

Parsonsfield Planning Board Meeting
634 North Rd Parsonsfield, ME
Tuesday, March 19th, 2019
Minutes

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

Absent: None

CEO Jesse Winters in attendance

Also in attendance: Ralph Austin, Amy McNally, Jeff Wright, Lindsay Gagne, Deb Sobczak, Trevor Sanborn, William Ryan, Stephen Richard, Sean Sullivan, Gerard Clifford, Carolyn Chute, Michael Chute, Stephen Anderson, Corey Lane.

Mr. Espinosa Called the meeting at 7:04 pm.

Mr. Espinosa reviews the agenda items and states one meeting video has been successfully uploaded to the website and youtube.com

Certificate of Appreciation Awards

Mr. Espinosa Awards Lisa Hart, William Ryan and Judy Saiki a certificate of appreciation for their services and hard work among the planning board. William Ryan is in attendance; the other awards will be available at the clerk's office.

Review of February 19th Meeting Minutes

The board reviews the meeting minutes from last month's meeting held on February 19th, 2019.

Mr. Espinosa Motions to accept the minutes as they are

Mr. Stacey Seconds the motion

Unanimous vote in favor of accepting the minutes.

Review of March 12th Workshop Meeting Minutes

The board reviews the workshop minutes from the workshop held on March 12th, 2019.

Mr. Espinosa Motions to accept the minutes as they are

Mr. Stacey Seconds the motion

All in favor of accepting the workshop minutes

Site Plan Review 4 Miller Ave

Mrs. Wright States after speaking with other board members from other towns, she chose to seek more clarification from Maine Municipality Association (MMA) regarding shoreland land use, section 8, C,3,d. She reads an email, in full, between herself and an MMA member discussing her question; does the applicant need to merge the two lots to make it a conforming structure? In the response, the article in question is quoted, section 8, C, 3, d, pertaining to contiguous lots, vacant or partially built, with also exceptions including right of way roads dividing the two properties.

Mr. Yale States his assumption is this is a question of whether the applicant owns the right of way road or not.

Mrs. Wright States in the plan it is indicated they own lots #19 & #30A which includes the right of way for others.

Mr. Espinosa States this article refers to a non-conforming vacant or partially built lot, in which, this lot is a non-conforming lot with a structure on it and he would like to make sure this article applies to this lot.

Mrs. Wright States that in the email the MMA response was they were not sure who owned the right of way road and so, they could not decide on that. In the original email it is stated a non-conforming lot with a non-conforming structure.

Mr. Espinosa Suggests to the board they look at the email and discuss the interpretation of it.

Mrs. Wright Suggests this go back to MMA for more discussion.

Mr. Sullivan Suggests what Marion means is to merge the two lots and move the house to the back of the lot, however, he does not see in the language if either “vacant” or “partially built” would apply to this application.

Mr. Stacey States more clarification is needed and begins to ask Mr. & Mrs. Sobczak a series of questions.

Mr. Stacey Is Miller Ave a private road?

Mr. Sobczak yes.

Mr. Stacey Who owns the land up that road?

Mrs. Sobczak There are a lot of different people that own property on that road

Mr. Stacey The road comes in from Between the Ponds Rd?

Mr. Sobczak Yes

Mr. Stacey Is there an association? Someone land owner must own the private road?

Mr. Sobczak No there is no association. The road has been grandfathered for so long and used as a right of way for everybody to get to their camps. We take it upon ourselves to maintain the road and each land owner takes care of their portions of the road.

Mr. Yale Reviews the article and cites Article 2, section 3. If two or more contiguous lots are in single or joint ownership, if any of the lots do not meet the dimensional requirements & if four or more of the lots are vacant or contain no structure, then the lots shall be merged to the extent necessary to meet the dimensional requirements.

Mr. Stacey States his concern is that there is a road between the lots and he is unclear what makes it contiguous.

Mr. Espinosa Reads a portion of the email response that pertains to right of way roads dividing two lots. If lots are divided by a private right of way road then it would be a deciding factor depending if the owner of the lots owns the property under the right of way or if someone else owns it.

Mr. Yale Cites the article and determines an interpretation could mean “a structure on each lot” or “two vacant lots”

Mr. Espinosa States because this lot is a pre-existing and non-conforming, they have the right to rebuild the house and add up to 30% or add and expansion up to 30%, leaving the debate up to: require the applicant to join the two lots and move the house to the back lot or if the board felt this article did not apply to this application, they could proceed to vote on the application with conditions on it, as discussed in the workshop. Mr. Espinosa also reads several emails from the abutters in agreement with the applications approval. Afterwards he proposes the board could take a vote as to whether the specific article being discussed is applicable to the Miller Ave application.

