

**MINUTES
TOWN OF PARSONSFIELD
ZONING BOARD OF APPEALS MEETING
6:00 PM
Thursday, March 18, 2021
TOWN OFFICE BUILDING**

**ADMINISTRATIVE APPEAL
DARLA & DANA GOULD
MAP 8, Lot 37
198 HUSSEY ROAD
PROPERTY OWNED BY: Nate Sells Real Estate LLC**

(RECORDER'S NOTE: There were two Public Hearings held at this meeting regarding the property owned by Nate Sells Real Estate, LLC. The minutes for these hearings are combined in the overall formatting of them because some of the evidence presented in the first hearing (for Mr. & Mrs. Gould) also pertains to the second hearing (for Mr. Clifford). However, they are separated into two separate sections as noted at the beginning of each Public Hearing.)

I. Call to Order (Public Hearing for the Darla & Dana Gould Appeal)

Jim Baron called the meeting to order at 6:08 p.m.

Present: Jim Barron, Don Murphy, George Stacey, Recorder Desirae Lyle, Dana & Darla Gould,

Guests Present: Code Enforcement Officer Jesse Winter, Town Attorney David Lourie, Nathan Wadsworth, Amy McNally – Attorney for Mr. Wadsworth, Gerard Clifford, Jeff Wright, Jack Hennessey, Roger Demanche, Michael Nelligan, Corey Lane (of Porter)

a. Opening Remarks

Jim Baron stated that this evening's Public Hearing is an Administrative Appeal for Darla and Dana Gould. The Board agreed that they would hear and determine Mr. & Mrs. Gould's Appeal before Mr. Clifford's Appeal. Mr. Clifford is welcome to speak during the Gould's Appeal.

b. ZBA Jurisdiction MRSA Title 30A, Par 4353 (MMA ZBA Manual. Pg. 13)

This is the referenced jurisdiction that provides the authority to the Zoning Board of Appeals.

II. Determine Quorum

This is a five member board with two vacancies and three members present; therefore, it was determined that a quorum was present which allowed the Public Hearing to proceed.

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III. Review of Minutes (February 25, 2021)

George Stacey made a motion to approve the minutes as presented. The motion was seconded by Don Murphy. Motion carried with all in favor.

IV. Determine Conflicts of Interest

Each Board member noted that they have no conflict of interest regarding either application before the Board.

V. Summarize Nature of Appeal/Complaint

a. Review Applications for Administrative Appeal (Dated 8/31/2021)

Jim Baron presented as evidence the application for Administrative Appeal which stated that the request for this appeal is based on the following reason;

Requesting that the Board of Appeals rescind the permit issued by the Code Enforcement Officer dated July 14, 2020.

VI. Hearing Notices sent out:

a. To Appellant(s)

The Public Hearing Notice was sent to Dana and Darla Gould on March 1, 2021.

b. To Abutters

The Public Hearing Notices to abutters were mailed on March 1, 2021.

c. Public Postings:

The Public Hearing Notice was posted at the Parsonsfield Town Office, Kezar Falls Post Office, East Parsonsfield Post Office at least seven (7) days prior to the Public Hearing.

d. Advertised:

The Public Hearing Notices were submitted for advertisement in "Your Weekly Shopping Guide" on March 2, 2021.

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VII. Parties to the Action:

- a. Appellant(s): Darla & Dana Gould**
- b. Code Enforcement Officer (CEO): Jesse Winters**

VIII. Testimony

a. Code Enforcement Officer

Jesse Winters testimony occurred throughout the Public Hearing proceedings.

b. Appellant(s)

The applicant's testimony occurred throughout the Public Hearing

c. Supporters/Opponents

Testimony from Mr. Wadsworth's attorney occurred throughout the Public Hearing.

David Lourie noted that both appellants are alleging that this particular lot violated the subdivision approval, that the retained land was divided again, that there were issues with timber harvesting as well as the driveway issues.

Jim Baron turned the floor over to Darla and Dana Gould to present their appeal.

Darla Gould opened by stating that she is going to explain from the beginning all of the issues. 'We were going to take this to court, just so someone could hear the whole truth, not that I'm here to down the Town or bury the Town, but some of the people have not done what the Town Ordinances state for a subdivision, or a CEO, or a driveway and it's been very maddening and frustrating when people haven't listened to us. When I spoke to Nate (Wadsworth) first thing I told him I wanted to avoid going to the Town about this when I heard he was going to put a house in there, I saw the ribbon, and I saw him over there a few times and then I decided that I would go and talk to him myself. We talked about where he was going to put the driveway and I honestly did not think it was a very safe place and it was where some of the animals crossed, not that I'm a tree hugger, I like my moose and deer meat like anybody else. It had nothing to do with that it just wasn't the place to put the driveway when he had all this acreage, and a safer place was down a little further. He agreed and within a week he was out there and I'm trying to figure out who I need to talk to about this. I've been friends with Jesse

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Winters for a lot of years, I heard that it's the CEO that's in charge of that and I knew Jesse had become CEO a while back, so I texted him and asked if he authorized this and he said that Maya Lary, the Road Commissioner did. Anyway, before they took down the banking to make site distance, that banking, you couldn't see on that side of the road. Part of it is the driveway, being right across from us like it is their lights come into the house, and a four (4) way stop at the top of a hill with a dip it wasn't right, but we've had some issues going on for years over here with the subdivision. He got knocked down a few times with his plans, I didn't have anything against his subdivision, but then I started finding out he didn't get a stormwater pollution prevention thing before he even cut one (1) tree the first time. Then we're finding out this, then we're finding out that, then I got Google Earth from when he cut that land without the proper permit. I asked myself who's going to stand up for us here in the Town. We weren't getting anywhere with some townspeople, I did immediately ask Jesse (Winters) and he said that he (Mr. Wadsworth) didn't need the permits, because I wanted to see what's going on, we have the right to know, everything is public. And after a week of asking Jesse, I got the permits from David Bower. I got looking at the paperwork, and I'm not the smartest brood in the world, but I'm not stupid. I saw him coming in and doing everything and saying, "Oh we'll worry about the permits later". And I think he took advantage of Jesse and Maya, being new boys on the street, he was the one telling them where to put the driveway, where the house was going. They agreed, they didn't know site distance, neither of them. They were going to use an old driveway for this driveway permit. I'm not here to be a tattletale, I'm here because right is right and wrong is wrong and I'm a little ashamed of our town that we moved into and I just wanted him to move the driveway, I didn't realize I was going to open up this whole can of worms for four (4) years here. A year for us, but it's been more than that we've been living here listening to what's going on and then they slapped that house in quicker than a river pickerel, doing it so fast, they wouldn't even keep up with us or give us the chance to say... I told Jesse put a stop work order on this until we get it straightened out, no, no, they just want to make us look like the idiots and now Jesse has become very vengeful at people that are saying, "Hey Jesse, you weren't certified here, you've given out all these permits. You got a permit from Brownfield, you're using them from when you were over there, you're not supposed to do this. He's becoming vengeful to some of us that are speaking up to the things he's doing wrong. Nate's been doing some wrong here too. He's been doing some wrong. I have a voicemail of him calling Phil Bosche over there wanting to break that twenty seven (27) twenty eight (28) acre piece up by selling him thirteen (13) acres. I got it, I'll play it for you if you want to hear it, I was trying to not give him the humiliation of how he lies. He lied to me when he said he was going to move the driveway, he's lied to this town, he hasn't, he wasn't supposed to build over there, he wasn't supposed to cut any

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more trees and he went in, and they cut a lot more trees. I have the google earth of when he first did it and then a drone after he went and cut more, and they did that faster than a river pickerel too. And slapping these houses in while this litigation is going on. Poor Jack moves in, Jack Hennessey, he didn't know what, that his own house is under, what is even going on out there. Then they put the well right next to the road and I got all this (referring to a tote of binders). I've got pictures, I've got evidence from the Fire Marshal, I was going to drop a lot of this, okay, I really was, but then when Jesse said, "Oh the Parsonsfield CEO doesn't need to be certified." I was like excuse me, the Fire Marshal, up there in the State of Maine he says every town their CEO needs to be certified within a year, and Jesses be into, you know if we hadn't done this he wouldn't be getting his, he's just getting it now in the last month or two (2) after years of making improper decisions, not just over here on the Hussey Road, other roads, other places there's other appeals as you know. Other stuff going on and we haven't had a say cause someone's coming in...Nate I really do care about you, but I don't think you did this right. I think that just because he's a State Representative and money, got money, doesn't mean that we can't say the truth.'

Amy McNally asked to interject, 'Well it does, there's a certain scope that this Board is looking at. The scope is limited to the building permit.' Jim interrupted and reminded everyone to state their names before speaking. Ms. McNally, 'Amy McNally, I'm here for Nate Sells Real Estate, LLC, the respondent essentially, we are getting very, very far away from the scope that this Board, the issue that this Board is considering. I would just hope that the Board would take some initiative here to at least limit the scope of the testimony that they are going to hear and limit it to the building permit that they are reviewing.' Mrs. Gould, 'It's they're responsibility.' Ms. McNally, 'It's not.' (**Recorders Note** someone interjected saying 'Yeah, it is'.) Ms. McNally continued, 'The Subdivision was approved in November of 2019, the appeal period has long past for that, so to the extent that there is information or testimony...' Mrs. Gould interrupted, 'This is the subdivision, this house we're talking about?' Ms. McNally, 'This house is not part of the subdivision.' Mrs. Gould, 'Why was it made part of the subdivision though?' Ms. McNally, 'It's not, it's part of the retained land.' Mrs. Gould, 'Exactly it's not.' Ms. McNally, 'In that approval...' Gerard Clifford interrupted, 'It in the deed, it says it on the application.' Mrs. Gould, 'It is on the deed. Why is he up here building when it said on the stipulations of the subdivision that he couldn't do it for ten (10) years?' Ms. McNally, 'No it does not, that's incorrect, that's absolutely incorrect, there's actually language. I just want to be very clear; I know this Board is new, but I just think rehashing the subdivision approval from 2019, that again the appeal period of that subdivision approval has long passed and is not in front of this Board. Just to be very clear about this what is in front of this Board today...' Mrs.

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Gould tried to interrupt but George Stacey spoke, 'Can both of you, she let you speak before.' Mrs. Gould, 'Yes, I'm sorry.' Ms. McNally, 'What is before the Board today, and again I'm just making a general request that the Board limit the amount of testimony, because I'm, there's just a lot of disparaging language going on that is not helpful and redundant and not, it doesn't add any weight to the appeal that is in front of the Board right now. The subdivision approval was completed in November of 2019, no appeal was taken from that. This is a single building permit, from a single lot that was accepted from the subdivision and permitted to be built upon pursuant to the conditions of approval in November of 2019, so I just want to be very clear about that.'

Mrs. Gould, 'Well, I'd like to be clear that this is part of the subdivision, because it goes way back as part of this house and part of this building permit not being legal. It has a lot to do with the subdivision too.' Mr. Clifford interrupted, 'I'd like to go on the record to clarify what she just said.' Don Murphy, 'You'll have your turn to talk sir.' Jim Baron, 'You can speak, just state your name please.' Mr. Clifford, 'My name is Gerard Clifford. Basically, this subdivision was approved after the Planning Board told all of the people involved it wasn't going to be on the agenda and to go home. This Planning Board approved this secretly. They had a secret signing; they told all the public to go home and secretly made a deal.' David Lourie interrupted, 'Both in terms of recording and in terms of keeping order it would be good if the speaker came up to the mic and take turns.' Mr. Clifford, 'Thank you. There was a secret deal. We have been, it is important that the laws are followed, like, Darla is trying to point out and Mr. Wadsworth's attorney is trying to say it's not important. It is important because the Planning Board...What makes everyone so upset is that the Planning Board told the public after three and a half (3.5) of fighting this subdivision, that Mr. Wadsworth wasn't on the agenda, to go home, and the Board met privately. They asked if the camera was shut off, Desirae refused to shut the camera off and then they had a secret signing.' Desirae Lyle spoke up, 'I wasn't here.' Mr. Clifford, 'Not Desirae, sorry, our other Planning Board secretary, Lindsay, wouldn't shut the camera off, and I can show you a meeting on tape sir, and bring it to court, that the Planning Board approved that subdivision twice on two (2) separate dates, as Darla has already pointed out to this Board. It's so crooked it's not even funny. It was approved, the public was told to go home, and they signed it after three and a half (3.5) years of us fighting it. And as far as her (Ms. McNally) saying that it doesn't matter that the Code Enforcement Officer wasn't licensed is beyond unbelievable. This whole thing hinges on, if the Code Enforcement Officer wasn't licensed, he doesn't have a right to issue any permits. Mr. Lourie is aware of George Brackett vs. Rangeley, aren't you sir? Where if a person, Code Enforcement Officer, isn't licensed the Supreme Court made a decision that that permit can be challenged in perpetuity.'

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He's referencing it now. That permit can be challenged in perpetuity. Mr. Winters was not certified; we had a shady Planning Board that swept this whole thing under the rug at a secret signing and then we had a Code Enforcement Officer that hasn't been licensed in over two (2) years and is issuing permits for all of these homes that's all illegal. He has no knowledge to do so, and I think it's pretty clear before you gentlemen, because he's looking at the case law right now. (**Recorders Note:** This case law will be included with the file documentation for these appeals.) Because it's pretty clear that I can take this to court if I were to lose. This is disgraceful. That's what I wanted to respond to her saying that this isn't, that none of this matters. What the town Code Enforcement does, and what the officials in this town do matter sir.' George Stacey, 'Gerard, this has nothing to do with what we're talking about.' Mr. Clifford, 'Yes it does. Did you read my submissions George?' Jim Baron, 'You're coming up.' George, 'I read a lot of this stuff.' Mr. Clifford, 'Then you didn't address it then. We'll take about it when my issue comes up.' George, 'I have a life other than that, I might have missed something.' Mr. Clifford, 'Well, sir, we'll talk about it when, as the chair said, when I come up. Thank you, I just wanted to address her comments that that was inappropriate, it certainly was inappropriate given the facts.'

