

Parsonsfield Planning Board Meeting
634 North Rd Parsonsfield, ME
Tuesday August 20th, 2019
Minutes

In Attendance: Justin Espinosa (Chair), Nate Stacey, Andy Yale, Rick Sullivan, Clifford Krolick

Absent: Brendan Adelman

Also, In Attendance: Lindsay Gagne, Amy McNally, Ralph Austin, Thomas Greer, Jeff Wright, Corey Lane, Tiffany Brendt, Michael Chute, Carrol Chute, Cindy Wilson, George Thibodeau, Todd Crooker, Michael Nelligan, Roger Moreau, Stephen Anderson, David Bower, Will Ryan

Mr. Espinosa Calls the meeting to order at 7:00 p.m.

Review July 16th Meeting Minutes

The board takes a few minutes to review the meeting minutes

Mr. Espinosa Motions to accept the meeting minutes as they are

Mr. Stacey Seconds the motion

Motion passes by favorable vote

Review August 6th Workshop Meeting Minutes

The board takes a few minutes to review the meeting minutes

Mr. Espinosa Motions to accept the meeting minutes as they are.

Mr. Stacey Seconds the motion

Motion passes by favorable vote

Review August 13th Public Hearing Minutes

The board takes a few minutes to review the meeting minutes

Mr. Espinosa Motions to accept the meeting minutes as they are

Mr. Stacey Seconds the motion

Motion passes by favorable vote

Watson Woods Subdivision Application

Mr. Espinosa Asks Mr. Sullivan his progress on hiring consultants

Mr. Sullivan States after reaching out to five separate consultants he was able to get a quote from one company by the name of CESInc out of Brewer Maine. They have no conflicts of interest with the applicant and can perform the tasks within the next two weeks or so. Mr. Sullivan recommends moving forward with using this consultant

Mr. Yale States he has concerns with a definition in the ordinance regarding density. Page 14 paragraph C states the purpose of rural residential is to provide low density housing. However, there seems to be no language defining low density while there is language defining densely developed areas. He believes the applicant meets the requirements of the densely developed definition but there is some confusion in the absence of any definition regarding low density.

Mr. Espinosa As Mr. Adelman is absent tonight, he has made a request his opinion be paraphrased on the matter. His view is the ordinance, as it's written, allows subdivisions for every district in the land use table. He thinks the applicant meets the requirements for the density and this should not hold up the applicant. Mr. Espinosa's view is these lots have a proposed area for a building envelope and as it may increase the density in a rural area; this is not a cluster development.

Mr. Sullivan Agrees this is not clearly defined, however, the board may make amendments to the ordinance but not to the extent to uphold the process of reviewing this application.

Mr. Stacey Although low density is not defined, it is defined in the land use table that subdivisions are allowed for all districts and doesn't feel the board can update the ordinance, changing the rules for this application.

Mr. Yale States he finds this to be somewhat confusing and suggests seeking advisement from the town attorney.

Mr. Krolick States there are issues with the site distance and the location of the development. The applicant requires permits from the municipality for the driveways.

Mr. Espinosa Clarifies that the applicant cannot have driveway permits issued until the plan is approved.

Mr. Stacey Reiterates the board is hiring a third-party consultant to measure the site distance and ensure they meet town standards.

Mr. Yale Suggests consulting the town attorney addressing if the issue presents a conflict and what remedies may they have in dealing with it. He volunteers to draft a letter himself.

Mr. Austin States not only is there 50+ acres, there is also a condition of approval not to further develop the remaining land, as well as, the additional open space within the development.

Mr. Krolick Makes a motion to permit public comment on the matter of the density issue

Mr. Yale Seconds the motion and suggests timing the comments.

The board votes 4-1 favoring the motion.

Ms. Brendt Recommends putting this to the town attorney

Mr. Crooker Disagrees with making changes to definitions midstream of an application.

There is no further public comment

Mr. Sullivan Makes a motion to hire CESInc as a consultant

Mr. Espinosa Seconds the motion

The board votes in favor of passing the motion

Mr. Espinosa Makes a motion to contact the town attorney with a letter drafted by Mr. Yale upon the approval of the select board.

Mr. Krolick States any attorney fees should come out of the escrow balance from the applicant

Mr. Espinosa Explains the attorney fees come out of the town and the select board makes decisions on any town expenditures.

Ms. Brendt Suggests one option may be to hire a separate lawyer as a consultant on only this application. However, to address the definitions in the town's ordinance, that would have to come from the town attorney where it applies to the ordinance and not just the application alone.

Mr. Sullivan States the board should move forward with hiring the consultants for now.

Mr. Stacey Asks the applicant if they could look into the abutters and provide an update on any changes

Roger Moreau: 26 Reed Ln Site Plan Review Application

The board takes a few minutes to review the SPR

Mr. Espinosa Asks for clarification where the deed states this property is located in Newfield.

Mr. Moreau States he pays his taxes in Parsonsfield

Mr. Yale Asks if there is a garage already existing on the property.

Mr. Moreau Answers Yes. He intends to do work on lawn mowers, small engines and auto repairs.

