Sweden Zoning and Land Use Ordinance, Section C.3 (page 8), assuming a Conditional Use is permitted:

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“The following uses may be allowed only upon approval of the Planning Board in accordance with the provisions of Section XIII. CONDITIONAL USE:...Piers and docks requiring a Conditional Use Permit.”

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

The Board then voted on the factors relative to the Conditional Use Permit. Gail Bartlett moved for an overall vote and Laura Chadbourne seconded the motion. The Board approved the Conditional Use Permit unanimously, with the following conditions as allowed by Section XIII, Subsection F, “Conditions Attached to Conditional Use Permits” (Page 50):

1. The dock shall be constructed as described in the Conditional Use Permit Application. The Sweden Code Enforcement Officer (CEO) will inspect the location and construction of the dock once it is built to ensure it was constructed in the specified location and as outlined in the Conditional Use Permit application.
2. Any construction debris resulting from the construction of the dock extension will be disposed of properly.
3. As noted in Section X.L.2.b.6 in the Town of Sweden Zoning and Land Use Ordinance (page 27), since the Conditional Use Permit application did not request a specific number of watercraft to be allowed at the dock site, applicants must comply with the Ordinance’s standard of three (3) or fewer watercraft, two of which are motorized.

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

4. Minutes from the April 21, 2015 Meeting: The minutes were reviewed by the group. Gail Bartlett moved and Kevin Taylor seconded the acceptance of the minutes as written. The motion passed unanimously.

5. CEO’s Report for April 2015: Eric Gulbrandsen presented the CEO report for April 2015. The following activity occurred:

1. BUILDING PERMITS ISSUED:
NONE
2. R. V. PERMITS ISSUED:
NONE
3. CERTIFICATES OF OCCUPANCY ISSUED:
NONE
4. VIOLATION NOTICES ISSUED:
NONE
5. TIMBER HARVEST NOTIFICATIONS:

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NONE

6. OTHER:

Additional documents for Conditional Use dock application for Adeline Sparks L.P. U8,1, Stearns Pond
Letter to Tim & Jean Kelley, 703 Waterford Rd, R2, 29 concerning unregistered or uninsured motor vehicles.

CEO added a verbal note that the derelict mobile home on the Althouse property had been removed as requested in a violation notice from the CEO issued to property owner in March.

Laura Chadbourne moved and Gail Bartlett seconded the acceptance of the CEO's April 2015 report. The motion passed unanimously.

6. Communication & Bills

A. Correspondence Received (by date):

1. 5/2/15: email from CEO Eric Gulbrandsen with attachment of General Partner Resolution for the Adeline V. Sparks Limited Partnership. Resolution resolves that William E. Sparks, Jr. may act on behalf of the LP to undertake improvements to the Partnership's property located in Sweden.

B. Correspondence Sent (by date):

1. 4/25/15: email from Secretary Laura Chadbourne to The Bridgton News to place a block ad for the 5/7/15 edition, notifying the public of the site walk for the Sparks CUP (Secretary confirmed ad appeared in the 5/7 edition).

2. 4/27/15: Letter dated 4/27/15 regarding Public Hearing for Sparks CUP sent via USPS certified mail, return receipt to property owner with a copy to applicant and abutters. CEO, Board of Selectmen, and Board of Appeals were copied on the letter (placed in town office mailboxes for each party).

3. 4/27/15: memo dated 3/25/15 from Secretary transmitting CUP application fee of \$50.00 for Sparks CUP application to the Town Treasurer. Hand delivered to Treasurer at the Town Office.

7. Old Business:

A. Discuss with CEO any updates on the following items:

1. Excessive number of vehicles in Tim Kelly's yard – as noted in CEO's April report, a violation notice was sent to the owner.
2. Central Maine Power vegetative screening – has not yet been addressed.

8. New Business:

A. Board reviewed content of email dated 5/6/15 sent to all Planning Board Members from Southern Maine Planning and Development Commission (SMPDC) regarding process for Planning Board review of Applications. It was noted that keeping detailed

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records of all Planning Board activity, particularly around Conditional Use applications, is extremely important.

B. Secretary Chadbourne mentioned that she will be looking past CUP applications to determine if a higher upfront application fee is warranted based on almost every application costing the town more than the upfront fee of \$50.00.

9. Announcements:

- A. The next regular Meeting will be **Tuesday, June 16** 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.

Gail Bartlett moved that the meeting be adjourned at 7:42 PM. Chairman David Johnson adjourned the meeting.

Respectfully submitted,

Laura Chadbourne
Secretary, Sweden Planning Board