Mrs. Gould, 'I'd like to finish speaking. That whole land.' Someone asked Mrs. Gould to step up to the microphone. 'All of that land, kind of ties in together with the driveway and Phil Bosche's house. It goes back quite a little ways okay. It's hard to sit here through some of these proceedings and listen to things that you know aren't true. Like when Nate said he wasn't going to split up that twenty eight (28) acres. It was a and b, and he wasn't going to split it up. I got a voicemail of him trying to split it up, thirteen (13) acres of it. And you know, they got kind of caught on that, no, no, that's why they sold the whole chunk in one (1) with the house. He was trying to, I can show you the original map, if you would like to see it, of his first proposal from above with all the trees and nothing cut, nothing cut. And he had fourteen (14) lots he wanted that very first time.' Mr. Lourie spoke up, 'Excuse me, you are the appellant, you brought this appeal, so if you have evidence.' Mrs. Gould, 'Oh I have evidence.' Ms. McNally, 'Can we limit the evidence to what is relevant in front of the Board.' Mrs. Gould, 'This is relevant that he was going...' Ms. McNally, 'You just acknowledged that he sold all twenty four (24) acres.' George Stacey, 'He sold the whole lot.' Mrs. Gould, 'Do you want to hear the voicemail of him trying to break it up?' Ms. McNally, 'The permit is what is before the Board. The twenty three point seven (23.7) acres.' Mrs. Gould, 'I'm telling you how he got to it.' Ms. McNally, 'That's irrelevant, even if it is true.' Mrs. Gould, 'I'm just letting you know the townspeople's side. You guys have been drilled from these people, and you haven't heard, not just me, but there's other people like me that are having the same issues with people getting away

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with things that we wouldn't have to, we wouldn't be able to. This is what upsets me.' Mr. Lourie, 'Darla, as I said before, it would be good if you have something of use to put in the record to show that there is a plan actually to divide the lot and the subterfuge or whatever. You should put that in the record.' Mrs. Gould, 'You want to hear the voicemail.' Jim Baron, 'Sure.' Mr. Lourie, 'Play it into the mic.' Mrs. Gould, 'It proves that he was trying do, to get more...He came up here on this end, he was supposed to start the eight (8) lots, no I'm just saying, he was supposed to start eight (8) lots then he starts up here in the first one (1) and it just is going to show that everything, all the way has been a little shady. And he's gone ahead of the permits, ahead of his permission and done things and this was one (1) of them.' Jim, 'And who did you get this recording from?' Mr. Lourie also asked who Mrs. Gould got the recording from. Mrs. Gould, 'It was given to me by Phil Bosche to use. Okay I'm going to start it over.' Dana Gould, 'This is between him (Wadsworth) and Phil Bosche trying to sell Phil Bosche thirteen (13) acres of the twenty eight (28) that he wasn't supposed to subdivide.' Darla asked Jeff Wright to plug in her speaker that she brought with her. Jim, 'We don't have to hear it.' Mrs. Gould, 'No, you have to hear it because this tortures people. You wonder why poor Gerard has gone wacko; nobody will listen.' George, 'Darla, who is Phil Bosche?' Mrs. Gould, 'Phil Bosche is the, out of that fourteen (14) lots is the first one (1) he was hurrying up and getting done with all the litigation was going on down here.' Mr. Gould, 'It's the first one he built that was supposed to be part of his subdivision.' George, 'Uphill of your house?' Mrs. Gould, 'Yes. That was his first house like this one (1) he tried to say it was his land and his house now, well he did the same thing will Phil Bosche's and then sold that.' Mr. Gould, 'He has subdivided this property four (4) times, that's what we figure, four (4) times already.' Mrs. Gould, 'Phil Bosche is the first house he built on that subdivision.' Mr. Lourie, 'So that was before the Planning Board approved the subdivision.' Mrs. Gould, 'No, no, no, this voicemail is right when he was getting ready to, right after he cut the driveway. He decides to call Phil Bosche because he knew he wasn't, already litigation was going on, appeal about him putting a house there. So, he's going to try to break up that a and b land. George, 'I think what you asked, David, was, is that first house that was built was it done before he started the...' Mrs. Gould interrupted, 'Yes.' George, 'If it was built before he started this subdivision.' Mrs. Gould 'It was part of the subdivision.' Mr. Lourie, 'I was trying to clarify that the Bosche parcel came out first, then he did the subdivision and they imposed conditions on the remaining land. And I just wanted to make sure. This phone call involves Mr. Bosche, but I wanted to make it clear that this happened after the subdivision approval when they put the conditions on the retained land.' Mrs. Gould, 'And on his homeowners a and b that they turned into a and b land. There were stipulations on that land too, okay so this is the land that he said he weren't going to break up, but here he is trying to break it up.' Mr. Lourie, 'When

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you are referring to a and b land are you referring to...' Mr. Gould, 'The thirteen (13) and fifteen (15) acre that was supposed to be...' Mrs. Gould, 'Twenty eight (28) acres.' Mr. Lourie, 'It would be better, before you play that to look at the plan.' Mrs. Gould 'Okay well you guys got the map? That a and b, Nate's owner retained land.' Ms. McNally, 'He doesn't own anything anymore.' George, 'So, does that have a bearing, David, on?' Mr. Lourie, 'I don't know yet.' George, 'This is another whole can of worms, isn't it?' Mrs. Gould, 'No it was part of our appeal we brought to the court.' George, 'I want to ask him.' Mr. Lourie, 'Yeah, it sounds like it might be relevant. I wish you would give us the plan you are talking about I don't think the Board has seen it. I have not.' Jim Baron, 'We need you to bring up the timeline so that we can get in sync with the timeline.' Mrs. Gould, 'Excuse me can I come forward and put it on the table.' Ms. McNally, 'Can I also look at that please?' Mrs. Gould, 'This is the last appeal that we filed. This is some of the land, the piece I was telling you about that's what it looked like. Ms. McNally, 'This predates the subdivision.' Mrs. Gould, 'Okay, so this is way before anything got cut, alright? So, this is after he went in.' Ms. McNally said something about this being before the Planning Board. Mrs. Gould, 'But not up where he's working now. I know I got more, but this is...' Mr. Lourie, 'Where is the land you were talking about a and b?' Mrs. Gould, 'Up here a and b. This is Phil's, this is the twenty eight (28) acres, and this is the subdivision, the house he got approved for, it was supposed to be one (1), but he put two (2) house there with one (1) driveway. I probably have another one (1). I got a lot of maps. They took it down from twenty eight (28) to... Our house is right here.' Mr. Lourie, 'Where did this plat come from?' Mrs. Gould, 'Right from the Town.' Ms. McNally, 'This is recorded. This is the subdivision plan. This is the plot of land that was sold to Mr. Hennessey that the house is on now. This entire twenty three point seven five (23.75) acres. It's now in the hands of someone else.' Mrs. Gould, 'Well this is a and b, this is thirteen (130 acres of dead space.' Mr. Gould, 'We started fighting this before it was sold before it was even supposed to be sold.' Ms. McNally, 'I understand that, but my point is the building permit as applied by Mr. Wadsworth included all of the entire parcel.' Mrs. Gould, 'The CEO wasn't certified when he gave this permit. This has all been illegal. Ms. McNally, 'I can't understand why this is relevant.' (Recording Note: The recording is muffled at this point. The Board, appellant and attorney were reviewing the subdivision map.) Mr. Lourie, 'I think it's time to rip this off an hear the tape. I would suggest that if the tape is not clear when it happened or who was talking.' Mrs. Gould, 'It's Nate Wadsworth talking to Phil Bosche trying to sell him this piece of land and you can see where he lied. It's been said that he wasn't going to split it up.' George Stacey, 'He could sell some to the abutter, no?' Mrs. Gould, 'That's what he was trying to do. They stipulated that it wasn't to be broken up.' George, 'It isn't broken up if it's sold to an abutter.' Mrs. Gould 'Yes, it is. Yes, it is! He had to sell the whole

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piece. You're insulting our intelligence as people. It doesn't matter it doesn't mean they know everything.' Mr. Lourie, 'George is correct in terms of the subdivision law that there's exceptions for sales to abutters, unless the intent is to circumvent the process. Let's just hear what is on the tape.' Roger Demanche, 'I don't think that's a good idea. That right there, you should talk to your attorney for Parsonsfield. Whoever is on that right there both sides need permission for you to play that. Both sides need permission for that to be recorded. Yes, or no?' Ms. McNally and Mrs. Gould talked over each other, and Mrs. Gould started the audio recording. "...Here in Parsonsfield. I own thirteen (13) acres that abuts your cabin and I'm looking at putting a spec house on that land and I was talking to Ted Theriault about who he uses for an excavator, and he said geez why don't we see if Phil wants the first shot at buying that land before you put a spec house on it. So, um, I shot you a text on Saturday, not sure if you got it, and hoping to chat with you to see if you are interested or not. Thirteen (13) acres looking to get \$29,900 for it, it's not listed yet. It goes around two (2) sides of your cabin lot, towards your view there, down in front of your view." Mr. Wadsworth left his phone number and ended the call. Mr. Lourie, 'We should have listened to it earlier, it would have saved a lot of time.' George Stacey, 'David, before they did put a house on there, was he not able to sell that to an abutter? You just said yourself that he could sell a piece of it to an abutter, he could sell the whole thing to an abutter.' Mr. Lourie, 'That would be...if we're applying the State subdivision law then there is an exception for it, however here we're dealing with a condition of approval which said it is not to be divided without Planning Board approval, but who knows he may have got Planning Board approval later on if he had an offer. It's an offer that wasn't accepted, so I have to agree with Ms. McNally it's not anything you have to consider.'

Mr. Gould asked to approach the mic and speak. 'My name is Dana Gould, and I haven't said anything at these meetings, I've been here, I come with my wife. I've, we started this thing together and you know this might be the last meeting we don't know, but...we're unified in the fact that the way that we approach this thing. And I just want to state that for the record, this was all about a lie. It started with a lie and the only reason we have all the proof of all of the things that went on is because it started with a lie. Darla approached Mr. Wadsworth while he was out there before they cut that driveway in and she asked him, "Please don't put the driveway there, it's going to bother us, and I'd appreciate it if you put it down there." Mr. Wadsworth looked at her and said, "Not a problem. We're going to move the driveway and it'll be down the hill from you" or "it'll be away from your driveway". And then two (2) days later he cut the driveway in right there. And so, Darla, of course, you know Darla's a country girl from Limerick, Maine and I don't know if you guys know, I'm sure you do, about country girls here in this part of the

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country, but there's something in the water here. Once something like that happens to them, it don't go away, and Darla did a lot of work to come up with that tote right there full of information. I mean she dug and dug and dug and got a lot of information about a lot, a lot of information. I know a lot of things she didn't want to find out, and a lot of those things are you know, the way the Town does business, we don't like it, it happens. It happens here, it happens in Limerick, it happens in Florida, it happens everywhere. But this is a travesty of justice for us, really. We came to the Appeals Board, we expected to get justice, we didn't really get justice because it's the good ole boy mentality. Everybody knows everybody. If you work for somebody, they work for somebody, you've known them all your life, you shake their hand. A piece of paper is a piece of paper, if it says Brownfield, we'll just use that one for now, we'll put Parsonsfield on it later, it doesn't matter. Well, it does matter. It matters! It matters that the CEO is supposed to be certified, he has, I think it's two (2) years, but I talked to the CEO in Scarborough today who's a friend of mine, and he said he can't hand out permits if he's not certified. That's the law in the State of Maine. It doesn't matter if it's Parsonsfield, Limerick, Porter, Baldwin wherever it is. If you're a CEO in the State of Maine, you have to be certified to hand out permits. And this guy didn't have certification, so I wasn't arguing that. I don't really care...it doesn't bother me that much, but this whole thing bothers me but, what really bothers me...The part that bothers me the most is it started with a lie, and we've gone through this whole process, we came to the Appeals Board we didn't get justice. They told us we needed to go to Superior Court, so we went to Superior Court. We put our stuff in at Superior Court, we got it in on time, by the skin of our teeth, but we got it in. And they turned around and looked at all of the information and they said your Appeals Board really needs to take care of this, so they sent it back to you guys. Now you're all new, you're not the guys we saw the first time, so you have to look at it in a different light. So, we are asking you, please just look at it in the light that you see it in. This is the truth it started with a lie and here we are, you know. It may not end in a lie, maybe it will I don't know, but there's been a lot of lies along the way. A lot of different things have changed along the way, a lot of different...yes, we may be here for a building permit, and that's what we're here for. We're here because the building permit was granted and signed illegally by a Code Enforcement Officer who was not certified to sign that. And so now, you know, here we are. The driveway permit was a lie, "I'm going to put it in down the street" but he put it in right where it is. You all know we're selling our house, right, we're moving, right. It doesn't matter that we're moving because we're here on principle, you know, this is principle, this is the way the Town is supposed to work. We want you guys to decide on the facts, please look at the facts not the State Representative, who he is, what he is, or what your relationship is with him or whatever. I know you all said at the beginning you don't have any conflict of

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interest, but this is the way it is. That's all I really wanted to say. I just wanted to speak my piece because I don't...I haven't spoke my piece since I've been here, and I need to get it out. I just want you all to know how I feel, it's a matter of principle that we're here tonight. We've dug up a lot of facts, Darla has a lot of facts on this whole thing, and whether it's relevant or not it's part of this driveway permit, this building permit and the way it all came about. That's all I have to say, thank you.'

