

**MINUTES  
TOWN OF PARSONSFIELD  
PLANNING BOARD MINUTES  
6:00 PM  
Tuesday, April 21, 2021  
TOWN OFFICE BUILDING**

**I. Call to Order**

Rick Sullivan called the meeting to order at 6:00 p.m.

Present: Gerard Clifford, Allen Jackson, Thelma LaVoie, Rick Sullivan (left at 6:08 p.m.), Andy Yale (arrived at 6:53 p.m.), Sabin Beckwith (Alternate), Clifford Krolick (Alternate), Recorder Desirae Lyle

Guests Present: Selectmen Harvey Macomber, Roger Moreau, Jill Cramer – Attorney for Mr. Moreau, Michael LaLonde, Michael Nelligan, David Silk – Attorney for Mr. Nelligan, Jeff Wright (arrived after Agenda Item VII.)

**II. Correspondence**

Desirae Lyle noted that an email and letter were received from Jill Cramer, attorney for Mr. Moreau, on April 15, 2021. Hard copies of the letter have been distributed to the Board.

David Silk, attorney for Michael Nelligan, presented the Board with a substantial packet of information regarding Mr. Moreau's proposed project. Due to the size of the packet the Board discussed tabling this until later in the meeting or until the next meeting.

There was an intense discussion regarding the use of masks during the Planning Board meetings. Rick Sullivan left the meeting at this time stating on his way out that he "is done with the Planning Board and won't be back".

With Mr. Sullivan's leaving and Andy Yale's absence there was a discussion regarding having a quorum present moving forward tonight. Gerard Clifford will be recusing himself during the application process and vote for Mr. Moreau's project. Gerard noted that there are alternate Planning Board meetings present that can participate in the meeting.

Thelma LaVoie made a motion to continue the meeting. The motion was seconded by Allen Jackson. Motion carried with all in favor.

Desirae Lyle confirmed that according to the bylaws that the Board chair can designate the alternates as voting members but reminded the Board that the alternates would then be considered voting members for the duration of this project.

Allen Jackson made a motion to designate the alternates, Sabin Beckwith and Cliff Krolick, as voting members for Mr. Moreau's project. The motion was seconded by Thelma LaVoie. Motion carried with all in favor.

### III. Open to Public Questions

There were none.

### IV. Review of Minutes (March 16, 2021)

Gerard Clifford made a motion to approve the minutes as written. The motion was seconded by Thelma LaVoie. Motion carried with all in favor.

Allen Jackson asked Desirae Lyle if the Board could go into Executive Session if they need to tonight. Desirae will review the bylaws and State Statutes will the Board continues the meeting.

### V. New Business

#### A. Site Plan Review – Roger Moreau – 26 Reed Lane – Map R19, Lot 044 – Automotive Repair Shop

Gerard Clifford has recused himself from this project. Alternates, Sabin Beckwith, and Cliff Krolick have been designated voting members so that there is a quorum, and the Board can move forward in reviewing the project.

Sabin Beckwith asked when the packet was received from Mr. Silk. Desirae Lyle confirmed that Mr. Silk had delivered the packet tonight. Sabin asked when the submission deadline was. Desirae noted that the deadline for submissions was to be on the agenda was April 5, 2021. Sabin asked if it could be considered part of the agenda. Desirae stated that the Board can treat it as correspondence. After some discussion, the Board agreed that Mr. Silk submitted a substantial amount of information that the Board hasn't had a chance to look through.

Cliff Krolick mentioned that he would like to make sure that if approved, the automotive site is contained, and the Board's decisions enforced.

The Board reviewed Land Use Ordinance Article II Table 1: Table of Permissible Uses. *Auto, Rec. Vehicle, Small Engine Repair Shop* under "R" (Rural) is "S" which means, *Use requires special exemption permit from the Planning Board following site plan review, provided that the applicant shows by substantial evidence: a. there is no alternate site which provides both suitable to the proposed use and reasonable available to the applicant. b. that an environmental neighborhood impact report shows that there will be no adverse impacts on neighboring uses.* Cliff Krolick's concern is to make sure that the enforcement is there to avoid a junk yard springing up on the property.

