

Parsonsfield Board of Appeals
634 North Rd Parsonsfield, ME
Tuesday, January 14th, 2020

Administrative Appeal for Watson Woods Subdivision
Minutes

In Attendance: Michael Sandahl (Chair), Todd Crooker, George Stacey, Donald Murphy, Donald Winslow

Absent: None

Also, In Attendance: Lindsay Gagne, Jeff Wright, Michael Nelligan, Jesse Stacey, Jesse Winters (CEO), David Bower, Harvey Macomber, Nathan Wadsworth(Of Hiram), Jack Wadsworth(Of Hiram), Amy McNally(Of Arundel), Corey Lane(Of Porter)

Mr. Sandahl Opens the meeting at 5:00pm and concludes there is a quorum of five regular board members. He explains this meeting is to review the consideration for appeals submitted by Gerard Clifford regarding NateSellsRealEstate Watson Woods Subdivision approved by the planning board. This is not a public hearing; the public can observe and if requested may be able to speak to the board. The board will be reviewing the application for appeals submitted to them. A copy of the application is present, as well as, a letter from the representatives of NateSellsRealEstate and a letter from Mr. Clifford. He asks if other members of the board had time to review either of the letters submitted after the application. The board confirms they have not. He verifies the application has been submitted on December 18th, within the 30-day period outlined in the Towns Land Use and Development Ordinance. There are other references in the application regarding subdivision regulations, which would be beyond the scope of this appeals board to review. Based off this application, the appeals procedure would be an administrative appeal reviewing the decisions made by the planning board. He completes a roll call of each member present. There are sixteen numbered points of reference in the application, which are reviewed by the board.

In reference to the sixteen numbered points addressed in the application for appeals

Mr. Sandahl On #1 (An Abutter unable to participate): States this does not relate to the towns land use and development ordinance.

Mr. Murphey Agrees, this may be a court issue rather than appeals.

Mr. Sandahl On #2 (Due Process rights violation): this also does not relate to the towns Land Use Ordinance.

Mr. Sandahl On #3 (Conflicts of interest with the planning board, road commissioner and zoning officer): States this seems unrelated to the Towns Land Use Ordinance.

Mr. Winslow Asks if the applicant is an abutter as its stated on the application. An abutter is defined in the land use ordinance as being a property owner.

Ms. Gagne Explains the property taxes are sent to another individual and Mr. Clifford is not listed as a property owner by town records. However, if there were some agreement that he may

obtain the property or owns some portion of it, it would have to be clarified and shown by Mr. Clifford.

Mr. Sandahl Verifies this also includes the abutter letters were sent to the property owner of town record during the planning board review of the subdivision application and not Mr. Clifford. At this time, it is noted that Mr. Clifford being an abutter has not been clarified

Mr. Sandahl Continuing #4 (The planning board did not Vote the approval of this subdivision proposal): States this would be related to subdivision regulations.

#5 (The map the planning board signed on 11/20/19 does not conform to current standards due to the fact there is no detailed survey report available): Mr. Sandahl states this references subdivision regulations.

#6 (Leavitt Plantation is in the resource conservation zoning and was not included in the sketch map despite requirements) Mr. Sandahl states this would refer to the requirements in the subdivision regulations.

#7 (The wetlands of special significance at the back of the proposed parcels are not protected by the mandated 75-foot setback and the information provided by Mr. Clifford was not considered by the planning board): Mr. Sandahl states this refers to subdivision regulations.

#8 (Drainage patterns were altered due to liquidation of vegetation and the storm water plan reviewed by CES (hired by the town) showed this report to be incomplete): Mr. Sandahl states this refers to subdivision regulations.

#9 (No findings of facts were provided for the approval of the preliminary plan): Mr. Sandahl states this would refer to subdivision regulations.

#10 (All preliminary documents were withheld from the public and it was not possible to consider an appeal at that time): Mr. Sandahl states this type of appeal is not applicable to the land use ordinance.

#11 (Town and state site distance requirements have not been met per CES's review of the final plan): Mr. Sandahl states these would refer to subdivisions.

#12 (Leavit plantation is not shown on sketch plan per 7.2.B.3): Mr. Sandahl states this refers to subdivision regulations.

#13 (The road commissioner illegally reduced the speed limit two times in 2017 on Hussey Road): Mr. Sandahl considers there is no way for the board to verify this and finds it not applicable to the Land Use Ordinance.

#14 (Despite previously issued driveway permits from other applications, the planning board refuses to enforce the same standards to this application): Mr. Sandahl states this refers to subdivision regulations.

#15 (The road commissioner has not issued driveway permits for driveways on Rt160): Mr. Sandahl states this would be part of the subdivision regulations

#16 (DOT has accepted an appeal to a DOT employees' decision): Mr. Sandahl, uncertain what this means, this does not refer to the Land Use Ordinance.

Mr. Sandahl States he does not agree the board could move forward with this application for appeal.

Mr. Murphey Agrees, also stating this explains more personal legal concerns and of subdivision regulations.

Mr. Crooker States the driveway regulations may be in the Land Use Ordinance, as well as, the subdivision regulations and this could be possibly valid. He asks Ms. Lane to offer input on this topic.

Mr. Sandahl Asks Ms. Lane if she is authorized to represent Mr. Clifford

Ms. Lane States no, not in an official capacity but believes the representatives for Mr. Wadsworth may be able to verify some information

Mr. Sandahl States the burden of proof is on the applicant of this appeal. He asks the board if they see any basis for accepting this appeals application. Himself, he does not see any basis with respects to the Towns Land Use Ordinance.

Mr. Crooker States he disagrees.

Mr. Stacey Asks if the board is responsible for researching the points outlined.

Mr. Sandahl States he understands they are not responsible to do the research, but it would be on the applicant to clearly identify their points in the application. Such as, more specifically, what is wrong, why it is wrong and what needs to be done to make it right. This application is primarily about a subdivision and he believes the board would not have jurisdiction to review this.

Mr. Crooker States there may be points in this application that refer to the subdivision and the Land Use Ordinance. He suggests the board take a vote

Mr. Sandahl Makes a motion to vote on rejecting this application as it is written

Mr. Murphey Seconds the motion

The motion passes to reject the application as it is written, Vote 4-1 (In favor: Mr. Sandahl, Mr. Stacey, Mr. Murphey, Mr. Winslow. / Opposed: Mr. Crooker).

Ms. Lane Asks, without looking at the ordinances, how has the board verified this is not in compliance?

Mr. Sandahl States the final decision was based on a subdivision. The application for appeal was submitted on December 18th and they have had time to review the land use ordinances and the application prior to the meeting.

Mr. Wright States the ad in the Shoppers Guide only stated Mr. Clifford's name without any other information.

Mr. Sandahl States while this is not a public hearing, he can answer there was additional information posted publicly regarding this application. After discussion on this topic, he makes a motion to adjourn the meeting.

Mr. Murphey Seconds the motion.

The motion passes 4-0 (In favor: Mr. Stacey, Mr. Sandahl, Mr. Murphy, Mr. Winslow). (Mr. Crooker leaves the meeting prior to voting).

The meeting is adjourned at 5:28pm.

Draft completed by: Lindsay Gagne