

January 24, 2020

Dear Zoning Board of Appeals,

This is a filing of a reconsideration of the Appeals Board decision regarding Watson Woods Subdivision approval on 1.14.20 as allowed by the Parsonsfield Land Use Ordinance.

Since the Appeals Board decision on 1.14.20, a complaint was made by a citizen to the Selectboard regarding the Appeals Board on 1.21.20. This included the clear perceived bias by Mr. Winslow and the Board not adhering to State Regulations on such matters. Mr. Winslow should recuse himself from participating in any appeals related to this reconsideration per the Maine Municipal Association.

At the 1.21.20 Selectemen's meeting, there was also a discussion regarding the lack of issuing town driveway permits for this Subdivision approval. **Driveways must meet the requirements set forth in Article II, Section 6, N 4 g of the Parsonsfield Land Use Ordinance.**

The Planning Board has been aware of these requirements since May of 2017 but has refused to require the applicant to adhere to this standard.

According to the Selectboard, the Road Commissioner failed to issue the required permits because "*we never told him*". The Selectboard also stated that the Road Commissioner "*didn't want anything to do with any of it*" and "*it's his job but nobody told him to do his job for starters*" when discussing why he failed to fulfill his duties as road commissioner.

For these reasons alone, the Appeals Board is required to remand the approval of the Watson Woods Subdivision back to the Planning Board, however, in addition to the above, the Planning Board also failed to ensure many other standards of the Land Use Ordinance were met including the following:

*Note: All of the following is referenced from the Parsonsfield Land Use Ordinance 2018*

1. Article two page 38 Stormwater management number three, a and b. The town hired an independent firm CES to review the Stormwater management plan. CES findings were that the storm water management plan submitted by Tom Greer after 2 1/2 years was incomplete. his claims that he fixed it after CES found it was incomplete are unsubstantiated, because CES never did a follow up to review the additional information, just took Mr. Greer at his word after 2 1/2 years of fraudulent submissions.

2. Article 2 Page 40 section a b c. An argument brought up during the last three years that Hussey Road cannot handle the increased traffic. Article 2 Page 40. Number two driveways, section 4. States all lots using common driveways must provide a driveway maintenance agreement to be reviewed and approved by the town attorney at the applicant's expense. This hasn't been the case. The town attorney never reviewed the driveways or made an agreement and wasn't involved in a driveway maintenance agreement as required under our land use ordinance. And even more troubling was that the attorney was paid for by the towns taxpayers when I've been complaining all along that the applicant should've been paying The attorney fees Why are the taxpayers paying for something that is the applicant's responsibility.
3. Article 2 Page 52. Stream protection zone. The applicant clearly does not meet the 75 foot setback from the wetlands of special significance in the headwaters of the great brook. Which is a salmon and trout feeding stream to the Ossipee and Saco rivers.
4. Article 2 page 55 number seven buffer, reference a b c Mr. Wadsworth liquidated the entire property. There is no buffer along the road, and also no buffer protecting the wetlands. Article 2 Page 61
5. Article 2 stormwater runoff. Read a and B. Regarding Stormwater management again in which the applicant has failed to meet Per CES independent review citing that the Stormwater management plan was incomplete. Article 2 page 61 septic waste disposal. Read a and C. In regard to not meeting the setback from the wetlands regarding septic placement.
6. Article 2 page 63 timber harvesting. Read Section 1 and two a and B. Mr. Wadsworth clear cut straight through the wetlands removing their buffer leaving a tremendous amount of debris in great Brook and in the wetland in violation of our ordinance. When his application was initially turned down, he was ordered to clean up the mess left by the liquidation of the property's forests and all the slash and debris behind. When he resubmitted his application, he never followed the guidelines of cleaning up the debris or restoring the wetlands to their original condition or restoring great brook somewhat to its original condition by removing the debris.
7. Article 2 Page 64 read number four, a,b.
8. Article 2 page 68 number five restore wetlands. I have an extensive photograph collection showing that Mr. Wadsworth drove skidders and cut all right through

great brook and the wetland liquidating it. Why weren't restoration efforts made in regard to the damage done when it is a requirement in the ordinance. And I had complained about the liquidation of the property to the CEO.

