

Parsonsfield Planning Board Meeting
Tuesday, September 18th, 2019
Minutes

In Attendance: Justin Espinosa, Nate Stacey, Andy Yale, Clifford Krolick (Alternate), Marion Wright

CEO David Bower in attendance

Also in attendance: William Ryan, Trevor Sanborn, Tiffany Brendt, Ralph Austin, Amy Canalli, Gerard Clifford, Corey Lane

Meeting was called to order at 7:03pm

Mr. Espinosa Reviewed the agenda items as follows; Review August meeting minutes, Watson Woods Subdivision, William Ryan site plan review, other business

Review August Meeting Minutes

The board takes a few minutes and reviews last months minutes.

Mr. Espinosa Motions to accept the minutes as they are

Mr. Stacey Seconds the motion

The board agrees to accept last months meeting minutes as they are

Mr. Clifford States the minutes do not reflect accurate data as he reports himself and Mr. Ryan were not represented in the minutes and the secretary has mentioned this may be an issue due to difficulties hearing others speak.

Mr. Espinosa Addresses the comment and states the board is aware of the difficulties in taking minutes and for tonight they are using a voice recorder. They will also be looking into getting a video camera to record meetings.

Watson Woods Subdivision

Mr. Espinosa Introduces Clifford Krolick and Marion Wright as two new members of the board and offers they may ask any questions while reviewing the sub division plan.

Mrs. Wright Asks if there have been any changes, within the last four years, with the subdivision regulation.

Mr. Bower States one definition has changed, regarding “Average Daily Traffic” but otherwise, no other changes have been made.

The board takes a few minutes to review the site plan sent out from Watson Woods development.

Mr. Austin Introduces himself as a representative of Nate Wadsworth and introduces Amy Canalli as part of their team. Mr. Austin reviews the letter they received, dated August 27th, 2018, noting three issues with the site plan. The first issue is listed as 7.2.D.10: A high intensity

soil survey by a certified soil scientist shall identify on the survey the wetland area, regardless of its size. Mr. Austin states he doesn't feel the wetlands were an issue as they have been noted on the previous plan. However, they were lacking on the soil survey and so have submitted a map of the soil differentiations prepared and signed by Mark Hampton, a certified soil scientist. He also mentions, Mr. Hampton included in the letter that the Parsonsfield subdivision regulations defines a high intensity soil survey is in accordance with the National Cooperative Soil Survey, however, it is currently referenced by the state of Maine as the Natural Resources Conservation Services, in which Mr. Hampton's guidelines, he follows, are based off the current guidelines.

Mr. Yale Asks why the high intensity soil test was only completed for the outlined lots and not for the remaining property as well.

Mr. Austin States his understanding of the subdivision ordinance is that the high intensity soil survey only applies to the lots being developed where as the rest of the property will not be subdivided any further. He believes they are required to show a map of the whole property, however.

Mr. Espinosa Asks Mr. Laurie if he has any input on the soil surveys to add

Mr. Laurie Answers to the board, however the recording is inaudible.

Mr. Austin Replies to Mr. Laurie he doesn't think it's a "submission requirement" but that they needed to show any soil type within the subdivision area that is an 1/8 of an acre or larger.

Mrs. Wright Asks if the soil survey map showed by lot rather than the whole property only as the map is difficult to read and determine the outlined soil types.

Mr. Laurie Comments, however, the recording is inaudible.

Mr. Austin States he was hoping the planning board would find the plan complete or could attach some conditions to it. He also states at the public hearing he can have presented an overlay of each lot for the soil map.

Mr. Espinosa Clarifies to Mrs. Wright the issue during the last few meetings were the information on their soil surveys didn't define what was class A and what was class C and that the board had requested additional information mapping out the soil tests.

Mr. Austin Moves onto the second issue 7.2.D.11; The location of any trees larger than 24 inches in diameter shall be shown on the plan with a detailed ledger.

Mrs. Wright States her concerns that some of the larger trees have already been cut in the buffer zone.

Mr. Yale Asks if when updating the symbol on the ledger for the larger trees, if they just updated the symbol itself, or went out and walked the lots again.

Mr. Austin Replies they did not go back and walk the lots again, they just updated the symbol on the ledger. He moves forward to review the third issue 7.2.D.21; He states the areas on the lots where existing forest cover will be permitted to be removed, they have added a note to the plan that up to an acre can be removed and converted to lot enstructures excluding the road buffers and the 100-foot stream buffer.

Mrs. Wright States there is no mention of up to an acre.

Mr. Austin States that was their determination of how much they could cut on each lot and they were required to submit something in that regard.

