

TOWN OF PARSONSFIELD
APPLICATION FOR A VARIANCE OR APPEAL
TO BOARD OF ZONING APPEALS

Name of Appellant Gerard Clifford

Mailing Address 993 North Road

City or Town Parsonsfeld State Maine

Telephone 207-929-0644 Map/Lot Abutter, Public Record

Name of Owner: Nate Sells Real Estate LLC Application in Parsonsfeld, Maine (De Novo Review)

The undersigned requests that the Board of Appeals Consider one of the following:

1. **An Administrative Appeal.** (Application for an administrative appeal shall be filed at the office of the Town Clerk, who shall notify the Chairman of Board of Appeals and the Code Enforcement Officer. No Fee.) Relief from the decision, or lack of decision, of the **Code Enforcement Officer** or Planning Board in regard to an application for a permit. The undersigned believes that (check one):

- An error was made in the denial of the permit
- The denial of the permit was based on a misinterpretation of the ordinance.
- There has been a failure to approve or deny the permit within a reasonable amount of time
- Other

Dear Parsonsfeld Zoning Board of Appeals,

I am filing an appeal with the ZBA in regards to multiple land use violations, And violations of the conditions of approval, in regards to the permits CEO Winters issued to Mr. Wadsworth Regarding the placement of foundations on lot one in Watson Woods subdivision. The foundation that has been put in on lot one in Watson Woods subdivision is not even in the approved building envelopes as required by law, and the final approval recorded in the Registry of Deeds. Lot 1 foundation is not only completely outside the building envelopes approved by the planning [board.it](#) is also now not meeting the hundred foot setback from the stream and wetlands it abuts because the foundation placement is outside the legally defined building envelopes. Mr. Wadsworth was required to restore the buffer facing the wetlands and stream, and the buffer facing the street he has done neither. This is required in our land-use ordinance and was a condition of approval regarding Watson Woods subdivision, And in accordance with our land use ordinance. Page, 21 Parsonsfeld land use ordinance number E buffering and screening. Read sections one and two. Also A, B and D, Page 22, Parsonsfeld land use ordinance. Also applicable page 23 landscaping read J, also read number one general requirement. I have also obtained definitive proof from the state of Maine that Mr. Nathan Wadsworth obtained a cut permit from the state of Maine on May 20, 2020. For the 55 acres he owns here in Parsonsfeld that are Watson Woods subdivision. Mr. Wadsworth is clearly in violation of the conditions of approval put on Mr. Wadsworth by the planning board and our land use ordinance only allowing for the cutting in approved building envelopes. On May 20, 2020 Mr. Wadsworth took out a cut permit on his 55 acres, with the date of completion of cutting to be 12-31-20. Mr. Wadsworth is even being disingenuous with the state, in regards to filing out his cut permit misrepresenting the facts on his cut permit. Stating when the state asked will this use change from growing forest products within the next two years his response was no. He lied to the state and told them that this was a working forest and he had no plans on changing it for two years pretending he was still in the forestry business. Lying to the state while he's building a subdivision. If that doesn't spell out how disingenuous this whole process has been I don't know what does Mr. Wadsworth does not know how to tell the truth. At the last appeals board meeting, ZBA board members George Stacey and Don Murphy both asked the question if Mr. Wadsworth did illegally cut should they do a site walk to check it out, or possibly contact the DEP. the cut permit Mr. Wadsworth filed with the state on May 20, 2020 is definitive proof that not only did Mr. Wadsworth lie to the state he lied to the planning board and the Zoning board of appeals. When Mr. Stacey and Mr. Murphy questioned about the possibility of illegal cutting on the property Mr. Wadsworth yelled out from the audience I don't own it anymore. Videotape available upon request. Also in regards to reviewing the latest application for lots one and two. The driveway permit from the state DOT expired a year and a half ago. How is it possible to build a driveway with an expired permit from the state. Mr. Winters obviously isn't

