

Parsonsfield Zoning Board of Appeals
634 North Rd Parsonsfield, ME
Thursday, June 11th, 2020

Administrative Appeal for Watson Woods Subdivision
Minutes

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

Also, In Attendance: Lindsay Gagne, Jeff Wright, Marion Wright, Joseph Wright, Darla Gould, Steve Anderson, Ralph Austin, Nathan Wadsworth, Rick Sullivan, Harvey Macomber, Andy Yale, Denise Crooker, Corey Lane, Phil Bosch

Mr. Sandahl Explains this meeting will not be a public hearing but to review the request for appeals for the applications. The applicants and/or their representatives will be discussing their requests. If the public has questions, the board may call on people for input, however since this is not a public hearing he asks comments or questions be kept brief. The meeting is opened at 6:00pm.

Review Minutes from 2-18-20

Mr. Crooker Makes a motion to approve the minutes

Mr. Winslow Seconds the motion

Motion passes by unanimous vote: 4-0

Mr. Sandahl Asks the board if they have reason for any recusals of themselves or others.

Mr. Winslow After reviewing MMA (Maine Municipal Association) guidelines on conflicts of interest, has chosen not to recuse himself. His son does not reside in his household nor does he contribute to any household expenses.

Mr. Stacey Agrees for himself, as well.

Mr. Crooker States he will not recuse himself has he had done in a prior meeting because this is an entirely different issue.

Mr. Sandahl Verifies there is a quorum of four voting members.

Review Request for Appeal, Dana and Darla Gould

Mr. Sandahl Asks Mrs. Gould to review her request for appeal stating concisely what was done incorrectly and the basis to support her claim.

Mrs. Gould Explains she had discussed with Mr. Wadsworth her concerns of the driveway being placed directly across from hers because the issue of vehicle lights shining down her driveway. Upon this discussion, Mr. Wadsworth agreed, however, the driveway ended up being placed directly across from hers. Around May 7th, when the foundation for the home was going in on the lot, she asked the CEO to provide her a copy of the building permit. The CEO redirected her to make a FOAA request with the Town Clerk, Mr. Bower. Mr. Bower followed through with her FOAA request a few days after her initial request. After her attempts to receive these documents,

she believes the CEO and Clerk were hindering her in filing this request for appeal, as they would know better than her how the process is followed and the proper deadlines in filing a request. The driveway that was placed across from hers is dangerous and does not meet site distance. The driveway permit, issued by the Road Commissioner, is also dated 2018 and for another lot, not part of this subdivision. This driveway permit should have been voided after two seasons of no action being taken on it. The building permit issued by the CEO shows “Parsonsfield” on the front but on page four is written “Brownfield”. These permits are not valid, and the developer intends on subdividing the retained land.

Mr. Sandahl Asks if there is documentation showing Mr. Wadsworth subdividing the retained land?

Mrs. Gould Answers the building permit shows the house lot is 13.71 acres. By her definition of “future development” this means “all construction”.

Mr. Crooker States the appeals board should be sending this back to the planning board. The developer is disingenuous. The agreement for the subdivision has been broken and it is not up to the Select Board or the CEO to make judgement on this.

Mr. Sandahl Explains appeals regarding a decision made by the CEO can only be remanded back to the CEO. This application is requesting an appeal on the CEO’s decision.

Mr. Sullivan States the intent of the Planning Board was to keep the retained land whole. The driveway permit may not meet site distances of 250-feet and the permit issued was from 2018.

Mrs. Gould States the registry of deeds has no deed for a parcel of 13.71 acres owned by Nate Wadsworth.

Mr. Stacey Understands the conditions allow a house to be built on the whole retained land so long as it is not subdivided.

Mr. Sandahl Does not see any evidence provided that the retained land has been subdivided.

Mrs. Gould Explains on the subdivision map, it shows the retained land and notates an area within the retained land as “13.71 acres, area for future development”. By definition, this would include all construction.

Mr. Sandahl Reviews the condition, #2: “Retained Land: The remainder parcel of 28.06 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 10-years from the date of final approval. After this period, the developer will be required to seek planning board approval for any subdivisions, and for further development of two or more lots, will require the developer to cover the cost of improving upon Hussey road to better standards”. There is no language regarding building a house on the retained land.