Mr. Yale Recuses himself from the vote as he was not present at the workshop

Mr. Adelman Recuses himself from the vote as he was not present at the workshop

Mr. Espinosa Motions to vote if this specific article, Section 8, C, 3, d, is applicable to this site plan review application.

Mr. Krolick Seconds the vote

Yes, the article is applicable: 2 votes

No, the article does not apply: 3 votes

Majority vote in favor, this article is not applicable to this site plan review application.

Mrs. Wright Leaves the room, stating she is resigning from the planning board.

Mr. Espinosa States there will be a 5-minute break.

Mr. Espinosa Calls the meeting back to order at 7:52pm.

Mr. Espinosa Resumes the meeting and decides to move forward with voting on the application. He addresses the board if they have any further questions, there are none.

Mr. Espinosa Motions to vote if the application is complete.

Mr. Sullivan Seconds the motion

The board votes if the application is complete or not. All voting members vote in favor the application is complete.

Mr. Krolick Asks the applicant if they would put a conservation easement on their second lot to refrain from any further development on that parcel.

Mr. Espinosa Agrees with other board members the board may not be in the right to ask this of an applicant, however, in accordance with state laws he asks that the applicant ensure all required permits are acquired for the project as well as the easement on the leaching field, as discussed in the workshop, may be used as a condition.

Mr. Espinosa Motions to vote on the approval of the application with the condition the applicant puts an easement on the second parcel to ensure access to the leach field.

Mr. Stacey Seconds the motion

The board votes in favor the approval of the application with the condition of an easement for the leach field. The application is approved.

Watson Woods Subdivision

Mr. Espinosa Suggests the board review the finalized conditions for discussion, however, there is also an email submitted by Corey Lane they may discuss.

Mr. Krolick Suggests reviewing anything from the public prior to reviewing the conditions.

Mr. Espinosa States that a public hearing is generally traditional in reviewing and addressing public comment, however, if things have come to light and the board feels it is relevant, they can vote to open that up to discussion and provide the applicant the document submitted.

Mr. Krolick Agrees to take a vote.

Mr. Espinosa Motions to vote whether to consider Mrs. Lane's email in response to this application

In favor of accepting the email: 1 vote

Opposed to accepting the email: 4 votes

The board begins reviewing the conditions set for the preliminary plan.

Mr. Krolick States his concerns for the increased traffic with having eight houses on the strip and suggests not having more than one driveway. He also seeks clarification that the applicant will be paying for independent consultants that the town will be contracting.

Mr. Sullivan States his concerns with the site distance and the density issue.

Mr. Espinosa Reviews section 6 of the conditions where Mr. Krolick is correct, the town will contract independent consultants at the applicant's expense.

Mr. Espinosa Motions to vote on the approval status of the preliminary subdivision plan set with the following conditions drafted by the town's attorney.

Mr. Stacey Seconds the motion

In favor of approving the preliminary plan with conditions: 3 votes

Opposed to approval: 2 votes

By majority vote, the preliminary subdivision plan with conditions is approved

Mr. Austin Explains this may take a few months but they will contact the board with their plan.

Mr. Clifford Addresses the board his concerns the soil survey is not accurate, and he has hired a surveyor himself that has stated to him the maps are not right.

Marijuana Ordinance Workshop

Mr. Espinosa States a workshop will be held on March 28th, to continue drafting an ordinance for marijuana land use. He has also invited neighboring town's planning board members and emergency responders for input.

Mr. Ryan Asks if he can recommend any speakers

Mr. Espinosa Suggests he could do that and have them reach out by email to the planning board.

Reoccurring workshop Ads & Schedule a Workshop for bylaws and SOP

Mr. Espinosa Suggests running a reoccurring workshop ad for a monthly workshop

Mr. Sullivan Suggests the first Tuesday would work best.

Mr. Espinosa Motions to vote running a reoccurring ad for a monthly workshop scheduled every first Tuesday of every month

Mr. Stacey Seconds the motion

The board votes all in favor

Mr. Espinosa Moves forward discussing scheduling a workshop for the board to draft bylaws and standard of procedure. It seems unclear what date he works to schedule as there are disruptions from the audience.

Mr. Sullivan Discusses the table of contents for the land use book is out of order

Mr. Espinosa States Lindsay can work on this task with the clerk.

Mr. Ryan Suggests the board have a hard reschedule date in case of cancelations for meetings.

Mr. Espinosa Agrees this is a good idea and also states the board will work on getting meetings posted elsewhere such as the post office and library.

Mr. Espinosa Motions to adjourn the meeting after no further discussion is presented

The board votes in favor to adjourn the meeting at 8:45 pm.

Draft completed by: Lindsay Gagne

Approved by board, Date: _____

Planning Board Chair or acting Chair name
& Signature