The Board discussed if there were enough substantive changes in this application from the previous application submitted. Mr. Silk has presented a substantial amount of information for the Board to review. Allen Jackson asked the Board if they had any more questions before he opens the floor to public comments on this project. There were none at this time.

Ms. Cramer introduced herself as Mr. Moreau's attorney and corrected the Board, Mr. Moreau's property is in the "VR" (Village Residential) District which is an "R" and means, *Use requires site plan review permit from the Planning Board following site plan review (may be minor or major review)*. The reference earlier to the "R" District is inapplicable. The Board confirmed that Ms. Cramer is correct. Allen Jackson then directed the Board to Table 2: Dimensional Requirements Note: 4. *Planning Board may reduce lot size and frontage requirements if waste water disposal and other requirements in Ordinance can be met*. Allen asked the Board their thoughts and if they would like to hear from the gentleman from the survey company and the abutter. Thelma LaVoie noted that she would like to know if it is complete. Allen mentioned that he had concerns about the well heads that he had noted before seeing the documentation from Mr. Nelligan's attorney. There are laws that are written that the Board needs to review. Allen invited Mr. Moreau's surveyor to speak.

Michael LaLonde presented a survey map of the property. He directed the Board to Land Use Ordinance Article I Section 6 (D) (3). *Rear Lots: A rear lot (lacks frontage) that meets size requirements but is accessible only by a right-of-way that does not meet the width requirements may be used for a single dwelling or other single permitted use provided that the right-of-way existed at the effective date of this Ordinance or amendment, and that a wider right-of-way cannot be negotiated with abutting landowners, and that all other relevant provisions of this Ordinance can be met*. The survey plan shows a wider private way that extends from Maplewood Road past the first abutter and to Mr. Moreau's property. There is an adequate turnaround for emergency vehicles. This is a fifty (50) foot right-of-way. The Board confirmed that the deed is dated March 9, 2021. Mr. LaLonde confirmed the lot lines are the same, they used the existing lot lines of Mr. Tripp and Mr. Gilbert and extended the right of way north fifty (50) feet. There is now three hundred and seventy three (373) feet of road frontage meeting the town requirement. The elevation of the garage in regard to the wellheads were discussed. The garage is seventy (70) feet lower than the wellhead. Mr. LaLonde noted that Mr. Moreau has complied with DEP (Department of Environmental Protection) and put in what they required, which was a roofed over concrete pad for oil storage. This is temporary storage because the oil is picked up and disposed of. The Board asked that the paperwork from DEP be provided.

Mr. Silk submitted a drawing of the survey plan showing the distances to the wellhead from the garage. Mr. LaLonde believes that the law concerning three hundred (300) feet is about a public water supply that is servicing the public, if it's individual well or septic it would be one hundred (100) feet. Cliff Krolick noted that the Board's conditions need to be enforced and adhered to.

Mr. Silk gave Desirae Lyle copies of Maine Statutes that she will send out to the Board. In those statutes Mr. Silk noted that it says that an auto repair shop is prohibited from being within three hundred (300) feet of a private drinking well that is not on your own property. Mr. Silk suggested that the Board ask for more information before approving this application. The survey presented is only of the right of way.

Ms. Cramer expressed her feelings that the Board had the authority to determine if the application is complete or not and that the Board also has the authority to request additional information.

Sabin Beckwith noted that there is a lot of information to review as well as additional site review. Sabin's opinion is to table the matter. Thelma LaVoie agreed that there is a lot of information and she was unaware of the well. Allen Jackson noted that he studied the survey in between the March meeting and this meeting and noted the wellhead before Mr. Silk brought it up. Allen would like the Board to find out what the laws say about the Board approving a plan that might conflict with the position of a wellhead on private property.

Allen Jackson noted that on the survey plan there is a roofed over structure and that it's unclear what it is for. Mr. LaLonde clarified that that structure is for oil storage. Allen asked if there will be any secondary containment for the structure. This will need to be addressed and can be a condition for approval. Allen clarified that there are at least three things that need to be addressed. One (1) is to show how the road from the building ties into the gravel road that goes to the private railway. Two (2) A secondary containment for any and all petroleum products needs to be added to the roofed over structure. Three (3) the wellhead needs to be addressed and more research needs to be done with what is allowed through DEP.

Mr. Silk would like it noted that the oil containment shed is closer to the wellhead than the garage is.