Darla Gould, 'I'd like to thank you for listening too, I appreciate that very much, thank you.'

Mr. Lourie, 'I'd like to explain something to the public as to what the Court has said or done so far. The Court directed the Board to act. I suggested that the Board take up your case, because I think it was a mistake originally to send you off to the Superior Court. The case is still pending. I have to file something tomorrow, you have an extension until tomorrow, and I will do that telling the Court that the Board has it before it. At that point it can come back to them if it needs to. Candidly I think the Board is trying to do the right thing here and unfortunately the have to deal with the situation as it is today. The appeal is of the building permit, and they basically sit where the Code Officer was sitting or should be sitting in deciding it, their deciding, for instance this is not a deferential appeal, they don't take everything that the Code Officer did or didn't do and say whether that was good or bad. They look at the application and see whether the application meets the ordinance requirements. If it does then they have to grant the permit, if it doesn't then they should deny it. The consequence of that where something is already built. In fact, someone needs to put in the record what they saw when they went out there on the Site Walk, site distance and such. Also, on the record what the status of it is, if the house is sold, not sold. I understand it has now received a Certificate of Occupancy as well, so this stuff needs to all be in the record, so that it can be reviewed later on. So, I just wanted to explain that this is not being heard by order of the Superior Court.' Mrs. Gould, 'I realize that. We still have the option to take it there if we're not happy with what's done here. We do know that, but we want to be done with this. And you know, either fines need to be pair or something to stop this kind of stuff from happening again. I mean here the house is already sold and it kept right...there should be a law against this that's keeping right on going...it's exactly what he wanted. You know what I mean they got what they wanted and didn't...you know there's going to be repercussions.' Mr. Gould, 'There should have been a cease and desist order before the house was sold and it never happened.' Mrs. Gould, 'That's what I'm saying, it's just injustice. We spent money just trying to get people to see right. I'm standing up for something somebody did that they're guilty of and they're defending their guilt. This is what I

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mean, this is the clash and we're not the enemy we're trying to stand up for us townspeople. You got lawyers and all this big wigs with you, there's just little old us. We do have a brain, we do see what's going on, we're not stupid.' Jim Baron, 'We hear you.' Mrs. Gould, 'Thank you.'

Jesse Winters spoke up, 'Everyone's talking about my certification. I am completely certified now. I want to know does anyone know what building code we use in Parsonsfield? Darla, do you know what building code we use in Parsonsfield?' Mrs. Gould, 'Do you?' Jesse, 'I do. How about you, Corey, do you?' Corey Lane, 'Actually, I thought that a resident told me that Parsonsfield back around 2010 voted to not enforce the building code because they had the option due to the size of the population and the legislative body voted it down.' Jesse, 'Correct, we have not adopted a building code in Parsonsfield. I am certified in MUBEC (Maine Uniform Building and Energy Code). It's up to the Towns to decide whether to enforce the building code.' Ms. Lane, 'This is just a distraction, because the point is you were not certified to issue any permits.' Mrs. Gould, 'You just got certified Jesse, you weren't until we...' Jesse, 'We still don't have a building code here, Darla.' Mrs. Gould, 'That's not true there's codes to follow.' Jesse, 'It's the ordinance that we follow.' Jim Baron, 'This is going off track. You have your certification now, right?' Jesse, 'I am certified in something that I am not supposed to enforce.' Jim, 'I understand where you guys are coming from, and I understand where Jesse is coming from. I'd like to from you, what you have to say about this piece of property, when the permits were sent and what sort of timeline we're dealing with.' Gerard Clifford, 'Mr. Chair what about my appeal?' Do you have something to add to this conversation or...?' Mr. Clifford, 'You said you were going to hear my case after Mrs. Gould's.' Jim, 'We're hearing Darla's case.' Ms. McNally, 'Do you have a specific question I can answer?' Jim, 'I want to know the timeline that these guys are talking about, when the permit was sent and when he got approved for the permit.' Ms. McNally, 'Sure, the permit that is in front of the Board right now is dated July 14, 2020. Again, if you reference, if you have a permit in your packet the first page has the property size which includes the twenty seven point four one (27.41) acres. I have an extra copy for the Board. This is the actual face of the permit, the size of the lot is right there, so again, that permit is date July 14, 2020. It has all of the attachments required in the permit as well. I would be happy to review those with you as well.' Jim, 'Jesse, I would like to hear from you on the site distances, we did go for the site walk.' Gerard Clifford, 'Mr. Chairman, I would like to point out that having Mr. Winters there looking at site distances when you're making a determination like a jury would in regards to his application, it was inappropriate for him to be at the site walk. You as an independent body were supposed to do the measurements. You're not supposed to have the person who you're questioning his credentials and he's

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permitting these things illegally because he wasn't licensed there. That was so biased it was unbelievable. I just want that on the record.' Jim, 'Thank you. I will say that he has the credentials now. He is the Town's CEO. He did pass everything, so he is a good source.' Mr. Clifford, 'Yes, but the MMA is clear that it was a conflict for him to be involved in something which is before this Board. You're judging him like a jury would. Mr. Lourie knows this, you're judging him like a jury, and yet you're out there talking with the person you're judging as a jury. You're making determinations with the person you're supposed to look at, as each Board is supposed to look independently...' Mr. Lourie, 'Excuse me this is an administrative hearing, all evidence comes in. You take up too much time with objections to evidence. The Board gets to weigh it, you don't ... the Board gives it whatever weight the Board gives credit to it. I think you would move a lot faster if you didn't, if people wouldn't object to what is going into the record.' Mr. Clifford, 'I'd like to point out a conflict that I thought was conflict in case it goes to Superior Court.' Ms. McNally, 'We've provided this in our memorandum, the actually building permit doesn't require a driveway permit unless you're going onto a State road, we went above and beyond and provided one (1), so I just wanted to be clear on that.' Jim, 'I know the Town doesn't require one (1). Jesse please can you answer my question about whether or not the site distances are legal.' Jesse, 'He made site distance, yes.' Jim, 'And the site distance is?' Jesse, 'Two hundred and fifty (250) feet.' Ms. Lane, 'It was three fifty (350) the other day.' Jesse, 'It was when it was a twenty five (25) mile an hour road. At thirty five (35) it's three hundred and fifty (350).' Jim, 'It's a twenty (25) mile an hour road, it's two hundred and fifty (250) feet and it meets the site distance.' Mrs. Gould, 'That's what he says.' Jim, 'He answered another question I had...' Mrs. Gould, 'I didn't see anyone with a reel tape. I have measurements, with pictures of where two hundred and fifty (250) feet was, and it's a little further than what he thought, I'm sure.' George, 'When we were out there, I was asked to...' Mrs. Gould, 'I wasn't bad since he dug down the banking for days and had them come move back the poll a little bit, but the polls still in the way.' George, 'He was able to move, he's able to dig back his own property.' Mr. Gould, 'Well it's Town property on the, the part that was dug down was the Town property, from the stonewall to the street belongs to the Town, but they say that it should be maintained by the homeowner. That's the way the Town explains it to the homeowner.' George, 'Is that always that way David? Is it always that the Town owns the right-of-way?' Mr. Gould, 'They say that the people maintain the right-of-way.' George, 'Excuse me.' Mr. Lourie, 'The right-of-way, if it's a public road, the Town maintains it, but it has a right-of-way of fifty (50) feet, and there may only be twenty (20) feet of pavement or twenty five (25) feet of pavement, the rest of it the Town has an easement over.' George, 'But they don't own it?' Jim, 'It's an easement so essentially they own it.' Mr. Lourie, 'In most cases once it's an accepted street after 1975, I believe, it

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depends on when the road was accepted...' George, 'So the owner from each side owns the land to the middle of the road, but the Town has a right-of-way over it?' Mr. Lourie, 'Generally, yes.' Mr. Gould, 'We don't own the road.' George, 'You actually own to the centerline of the road, but they have a right-of-way to get over it. If they cut the wood on the side of the road, they usually offer it to the people there. I just always thought it was that way.' Mrs. Gould, 'It is to the center of the road, and that makes us adjacent.' Mr. Lourie, 'You're an abutter there's no question of that.' Ms. McNally, 'But not in terms of adjacent driveways, I think she's conflating those two (2) things.' Mrs. Gould, 'Still we have a right to say something this.' George, 'Tell me this, were they not able to take that, shave that off the side of the road to gain the site distance?' Mrs. Gould, 'They did.' George, 'I know they did, but what I meant...' Mr. Lourie, '...the history of Hussey Road when it was laid out, now adays, as I said after 1975 the Town gets title when it accepts a road. Before that, pre 1975 they only got a right-of-way across if they purchased it... it involved getting a fee interest in the road, a lot of them didn't, so every road is different. Every Town is different. I don't think it makes any difference here as to whether they did that or not. There is an allegation that the drainage is insufficient there, they used the wrong type of pipe.' Mrs. Gould, 'Yes it was supposed to be steel.' Ms. McNally, 'That's also not included per the building permit.' George, 'I think that's something that probably hasn't been updated and the State uses plastic pipe.' Mr. Lourie, 'That is an enforcement issue for the Town anyway. Amy is correct on that issue. In fact, it's up to the Town to decide that, and if the Town feels the type is adequate, if the Selectmen feel that the type is inadequate, they can order that it be fixed.' Jim, 'What I read in the Town ordinances was that it has to be at least, that it has to meet the specs of the steel, and the plastic may. I came into another roadblock when we went to the site walk. Someone brought up the fact that they thought that the well was too close to the road.' Ms. McNally, 'Again that's an enforcement issue, I would argue.' Jim, 'Enforcement by who?' Ms. McNally, 'The CEO. This would also be out of your purview as the Board, it would be an enforcement issue for the CEO.' Mrs. Gould, 'Can I speak on this? The State did say, I called them to ask cause I'm doing my homework, I'm not trying to be a tattletale, I thought myself it was a little close, so I called the State. The man said that "Yeah that's a bad practice of the well drillers to put a well too close to the road." It's supposed to be a lot more feet away.' George, 'Darla, but he didn't say it was a rule.' Mrs. Gould, 'Yes he did, he said it's a bad practice of the well drillers and they just, so many of them doing it that they can't keep up with everybody to reprimand them. But he told me it's a bad practice. It's not legal George, a lot of them are doing it.' George, 'Darla, I actually did try to clear it up, I came over special to talk to Jesse. He was going to get me a paper that said, they won't allow a dug well within fifty (50) feet of a road, but this is a drilled well and he said that there is no restriction other than

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it has to be out of the right-of-way of the road. We went through a whole bunch of scenarios of how it could be closer to the septic if it was a nonconforming lot and they actually drill and put more casing in, if their going to be so close, they put more casing in the ground. This lot is not non-conforming, but it is the distance that it needs to be from the septic system...' Mrs. Gould, 'I wouldn't want a well that close to the road.' Jim, 'I called the State, because it concerned me, and someone brought it up. The man who answered the phone was in charge of the drinking water program, and he stated that there is no distance, there is no setback, he said it's just a matter of where you want to put it, and to keep it away from the septic. The other thing he did say was that it being close to the road is a problem and the thing that I noticed when I was there was you had put the culvert so that you created a swell that is going to go right down to the well, and what this guy told me is that you have a landscaping issue there, that the culverts should go down into the ditch, cause the salt and stuff and whatever comes off the road from the cars is going to be a cumulative effect. He highly recommends moving the culvert to point down into the ditch. I know you were trying to do a good thing, but no good deed goes unpunished. But that's what he came up with.' Mr. Gould, 'It would be better if it were further down the road.' George, 'You mean the driveway? It probably would have been better for you folks, but not for the driveway.' Ms. McNally, 'In the event that was an issue, it would have been an enforcement issue, if it ever was one.' Ms. Lane, 'It's actually in the subdivision ordinance. The setback of the well fifty (50) feet if its uphill, one hundred (100) feet if its downhill. And George as a builder, this house lot under appeal was chopped off from the subdivision, it was divided in 2016, 2017, 2019, this was a house not in the subdivision. They claim it's not in the subdivision, but it is as George would know, you can't just remove it if it had gone through the Planning Board it needed to meet the subdivision setbacks for the well, which is fifty (50) feet and then one hundred (100). And that's why the well was a problem. Nobody will acknowledge that this is part of the subdivision which is the home rule of the Town to say we want out well fifty (50) feet back if its uphill and one hundred (100) feet back if its downhill from the road. But it's in the ordinance.'

