

APPLICATION FOR SITE PLAN REVIEW
PARSONSFIELD PLANNING BOARD

<u>Roger Moreau</u>	<u>570 Maplewood Avenue, Parsonsfield, ME 04027</u>	<u>207-793-4575</u>
Applicant Name	Mailing Address	Phone

<u>Roger Moreau</u>	<u>570 Maplewood Avenue, Parsonsfield, ME 04027</u>	<u>207-793-4575</u>
Owner Name	Mailing Address	Phone

<u>26 Reed Lane, Parsonsfield, Maine</u>	<u>Map R-19/ Lot 44</u>	<u>12 +/- acres</u>	<u>VR</u>
Site Address/Location (Map/Lot Number)	Lot Size	Zone Type (e.g.-R,VR)	

Exact Nature of Proposed Use: Auto, recreational vehicle, and small engine repair shop

Existing Use of Site: Residential

Applicability

This application applies to any proposed use listed in the Table of Permissible Uses which requires Site Plan Review.

Site Plan Content

Application must include the following exhibits and information:

1. One original fully executed and signed application for Site Plan Review (this document), plus nine (9) copies
2. Ten (10) copies of site plan drawn at a scale to allow review of list of approval criteria, and showing the following, when applicable:
General Submission Information:
 - a) name and address of all property owners within 500 feet of edge of property line
 - b) sketch map showing general location of site within the Town
 - c) boundaries of all contiguous property under control of owner/applicant regardless of whether all or part is being developed at this time
 - d) copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest
 - e) name, registration number and seal of the land surveyor, architect, engineer and/or similar professional who prepared any plan

Existing Conditions:

- f) bearings and distances of all property lines of property to be developed and source of information
- g) location and size of any existing sewer and water mains, culverts and drains that will serve the development whether on or off the property, along with the direction of existing surface water drainage across the site
- h) location, names and present widths of existing streets and rights-of-way within or adjacent to the proposed development
- i) location, dimensions and ground floor elevations Above Ground Level (AGL) of all existing and proposed buildings on the site
- j) location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site

- k) location of intersecting roads or driveways within 200 feet of site
- l) location of open drainage courses, wetlands, stands of trees, and other important natural features, with description of features to be retained and of any new landscaping
- m) location, front view, and dimensions of existing and proposed signs
- n) location and dimensions of any existing easements and ten (10) copies of existing covenants or deed restrictions

Proposed Development Activity:

- o) location of all building setbacks, yards and buffers, required by this or other Town Ordinances
- p) location, dimensions and ground floor elevations Above Ground Level (AGL) of all proposed buildings
- q) location and dimensions of proposed driveways, parking and loading areas, and walkways
- r) location and dimensions of all provisions for water supply and wastewater disposal
- s) direction and route of proposed surface water drainage
- t) location, front view, and dimensions of proposed signs
- u) location and type of exterior lighting
- v) proposed landscaping and buffering
- w) demonstration of any applicable State applications, or permits which have been or may be issued
- x) schedule of construction, including anticipated beginning and completion dates
- y) Space shall be provided on the plan for the signatures of the Planning Board and date, together with the following words, "Approved: Town of Parsonsfield Planning Board"

Supplemental Information

Planning Board may require additional information.

Approval Criteria

In approving site plans, the Planning Board shall consider criteria as listed in the Land Use and Development Ordinance Site Plan Review article. Before granting approval the Board shall make findings of fact that the provisions of this Ordinance have been met and that the proposed development will meet the guidelines of Title 30-A, MRSA, Section 4404, as amended.

The undersigned hereby makes application for approval of a Site Plan in accordance with the procedures and requirements set out in the Parsonsfield Land Use and Development Ordinance, and in conformance with the performance standards of said Ordinance.

NOTE: A Site Plan application must be approved unless in the judgement of the Planning Board the applicant is not able to meet one or more of the performance standards. Decisions of the Planning Board may be appealed in accordance with the provisions of the Ordinance.

To the best of my knowledge, all information submitted on this application is true and correct. All proposed uses will be in conformance with the application and the Ordinance of the Town of Parsonsfield.