Sabin Beckwith asked what is currently happening at the property. Mr. Moreau is currently working. Sabin asked if a Cease (Stop) Work Order has had been received. Mr. Moreau confirmed that he had not received anything. Allen Jackson also asked for Mr. Moreau to confirm that he is working in the existing garage. Mr. Moreau again confirmed that he has never received a Stop Work Order. The Board asked Desirae to call the Code Enforcement Officer. The CEO did not answer but Desirae was able to leave a message.

Andy Yale arrived at 6:53 PM. The Board discussed his participation regarding this project. Andy will complete a missed meeting affidavit prior to the next meeting on May 19, 2021 acknowledging that he reviewed the video, or the recording of the meeting and all documentation present presented

Cliff Krolick mentioned enforcement again. If this project is approved with conditions they will need to be enforced. Mr. Silk asked for clarification on what the process will be moving forward. Allen Jackson stated that if the three (3) action items are completed and presented to the Board he, as acting chair, would feel that the application is complete. The Board reviewed the decision made by the Planning Board in September of 2020 granting the approval for Mr. Moreau to operate. The Zoning Board of Appeals meeting in January of 2021 reversed that approval.

Ms. Cramer stated that it was her understanding that the ZBA granting Mr. Nelligan's appeal that Mr. Moreau, in her opinion, is submitting additional materials and supplementing the previous application.

Sabin Beckwith made a motion to table action on this project until the next Board meeting when the identified items have been addressed and given to the Board for

review. The motion was seconded by Cliff Krolick. Motion carried with all in favor. (Gerard Clifford did not vote.)

## **B. Schedule workshop from May 5th, 2021**

Gerard Clifford noted that he would like the board to hold a workshop to discuss the inconsistencies between the land use ordinance and the comprehensive plan the board discussed density soils and developments. Thelma LaVoie noted that the river/shoreland development needs to be addressed as well

Gerard Clifford also noted that the minutes for the planning board have not been posted to the website. Desirae Lyle noted that she had the minutes available for signing and as soon as they were signed, she would be sending them to the Town Clerk for posting.

The Board will need copies of the Comprehensive Plan, Land Use Ordinance and Subdivision Ordinance for the workshop meeting.

Sabin Beckwith made a motion to hold the workshop on Wednesday, May 5, 2021, at 6:00 p.m. The motion was seconded by Andy Yale. Motion carried with all in favor.

Desirae Lyle will make sure that the add in the notice section of Your Weekly Shopping Guide is sufficient for the workshop meeting and will make sure an agenda is posted on the town website.

## **VI. Executive Session, Pursuant to Title 1 § 405 (6) (A) Personnel Matter-Planning Board Member Duties**

Desiree Lyle shared with the Board Maine Statute Title 1 Chapter 13 Subchapter 1§ 405 (3) *Procedure for calling of executive session. An executive session may be called only by a public, recorded vote of 3/5 of the members, present and voting, of such bodies or agencies.*

Sabin Beckwith made a motion to enter Executive Session, Pursuant to Title 1 § 405 (6) (A) Personnel Matter at 7:29 p.m. The motion was seconded by Andy Yale. Motion carried with all in favor. (At this time, the members of the public left the room.)

Cliff Krolick made a motion to close the Executive Session and reconvene the regular meeting at 7:58 p.m. The motion was seconded by Gerard Clifford. Motion carried with all in favor.

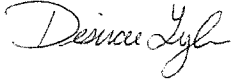
Gerard Clifford made a motion to have an agenda item on the May agenda to move up and elect a new vice chair. The motion was seconded by Andy Yale. Motion carried with all in favor.

Andy Yale made a motion to have the Secretary draft a letter to the Selectmen recommending alternate Sabin Beckwith be appointed to full-time planning board member status to fill Rick Sullivan's position. The motion was seconded by Gerard Clifford. Motion carried with all in favor.

**VII. Adjournment**

Cliff Krolick made a motion to adjourn at 8:01 p.m. It was seconded by Andy Yale. Motion carried with all in favor.

**Respectfully Submitted,**



**Desirae Lyle  
PPB Secretary**

**Approved by the Board at the April 21, 2021 Meeting.**

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**Chair, Vice Chair, Acting Chair Signature**