Jack Hennessey, lives at 198 Hussey Road, 'First I thought we had established that everyone was going to come to the microphone and address who they were. My memory from the last time you were at a meeting before in front of this Board and you represent?' Ms. Lane, 'No I represent me.' Mr. Hennessey, 'Are you a resident of the Town?' Ms. Lane, 'No but I don't have to be.' Mr. Hennessey, 'But I thought that we had established that because she wasn't a resident of the Town, she could speak to (Gerard) Clifford and he could speak on things, but she was not to speak on things. Is that what we established? That's what I heard.' Jim, 'I said I was going to look into it, there was something that was told to me at a Town

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meeting that you had to vote to let someone not from town to speak. I reached out to MMA and what they recommend is that everyone has a chance to speak, if you are speaking from out of town, you are the last to speak and if it's a problem, we put a time limit on it. And they highly encourage everyone to speak, so that what we're doing.' Mr. Hennessey, 'I'd also like to address the lie issue. I've dealt with Boards for years, there is not a developer that I know that has not gone in and tries to get the maximum amount of lots. I've heard, he wanted sixteen (16) he wanted eighteen (18), it's all irrelevant that's not why we're here. Any developer is going to try to get an early start, I want twenty (20) lots, they might wind up with six (6), but they are going to try to get what they can out of it. We're here to decide whether this is a good permit or not and if the driveway is a problem. That's the only thing we should be addressing here. Also, the things that Darla brought to you, if she's going to submit them and show them to you, she need to submit them not show you a book and take it back.' Mrs. Gould, 'They were already here Jack, they had these back a year ago.' Mr. Hennessey, 'Well apparently if you're showing them to them now, they don't have them in front of them.' Mrs. Gould, 'They should.' Mr. Hennessey, 'They need to be able to keep a copy. They need to be able to keep them tonight if they're submitted tonight.' Mr. Gould, 'They should have the copies, there should be copies somewhere from the other appeal. The copies of everything should be here in the Town Office somewhere, I would imagine, because they were submitted to the Board of Appeals back when we originally came here, and Darla put on her eloquent video performance which you didn't get to see. So, she submitted everything back then and that stuff should all be here, and the fact that she has this tonight is because she has copies of everything, but the originals all came to the first Board of Appeals. We just believe or assume that they have the copies from the original appeal that they should have gone and looked at, that the lawyer has looked at everything. You must have access to all of that stuff.' Mrs. Gould, 'Do you guys really want all of this, I can leave it.' Jim, 'Do you have copies of these.' Mrs. Gould, 'I don't care about them anymore, take them, look through them, I already know if you take the time, it's going to take you awhile, I got quite a few hundred hours into it.'

George, 'Mr. Lourie, are we going to try to settle the items that we came for tonight?' Mr. Lourie, I think so, we're down to two (2) items at this point. Actually, I think we're down to one (1) item really, whether this is a part of the subdivision approval or not. I think that's what we're down to, correct me if I'm wrong, because I think with the... You still have to make a determination on the driveway, whether you think it's safe or whether you think it's unsafe I should say. If you think that the driveway is unsafe that is something that might need to be addressed and I think that even though a separate driveway permit isn't required by the Town, you got to have a driveway, it does come out onto a Town road and

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the ordinance has standards for it.' George, 'I think, I know the site distance is okay.' Mr. Lourie, 'If that's the Board's decision...' Jim, 'Then that's the Board's decision.' Mr. Lourie, 'I'm trying to identify what the remaining issues were, but I think the issue of site distance and the issue of the driveway, I don't think the drainage issue was brought before the Board. The culvert is not your issue I believe that is an issue for the Road Commissioner, the Code Officer and the Selectmen. The question before you as to the driveway, I think if we move to the site distance, which you haven't made a determination on yet, although Mr. Stacey, George, has suggested his position on it. The real issue as I see it here is whether this is a violation of the restrictions put on the property by the Planning Board, and I got the Planning Board record, because I was involved in the Planning Board approval, subdivision approval process early on, but then I wasn't there for the final approval. The preliminary approval says the final plan must outline the future use and development of the remaining parcel both short term and long term including expected traffic and access to Town roads. Then it says that the remaining parcel shall not be further divided or subjected to further timber harvesting without Planning Board approval for a period of ten (10) years. However, the final approval doesn't have that condition in it. The final approval talks about retained land, and says that the remaining parcel of twenty eight point zero six (28.06) acres retained by the property owner shall not be further divided, divided not subdivided, or subject to additional timber harvesting without Planning Board approval. I haven't heard any discussion or evidence about timber harvesting.' Mrs. Gould, 'We haven't got to that yet, that's Gerard's piece.' George, 'Can I have a little piece of information before we start. Your able to clear a house lot, I don't know what they actually say that you can clear, but your able to clear a certain portion. I don't think that a large enough amount of this piece of property, of twenty eight (28) acres was actually in the resource and protection. The house sits in a fairly big chunk, it's like fifteen (15) acres, as far as cutting timber, you don't have to file an Intent to Cut to cut a house lot.' Mr. Lourie, 'You have to do that for timber harvesting.' George, 'If they were harvesting it to clear a lot for a house, then that's not timber harvesting. They're just cutting it for the lot. What was already cut has nothing to do with that initial cut, I don't believe they even had to file an Intent to Cut.' Mr. Lourie, 'You only have to if you're in the shoreland or if you're cutting it for money if you're selling it. In fact, I don't think you need a permit for timber harvesting, I think you need to file your plan and have a certified forester and so forth. The bottom line is, the question is what was cut? If they cut thirteen (13) acres that would be one (1) thing if they cleared just enough to get the modular home in it's not timber harvesting.' Mrs. Gould, 'They went to town.' George, 'Well they cut some of the slope for the view, which I would want to do if it was anyone else that wanted a view that's what I would do. I don't think they were cutting maliciously.' Mr. Lourie, 'The other subdivision

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issues, the issue of further division is the one (1) that is a concern because it says division not subdivision. In fact, the State statute which as I said before is not directly applicable here, says that a division of a tract can be accomplished by all kinds of ways, by building, by selling off part of it, or otherwise, by construction, it lists a whole bunch of things and then says otherwise. If in fact putting a building on this lot that could in and of itself be a division and it would be an issue for you to deal with. Just putting it to use...dividing it, if you take a portion of it and stick a house on it and leave the rest of it fallowed for future division or whatever, just for enjoyment, you have divided the property maybe. That's an issue for you to decide what they did there, you've been out there to look at it, do you think that constitutes a division of the lot, that would probably violate the restrictions. As I said before the preliminary plan required them to submit a concept plan outlining future use and development of the remained parcel for short term and long term including the expected traffic usage on the Town roads, which would address some of the concerns about the driveway. Unfortunately, the final plan, I wasn't there, I'm not sure what happened and maybe the applicant can address why that wasn't done, but there should have been a plan included. I have the maps here, you've all seen the maps, I guess there is a dotted line, there dividing the property into "a" and "b" maybe that's supposed to reflect what's supposed to happen in the future, but it certainly isn't labeled, it doesn't explain and that's what I had hoped to find. A way to determine if they had violated the intent of the subdivision, and I'm afraid it's as clear as mud at this point as to what they were planning on doing, and the Planning Board did not require them to submit this concept plan.' George, 'It didn't say they could not develop it if they had just stuck that in that would have stop it from putting a house in there.' Mrs. Gould, 'That was the intent.' George, 'But it wasn't, so you can't tell these folks that they acted wrong if it does not say that you cannot do that. It says that you cannot further subdivide the lot and it was let go as one (1) piece. It didn't say that you couldn't put a house on it, it meets all of the requirements to put a house on it, there's fifteen (15) acres there that isn't in the resource and protection. I'm not a lawyer for him, I just want to be fair to everyone.' Mrs. Gould, '...further develop it?' Mr. Clifford, 'Point of order Mr. Chairman, can I address some of these issues?' George, 'Can Mr. Lourie answer what I just asked?' Mr. Lourie, 'I think I already said that that's an issue that the Board's going to have to wrestle with. Unfortunately I lost a case in 1985 against a church, a divided Supreme Court said that this church had not violated the subdivision plan because when it took down all the trees and developed and put in a parking lot, there were no conditions that it remain wooded...I think in general it's hard to argue successfully in favor of a decision by you that the subdivision plan is violated by putting a single house on the lot, as I said before I would argue it in favor of your position if you decided that way, because I think that putting a building or a house on one (1) portion of it effectively divides it and the Board has

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recognized functional divisions in other cases, and this could be a functional division which would be a violation of the subdivision plan. And here you've got a development that arguable got away with something because they were supposed to submit a final plan to include a concept for development of this area. You have to decide...and I think Amy will tell you that you have to strictly apply the subdivision plan as it was finally approved.' Ms. McNally, 'May I do that right now? While it's fresh in my mind. Two (2) things, there's a final approval that has specific language that uses the word divide, not subdivided it doesn't invoke Maine statute about subdivision which is which is relevant in dividing one (1) parcel into three (3) parcels, not putting a house on a single parcel, so that subdivision statute and dividing are two (2) different things, and I think conflating them is dangerous. Second, the language of the approval from the Planning Board was clear about division, it was silent about putting a house on it, and in fact that was discussed as something that could happen, so in the event that there was going to be or intended to be a restriction on another house being on that lot, the Planning Board would have requested that and put it in the conditions of the approval, that did not occur, it's not included in there. So, I strongly oppose that argument about invoking a. the subdivision statute to make this some kind of illegal division of a twenty seven (27) acre lot. Second the language of the conditions of approval are very clear there's no restrictions on putting a building on this lot.' Mr. Lourie, 'Well, this is part of the tract that was involved in the subdivision and the Board shouldn't say further subdivision or division, and the court recognized that there are functional divisions of property, and the statute, anyway, I'm not necessarily recommending that the Board find that this is a subdivision violation, I think it's a question for their judgement.' Mr. Gould, 'I'm sorry, I know this is hearsay because the other person isn't here, but I know of a person that lives on Hussey Road that told me that after that, after that decision was made, that final subdivision approval was made, Mr. Wadsworth approached him and asked him showed him the decision of the Planning Board and said, "Does that wording and that particular paragraph mean that I can build a house on that lot?". And that person said, "I guess we might have made a mistake and yes it looks like you can". So, that was a conversation that was had by...but I know that it's hearsay.' Mr. Lourie, 'Hearsay is admissible as it goes to the weight of the evidence, it can be considered, but it's not worth much.' Mrs. Gould, 'But that can also be read as it's not to be touched. That's what a lot of people that read that condition say. It wasn't going to be touched for ten (10) years, he could have his eight (8) lots over here and it got twisted a little bit and then they came in with illegal permits.' Mr. Gould, 'But because of the way it was written he was able to put a house on it.'

Mr. Clifford, 'Mr. Chairman, if I can please speak on these issues that Mr. Stacey had brought up that the Board has discussed, and first of all, I'll step up to the

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microphone...' Mr. Lourie. 'Excuse me, I think that that Board decided that they are going to hear and decide the Gould case and then hear your case.' Jim, 'Do you have something to add to that?' Mr. Clifford, 'Thank you, maybe that's why I was confused, thank you sir.' Mr. Gould, 'You guys want to deliberate, that's fine with us.' Mr. Demanche, 'Can I say something? I own 221 Hussey Road, 253 Hussey Road, 267 Hussey Road and I'm pretty much across from all of his stuff on Hussey Road. As for the building permit the only reason or for the driveway permit, the only reason that you brought it up is because you're irritated that he moved it otherwise none of this would have happened, correct?' Mrs. Gould, 'No, I would've still...' Mr. Demanche, 'That's what you said.' Mrs. Gould, 'We already were involved in this over the years with this subdivision.' Mr. Demanche, 'It just sounded like with the building permit part that they are talking about is they would have dropped it if the driveway would have been moved.' Mrs. Gould, 'The driveway just opened the can of worms.' Mr. Demanche, 'I was just listening to them now and that's why I said that.' Mrs. Gould, 'It opened the whole can of worms up bigger to know that oh my word they don't even have a driveway permit, they don't have a proper building permit. They've opened up a can of worms and I'm trying to do my homework, so I don't come in and look like an idiot... But no Roger it wasn't just because of the stupid driveway.' Mr. Demanche, 'Nope I'm just talking about the driveway permit, all the rest of this, really? I've been there the whole time, neighborly to both sides.' Mrs. Gould, 'But you haven't been here through the appeals, former appeals.' Jim, 'Aren't we supposed to look at this as thought the building isn't there?' Mr. Lourie, 'Yes, except that the building is there, and to the extent that when the building permit said they were going to put a building there and the question is whether that's a further division of the property or not and a violation of the subdivision. You're concluding your public hearing, so you have to decide whether you want this lady to speak or not.' Corey Lane, 'Thank you. I'm speaking for myself; I've been involved in this for a long time. Just a quick note I have many things I'd like to say, but the reason we're here is the building permit. Is it valid? Not valid? Does it meet the ordinance or not? Well, in reality you can stop right at the certification of the CEO, and I know he doesn't appreciate this but, it's true, when he issued this permit, he was not a certified CEO. Title 30A 4451 training and certification, certification required. The Selectmen did this to all of you guys. "The municipality may not employ an individual to perform the duties of a CEO who is not certified." NO exceptions were issued to Mr. Winters. The Selectmen appointed someone who didn't hold the qualifications to issue the permits. The penalties on this is \$100 a day. It's been two (2) years, the Town could be fiend over \$72,000.00 for this. But under Brackett vs. Rangeley, it says "any permit" that's 2003 in Maine, "any permit issued by an unauthorized CEO, and this is in your documents I believe, "they're void the day they were issued, the are not given any validity due to the passage of

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time and the void permit is subject to challenge at any time". So right there, the fact that Winters signature is on the permit we're discussing makes it invalid. He got certified in late December of 2020. The Town knew this for a long time it's on, it's been on record. Thank you. But it's not a valid permit because he wasn't certified, he may be now but that's not the point.'

George Stacey, 'Jesse was not certified, nobodies certified when they get started as a rule. Hold on, can I speak you just spoke.' Ms. Lane, 'I was going to clear up how long he had.' George, 'I thought I might know something about that, but maybe I don't. I think they have a year to complete...' Ms. Lane, 'He's been two (2).'