Mr. Espinosa Asks Mr. Laurie if he could add any note to that.

Mr. Laurie Answers, however, the recording is inaudible.

Mr. Austin Replies that the soil survey marks each soil type down to 1/8 of an acre by following guidelines and at the public hearing they can present an overlay of each lot of the soil maps.

Mrs. Wright States she is not comfortable accepting the soil tests unless they are outlined.

Mr. Yale States he is uncertain of the soil surveys because it looks like there are two test pits on the front part of the property and nothing else has been tested.

Mr. Austin States they have submitted what is required out of the town's ordinance.

Mr. Espinosa States he doesn't like how the submitted soil tests look. He also asks the two newer board members if they feel competent in voting on the application and if so, will have the board vote them in on the decision process.

Mrs. Wright Replies, however the recording is inaudible

Mr. Krolick States he feels comfortable with this

Mr. Espinosa Opens to public comment prior to voting on the newer board members.

Mr. Clifford Reiterates how Mr. Laurie told the applicant in the last meeting about the incompleteness of the application. Mr. Clifford states his concerns, 1.) The new application does not include the home that was already built, where there shows a class C soil test completed and not a class A. Further to that, it was two years ago they did a class A soil test but now on the new plan it states class C. 2.) Mr. Sergeants land was supposed to be included in this discussed plan but that it wasn't. Mr. Laurie made three recommendations: that it was not legal due to the existing home, the soil tests show fraud and Mr. Sergeants land was not included. A vote to complete the application would go against the lawyer's recommendations.

Mrs. Lane States that the board should be reviewing the entire plan with two new board members on and the map submitted is not valid as it is not signed and embossed by the soil scientist and is only signed by Mr. Greer.

Mr. Austin States the survey they have submitted is stamped and signed.

Mrs. Lane Reiterates that Mr. Greer has signed it but not the actual surveyor.

Mr. Austin Goes back to the letter that was submitted by the chair and states his understanding was the determination made was that this was complete except for the three issues they have been reviewing in this meeting.

Mr. Lauri States that in his email correspondence, he tried to make clear to the board that if the board finds something missing in the last meeting that they are not locked into these findings. He also doesn't recall giving advice on the existing lot and any ordinances pertaining, however clarifies the ordinance states the map must be signed by the surveyor. Mr. Laurie states he doesn't think the signature was a problem where Mr. Austin had stated on his maps there is a stamp by Delmar Maxfield.

Mr. Espinosa Moves on to motion to allow Mrs. Wright and Mr. Krolick to vote on this application. The vote is seconded by Mr. Stacey. A majority is in favor of the vote and the two newer board members will participate in voting on this application. Mr. Espinosa reviews the issue of this application is with its completeness, that it is complete on all other issues except for the three items reviewed today. The board will decide if these issues have merit and Mr. Espinosa also reiterates, to vote the application complete only moves it forward to further reviewing.

Mr. Yale Asks for discussion

Mr. Espinosa Approves

Mr. Yale States his concerns are that he doesn't have the credibility to determine if the soil survey is valid or not, however, to continue to deny the completeness of the application will not resolve any issues.

Mrs. Wright States it is not up to the board to prove the validity of the soil test.

Mr. Krolick Asks for validation that this process of voting the application complete is only to move the application for further review.

Mr. Espinosa agrees, then motions to accept the application as complete. This is seconded by Mr. Stacey. Mr. Espinosa states by unanimous vote, the application is complete.

The board schedules a public hearing

**Public Hearing for Watson Woods Subdivision
Tuesday, October 19th at 7:00 pm.**

Mr. Krolick Would like it to be noted that other than accepting the application, the process of deciding to go ahead with this also may have a lot to do with the outcome of the town and the general feeling of those who attend the public hearing

Mr. Austin States he understands this as well as in line with the town ordinances which have been voted on by the town.

Mr. Espinosa States that as a board we may conduct ourselves as we individually see fit and represent the people. Also, as a board will ensure that every application meets the ordinances.

Site Plan Review, William Ryan

The board takes a few minutes to review the application.

Mr. Espinosa Reviews with Mrs. Wright summarizing during the last meeting it was discussed if this application would be entertained because it is not clearly defined under the land use table. So far, the board has not yet determined which land use table this falls under because the application was incomplete.

Mr. Ryan States that things were added where the drainage plans were on one of the maps, the driveway distances for all driveways have been determined, an additional license has been obtained for Mr. Sanborn, there is more info on the tree's, and they have provided a more updated mission statement.

Mr. Espinosa Asks Mr. Ryan to review the application and the letter of requirements.

