

**Parsonsfield Board of Appeals  
634 North Rd Parsonsfield, ME  
Tuesday, February 18<sup>th</sup>, 2020**

Request for Reconsideration for the  
Administrative Appeal for Watson Woods Subdivision  
Minutes

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

**Absent:** None

**Also, In Attendance:** Lindsay Gagne, Jeff Wright, Michael Nelligan, Jesse Stacey, Jesse  
Winters (CEO), Harvey Macomber, Edward Bower, Clifford Krolick, Nathan Wadsworth(Of  
Hiram), Jack Wadsworth(Of Hiram), Corey Lane(Of Porter)

**Mr. Sandahl** Opens the meeting at 5:00 pm. He explains the decision from the original  
administrative appeal was concluded on January 14<sup>th</sup>, 2020. The request for reconsideration was  
submitted on January 24<sup>th</sup>, 2020. He asks if all the board members have had a chance to review  
the request. The board confirms they have. He asks if any of the board members reviewed the  
letter of response submitted by the representatives of Watson Woods. The board confirms they  
have not. He determines the board will review the request for reconsideration submitted by Mr.  
Clifford and then decide how they should move forward.

**Mr. Nelligan** Asks if the board should review the minutes from the last meeting and approve  
them. He states in the last minutes, it wasn't clear if Mr. Crooker's vote was counted.

**Ms. Gagne** Clarifies Mr. Crooker's vote was counted on the motion made to reject the  
application; however, on the motion made to adjourn the meeting, Mr. Crooker had left as they  
were voting and so he did not cast a vote for that motion.

The board takes a few minutes to review the minutes from January 14<sup>th</sup>, 2020

**Mr. Sandahl** Motions to accept the minutes as they are

**Mr. Murphy** Seconds the motion

**The motion passes, vote 5-0**

**Mr. Sandahl** For clarification purposes, verifies Mr. Clifford is an abutter to the Watson Woods  
Subdivision

**Ms. Gagne** States the assessor's office has confirmed Mr. Clifford to be an abutter.

**Mr. Sandahl** Asks the board if they understand the request and what is being sought after in  
terms of relief.

**Mr. Crooker** States he surmises there were inconsistencies with the planning board report  
including their facts and findings. The planning board had done a shoddy job on the application.  
An example: The logging that occurred had devastated the brook located on the property.

**Mr. Sandahl** Suggests going through the request line by line. In the first statement of the request  
there is some claim of statements made at a Selectboard meeting for Appeals board members to  
recuse themselves.

**Mr. Crooker** States he was at that Selectboard meeting and the discussion of board members recusing themselves should have happened at the last Appeals board meeting.

**Mr. Winslow** States his intent on being here tonight was to ensure the board had a quorum for a meeting. Where there is a quorum, he will recuse himself from this request for reconsideration.

**Mr. Crooker** States he was on the planning board during the first Watson Woods application and made several statements pushing to reject the application. He will recuse himself from the request for reconsideration.

**Mr. Sandahl** Determines the board has a quorum of three members and they will proceed with reviewing the request. The initial statement of the request pertains to driveway permits being issued by the road commissioner. He is unclear if this is a requirement.

**Mr. Crooker** Suggests the planning board may have been required to ensure the driveway permits were issued.

**Ms. Gagne** Verifies there are only three members of the board reviewing this request with the other two members abstained.

**Mr. Sandahl** Reads “Article II, Section 6, N, 4, g; of the land use ordinance”, which is cited in the request, and cannot find language that confirms the driveway permits must be issued. The evidence here is not clear. He reviews the additional, numbered sections of the request  
#1: Regarding the CES independent review of the storm water management plan. He states this may fall under the jurisdiction of the subdivision regulations. The request is not clear and there is no evidence provided.

#2: The evidence is not clear here either.

#3 - #9: On sections #3 through #9: This all refers to the requirements for the shore land district zone and does not apply to this subdivision, where the parcel is not located in the shore land district.