George, 'Ok, there was a little bit of a problem, they gave him a computer to use, now this is what I understand, they gave him a computer to use, and he wasn't able to do the course online. When they finally got the computer straightened out, this is just my side of the story what I've heard. I'm trying to stand up for Jesse a little bit, because he is very sincere about his job.' Mr. Clifford, 'That sounds like a conflict.' George, 'Did you have anything else to say Gerard?' Mr. Clifford, 'I said that sounds like a conflict.' George, 'I heard that. I said do you have anything else to say?' Mr. Clifford, 'I said what I needed to say sir.' George, 'So, I'm standing up for Jesse a little bit because he's very sincere, he's done very well on his tests that he did take, maybe it was late, part of it was not his fault. I mean you don't just go out and buy your own computer, they actually gave him a computer to use.' Ms. Lane interrupted, 'It's all done snail mail.' Mr. Clifford, 'May I address you, George?' George, 'I guess that's all I have to say about it, but as far as him being incompetent, I don't think he's incompetent.' Ms. Lane, 'It's just that the permits aren't valid, a judge has determined.' Mr. Clifford, 'Can I address what Mr. Stacey just said? Please, Mr. Chair?' Jim, 'Yes.' Mr. Clifford, 'Thank you very much. First of all, I want to thank you for your diligence in reaching out to the MMA, you're looking at the application to say it was a new steel culvert. You're very detailed sir, and it's much appreciated. But Mr. Stacey, you keep arguing about the trees and how he just built a building envelope, he got a cut permit for fifty six (56) acres and took everything, you can see for a mile in there. After the conditions of approval clearly said no timber harvesting without Planning Board approval for ten (10) years, Mr. Wadsworth came in with Eastman loggers, I have it documented two (2) different times and took fifty six (56) acres after the Planning Board had made a deal with him to only cut the building envelopes and to leave the remaining land intact because he had already come in and clear cut it mostly, and cut the buffer in violation. The Planning Board fined him \$16,000.00 to replace the buffer, and you know what he's done? I took pictures of this; he's pretending that the trees that were already there are the replanted buffer that was done in the winter and Mr. Winters looked at a replanted buffer in the winter. This whole thing as Darla is

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trying to point out is a scam, gentlemen, and let me read something to you that was sent to the Board in regard to a submission. Mr. Winters has been disingenuous, and this is to Mr. Stacey's point about Jesse, this is what we sent to the Board, you should have it. "In October of 2020 the Town of Parsonsfield disclosed that the person as the Town CEO, Jesse Winters, who amended signed and issued permit 14-42 before you on July 20, 2020 was not certified as required with the State Fire Marshal's office. See MRSA 30A Section 4451. To issue any plumbing permits to any Parsonsfield property owner from January 19 to December of 2020. He was also not licensed to issue any permits, advise, enforcement or any other CEO related activities including building permits from January 2020 to late December 2020. The issue is documented in the Superior Court, and to be clear this makes the related permits issued for the development of 190 Hussey Road all invalid. See George Brackett vs. the Town of Rangeley." All of these land use violations need to be addressed. Now, since the Town...Mr. Wadsworth has built his first home and failed to tell Mr. Hennessey that there was an actual lawsuit in court about it, he has built four (4) or five (5) more homes and Mr. Winters was not certified and also issued permits for them, and I received something from Amy's law firm not because the Town gave it to me, this was sent to the Town on the 12th disputing the claims that the Gould's and myself, only complaining about the driveway, when I can prove to you gentlemen in my submissions to you that we complained about everything being illegal from what Mr. Lourie brought up about stormwater management and the well to stormwater management buffers because their whole idea of a stormwater management plan was based on the buffer. Gentlemen drive by the property, there is no buffer, they have no stormwater management plan, this thing is a sham from a to z. I have been fighting this thing for four (4) years. I have had documents withheld from me, I had to get this letter from Mr. Wadsworth's attorney two (2) days ago. I didn't even have time to respond gentlemen, because the Select Board control the information, and why Mr. Lourie is so confused and was telling the Board that my submission for May 14th was incorrect and illegal, when he was reviewing the wrong submission is because the Town is withholding evidence from their own lawyer. Because they're covering things up, that's why Mr. Lourie is having a hard time dealing with this, because he's not getting the correct information from the people that work for this Town. So, there's a conspiracy going on here and it involves a lot of parties and as Ms. Lane eloquently pointed out gentlemen, this is so clear, Mr. Lourie clearly knows when he looked up George Brackett vs. Rangeley. Any Code Enforcement Officer...we can challenge that in perpetuity in court.' Mr. Lourie, 'No, that's not what they said. A majority of the court decided that there was a good faith exception to the thirty (30) day appeal window. There was one (1) concurring opinion and there was one (1) justice that thought that it was...because the Code Officer wasn't properly appointed.' Mr. Clifford, 'And it

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could be challenged in perpetuity correct sir?' Mr. Lourie, 'Nothing can be challenged in perpetuity, everything has some deadline.' Mr. Clifford, 'That was the language used.' Mr. Lourie, 'No everything has some deadline on it for a challenge, everything in the world. It might be twenty (20) years.' Mr. Clifford, 'Why did George Brackett prevail?' Mr. Lourie, 'The Supreme Court made a good faith exception, that was a majority opinion.' Mr. Clifford, 'The opinion is, it's clearly under the titles and the statutes I referenced for you that no Code Enforcement officer who's not licensed in the State of Maine can issue licenses. Is that not true sir? Are you telling me that a Code Enforcement Officer that is not licensed, for the record, can issue permits? Is that what you're telling me sire, for the record?' Mr. Lourie, 'I'm telling you, you can't challenge it forever.' Mr. Clifford, 'What you're telling me is that they can issue permits if they're not licensed, is that what you're telling me Mr. Lourie? Can they issue permits if they're not licensed?'

Mrs. Gould, 'Mr. Baron, I'm not going to overload you and dump all that information on you, but the green book is what I gave to the Town in the end and I'll leave it with you to look through.' Ms. McNally, 'The Board has to be clear if that's going to be part of the record or not, I don't think it's been provided to all parties, I don't think it should be part of the record.' Mrs. Gould, 'You already have it because this was...' Ms. McNally, 'What I'm understanding is that those were submitted in a previous appeal, there not in front of the Board right now.' Mrs. Gould, 'This is a continuance appeal...its part of this one right here right now. I don't want to overload you with all this stuff. But anyway I'd like to enter this into your hands, the other Board members had a copy of this, I don't know what they did with it, but that's some back up to what I've said today. I will email you that voicemail that we played today so you can hear it at your leisure. I was going to when I did the video on the wall, I tried to save them and give them a chance to fess up here. They've chopped the banking down made the site distance a little better, but now the bank I don't know if it's going to wash away, but anyway they wouldn't do anything until we spoke up, we spoke up to try to save some other townfolk some aggravation. So, thank you very much for giving us this time tonight.'

Mr. Lourie, 'In case you didn't understand before what was going on about the Brackett discussion. The Brackett case was a six (6) to one (1) decision at the State Supreme Court and they are quoting from the one (1) the concurring opinion that was not the basis for the court deciding the case. So, are you going to conclude the public hearing on this case?' Jim, 'yes I think it's time to conclude the public hearing.' Mr. Wright asked to speak, 'I'll make it really quick. This all started as a rumor of subdivision, it was just a rumor, Gerard Clifford went to the

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Town Hall and they told him it was just a rumor, or you could say hearsay. They started cutting, he reported it, and they said no it's just a rumor of subdivision or hearsay. And they cut, the CEC didn't stop them because they were just timber harvesting, yet there was a cut permit for a subdivision in the Town Hall. Then they went in front of the Planning Board with a subdivision plan with fourteen (14) house lots on it, and they acted like it wasn't cut yet. They had the documentation laid out on the table and believed it hadn't been cut yet, and we're going to do an environmental study, and all these little parameters of. I told them the property had already been cut, this is the rumor, the hearsay. They went to the Planning Board and eventually started the subdivision. But, they cut first, knowing they were going to have a subdivision, but did not go in front of the Planning Board first. Now maybe the Town made a mistake, maybe the CEO should have stopped them when they were cutting, and told them to go in front of the Planning Board. That's all I got to say. Jesse Winters was at the first site walk, he was a contractor, and I'm not throwing any mud on anybody because God knows there's enough in the world already, but he wanted the subdivision because he's a contractor.' George, 'Did he say that?' Mr. Wright, 'Yes, well...' Mr. Gould, 'He built the first house.' George, 'well yes he's a contractor, they might have asked him to do it.' Mr. Wright, 'and then became CEO.' George, 'Actually Nate has asked us about building some of the places, but we haven't had time, maybe Jesse had time and was available. So, he's a bad guy right?' Mr. Wright, 'No I'm just saying that sometimes when you say conflicts of interest when you have someone that's a contractor that's for a subdivision, but then becomes CEO and then oversees the subdivision that's sort of a conflict of interest.' George, 'You might think that whether it's true or not.' Mr. Wright, 'That's all I have to say, I'd like to hear from Nate Wadsworth for a change.' Mr. Lourie, 'This issue of the cutting came up at the Planning Board when they came in, and the timber harvesting before hand, the Planning Board required them to revegetate the buffer which had been cut.' George, 'Which had been cut? So, they told him that he had to plant back when they actually did the plan?' Mr. Lourie, 'Along the road he had to replant.' George, 'And I saw that when I drove by, that they had done that. I think if I'm not mistake that they would be liable that those trees live. I heard there is quite an extraordinary plan off of GPS where all these trees had to go. If some trees die they are liable. They look like they went through with an excavator and it doesn't say you have to plant back trees from a nursery it just says that you have to plant back trees. You told me, there's one thing I'd like to say is you told me that they assaulted you with that feller buncher, Gerard it says right on the boom to stay back three hundred (300) feet.' Mr. Clifford, 'Not when someone's coming after you at twenty (20) miles an hour...' Mrs. Gould, 'He wasn't even on their land.' Mr. Clifford, 'Don't marginalize that George. You see he's marginalizing me being assaulted by Mr. Wadsworth's crew and having my back fractured and the

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police were called, they wanted to take me to the hospital.' Mrs. Gould, 'We're just trying to protect the Town.'

Ms. McNally, 'I just want to confirm that the Board has seen the memo from our office, it outlines our understanding of the scope. We just want to reiterate that for the Board, what is in front of the Board is the building permit. All these issues in regard to the subdivision I understand that there's dissatisfaction on some peoples parts with the subdivision approval, but again the appeals periods for that have lapsed. I think they've actually been entertained by some of the people her and those appeals have failed. They have long since past. What's in front of the Board today is a single building permit with limited issues and we really just hope that the Board will look at that, limit the scope look at the facts in front of it as if it was looking at that building permit and approving or disapproving it. We are obviously arguing that this meets the standards of the ordinance, the ordinance is your guide that's what's your guide not whether the CEO is certified or not. The ordinance says that the Select Board appoints the CEO, doesn't have any information about certification. He has job descriptions defined by the ordinance he appointed by the Board that's his role. In regard to the permit that's what's relevant. Again we're just looking at the building permit not what's happened historically with the subdivision. To the extent that appellants will believe otherwise is inconsistent with the ordinance. This body, this Board is looking at the building permit that's it the ZBA does not enforce violations, that's squarely in the grounds of the CEO; the ordinance is clear on that. Article VI, Section 2, I believe is what we cited in our memo. To the extent that the CEO takes action or inaction is not appealable to the ZBA. It's only in the scope of permits, and decisions related to permits and that why we're here today; the building permit is the only thing in front of the Board today. I just want to be very, very clear about that. In addition to lastly, since the building permit has been issued also a certificate of occupancy has been issued so to the extent that any violations of the permit with regard to construction may or may not exist, it's been waived by appellants because they never appealed the certificate of occupancy.' Mrs. Gould, 'It's in court.' Mr. Lourie, 'It's a good faith exception, but the Board can't grant good faith exceptions only a court can.' Ms. McNally, 'I just wanted to raise that issue as well, but again under the ordinance, we cited this in our memo, I want to reiterate this, Article VI, Section 2 delineates the distinction between when the ZBA can act on a CEO's decision to grant or deny a permit, but it cannot act and does not have the jurisdiction to oversee the action or inaction with regard to enforcement matters regarding the ordinance. To the extent that for instance he had a permit and the house was within the setbacks for that permit but then built inside the setbacks in violation, that wouldn't be a ZBA issue that would be a CEO enforcement issue. Just really want to reiterate the distinction there between the

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scope of the permit and your role looking at the permit and all of these allegations of violations coming before the permit and now after the permit, and all along. We believe that the permit is valid and we also don't see any violations, but the permit is valid and was filed and granted. Does the Board have any questions for myself or Mr. Wadsworth?' Mrs. Gould, 'Mr. Baron, when we got the letter from you telling us we'd get a fair hearing from you, we would get an opportunity to do what we're doing to continue our appeal that we got pushed out of Town with had to go to court so that somebody would hear it. That's why we're here it's not just about that it's about the whole appeal that we've had right from the beginning. It's not just the driveway and building permit, it's the all around everything. When I opened the can of worms it didn't just turn into one thing it ended up all this mess, and in that green book you're going to see all the things that we have appealed all along.'