9. Article 2 page 75 read number 19 revegetative requirements. There is no buffer on the street and no buffer at the back of the property bordering the wetlands, because the land was liquidated by Wadsworth woodlands in violation of town ordinances. He's been ordered to replant the buffer on the street even though he tried to get the buyers to do it when it was his responsibility. But what about the buffer that's most important we're all the stormwater is going to go into the wetlands. Under our land-use ordinances it is required he replant the buffer along the wetland. This was another violation that are planning board refused to acknowledge.
10. Article 3 page 96,b Applications in writing. Clearly states that the CEO Jesse Winters it's supposed to make a determination on the application for its completeness and then pass it off to the planning board. This is not been the case Mr. Winters has not been involved in any of the proceedings involving Wadsworth woodlands subdivision better known as Watson Woods. It is extremely troubling to say the least that Mr. Winters is not involved when clearly it states in the land-use ordinance that it is part of the process. Mr. Winters built the first home in Watson Woods subdivision which didn't meet sight distance guidelines and is an extreme hazard to the health and safety of people on Hussey Road and originally was included in many submissions and sketch plans as part of the subdivision. Even including it in the trip generation numbers generated by the applicant. Mysteriously the home that was part of the subdivision and included in the amount of trips it was going to add to the town services has mysteriously been taken off the map. Which might explain why the surveys have disparities, in the amount of acreage that Mr. Wadsworth owns in the development. The fact that there trying to conceal a home that is part of the development and was on multiple sketch plans and was included in the trip generation calculation is mind boggling originally Lot 13 of Watson woods development now it doesn't exist. Mr. Winters lack of participation in the process and conflicts involving Mr. Wadsworth in regard to being the contracted builder who was supposed to build the majority of the development hasn't done his due diligence as CEO.
11. Article 3 page 97 section 5 site plan review for application. Again, it clearly states that the code enforcement officer must be involved. According to our FOAA requests and all videos that have been posted in regard to the Watson Woods development. Our code enforcement officer Jesse Winters has not been involved

as CEO in the Watson woods development even though our land-use ordinance requires it. As I mentioned earlier this is extremely troubling considering the working relationship between our current CEO Jesse Winters and Nathan Wadsworth.

12. Article 3, page 98, number eight. The sketch plan was not drawn up by a licensed architect or engineer as per our land use ordinance and subdivision ordinance. James W Greer. Not Tom Greer drew the sketch plan he is not a licensed surveyor not a licensed architect or engineer. The language in the ordinance clearly states the person who supposed to prepare the sketch plan be a professional architect or engineer. James W Greer is not licensed in the state as an architect engineer or Land survey. It says nothing in the ordinance about the plan being able to be prepared by someone who's not licensed. The party who is supposed to prepare the sketch plan is supposed to be a licensed architect or engineer the language is clear. This would explain why the map was off by a quarter-mile for over two years. And they were showing that my house was where the Levitt plantation was and showing on the sketch plan that my neighbor's house A quarter mile away was where my house is. Beyond unprofessional. Article 3 page 98 ,b 6 existing conditions. All driveways and roads within 200 feet of the proposed development shall be noted on sketch plan. one only has to do is look at the sketch plan and there's another incomplete submission because they've never included the driveways of any of the homes in any of the sketch plans. Page 98 number seven is also applicable to the lack of legal submissions by the applicant. Page 98, c proposed development activity read number 10. Schedule of construction including anticipated completion dates they never submitted any information in regard to a timeline Again part of the land use regulations not followed.
13. Article 3 page 99, d Applications for major developments. Read 2 a B and D. Again, referencing Stormwater management which according to CES independent review The Stormwater management report submitted by Mr. Greer after 2 1/2 years was found to be incomplete. CES clearly stated he did not put the correct data in the storm water management plan to make it complete. For Mr. Wadsworth's engineer Tom Greer to say that he's fixed it after CES said it was incomplete is a joke. 2 1/2 years into the project they find out it's incomplete. If you read the Stormwater management report it bases it all on the buffer taking the stormwater. What buffer they liquidated the property. Besides not having the calculations correct which the independent review team CES found that Mr. Greer had an incomplete Stormwater management plan. Then if you read his Stormwater management plan it's all based on the buffer, buffering the stormwater to manage the stormwater. But the buffer doesn't exist he liquidated it along the road and at the back of the property where the wetlands are. So the