#10: Regarding the CEO participating in the decision making process. This may refer to the subdivision regulations where the planning board procedure differs from that in the land use ordinance. The planning board would have to review the subdivision application in accordance with the procedures outlined in the subdivision regulations.

**Ms. Gagne** States there is an article in the subdivision regulations stating specifically that subdivisions must comply with other land use ordinances to meet the minimal dimensional requirements and performance standards. The procedures for conducting a planning board review of a subdivision are outline in the subdivision regulations and differ from what is in the land use ordinance.

**Mr. Sandahl** On #11, He states this is similar to #10 and there is some reference to a claim the CEO built a home on the parcel years ago. He is not aware this would be in the jurisdiction of the appeals board or how they would proceed to remedy the claim.

**Ms. Lane** States in an MMA (Maine Municipal Association) email addressed to the planning board, they were advised by MMA to adhere to all state regulations, land use ordinances and the comprehensive plan.

**Mr. J. Wadsworth** Asks if this is a public hearing.

**Mr. Sandahl** Asks Ms. Lane if she is here representing Mr. Clifford

**Ms. Lane** States she is not representing Mr. Clifford. Because the select board accused her of acting as a lawyer, she will not represent Mr. Clifford. She points out she was asked by David Bower, during the first application, to determine the proper land boundaries.

**Mr. Sandahl** States this information was not included in the written request for reconsideration and so there is no way for them to review her statements as this is not a public hearing.

**Ms. Lane** States she has made a FOAA request, where she obtained a copy of the above mentioned email from MMA.

**Mr. Sandahl** Reiterates, this information was not included in the request and the applicant has the responsibility of the burden of proof. He continues with reviewing the remainder of the request #12: Regarding the engineer drafting the sketch map. He states there are no attachments of any drawings or plans provided. He understands some professions will hire staff to complete administrative tasks for them. If the seal of the architect bears his name, then he is the one liable for the content created.

#13: There are a lot of statements here about the conclusions of other professionals but no evidence of testimony is provided. The request is not clear on what it is validating or seeking to resolve.

**Mr. Stacey** States this section seems to drift in multiple directions, making accusations there was deliberate intent with no basis to the claim. It is confusing to understand.

**Mr. Sandahl** Continues reviewing the remainder of the request

#14: This would adhere to the procedures outlined in the subdivision regulations and it is unclear what evidence is provided. He explains to the board they will need to decide if they will accept this request for reconsideration or reject it.

**Mr. Murphy** States the information provided here has been repetitive and confusing to understand

**Mr. Stacey** States there would need to be more clarification.

**Mr. Sandahl** States without any clear or concise evidence it makes this request hard to follow. The evidence needs to be provided by the person making the request.

**Mr. Sandahl** makes a motion to reject the request for reconsideration, for the appeal application for Watson Woods Subdivision, as it is written based on the lack of clarity and conciseness in the request.

**Mr. Murphy** Seconds the motion

**The motion passes. Vote: 3-0**

**Mr. Wright** States in the last appeals meeting, Mr. Sandahl stated “We don’t have the time or money to research the whole thing.”

**Mr. Sandahl** Explains it is written in the land use ordinance that the burden of proof is on the applicant.

**Ms. Lane** States Mr. Wadsworth has subdivided that parcel three separate times in less than five years.

**Mr. Stacey** Asks why Mr. Clifford wouldn’t include this information in his request or appeals.

**Mr. J. Wadsworth** Asks if this is a public hearing

**Mr. Sandahl.** States this is not a public hearing and he asks there be no further comment. The decision on the reconsideration can be appealed to Superior Court.

**Mr. Sandahl** Makes a motion to adjourn the meeting

**Mr. Murphy** Seconds the motion

**The motion passes. Vote: 3-0**

The meeting is adjourned at 6:12pm.

Draft completed by: Lindsay Gagne