doing his due diligence if he's allowing Mr. Wadsworth to use an expired DOT permit. This is a serious public health and safety issue and the same problems we've had in the past with Mr. Wadsworth being disingenuous. Also I would like to note for the record the day after I requested these permits from the town clerk David Bower. Our town clerk David Bower the next day was photographed and videotaped doing site distance measurement checks on the lots in question measuring sight distance for lots one and two in Watson Woods subdivision. Other citizens also have photographs of our town clerk David Bower taking sight distance measurements on 160 for the lots closer towards Hussey Road. Why is our town clerk doing the job of the CEO and road commissioner. After the fact after the driveway was put in that's when Mr. Bower measures isn't that illegal. I thought measurements were supposed to be taken prior to a driveway being put in. How can the CEO Mr. Winters and the road commissioner Maya Larry sign off on something they didn't even do. I have cameras facing the road at no time was Maya Larry or Jesse Winters out here measuring sight distance. And the fact that they put in a driveway without having the states approval when the permit has expired is beyond troubling. I would also like to note on the cut permit Mr. Wadsworth filed to the state he lied multiple times. The state asked mr. Wadsworth will you be cutting within 250 feet of a wetland or 75 feet of a stream. His response again was no. Even though I have video evidence and a police report showing Eastman loggers were out here for almost a month cutting in the wetlands and through the stream. I would also like to note Mr. Wadsworth was ordered by the planning board to replant the buffer along the street on 160 in it's entirety at a cost of \$16,000. This is a requirement in our land use ordinance in multiple sections that I will quote down below and was also a condition of approval filed in the registry of deeds. To this date Mr. Wadsworth has done nothing in regards to replanting The buffer on the wetland side that he cut and the buffer on the street side that he cut illegally. Other than Mr. Wadsworth team to come out and have people put flags on trees that were already here I have photographic evidence to prove that these trees were not planted in the winter they were already there. More proof that Mr. Wadsworth is not adhering to the law. Also the driveways Mr. Wadsworth constructed Do not meet the standards of our land use ordinance. Page 24 land-use ordinance multi family residential development number B. All driveways must have a gravel sub surface of at least 12 inches in thickness and 2 inches of finish gravel. None of the driveways Mr. Wadsworth has installed in this subdivision meet these requirements. There's no gravel whatsoever. Also reference page 25 vehicle entrance and exit. Entrances and exits must be clearly identified by the use of an entrance and exit sign curb cuts and landscaping. Not only Are driveways not clearly defined, but there has been zero landscaping or buffering done to protect waterways or even plant grass. Also the developer has failed Mr. Wadsworth has failed to practice any erosion or sediment control measures as applicable on page 34 in our land use ordinance, read, C erosion and sediment, control measures number E stabilization timelines number G, mulch or other temporary erosion control measures shall be maintained until the site is permanently stabilized with vegetation or other permanent control measures. Mr. Wadsworth has done none of the above, no bales of hay no fencing to protect the wetlands none of the above .all erosion control measures, required under our land use ordinance. Page 36 Number two soil erosion control. Section a and b. Mr. Wadsworth has continually violated our land use ordinance, section A, of soil erosion control. States erosion of soil and sedimentation of drainageways wetlands surface water must be minimized by employing the following best management practices. Number A the least possible amount of disturbance must occur during site development in regard to tree removal D, vegetation and soil disturbance and soil disturbance in particular strips of naturally vegetative areas existing on the downslope side of the construction site must be maintained and undisturbed buffer areas. How is this possible to keep a buffer area to prevent Stormwater management runoff into the stream and wetlands when Mr. Wadsworth took out a cut permit from the state in violations of the conditions of approval and cut the wetlands and the whole property in it's entirety there's no buffer anywhere. Section B of soil erosion control. All exposed soil's during construction must be stabilized mulch covered or receded within 15 calendar days of disturbance of the completion of work whichever is sooner mulching the drainageways on slopes in areas exposed to wind must be stabilized by mulch netting the mulch rate is as follows. Mr. Wadsworth has done none of the above he has failed to follow numerous sections of the land use ordinance repeatedly. Page 37 land use ordinance section c, all drainage ways Swales wetlands and surface water must be protected from sedimentation by the installation of a silt fence barriers or hay bales barriers, such barriers must be installed prior to any digging soil removing the stripping of vegetation soil disturbance of any kind. The barriers must be installed at all points immediately down slope of all soil exposing activities. This has not been done there is a no buffer along the wetlands and stream frontage and the homes aren't even in the approved building envelopes because they can't meet the setbacks so they're having to put them in the wetland and stream. Section C also says in addition in areas Where slope exceed 15% all drainageways swells wetlands and surface water must be protected from sedimentation by the maintenance of a 100 foot wide vegetative buffer. All one has to do gentleman is come out here and do a site walk and see there is no buffer and foundations have been put in the hundred foot setback area outside approved building envelopes violating our local laws and state laws. Number D permanent final vegetation and mechanical erosion control measures must be installed by the time construction is completed. Number F same page erosion control measures shall be effectively maintained at all times. Page 61 Land use ordinance septic waste disposal number 11 a. Clearing or removal of Woody vegetation necessary to cite a new system and any associated fill extensions she'll not extend closer than 75 feet