fact that his Stormwater management plan is based on a buffer that doesn't exist is insane. Besides the fact that the independent review found that his calculations were incomplete. They are trying to scam their way through the whole process. Article,3 page,99, read Number eight. Number, 13 Article 3 read E,2 environmental impact statement on the neighborhood. Both Jones associates, the engineer for the applicant and the independent engineer The town hired (CES) were both unaware of the fact that the Leavitt plantation abuts this development when Jones associates biologist testified before the planning board he was asked by a board member if they were aware that the plantation abuts this property and that it was deemed significant by the Maine natural areas program. The independent biologist hired by Jones associates responded to the planning board members question saying if there was an easement there of great significance, he would have to calculate the acreage to determine how it would impact the development. This is all documented on video. As he stated, he didn't know that the plantation was there so it was impossible make the appropriate evaluation of how it would impact the wildlife and the character of the plantation and the area itself. So it was quite clear that he was unable to do an impact analysis because he didn't even know the plantation abuts Watson woods development and that it was deemed highly significant by the state. So if he was unable to do a calculation because he didn't know the acreage obviously his report was useless. This is extremely important because for three years now the applicant and the town have refused to acknowledge the zoning disparities, and the fact that the plantation even exists. The Leavitt Plantation has never been identified on any sketch plans (Zoning: resource conservation) abutting this property. They keep showing it on the sketch plans as rural residential when it's resource conservation. This is not a mistake. it is deliberate. In almost 3 years they have failed to show the zoning disparities after it has been brought to the attention of the Planning Board repeatedly. It is disingenuous and fraudulent to keep pretending that the Plantation doesn't exist. This applicant has violated our land use ordinance subdivision ordinance comprehensive plan, and zoning ordinances not showing the zoning disparity between the plantation as resource conservation not rural residential.

14. Article 3 page 100. Read E2 neighborhood environmental impact report which was never done properly because they don't even acknowledge that the Plantation exists, and it abuts Wadsworth Woodlands. Article 3 Page 100 section 6, read criteria for review of site plans and subdivisions. Planning board must create a findings of fact. Which according to David Bower through FOAA requests have shown that no findings of fact were issued for the preliminary plan. Again, the planning board failed to do it's due diligence and not issuing a findings of fact as required under article 3 of our land use ordinance. Article 3 section 6,a Page 100.

Aesthetic cultural and natural values. proposed activity will have no undo effect on the scenic or natural beauty of the area. Significant wildlife habitat identified by the department of inland fisheries and wildlife or the municipality or rare or natural irreplaceable Areas. This has all been disregarded by disregarding that resource conservation land abuts this property by omitting identifying the Leavitt Plantation on sketch plans. The plantation is deemed globally significant, it is a high priority in the state of Maine (Maine natural areas program). This is been brought up at every meeting and disregarded. how can a sketch plan be complete when they show incorrect zoning? Article 3 Section B conformity with other ordinances page 100. Watson Woods subdivision does not conform with the comprehensive plan or the subdivision ordinance or the land use ordinance of the town of Parsonsfield. Article 3 page 101,E,1, Financial capacity. The applicant has never been asked to demonstrate that he has the resources to build this development as required under the land-use ordinance.

Dear appeals board members over the last three years there has been one attempt after another by the applicant to violate our subdivision ordinance land-use ordinance and comprehensive plan. I hope the appeals board will take this more seriously than the planning board did.

Thank you for your time and attention in this matter.

Gerard Clifford  
Abutter to Watson Woods.