Mrs. Gould States as it is shown on the map the dimensions of the retained land equal 28.06 acres. The building permit specifies only 13.71 acres where the house lot is going.

Mr. Yale States during Planning Board review he recalls it would be within the developers right to build a house on the whole area of retained land. The driveway, however, is in a poor location. It should have a site distance of 250-feet. Heh believes it to be closer to 50-feet. He is also concerned the buffer is not being replanted as it is a part of the condition that this be completed prior to the sale of any lot.

Ms. Lane Suggests it may be hard to understand if the conditions apply because the building permit references a 13.71-acre lot. The permit should have referred to the whole 28.06 acres. Also, the Planning board approved this plan in October, but the map was not completed until November.

Mr. Sandahl His understanding is the map indicates the retained land in whole is 27.41 acres with the area to be built upon being the 13.71 acres.

Mr. Austin Is the representative of Nathan Wadsworth. Explains Mr. Wadsworth is building one house on the whole retained land of 27-plus acres. As it's shown on the map there are two areas; Area A "Area to be developed" indicates where the building will occur and Area B "Area to be retained" cannot be built on. Mr. Wadsworth has not subdivided the retained land and will be selling the house lot with all 27-plus acres included.

Mr. Wadsworth States he met with the Road Commissioner and they agreed the best area for the driveway would be positioned by the telephone pole. The area downhill would be excavated for site distance.

Mr. Austin States the CEO discussed with the Road Commissioner and confirmed the site distances were okay. The 27-plus acres are not part of the subdivision. Also, there were no curb cuts discussed for that area at the time of Planning Board review because there was no plan at that time to do any curb cuts.

Mr. Jeff Wright Would like to have seen the CEO and Road Commissioner at today's meeting and asks if Mr. Clifford will be able to attend these meetings.

Mr. Sandahl States it is not the appeals boards jurisdiction if Mr. Clifford can attend or not, however he can have an individual represent him.

Mrs. Gould States she would like to see the CEO and Road Commissioner held accountable for their invalid permits.

Mr. Sandahl Regarding the building permit, this may be a typo where a lot of towns are known to share document formats.

Mr. Crooker States no one should be making excuses and both the RC and CEO should be here.

At this point there is a lot of arguing and any dialog is inaudible.

Mr. Crooker States the development is illegal. They split the land then rejoined it and built an illegal house on it. He is disgusted with it all and it looks to him they are panhandling. He had heard hearsay of the Road Commissioner stating at a Select Board meeting that he did not know he was supposed to be issuing driveway permits.

Mr. Stacey Agrees the driveway permit may need more review from the board.

Mr. Sandahl Explains the board will need to determine if the application in front of them is complete. He verifies with Mrs. Gould that her application is addressing the following: The land has been divided, the house built is currently illegal and this application is an appeal of the CEO's building permit.

Mrs. Gould Answers yes, as well as, her concerns about the driveway permit.

Mr. Crooker Motions to accept the application as complete

Mr. Stacey Seconds the motion

Motion passes by unanimous vote: 4-0

**A public hearing is scheduled for
June 25th at 6:00pm**

Review Request for Appeal, Gerard Clifford

Mr. Sandahl States this application is similar to the last and they have discussed a lot already regarding this request.

Mr. Crooker States when the Planning Board voted on this subdivision everyone believed that lot would not be developed. The lawyers have figured out a loophole and that alone warrants a public hearing. The elected officials of this town have been stonewalling this and shown favoritism to the developer.

Mr. Sandahl Asks Mr. Crooker if he believes he is being impartial in his judgment

Mr. Crooker Answers yes.

Ms. Lane States the building permit shows Mr. Wadsworth signing off on Brownfield Standards.

Mr. Sandahl Makes a motion to accept the application as complete.

Mr. Winslow Seconds the motion

Motion passes by vote of: 3-1

**A public hearing is scheduled for
June 25th at 6:00pm**

Mr. Sandahl States the applicants can present any supportive evidence at the public hearing and if possible, to provide any supportive documents to the board for review.

Mr. Crooker Makes a motion to adjourn the meeting

Mr. Stacey Seconds the motion

Motion passes by unanimous vote: 4-0

The meeting is adjourned at 7:10pm.

Draft completed by: Lindsay Gagne