horizontal distance from the normal high water line of a water body or the upper land edge of a wetland. Mr. Wadsworth clearly does not meet this requirement. Page 63, land use ordinance. Timber harvesting. Please read number one Shoreline integrity tributary streams wetlands. Mr. Wadsworth violated this section when he got a cut permit from the state. Number three same page of land use ordinance timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well distributed stand of trees is retained. Again how is that possible when Mr. Wadsworth took out a cut permit in violation of the Final conditions of approval, and cut the entire parcel in violation of the conditions of approval And a violation as well of our land use ordinance which clearly states only building envelopes are supposed to be cut on. Page, 64 land use ordinance number four, skid trails yards and equipment operation. Read. A. equipment used in timber harvesting and related activities should not use stream or tributary stream channels as travel routes Our surface waters. When Mr. Wadsworth clear cut the property several times in violation of the law each time he went straight through the wetlands I have photographic evidence in violation of our ordinances. Page, 76, number 20, A, erosion and sediment control. All activities which involve filling grading excavating or other similar activities which result in unstabilized soil conditions and which require a permit. Number one mulching and revegetation of disturbed soil not done, by Mr. Wadsworth as required under the ordinance. Number two temporary runoff control measures such as Hay bales silt fencing or diversion ditches. Number three permanent stabilization structures such as retaining walls or rip rap. Number D, same section. Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked on by use of riprap sod seed and mulch and other effective measures. Again Mr. Wadsworth has done none of the above. Page 77. Number one. Well mulch is used in Shell Be applied at a rate of at least one bail per 500 ft.² and Shell be maintained as a catch of vegetation is established. Number 2, anchoring the mulch with netting tag and twine and other suitable method may be required to maintain the mulch cover. None of these measures have been followed by Mr. Wadsworth he has continually violated multiple sections of the land use ordinance. The placement of homes outside of building envelopes is beyond troubling it is not only a violation of the agreement Mr. Wadsworth made that's recorded in the registry of deeds. It also violates our land use ordinance. With the placement of these foundations Illegally outside the building envelope abutting wetlands and streams is insanity, The stormwater is bound to destroy great brook. All because Mr. Wadsworth has failed to meet the requirements, of placing homes in the approved building envelopes. And failed by refusing to put a buffer in as required by law next to the wetland and Stream as well as along the road on 160 these are both required laws he should be following. Dear ZBA members for the multiple reasons stated above I feel Mr. Winters approval of this permit for lot one should be thrown out. The fact that the homes foundation is not in the approved building envelopes is enough to have this application thrown out. Also driveway that was constructed for lots one and two was approved by the town when the permit had expired from the state Dot .and after The driveway was constructed several weeks after it was constructed, the town clerk David Bower was out here measuring sight distance. How can you check sight distance after the fact when the driveway has already been constructed and the DOT driveway permit for the state expired. And why is Mr. Bower checking sight distance after the fact especially when it's not his responsibility, it's the CEOs and road commissioner responsibility. let alone the fact that because of the illegal placement of the foundation Mr. Wadsworth is encroaching upon the stream and wetlands to the point of where lot one the foundation placements are in violation of our land use ordinance and hundred foot setback rules from the wetlands and stream. I will be sending in documentation as well as bringing it to the appeal to prove my point. Thank you for your attention in this matter.

Sincerely,

Gerard Clifford,
Abutter

I certify that the information contained in this application and its supplement is true and correct.

Date: 4/27/2021 Appellant Signature: Gerard Clifford

You will be contacted by the Chairman of the Appeals Board to schedule your hearing.