Signed  Date 2-22-21
Applicant

For Planning Board Use Only: Date Received _____ By _____

**Complete and sign form - retain a copy for your records.
Submit one original and nine copies of form and all attachments to CEO with
\$25 application fee and \$150 escrow fee for Site Visit and Public Hearing expenses.
Applications and all attachments must be received at the town office
15 days in advance of scheduled meeting.**

ABUTTER LISTING
FOR ROGER MOREAU, FEBRUARY 22, 2010

TOWN OF PARSONSFIELD TAX MAP R-19

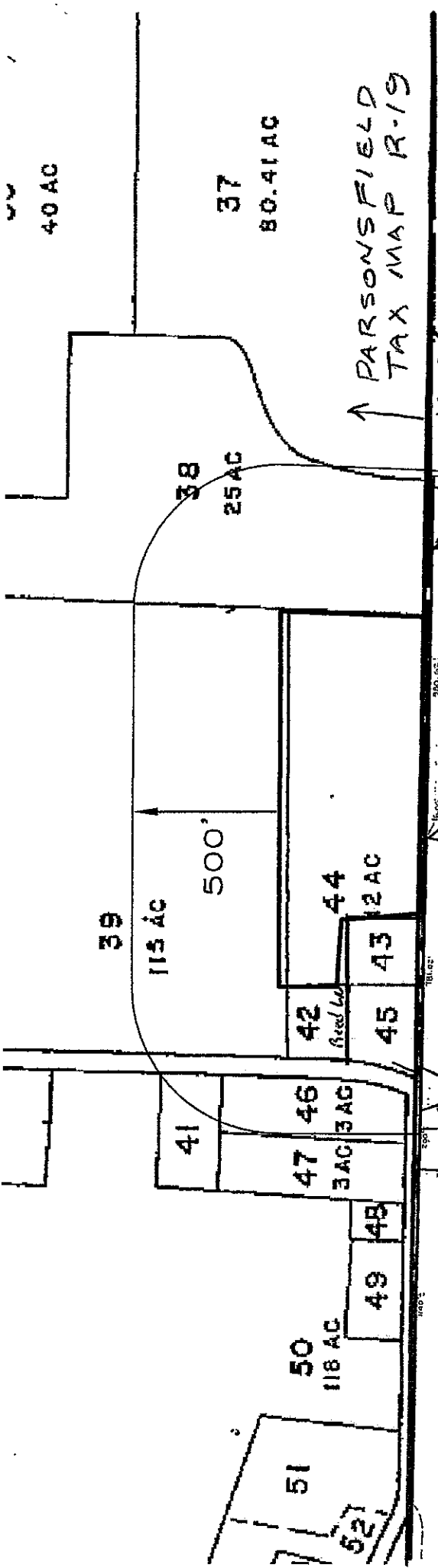
LOT #	NAME	ADDRESS
38	BARTON T. KNIGHT DANIEL S. KNIGHT	83 PINE RIDGE ROAD No. YARMOUTH, ME 04097
39	MICHAEL NELLIGAN	550 MAPLEWOOD ROAD PARSONSFIELD, ME 04047
41	KATHLEEN RALSTON BRUCE G. RALSTON	13813 FAIRE DRIVE ORE CITY, TX 75683
42	ROGER MOREAU JOSEPH MOREAU et. ali.	26 REED LANE PARSONSFIELD, ME 04047
43	HAROLD GILBERT	363A BOW LAKE ROAD NORTHWOOD NH, 03261
45	LARRY TRIP	PO BOX 146 W. NEWFIELD, ME 04095
46	DOUGLAS WILLIAMS NANCY WILLIAMS	498 WALTHAM STREET LEXINGTON, MA 02421
47	JOSHUA SPRINGER JASON SPRINGER	266 WAKEFIELD ROAD W. NEWFIELD, ME 04095

TOWN OF NEWFIELD TAX MAP 5

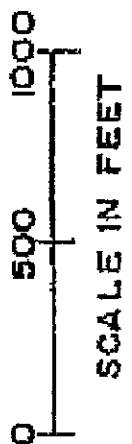
LOT #	NAME	ADDRESS
7	DONALD St. PETER GAIL St. PETER	95 TELEGRAPH HILL ROAD ANDOVER, MA 02050
8	HEAVEN'S GATE FARM, LLC.	595 MAPLEWOOD ROAD W. NEWFIELD, ME 04095
9	MARLEE E. POLITESSA KYLE S. BURNHAM	635 SPRING ROAD W. NEWFIELD, ME 04095
9.1 (SAME AS LOT 7 ABOVE)	DONALD St. PETER GAIL St. PETER	95 TELEGRAPH HILL ROAD ANDOVER, MA 02050
9.2	JOHN TURCHI	15 FAUN DRIVE GRANBE, CT 06035
9.3	JOSEPH P. GABREE BRANDI L. GABREE	PO BOX 133 W. NEWFIELD, ME 04095
9.4	BERNARD A. CHARRIER, Jr. SHARON B. CHARRIER	675 SPRING ROAD W. NEWFIELD, ME 04095