Mr. Yale States he believes the application is complete.

Mr. Sullivan States he has heard concerns of storing oils and materials. He confirms with Mr. Moreau that this is his home residence and the intention is to use it as a home business.

Mr. Espinosa Asks the board if they may want to look into DEP requirements for the storage of certain materials.

Mr. Stacey Confirms with Mr. Moreau the proposed sign will not be illuminated.

Mr. Sullivan Asks if any of the abutters would like to address anything.

Mr. Nelligan States he is concerned this application is not complete. He cites several sections he considers to be incomplete including; Mr. Moreau claims the existing use of the property is “home residence”, however as an abutter he has witnessed Mr. Moreau operating his business from his home for the past 3-4 years. There is also the concern there is an existing pond nearby the property, among other issues. He believes most of the information on this application is either misleading or otherwise absent.

Mr. Espinosa Suggests the board review the application line by line for completeness. On line A, the Newfield abutting neighbors were not included; they should be included as abutters.

Ms. Brendt States the existing use as “Home” is incorrect as he has been operating as a business. The CEO sent a letter to Mr. Moreau asking him to cease any business operation until approval from the town was granted.

Mr. Espinosa This is noted, and the board continues to review the application for completion. The application will need the following for approval of completeness: Any existing drainage culverts, wells and septic need to be shown on the sketch map, the width of the right of way, a soil survey map to indicate ground elevations for concerns of runoff, existing and proposed parking will need to be mapped out, the abutters driveways within 200 feet of the site need to be mapped on the sketch map, any wetlands such as the pond that is in relation to the property, as well as, trees will need to be included on the sketch map, a separate sketch of the sign in addition to the location and dimensions and the applicant will also need to show to the board in his plan any information from the state regarding auto garages for environmental requirements that may need to be met, such as, oil and/or hazardous material storage.

Mr. Stacey States the easement may need to be updated

Mr. Espinosa Asks if the board can reach out to MMA to look into avenues to turn to for the applicant to clarify anything in the deed.

Mr. Thibodeau Asks about any liability on the board

Mr. Espinosa Explains the process of appealing applications.

Mr. Nelligan Asks about the operation of the garage where the application is not complete

Mr. Sullivan That would be an enforcement issue with the CEO.

Planning Board Bylaws

Mr. Espinosa Asks if the board would like to vote on a finalized version of the bylaws. The board agrees. He makes a motion to accept the bylaws as they stand.

Mr. Stacey Seconds the motion
The board votes in favor of passing the motion

Recreational Marijuana Ordinance

Mr. Espinosa Suggests that the board continues to meet with the Select board as previously discussed.

Ms. Gagne The select board has been informed and a tentative date has been discussed for September 17th either 6pm or 6:30pm.

Other Business

Mr. Anderson Has asked to address the board regarding some questions he asked in a prior meeting where other board members were not present. He would like to give the other board members who were not present an opportunity to answer his questions.

Mr. Espinosa Makes a motion to accept questions from Mr. Anderson.

It is not clear who seconds the motion. The board votes in favor of entertaining questions from Mr. Anderson.

Mr. Anderson Asks a series of questions to Mr. Krolick and Mr. Stacy.

Mr. Yale Asks Mr. Anderson where he is going with this

Mr. Anderson States he is trying to change a letter that was sent to Ms. Lane by the attorney general's office.

Mr. Espinosa Also clarifies in a statement Ms. Lane was never asked to leave a public meeting or banned from any planning board meetings.

Mr. Yale States the board had not instigated that letter and suggests Mr. Anderson contact the select board on the issue.

Mr. Sullivan Recommends moving onto other businesses.

Vote to go into Executive Session 1 MRSA, 405, 6A Employment Matters

Mr. Yale States this has nothing to do with employment matters and rather the personal reputation of an individual.

Ms. Gagne States that this specific title pertains to Employment Matters as clarified in an email from the town attorney. However, with this individual the planning board may seek the Select Boards approval on the matter.

Mr. Espinosa Suggests adding this to the tentative workshop with the select board scheduled on Sept 17th.

Other Business

Mr. Ryan Asks the board if they did an after-action review on the outcome of the medical marijuana vote.

Mr. Espinosa The board had reviewed handling a recreational marijuana ordinance vote in a different manner based off the outcome of the medical marijuana vote. He understands there is a Two-year waiting period on repetitious petitions

Mr. Ryan States that section of the ordinance pertains to things that are changing within the existing ordinance, however, what they were voting on was a new ordinance, as would not apply.

Mr. Espinosa States the board can request the select board to put the planning board on task with it. He recommends adding this to the tentative workshop on Sept 17th.

Mr. Yale states he doesn't think the board could vote against something that is by the opinion of the town by popular vote unless there is some compelling reason behind it.

Mr. Yale Makes a motion to adjourn

Mr. Stacey Seconds the motion

The board votes in favor. The meeting is adjourned at 9:00 p.m.

Draft completed by: Lindsay Gagne

Approved by board, Date: _____

Planning Board Chair or acting Chair
Name & Signature