

**Parsonsfield Zoning Board of Appeals
634 North Rd Parsonsfield, ME**

**Administrative Appeal for Map U-12 / Lot#19
Public Hearing
Monday May, 13th 2019
Minutes**

In Attendance: Mike Sandahl (Chair), Don Winslow, Don Murphy

Absent: George Stacey

Also in attendance: Lindsay Gagne, Marion Wright, Cathy King, Tom Dubois, Deborah Sobczak, John Sobczak, Stephen Richards, Craig Bona

Mr. Sandahl Calls the hearing to order at 6:02 p.m. He explains he would like to conduct the public hearing and then move forward to an appeals board meeting to discuss the findings and hopefully come to a conclusion.

Mrs. Wright Asks for a continuation because she has not received information from D.E.P yet. She was looking into where the septic was located on Lot 30A and has sent them all the information; however, they have not had time to review it.

Mr. Sandahl States at the last meeting, by his understanding they agreed to look into whether or not Section 8,C,3,d applies to this site plan review.

Mrs. Wright States she asked D.E.P and told them about the septic being on the other lot. D.E.P asked her where the septic was on the other lot before they could make a decision.

Mr. Sandahl Asks; to make a decision on what?

Mrs. Wright States it may make a difference for some reason if 8,C,3,d is applicable or not.

Mr. Sandahl Asks Mrs. Wright if she could explain further.

Mrs. Wright States the person she spoke with finds it is applicable except for the fact that they would like to know where the septic is because that could make a difference. She sent in the information last Thursday

Mr. Sandahl Is still unclear on what Mrs. Wright is discussing, by his understanding, Mrs. Wright has requested some additional information.

Mrs. Wright Her understanding from the last meeting was Mr.Sandahl and/or the board was not happy with the answer from MMA and they would have liked to have heard from someone else.

Mr. Sandahl States he didn't see that MMA had made a decision on the matter. There was no finding or answer, only that three questions needed to be answered based on the land use ordinance to make a determination if the lots were "Contiguous"

Mrs. Wright States this was because she wasn't able to prove if the right of way was under the ownership of the Sobczaks.

Mr. Sandahl States they have already gotten their information from the application and they need to make a decision based of that information. He asks for any other questions of statements from the audience.

Mr. Dubois Introduces himself as a special engineer and development consultant. The Sobczaks have asked him to look over their application. He states in his opinion the board had reviewed the plan and came to the determination that it met all the requirements for a site plan review. He

explains the plan here is to not make the structure any more non-conforming but in fact they are making it a little less non-conforming. The right of way does separate the front lot from the back lot and the town also recognizes these two lots as separate lots as they are taxed as such. He also does not believe the planning board nor would the appeals board have jurisdiction to merge the two lots together.

Mrs. Brendt Explains she is a member of the Parsonsfield select board and understands it would be of the purview of the select board to combine those two lots to create one lot and one tax bill, however, because of the right of way, the select board would not do this.

Mrs. Sobczak States she went back and reviewed the videos online and found that the question was asked if they owned the right of way, in which at that meeting they did state their ownership of the right of way. She also discusses when the idea originally came up to move the house to the back lot, this idea would put their home further back then they would of intended, due to an existing road and leaching field already there. As part of the planning board's conditions they have already contacted a lawyer to begin the process of drafting an easement to include the leaching field with the front lot, so as not to separate them in any future predicaments.

Mr. Sandahl States at this point they will continue to focus on if whether or not section 8,C,3,d applies to this plan. He reviews the email provided in the appeals application, from MMA, that clarifies three factors in determining if the two lots are contiguous. 1.) Are they in single or joint ownership? He agrees they are. 2.) Are the lots considered either vacant or partially built? Partially built pertaining to; one lot is vacant while the other lot has an existing principle structure. He agrees there is one principle structure on one lot while the other lot remains vacant. And, 3.) Are the lots Contiguous? This one, he agrees, needs more information as there is a road dividing the two lots.

Mrs. Wright States in the minutes Mr. Sandahl states "lands located on opposite sides of public or private roads are considered to be two separate lots", however, it does not say where Mr. Sandahl got that information from.

Mr. Sandahl States he has done some research and cites Title 30A, Chapter 187, Subchapter 4401(definitions), Paragraph 6 "Tract or Parcel of Land" that details a definition of a tract or parcel of land. In this definition it states if lands are located on opposite sides of public or private roads they are considered to be each a separate tract or parcel of land, unless the road was established by owner of the land after September 22nd 1971. He also reviews research from the sub division ordinance, which may not apply to this, however, the ordinance reflects similar context. In his opinion he feels the two lots are not contiguous and would not need to be merged by requirement. From his findings they have established there is a private road shared by others that does divide the two separate parcels of land, they are separate titles, they are separate tax bills and from what he can gather, they would not be joinable by the shore land ordinance, land use ordinance and the states definition.

During this time, Mrs. Wright and Mrs. King depart from the meeting at 6:19 p.m.

Mr. Sandahl Asks if there are any other questions or comments from the board or audience.

Mr. Murphy Agrees there is a road dividing the two lots

Mr. Dubois Reiterates reasons why he feels these lots are not joinable.

Mr. Sandahl with no further comment he closes the public hearing and at this point the board will hold a meeting to discuss their findings and vote on the application.

The public hearing is closed at 6:23 p.m

Draft Complete by: Lindsay Gagne