Michael Nelligan asked to speak, 'I have a simple question how was the site distance taken for this driveway?' Jim asked Jesse to answer the question. Jesse, 'I go out with the Road Commissioner and measure site distance with him on approval for a driveway permit. We measure from where a vehicle would be sitting at the entrance both directions for site distance.' Mr. Nelligan, 'I think you might want to check the ordinance, because I believe and correct me if I'm wrong Jesse you have to be ten (10) feet back into the driveway.' George, 'We had to measure from where they would be when they pulled out to the driveway.' Mr. Nelligan, 'The ordinance I believe says ten (10) feet in three (3) feet in height and a four (94) foot high object for whatever the site distance requires. I guess was that done? It's in the ordinance I don't have it' George, 'The road commissioner, Maya Lary, is the one who approves driveway entrance permits, not the CEO.' Jim read aloud the ordinance. Mrs. Gould, 'Who is in charge of the CEO? He's very hot headed and not very nice to people.' Jim, 'I've had to deal with CEO's and they are expected to know volumes of stuff, it's a hard job.' Mrs. Gould, 'it's a hard job what you're doing, but your keeping your composure.' Mr. Lourie, 'This is not a subdivision. The Board went out there and looked at it and it's really an issue of whether they feel that it's safe or unsafe, sitting where they're sitting, as opposed to the road commissioner who would normally do the measurements.' Mr. Nelligan, 'I guess that's my question, who is responsible for taking the site distance measurements for a driveway?' George, 'I think if there is a question Jesse's supposed to do, but Maya Lary does it, Jesse only went with him because Maya was more comfortable if someone went with him.' Mr. Nelligan, 'I guess that doesn't answer my question. Who is responsible for taking site distances at driveway entrances?' George, 'The road commissioner I believe. They issue the permit.' Mr. Clifford, 'Can I respond to that? The road commissioner hasn't issued a driveway permit according to the annual report in two (2) years. How is that

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possible with all our driveways?' Jim, 'There is no permit needed. If it's a state road.' Mr. Clifford, 'Our ordinances are more stringent than DOT. There have been no driveway permits in two years. How is that possible? Mr. Lary changed the speed limit on that road illegally. First it was thirty (30) then it was twenty five (25), I contacted the State to see if they changed and found out that Maya Lary had changed it illegally. The Town when they found out, Maya Lary asked the State to put a rush on Hussey Road. This whole thing, Jesse Winters has a personal working relationship with Mr. Wadsworth. The road commissioner has a personal working relationship with Mr. Wadsworth. One conflict after another gentlemen, this is conflictville. This man issued permits he didn't have a license and I think this is pretty clear he didn't have a license and he wasn't authorized and in regards, I didn't appreciate Mr. Stacey that you made light that I was assaulted by somebody that I was ignorant that I didn't get out of the way of a machine that was charging at me at twenty five (25) miles an hour because he didn't like that I was taking pictures of them. And he assaulted me. I didn't like that you made light of that sir, it seems like you're biased.' George, 'Gerard, can I say something? They don't go twenty five (25) miles an hour. So, are you lying about that?' Mr. Clifford, 'I have a photo; Daren Cyr saw it and asked me if I wanted to go to the hospital. That's how concerned they were. I was taking pictures on the street of them illegally cutting. Mr. Wadsworth got a fifty six (56) acre cut permit that Mr. Bower will not give up he refuses, for six (6) months. We've asked numerous requests and he keeps saying that he can't get it that Mr. Winters has to order it that we'll have it in twenty (20) days. He's made every excuse to not give us that cut permit because it will prove our case. I was assaulted and that should not be made light of.' Mr. Hennessey, 'Point of order. One thing that I think the Board should think about with the ten (10) feet and everything, where is that ten (10) feet measured from? Is it measured from the center line, is it measured from the edge of the road? The other thing I think you need to consider...' Jim, 'it says "curb".' Mr. Hennessey, 'Is all of this brought up because of violations or is it just brought us because the Gould's don't like the driveway across from theirs, because if we're talking about line of site, their line of site is the same as my line of site, so their driveway is not good either. Am I correct? I've been out of my driveway many times and not once have I encountered another car, not once and I come out several times a day. Think about it.' Mrs. Gould, 'I'm curious, when Jesse became CEO and started doing building permits what happened to Parsonsfield, when I was first getting into this I wanted to know more about Parsonsfield's building permits and driveway permits and I printed them all off they're right in that book, what happened to Parsonsfield's why did he start using Brownfield's? What was wrong with Parsonsfield's? I'll tell you what was wrong, there was more information needed for Parsonsfield's that goes along with these little ordinance books you guys are

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looking at that's why. The original plot plan, driveway permit, building permit was right on the website for Town of Parsonsfield when I printed them off. All of a sudden it gets brought up and everything is gone and they're using something else.' Mr. Wright, 'I was just looking at a 2017 book (annual report) and it said driveway permits \$400.00, I'm not sure which one it was but we do have a driveway ordinance. Our ordinance is stricter than the State.' Mr. Nelligan, 'I just want to reiterate, was the site distance taken as per the ordinance?' George, 'I believe so, if your back ten (10) feet there's no vegetation on the side of the road that restricts it uphill or down. I was there at the site walk this week.' Jim, 'I was there at the site walk and stepped back ten (10) feet and you could see.' George, 'I was asked to go down the hill and when we went down the hill, they've taken off some of the banking and they didn't just do it they did it after there was a question about the site. So what I'm saying is we went down the road two hundred and fifty (250) feet you could clearly see anyone from the waist maybe even lower, there was a dip in the road and it was the same view, there were people standing in the driveway.' Mr. Nelligan, 'I guess I'm just asking simply was the site distance measurements taken. Did you measure or did you say that looks like two hundred and fifty (250) feet.' George, 'We measured with a reel. I had a tape out I was going to measure it myself, but they told me no that's not my job that's Jesse Winters job as Code Enforcement Officer to check up on questions.' Jim, 'And he was requested to do it, he said he did it, and I have no reason to doubt he didn't do it.' Mr. Nelligan, 'How can he if he doesn't know the ordinance?' George, 'He knew it was two hundred and fifty (250) feet. He was at the site walk; he said it was two hundred and fifty (250) feet.' Mr. Gould, 'He just said he didn't know it was ten (10) feet back so...' George, 'You can stand ten (10) feet back and see the whole distance.'

George Stacey made a motion to close the Public Hearing portion of this appeal at 8:18 p.m. The motion was seconded by Don Murphy. Motion carried with all in favor.

IX. Board Discussion

Jim, 'We need to discuss the building permit and driveway. The site distance I think is good.' George, 'The well we've cleared up that was mentioned before.' Jim, 'It's not an issue but it could be an issue.' George, 'It could be an issue, but it doesn't say that you cannot put a well, as long as it's out of the right-of-way of the road.' Jim, 'I spoke to that guy who's in charge of it for the State for a half an hour and the only thing he had to say was with the way the culvert was going it was going to be an eventual problem.' George, 'I was debating on what kind of soil it was if it was sand there?' Jim, 'It doesn't matter because whatever comes off the road is going to go towards the well and create an

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eventual problem.’ Mr. Lourie, ‘Can I suggest that the well issue isn’t really for the Board to decide, the well issue is really an enforcement issue for DHHS and the drinking water people themselves. They may have a problem when they go to sell the property, if they have an inspection it might not pass where it is. It’s not your permit issue here today. You’re not supposed to go out and conduct your own investigation or get information from, I suppose it’s proper to get some general information from a State person administering the program. You’re not an investigative agency and you’re not actually allowed to go out and gather evidence. The parties are supposed to bring the evidence to you, no one has brought you evidence of the well or the site distance they haven’t brought all of the evidence as to what the actual evidence is.’ Mrs. Gould interrupted, ‘It’s in the book.’ The Board, Mrs. Gould and Ms. McNally reviewed the information that Mrs. Gould has given the Board in the green binder.

Jim, ‘I’m wrestling with whether it was a valid building permit because if Jesse.’ Mr. Lourie, ‘because he wasn’t certified? Do you want my advice on it?’ Jim, ‘That would be great.’ Mr. Lourie, ‘I think that even though there is language in Brackett, which is from Justice Alexander only, the question is whether his actions are in nullity or not and I think that not necessarily I think that would have to be address in court to determine that. He was the defacto officer, on the other hand he was acting in that capacity he was appointed in that capacity even though he shouldn’t have been. Considering the ramifications of all of the permits he has issued I don’t think that you can go that far. Not in this proceeding. My advice is that he was appointed as the CEO, and he acted as the CEO defacto officer.’ Jim, ‘I agree with the fact that he was the defacto officer, and if someone has an issue with that, they will need to take it someplace higher than us.’ George, ‘Did we clear up whether it was an actual buildable lot?’ Mr. Lourie, ‘You mean if it was a division of property or not?’ George, ‘I don’t think that the way the subdivision wording was that he violated it myself, maybe it was a mistake.’ Mr. Lourie, ‘Certainly the Planning Bard made a mistake in not requiring the concept plan.’ Mr. Lourie offered to draft a finding of fact for the Board to review.

X. Motion

George Stacey made a motion to deny this appeal. The motion was seconded by Don Murphy.

XI. Vote

The motion carried with all in favor.

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XII. Complete Administrative Appeal Decision Form

Each Board member signed the Administrative Appeal Decision Form for this Public Hearing. The original signed copy is hereby included with the file documentation for this appeal.

XIII. Right to Appeal to Superior Court with 45 days of tonight's decision.

This decision can be appealed to the Civil Court within 45 days from this decision.

XIV. Adjournment

Note: The Board moved directly into the next Public Hearing for Gerard Clifford at 8:39 p.m.

Respectfully submitted,



**Desirae Lyle
Zoning Board of Appeals Executive Secretary**

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**ADMINISTRATIVE APPEAL
DARLA & DANA GOULD
MAP 8, Lot 37
198 HUSSEY ROAD
PROPERTY OWNED BY: Nate Sells Real Estate LLC**

APPROVED BY:

James Baron, Board Chair

Donald Murphy, Board Member

George Stacey, Board Member

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**ADMINISTRATIVE APPEAL
GERARD CLIFFORD
MAP 8, Lot 37
198 HUSSEY ROAD
PROPERTY OWNED BY: Nate Sells Real Estate LLC**

(RECORDER'S NOTE: There were two Public Hearings held at this meeting regarding the property owned by Nate Sells Real Estate, LLC. The minutes for these hearings are combined in the overall formatting of them because some of the evidence presented in the first hearing (for Mr. & Mrs. Gould) also pertains to the second hearing (for Mr. Clifford). However, they are separated into two separate sections as noted at the beginning of each Public Hearing.)

I. Call to Order (Public Hearing for the Gerard Clifford Appeal)

George Stacey made a motion to open the Public Hearing for Gerard Clifford at 8:39 p.m. The motion was seconded by Don Murphy. Motion carried with all in favor.

Present: Jim Barron, Don Murphy, George Stacey, Recorder Desirae Lyle, Gerard Clifford

Guests Present: Town Attorney David Lourie, Nathan Wadsworth, Amy McNally – Attorney for Mr. Wadsworth, Dana & Darla Gould, Jeff Wright, Jack Hennessey, Roger Demanche, Michael Nelligan, Corey Lane (of Porter)

II. Summarize Nature of Appeal/Complaint

a. Review Applications for Administrative Appeal (Dated 8/31/2021)

Jim Baron presented as evidence the application for Administrative Appeal which stated that the request for this appeal is based on the following reason;

Requesting that the Board of Appeals rescind the permit issued by the Code Enforcement Officer dated July 14, 2020.

III. Hearing Notices sent out:

a. To Appellant(s)

The Public Hearing Notice was sent to Gerard Clifford on March 1, 2021.

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b. To Abutters

The Public Hearing Notices to abutters were mailed on March 1, 2021.

c. Public Postings:

The Public Hearing Notice was posted at the Parsonsfield Town Office, Kezar Falls Post Office, East Parsonsfield Post Office at least seven (7) days prior to the Public Hearing.

d. Advertised:

The Public Hearing Notices were submitted for advertisement in "Your Weekly Shopping Guide" on March 2, 2021.

IV. Parties to the Action:

a. Appellant(s): Gerard Clifford

b. Code Enforcement Officer: Jesse Winters

V. Testimony

a. Code Enforcement Officer

The Code Enforcement Officer left during the previous appeal.

b. Appellant(s)

The applicant's testimony occurred throughout the Public Hearing proceedings.

c. Supporters/Opponents

Testimony from Mr. Wadsworth's attorney occurred throughout the Public Hearing.

Jim Baron invited Gerard Clifford to present his case.

Gerard Clifford, 'First of all, gentlemen, it's troubling that after all of the information you've been presented with you've denied Mrs. Gould's appeal. I see that none of you have any of the information that I sent to you, do you actually have the information that you are required to by law from the Planning Board? I don't see it.