TOWN OF NEWFIELD TAX MAP 4

5	TIMOTHY ROWE LAURA ROWE	625 SPRING ROAD W. NEWFIELD, ME 04095
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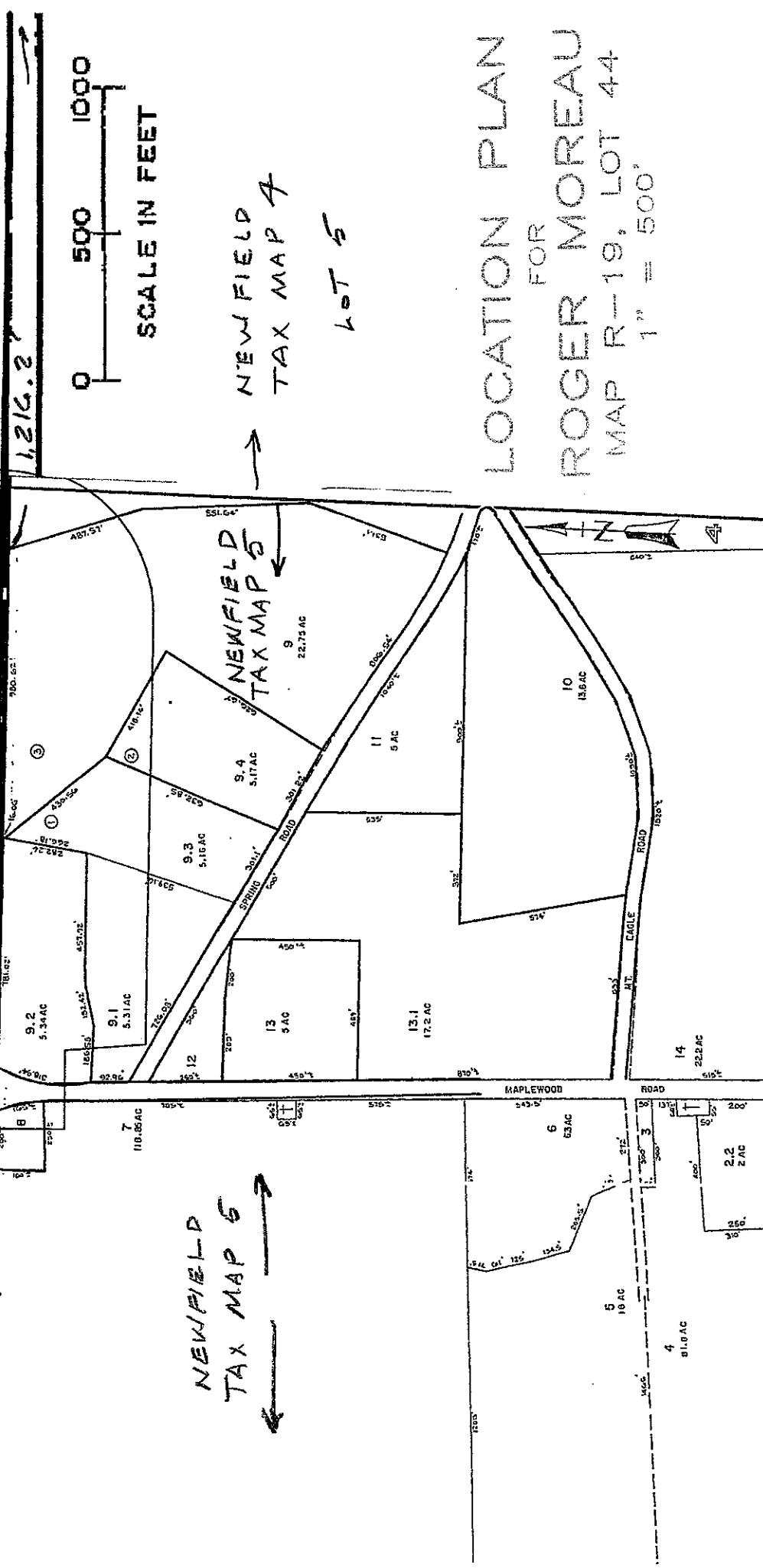
PARSONSFIELD
TAX MAP R-19