Mr. Ryan Proceeds to go through the application and requirements. The name has been changed to "Kezar Falls Medicinal Building". The mission statement has been updated and now includes "to gain authorization for use". They have included the names and addresses of the abutting properties within 500-feet, which includes a map of one property across the river into the neighboring town. A sketch map showing a general boundary line with all drain features and roads, that also includes the tax map, lot number included with distances for driveways. Also included buffer where the drainage is, a copy of the deed and the side buffer.

Mr. Stacey Asks about the buffer being 6-feet and if with the requirements if it should be 25-feet.

Mr. Ryan Replies there are already some planted shrubs

Mr. Espinosa States this was an existing commercial building before so may be considered.

Mr. Ryan States he is not completely against putting a buffer there but is concerned it will push his application back from getting approval.

Mr. Espinosa Recommends continuing with the rest of the application and addressing any other issues. 1.) Issue of abutting town lots. States he will be sending out an email to Hiram and Porter, otherwise they seem good elsewhere. 2.) Sidewalks may be an issue. 3.) At the last meeting it was decided they would continue to review the application, however, there currently is no ordinance passed regarding Marijuana Store Front Buildings.

Mrs. Marion Suggests looking into what other towns in the neighboring area have done.

Mr. Yale Suggests proceeding this with caution so as not to disenfranchise anyone. Also, has concerns how zoning may impact the area, although he is not entirely against the idea.

Mr. Ryan States his concerns with the push back from the states and the process being followed through.

Mr. Espinosa Calls upon Selectmen Tiffany Brendt for additional input.

Mrs. Brendt Agrees the state process has impeded on businesses in this matter, however, there is a question of whether Mr. Ryan can be considered grandfathered, with their caregiver cards, where this is a new store front business in town. She states she will call MMA to find out what implications are against Mr. Ryan and the town if the states says to go ahead and find out if Mr. Ryan is legally grandfathered.

Mr. Ryan and Mr. Sanborn give a rebuttal to Mrs. Brendt, however due to multiple parties talking, the recording is inaudible.

Mr. Espinosa Notes that Mrs. Brendt will be contacting MMA

Mrs. Wright Asks what, on the table, will this be called.

Mr. Espinosa Replies this is looking at retail shops, office use, professional business, medicinal and clinic, in which they are in village zoning.

Mr. Ryan States this is a retail shop that would require a card to enter the building.

Mrs. Wright Motions to vote this under table “retail shops, office use, professional business, medicinal and clinic”. Mr. Yale seconds this and the board votes unanimously in agreement.

Mr. Espinosa Motions to approve the completeness of the application. Mr. Stacey seconds this. The board votes unanimously the application is complete.

The board schedules a site walk

**Site Walk Scheduled for William Ryan on
Saturday, October 13th at 9:00 am**

Mr. Ryan Agrees to call and receive the address for the abutting property across the river and will send this information to the chair.

The board schedules a public hearing to be held after the site walk

**Public Hearing Scheduled for William Ryan on
Saturday, October 20th at 9:00 am**

Other Business

Mr. Espinosa Asks the board members if they have any other topics they would like to discuss and confirms with Mr. Bower that Mr. Krolick and Mrs. Wright have been sworn in, in which Mr. Bower confirms this is correct, they have been.

Mr. Krolick States his concerns with Watson Woods and suggests they have the town lawyer nit picking through everything to ensure they have legal grounds.

Mr. Espinosa States they cannot discuss another applicant when the applicant is not present, but as a general purpose, he encourages board members to have their own opinion in how it best serves the town in that agenda item as well as considering the town itself.

Mr. Stacey Reiterates the boards job is to follow the rules.

Mr. Krolick Reiterates he is suggesting that the board obtain some substance in preparation for the public hearing in case there is a lot of opposition from the town.

Mr. Espinosa States they have a town lawyer for legal standing, and he will provide him and Mrs. Wright the proposed plan for Watson Woods as well as any consultations and other correspondence.

Mr. Yale States the comprehensive plan is out of date.

Mrs. Wright Asks Mr. Bower when the comprehensive plan was written, in which Mr. Bower states it was 1990. Mrs. Wright states she wouldn't rely heavily on the comprehensive plan. And once they have been through the hearing, they can try to get them to negotiate things.

Mr. Espinosa Asks the public for any further comments or questions

Mrs. Brendt States her concerns with the marijuana ordinance and in contacting MMA she wanted to ensure the town does not have to deal with any legal issues.

No more public comment is presented

Mr. Stacey Motions to adjourn the meeting. Mr. Espinosa seconds this. The board votes in favor to adjourn the meeting. Meeting is adjourned at 8:53 pm.