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Do you actually have that information sir?' Jim Baron, 'I've read it.' Mr. Clifford, 'Why isn't it available to all of the members of the Board sir?' David Lourie, 'Sorry, are you asking about the Planning Board?' Mr. C, 'No, I'm saying that this Board is supposed to get information from the Board to review, from the Planning Board, so that they are able to understand the scope of...' Mr. Lourie, 'This is an appeal of the CEO's granting of a permit.' Mr. C, 'Yes, but for them to do their due diligence they need to know the facts, and there has been a lot of confusion in regards to the conditions of approval. In regards to the conditions of approval, Mr. Lourie, you stipulated that there would be no timber harvesting on the remaining land for ten (10) years without Planning Board approval. There was, twice, a fifty six (56) acre cut permit was taken out by Mr. Wadsworth after he was told in the conditions of approval that he could only cut on the building envelopes, he violated that, went through the wetlands, destroyed them, destroyed Great Brook, which is a trout and salmon brook, which is a great fishery that we have lost, because Mr. Wadsworth violated those...The CEO I think waited for six (6) or seven (7) months, he refuses to do anything, he won't even respond to me. So, the idea that the CEO is going to do something, he is working with Mr. Wadsworth. And as far as...Let's go over the permit gentlemen as far as legality, and not get on these other issues. Let's get down to the meat and potatoes of the legality of this. The first Board Mr. Murphy was on and also Mr. Stacey, they turned down the permit because...The first Appeals Board hearing we had you guys threw out the permit for 198 (Hussey Road). You yourself Mr. Murphy...' Don Murphy, 'Please, don't point at me.' Mr. C, 'Excuse me?' Don, 'Don't point at me, that's an aggressive action.' Mr. C, 'Excuse me sir, I'm sorry. Yourself, Mr. Murphy, and Mr. Stacey along with Mr. Sandahl and the other members of the Board threw the application out because it had Brownfield on it, it was grossly incomplete it didn't even have the Town of Parsonsfield on it and those were the reasons you threw the application out gentlemen. And now, let me read to you, has Hiram on the application, there's no storm water management plan as required, two (2) copies of the storm water management by the CEO. He didn't check the foundation before it was backfilled. He did nothing, because he wasn't licensed, and I don't understand why you gentlemen cannot understand, it's like the warrant enforcement officer is arresting people on the road, but he never went to the criminal justice academy, he's never been hired by a police force, but he's running around illegally when he was never certified to do so. You gentlemen condone that, you think that you think that this permit that you just denied for Mrs. Gould was, what you actually did was legal? It goes against everything you gentlemen are supposed to do to protect the health and safety of the constituents you represent. You are failing to recognize not only... I'll give you an example this is a letter from Mr. Wadsworth's attorney dated March 12, 2021, I didn't receive it until two (2) days ago gentlemen, why is information being denied to me constantly? Constantly I'm being denied information, that's a violation of my due process rights. How can I make a case before you gentlemen if I can't even

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respond to this letter because I'm supposed to legally be getting it in order to respond to it, I have to ask the Town for it, and then I get it two (2) days before the meeting, less than two (2) days? This is so inappropriate gentlemen. And let me read some of the things that are in Mr. Winters application that this Board basically threw out for the same exact reasons on their denying Mrs. Gould's, George the same exact reasons that you threw out the permit that had Brownfield on it, it now has Hiram on it. But you gentlemen are telling Mrs. Gould that that's not applicable when you already set precedent when you two (2) gentlemen, excuse me sir for pointing, when you two (2) gentlemen voted to revoke Mr. Winters application because it was grossly incomplete. What did he submit? The same application, only instead of having the Town of Brownfield, Subdivision approved by the Town of Brownfield on it, the first application that you denied. The second application said the Town of Hiram, gentlemen, Subdivision. That doesn't trouble you? That isn't illegal? What Town do we live in? Is this the Town of Parsonsfield? Is it Brownfield or Hiram? So, if Mr. Winters gentlemen, if Mr. Winters is filling out an application that says the Town of Brownfield and you gentlemen revoke that for that reason, why aren't you revoking this permit because it says the Town of Hiram on it? It has none of the applicable...it doesn't have two (2) copies of the storm water management papers that are necessary. He doesn't, when he issued the occupancy permit, he wasn't licensed to issue the occupancy permit. This is beyond amazing that you guys sat here and you listened to all of this, when you two (2) gentlemen already threw this out for the same reasoning, and we found out then, we assumed Mr. Winters was licensed and to show you how disingenuous Mr. Winters was he was employed for two (2) years by this Town and at the September public meeting Mr. Wright asked if the Code Enforcement Officer was licensed, he said no, but I have two (2) years to be licensed. That was a lie. He needed to get his LPI on day one (1), he failed to which is the subsurface water and licensed plumbing issues, he never did. The only reason Mr. Winters is licensed is because we've all complained. So, this man would have gone on masquerading, issuing permits in this Town and you're praising him, and you're praising him, and do you know what else gentlemen? I have it on the record Mr. Nelligan can attest to this. Mr. Wright can attest to this. Mr. Winters is, harasses people that brings issues to his attention, he terrorizes them, I've had to call the police numerous times, that's why I don't think it's funny when George talks about me getting assaulted on the road when I'm being terrorized by our CEO. Mr. Wright's been threatened on Facebook by our CEO for asking about code issues. Mr. Nelligan has had issues before this Board, has been threatened by our CEO and had to have the police there. And then the CEO the other night was threatening him outside that he's going to come and get him for code violations. What you gentlemen are doing is empowering a tyrant that is going to get you into Superior Court and make this Board look really bad, because these two (2) gentlemen already agreed to throw out a permit that is basically the same or even worse, because now we know he's not licensed and that's why there's

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two (2) different Town's on the permit. There isn't even permit numbers and as I pointed out to you gentlemen the Town of Parsonsfield hasn't issued driveway permits supposedly, because of our annual reports, in years. How is that possible? How is that possible? That means that Mr. Lary isn't doing his job. So, we've got some serious problems here gentlemen. We have an application that says Hiram on it when you threw out one (1) for Brownfield. We have a situation where this is all been deforested when the conditions of approval, can I read them for you sir? Can I grab that map and read them for you sir? Thank you, sir. "Restoration of buffer: the buffer must be replanted in its entirety through all eight (8) lots prior to the sale of any lot to ensure that the buffer is completely restored." He built Mr. Hennessey's house without restoring the buffer. He violated that condition gentlemen.' George Stacey, 'Gerard, isn't that in the development? That lot was not in the development.' Mr. C, 'George this is about restoration of buffer, did you hear what I said about restoration of buffer? George, this is about 160. George. I respect you sir, but you're so uneducated about this situation it's troubling. "Retained land: Twenty eight point six (28.6) acres." Well according to Mr. Wadsworth its twenty seven point four one (27.41) now. Where did that acreage disappear? These gentlemen come up with three (3) different acreages several different times. This lot was supposed to be included with Mr. Bosche and the whole subdivision it was initially included on three (3) submissions. Why was it taken out, so that they could put more homes in and hid this on the submissions and act like it wasn't part of the house? This is the man who tried to defraud to subdivide this land that he wasn't supposed to, who's upset with him because he was going to sell him land that he knew wasn't legally, he couldn't own. That's why Mr. Bosche is upset. And look at this corner, and you're telling me that this is legal, look at this blind corner and you tell me it's legal? This is a forty five (45) mile an hour road gentlemen and Maya Lary, illegally... I went and fought DOT tooth and nail over this because I had proof that Maya Lary changed the speed limit to thirty (30) miles an hour illegally and then I see two (2) days later it goes to twenty five (25). I said the State doesn't work that fast, so I called up the State and I asked the State did you change the speed limit? Gentlemen, they said no, so I complained to the Town of Parsonsfield that the speed limit was illegally changed on Hussey Road, and it was obvious that it was an attempt to lower the site distance measurements so that Mr. Wadsworth could get his homes in. And what happened, I made a complaint to DOT and I got a letter from a Freedom of Information Act that show that Maya Lary reached out to the Town, reached out to the State DOT and put a priority on this road that is the most lowest density road and DOT told me we don't do that, we don't go out on roads that are this low density and do speed limit study, he says "I've never done that in the whole history I work here". And the Town of Parsonsfield was requesting them to go out and make the... first it was thirty (30), then two (2) days later it turned to twenty five (25). Then we I complained to the State they go no that's not legal, someone could have been arrested on the road for speeding when they

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weren't and then the DOT was contacted by the Town cause the Town got pull, and what happened was they asked them to do a speed study and DOT was troubled because they couldn't believe that they wanted them to do a speed study on a road like this and the next thing you know the speed limits twenty five (25) miles an hour. This whole thing stinks and George, I respect you highly, but it is troubling George, when you make light on the site walk and you make light here in public about me getting assaulted by these mobsters.' George, 'I'm sorry about that, I apologize.' Mr. C, 'Thank you sir. Thank you it's much appreciated. I do respect you George, but I've been terrorized by these people, and I've been terrorized by Jesse. Darren (Cyr-York County Sherriff) has been called so many times that when I was on the site walk the other day Jesse got screaming up in my face the same way he did with Mr. Nelligan tonight and I was taping it. Jesse Winters was screaming in my face.' Don Murphy, 'Because of the insult you put onto him.' Mr. C, 'No, that's because I spoke the truth that he wasn't licensed, sir, that's not an insult.' George, 'You irritated him, and you do that well.' Mr. C, 'I irritated him because I told him the truth?' Mr. Lourie, 'Mr. Clifford, you've spent a lot of time about what happened with the speed limit on...' Mr. C, 'Here's the point Mr. Lourie, if this Board, the majority of this Board turned down the application that had Brownfield on it, but now has Hiram on it, do you think that's acceptable when there's no permit number, no storm water management.' Mr. L, 'That is something you need to complain to the Selectmen about.' Mr. C, 'You know my history with complaining to the Selectmen sir. You had to go into executive session because they weren't doing their job.' Mr. L, 'You can go to the newspapers. What can I say this Board can't handle this stuff.' Mr. C interrupted, 'Mr. Lourie they're supposed to follow the law and they are supposed to protect the public health and safety. They are not protecting the public health and safety.' Mr. L, 'The speed limit on North Street...' Mr. C, 'It's not North Street it's Hussey Road that I was referring to. And I was just bringing up that point to show how disingenuous this was, sir. It was about the Town illegally doing it to fix the job for Mr. Wadsworth. My other point why Mr. Lourie is so confused in regards to all this, is because it was all done secretly. As I told you gentlemen early, and I want it on the record when Ms. Lane and Mr. Wright and all the parties were there to fight against this development as they had been doing so sir, for a number of years the chairman of the Planning Board told the public that Mr. Wadsworth was not on the agenda and to go home. And at the end of the night the Planning Board all got together in secret and asked that the camera be shut off. The Selectmen's assistant, the Planning Board assistant would not allow it and without looking at any, at this map at all or researching anything as they are required to do in here, they all signed it that's why Darla's complained that there's two (2) different maps. There are two (2) different maps, how is that possible gentlemen if there wasn't fraud going on? So, the problem we have here is everything is fraudulent and if you gentlemen are going to deny my application when it has Hiram on it, I highly think that a Superior Court judge when Mr. Winters wasn't licensed and

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is harassing everyone that brings issues to him, do you think that a Superior Court judge is going to accept this, you're throwing this out, it's going to be sent right back to you.' George, 'May I speak? Would you be willing to accept another building permit if it was made out and didn't have Hiram on it?' Mr. C, 'I'm not willing to accept anything Mr. Winters does, sir, because as I've told you I've had to call the police on him many times. I've been terrorized by him. I have a tape; I've been to the Selectmen George, just to let you know. Me and Mr. Wright were on North Road and Mr. Winters before he was CEO came up to Mr. Wright and said that he was trespassing get off this land, I'm in front of my home and it was because he wanted to build the whole subdivision and he was harassing me and Jeff. I have the whole thing on tape, I've showed it to the police, and he's harassed Mr. Wright because Mr. Wright put up a on Facebook... This is, you're saying go to the CEO, go to the Selectmen, these people are harassing us. They violated our civil rights and if you gentlemen are going to deny this then this is just going to go to Superior Court and be back in your laps again. Why are you wasting your Town attorney and Town's money and disenfranchising me? Look at these crushed faces.' Mr. Demanche, 'Why are you threatening them with Superior Court?' Mr. C, 'I'm not threatening them with Superior Court I'm telling them we should have a resolution here, so your tax dollars and my tax dollars don't go out the window. The Town won't hire a CEO, sir that is certified, they knew in October, and they gave him a raise. They knew it at Town Meeting; I want to read it into the record. The Town knew in October of 2020 that Mr. Winters was not licensed, and he mislead the public at the September Town meeting telling the public that he had two (2) years to be certified, which was completely disingenuous. And all the permits that he has issued for Watson Woods Subdivision, for the two (2) four (4) five (5) houses that are there now, there are all illegal. So, you gentlemen by rubber stamping this are basically saying that you are going to empower a CEO to go out and continually break the law and to continually... and to police projects that he's built homes on. That is such a conflict of interest, it's unbelievable. And I understand you standing up for Jesse, but you have to keep... look at this as a juror George. You can't, you have to look at this as juror, you can't have feelings for Jesse and take those feelings and use them, you have to look at the ordinance and apply the law not your feelings George. When I'm on the Planning Board if my feelings get involved, I recuse myself, because I don't want the parties to feel like they might be treated unfairly because my involvement with people might make them think that there is a conflict so it's important that I recuse myself so that people aren't, don't feel like there is anything underhanded going on. But gentlemen, as far as adjacent goes perhaps you should read the definition of adjacent. Because you gentlemen were talking about adjacent.' Jim Baron, 'How does this apply to you?' Mr. C, 'Well how it applies, it applies to the application. You gentlemen are complaining about that adjacent only is the same side of the road, look at the Webster Dictionary definition of adjacent.' Jim, 'I looked up the definition and one (1) of them