NEWFIELD
TAX MAP 4

LOT 5

LOCATION PLAN
FOR
ROGER MOREAU
MAP R-19, LOT 44
1" = 500'



NEWFIELD
TAX MAP 5

WARRANTY DEED

I, **EILEEN CALNAN**, of 159 Wakefield Road, P.O. Box 23, West Newfield, County of York, and State of Maine 04095,

grant with **WARRANTY COVENANTS** to **ROGER K. MOREAU AND JENNIE A. MOREAU**, with a mailing address of 585 Maplewood Road, West Newfield, County of York, and State of Maine 04095,

as joint tenants and not as tenants in common the following described property, namely:

An easement and real property, in the Town of Newfield, County of York and State of Maine, described as follows:

An easement and right of way leading from Maplewood Road, so-called, upon, over, across and through certain parcels of land now or formerly of Sarah G. Reed located on the easterly side of the road leading from Maplewood Post Office to Parsonsfield, also known as Maplewood Road, in the Town of Parsonsfield, County of York and State of Maine, being more particularly bounded and described in certain deeds from Arthur Duford dated February 22, 1946 and recorded in the York County Registry of Deeds in Book 1054, Page 35 and from Esther M. Baker dated September 2, 1975 and recorded in the York County Registry of Deeds in Book 2133, Page 219 and from Maurice P. Reed, Sr., dated October 24, 1991 recorded in the York County Registry of Deeds in Book 5867, Page 211 to a certain parcel of land now or formerly of Sarah G. Reed located on the easterly side, but not adjacent to, the road leading from Maplewood Post Office to Parsonsfield, also known as Maplewood Road, in the Town of Parsonsfield, County of York and State of Maine, for the purpose of ingress and egress by foot, animal and vehicle to and from the said Maplewood Road and the said land of Maurice P. Reed, Sr. and for the use, introduction, installation, maintenance and repair of utility services, including but not limited to electricity, and the right to excavate, grade, fill, and install culverts and make cuts on, over and across said easement and right of way all as the said Maurice P. Reed, Sr., his heirs and assigns may find reasonably necessary to install, maintain and repair said easement and right of way and the right from time to time to trim and to cut down and clear away any and all trees and brush now or hereafter on said easement and right of way.

Reference is hereby made to Easement Deed from Sarah G. Reed to Maurice P. Reed, Sr. dated October 24, 1991 and recorded in the York County Registry of Deeds in Book 5867, Page 212.

Also a lot or parcel of land, together with any buildings thereon, situated in the Town of Parsonsfield, County of York and State of Maine, lying on the easterly side of the road leading from Maplewood to South Parsonsfield and bounded and described as follows to wit:

Northerly by the Schoolhouse Road and land formerly of Luther E. Sanborn and land of

MAINE R.E. TRANSFER TAX PAID

Westerly by the aforesaid highway and land formerly of Luther E. Sanborn, being the field and pasture lot of Daniel C. Smith, late of Parsonsfield, and being the second parcel conveyed to the said Robert R. Smith by deed dated March 29, 1922 of Linwood E. Burbank, recorded in the York Registry of Deeds Book 707, Page 499 and deeded to Bernard St. Saviour by Robert R. Smith by this deed dated May 9, 1961.

Reference is hereby made to Warranty Deed from Bernard St. Saviour to Maurice Reed dated December 19, 1961 and recorded in the York County Registry of Deeds in Book 1501, Page 540.

Excepting from the above described premises any and all prior conveyances, including but not limited to Warranty Deed from Maurice P. Reed, Sr. to Edward P. MacDonald and Esther P. MacDonald dated September 30, 1993 and recorded in the York County Registry of Deeds in Book 6744, Page 175.