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said that there is no definition for adjacent.' Mr. C, 'So Mr. Lourie's interpretation of adjacent, I mean we could go into court and play this word game, and I'd like to make another point. It's Mr. Lourie's job to protect this Town against liability.' Jim, 'This definition of adjacent is the same one (1) I saw.' Mr. C, 'Mr. Lourie's job in advising you is more to protect this Town from a lawsuit than it is to give you guys the facts about how you need to proceed. I respect that, he has two (2) jobs, he has to protect this town from lawsuits, but because of that he has to advise this Board in a way to where he has to look at the Town's best interests and that kind of is shady with conflict because I respect that he has to do that.' Jim, 'Do you have an issue with the work going on, or do you have an issue with everybody?' Mr. C, 'I have an issue with all the conflict sir, I...'. Jim, 'What is the issue you're bringing before us?' Mr. C, 'The issue I'm bringing before you is the fact that this application is incomplete, it has Hiram on it, it has none of the appropriate things that are in our Land Use Ordinances and, and you gentlemen are supposed to go by our Land Use Ordinances and you're denying... you will be violating your own oath to follow the law if you don't deny this application because as I told Mr. Murphy and Mr. Stacey, they already denied it for the fact that it had Brownfield on it. If you think an application is complete and it has a different Town's name on it, it isn't filled out at all, and you think that's acceptable sir...'. Mr. L, 'One of the reasons that the Board gave...the right-of-way information wasn't on the form, the wrong size lot was described, and everything was corrected.' Mr. C, 'No sir.' Mr. L, 'I'm saying efficiency; it was corrected except for the name...'. Mr. C, 'no I respectfully disagree sir, if you look at the application it's still not filled out with any permit numbers or anything. There's nothing on there, it's the same application, it's the same bag of bad apples with just a different stamp on it.' Mr. L, 'I agree that it's no work of art. On the other hand, it is not the same things that were missing the first time, so it's not the Board that's being inconsistent necessarily, except on the issue of the Town name there's nothing the same between this application and the one (1) before.' Mr. C, 'Mr. Lourie, Brownfield was on the first one (1) and then after it being appealed and going in our favor, he put Hiram on the second one (1), probably because he wasn't licensed, and he was committing fraud.' Mr. L, 'There are a whole bunch of things when you piece them together, I can agree that he shouldn't have had the wrong Town name on there...'. Mr. C, 'What about the permit numbers sir?' Mr. L, 'I'm addressing only the issue of whether this application is the same as was refused the last time by the Board.' Mr. C, 'It is the same; it is grossly incomplete Mr. Lourie. That's what I was just telling the Board. This application is the same bad bag of apples that this Board is entertaining, that two (2) members of this Board threw out.' Mr. L, 'On the other hand, it's already there so they don't have as much flexibility as they had before it's being built.' Mr. C, 'They still have to follow the ordinance. Correct? They still have to follow the Land Use Ordinances, correct? Am I correct Mr. Lourie?' Mr. L, 'I'm just saying that the remedy that they give you is for different facts that they have to consider.' Mr. C, 'But you

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didn't answer my question sir, am I correct? That they have to follow the Land use Ordinances.' Mr. L, 'Of course, at all times.' Mr. C, 'Ok, and if the Land use Ordinance stipulates that the numbers are supposed to be there, that the two (2) copies of storm water management papers, that the inspection for the foundation before it's backfilled, none of that was done. Those are all in the Land use Ordinance.' George, 'Gerard...' Mr. C, 'They're supposed to be followed.' George, 'Gerard, how do you know that there was no inspection?' Mr. C, 'Because it's right on the application that Jesse didn't inspect before the...' George, 'He didn't inspect the foundation?' Mr. C, 'Where it's applicable George, on the paper, he never filled it out. So, if he didn't fill it out, he didn't do it.' George, 'That doesn't mean so, maybe he went and did it and didn't fill it out.' Mr. C, 'George...' George, 'You're giving him no benefit of the doubt.' Mr. C, 'George, he did it wrong the first time and he did it the same way the second time, is that doing your due diligence? I don't think so. So, gentlemen, I don't know what else to say, I mean what's ironic is if you look at all of these wetlands this was supposed to be a hundred (100) foot easement, this is all gone. Great Brook is all gone; it's destroyed after they cut the fifty six (56) acres, which if I can read right here off the final approval, "Remaining land parcel of twenty six point eight (26.8) acres retained by the property owner shall not be further divided nor subject to additional timber harvest without Planning Board approval for a period of ten (10) years". Now I know this is a CEO issue, but this is an issue in regards to what Mr. Lourie said as far as credibility, Mr. Wadsworth after being told by the Town that he was only to cut on the building envelopes cut the whole thing again even after he was fined \$16,000.00 to replant the buffer here, which he hasn't done. And he was supposed to do it before he built these homes, and he already has this home these homes and these homes in and he claims he replanted the buffer, but as Darla pointed out, I have proof that all of the trees that he has marked out were existing, they were already there. So, he is claiming to have planted a buffer that already existed. We have extensive photographs. That's the kind of con artist we're dealing with, and you know, this is a gentleman that at one (1) of the Appeals Board meetings was blowing kisses at Ms. Lane. The atmosphere that goes on in these meetings with an abusive CEO who isn't licensed with this man blowing kisses.' George, 'An abusive CEO?' Mr. C, 'Yes, ask a number of people in this Town how many times Jesse Winters has had the police called on him, because...' Mr. Demanche, 'What does that have to do with this Board?' Mr. C, 'Someone complained about a code violation, and he went crazy on them and said he was going to investigate them. That's not being a Code Enforcement Officer.'

Jim asked Ms. McNally to speak. Amy McNally, 'I just want to reiterate again, we've laid it out in our memorandum reminding the Board of the scope of the issue in front of you. I did here a lot of issues explained by Mr. Clifford, but I didn't hear any new issues this Board hasn't already addressed in the context of the Gould Appeal. They

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are strikingly similar if not identical appeal issues. This Board has just decided that the building permit was permissible and adequately filed, and you didn't have any issues with it. To the extent that there are no new issues that I heard from Mr. Clifford that were brought to the Board's attention, I would just reiterate what we have done in the Public Hearing with the Gould's, reminding them of the scope here, we're looking at the building permit. I've heard the Board say that they were fine with the site distance, the driveway is adequate, the building permit, otherwise on its face, is adequate, so we would just reiterate that for the Board today we did not hear Mr. Clifford raise any additional issues. Any additional issues that maybe weren't talked about in the Gould's Public Hearing again deal with enforcement. I heard reference to back filling, things like that, again that's inspection issues, enforcement issues, violation issues that are the prevue of the CEO and not this Board, because it comes subsequent to a building permit. To the extent that any of those issues were addressed by Mr. Clifford, again we think that the Board has looked at this building permit, found it to be acceptable and approved it, denying the appeal for the Gould's, we would ask again that Mr. Clifford's appeal likewise be denied.' Jim, 'Would you talk about the timber harvesting issues?' Ms. McNally, 'My understanding is that the building envelope and driveway was what was cut for the purposes of the home, there was no timber harvesting done by Mr. Wadsworth. Mr. Wadsworth would be happy to speak to that if the Board was so inclined to hear from him.' Jim, 'Sure.' Nate Wadsworth introduced himself, 'Before I timber harvest...Let me back up. Back in 2016 when I purchased the land, I heavily cut the whole piece, before I purchased it in 2016, we had managed it for Tom Watson, as licensed foresters we've cut it four (4) times, so the land has been cut, over and over and over again. Last year before I went to build a house on the remaining land we entered in and cut the driveway, the house site and a little bit of lawn. I didn't cut anything else because I knew that Gerard was watching very closely, so I was very careful, about the law.' George Stacey, 'So, the South side of the house, the view side?' Mr. W, 'There's just a little bit of lawn space down front.' George, 'No stumps down there that we can go take a peek at?' Mr. W, 'I don't own it anymore. We brought a GPS map showing less than an acre was cut.'

Corey Lane, 'I would like to just address what Mr. Wadsworth had just told you, which I don't know many loggers take out a timber harvesting permit for fifty six (56) acres if they're not cutting the land. He did that last year and the Town wouldn't police it. He's not telling you the truth. It's just what's been going on the whole time, and not to mention they keep saying it's out of your purview, it's out of your purview, so keep that in mind, there's a lot out of your purview that these abutter's have to go to Jesse Winters, who built the first house. There's no relief here, there's not, and it's too bad that you guys can't look at this permit and see what's wrong with it, like you did the last time. Thank you.' Mrs. Gould, 'I have something to rebut about that. I live right

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there, I heard the saws more than one (1) day, and where the house is and driveway was, they initially cut that, this was after, well after they got going on the house that comes in from (Route) 160. I mean they were out there a few days chopping away with those great big saws. I listened to them saws so I know that's not true. And, that building permit, that newest one (1) would you double check on that for me, double check, can you look on that and see if it says subdivision application?' George, 'The house across from you?' Mrs. G, 'Yes, I just want to make sure, it seems there was something that about saying it was a subdivision application.' George, 'It says name of subdivision amended application.' Ms. McNally, 'If we can be clear for the record, you're reading from the Town of Parsonsfield application for building permit, that's the title.' Mrs. G, 'You just gave that...' George, 'The new building permits have been corrected.' Mrs. G, 'Brownfield was the first one (1) this is the second one (1).' George, 'And they made an error again. I'm telling you what I heard, and you tell me what you heard, and I'll take the two (2).' Mrs. G, 'That's the final one (1) that she's just handed you. It has Hiram on it, it has subdivision on it.' George, 'They took one (1) from another Town that they liked the looks of better than the Parsonsfield one (1) and Jesse Winters was actually CEO of Brownfield, and he was CEO here. That's how that first one (1) happened to have Brownfield on it. This one (1) here he told me that it really got screwed up because when they sent it out, they had this printed up new after they had the scrape with the last one (1) and it had Hiram on it.' Mrs. G, 'They're trying to say it's not part of the subdivision.' George, 'It was supposed to be taken out, but it wasn't, and it's been corrected since, from what I understand.' Mrs. G, 'I know they think I'm being picky but you guys.' George, 'This one (1) isn't corrected Gerard, but I'm saying that the new permits that they've had printed up, and they've thrown the old ones as I understand, and the new ones are printed correctly.' Mr. C, 'What new ones?' George, 'The new permits that they will be using the next time he writes a permit out. I'm saying that this was an error by the printing company.' Mr. C, 'Please, it was an error by the printing company? Twice?' George, 'I'm only telling you what I was told.' Mrs. G, 'It's a subdivision application, it's not a subdivision application, get the fricking application right.' George, 'I understand. On the top it says application for a building permit. Right at the top, Town of Parsonsfield application for building permit.' Mrs. G, 'It still had subdivision on it.' George, 'For office use only subdivision information, it says amended application.' Mrs. G, 'Did you really look it over?' George, 'No not until just now.' Mr. C, 'You should have, that's what the Board is supposed to do, you're supposed to look at all this stuff, your making determinations and you're admitting that you didn't look at the facts. Talk about not doing your due diligence. You didn't look at my stuff...' Jim, 'I did, there's just so much.' Mr. C, 'What did you guys do, just listen to the lawyer?' Don Murphy, 'Do you like insulting people, is that your life.' Mr. C, 'It's frustrating sir.' Mr. Demanche, 'It's frustrating listening to you.' Mr. C, 'It's frustrating. I pay taxes, not to be treated like this.' Mr. D, 'You just insulted the Board like six (6) times.' Jim, 'We

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have a thick skin. You know I did read this online; I do read this; I don't have it with me because I don't like all the paperwork.'

Don Murphy made a motion to close the Public Hearing portion of this meeting. The motion was seconded by George Stacey. Motion carried with all in favor.

VI. Board Discussion and Decision

Jim Baron, 'As far as this being an issue of one (1) Town or another, the Town decided to go with...I don't know whether the Planning Board approves these. If they thought this was the better permit. And because there were problems with the printer, I'm not going to hold the Town responsible.' Mr. Clifford asked the Board members to speak up. Jim, 'The issue with the permit, I just don't see that being a problem, to tell you the truth, I know it comes from a different Town and again I understand what happened. It had the wrong Town, but I don't see that as being an issue. It is a Town of Parsonsfield permit. I'm not going to deny it on that. The timber harvesting keeps being brought up, it's got to be somebody else's issue, it's not a CEO issue.' George Stacey, 'When we did the site walk it wasn't brought up.' Jim, 'It was, but what we saw was just the building, we're not there to take issue with the whole fifty six (56) acres. So that building permit for what was done was fine, and we just did that site walk we didn't go through the whole twenty eight (28) acres that go with that property.' Mr. Lourie, 'The timber harvesting issue is not really before you.' Jim, 'I know, but it was brought up.' George, 'I guess you'd call the Maine foresters or something like that.' Jim, 'That's somebody else's purview, I don't even think the CEO bothers with that unless it's depending on where it's at. As far as this application goes. I would move to deny this application.' Don, 'I feel that the evidence that we have here, there are some accidental printing errors and that doesn't invalidate what is clearly a Town of Parsonsfield permit.' George, 'If I agree I won't say anything, if I disagree, I would say something.'

VII. Motion

Don Murphy made a motion to deny the appeal. The motion was seconded by George Stacey.

VIII. Vote

Motion carried with all in favor.

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IX. Complete Administrative Appeal Decision Form

Each Board member signed the Administrative Appeal Decision Form for this Public Hearing. The original signed copy is hereby included with the file documentation for this appeal.

X. Right to Appeal to Superior Court with 45 days of tonight's decision.

This decision can be appealed to the Superior Court within 45 days from this decision

XI. Adjournment

George Stacey made a motion to adjourn at 9:28 p.m. The motion was seconded by Don Murphy. Motion carried with all in favor.

Respectfully submitted,



**Desirae Lyle
Zoning Board of Appeals Executive Secretary**

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**ADMINISTRATIVE APPEAL
GERARD CLIFFORD
MAP 8, Lot 37
198 HUSSEY ROAD
PROPERTY OWNED BY: Nate Sells Real Estate LLC**

APPROVED BY:

James Baron, Board Chair

Donald Murphy, Board Member

George Stacey, Board Member