Being the same premises conveyed to the Grantor herein by Deed of Distribution of Eileen Calnan as Personal Representative of the Estate of Maurice P. Reed, Sr. dated currently to be recorded in the York Count Registry of Deeds.

Witness my hand and seal this 21ST day of MAY, 2012.

Margaret B. Brin
Witness

Eileen Calnan
EILEEN CALNAN

STATE OF MAINE,
COUNTY OF YORK

MAY 21, 2012

Personally appeared the above named EILEEN CALNAN and acknowledged the foregoing to be her free act and deed.

Before me,

Margaret B. Brin
Notary Public

Printed Name:

MARGARET B. BRIN
NOTARY PUBLIC, MAINE

My Commission Expires:

MY COMMISSION EXPIRES AUGUST 13, 2015

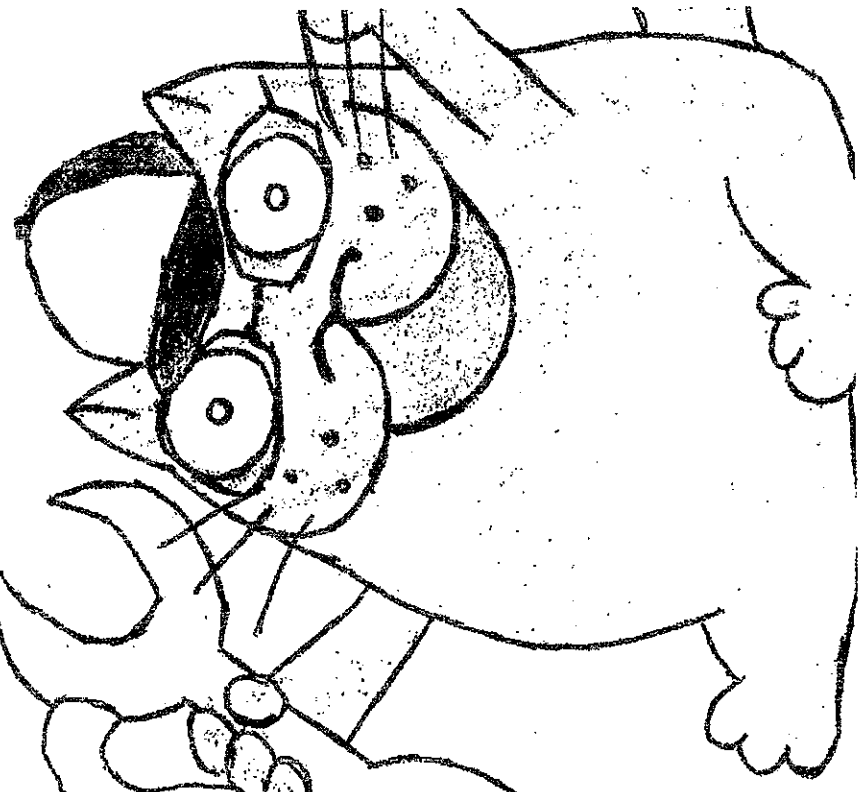
SEAL

End of Document

Cat

Big

Repairs



793-4575

By Appointment Only



Maine Department of Transportation

Janet T. Mills
Governor

Driveway/Entrance Permit

Bruce A. Van Note
Commissioner

LOCATION

Permit Number: 28428 - Entrance ID: 1

OWNER
Name: Roger Moreau
Address: 570 Maplewood Road
Parsonsfield, ME 04047
Telephone: (207)793-4575

Date Printed: August 18, 2020

Route: C321N, Maplewood Road
Municipality: Parsonsfield
County: York
Tax Map: R19 Lot Number: 42, 44
Culvert Size: inches
Culvert Type: N/R
Culvert Length: feet
Date of Permit: August 18, 2020
Approved Entrance Width: 22 feet

In accordance with rules promulgated under 23 M.R.S.A., Chapter 13, Subchapter I, Section 704, the Maine Department of Transportation (MaineDOT) approves a permit and grants permission to perform the necessary grading to construct, in accordance with sketch or attached plan, an Entrance to Commercial Industrial at a point 234 feet North from Mountain Road, subject to the Chapter 299 Highway Driveway and Entrance Rules, standard conditions and special conditions (if any) listed below.

Conditions of Approval:

This Permittee acknowledges and agrees to comply with the Standard Conditions and Approval attached hereto and to any Specific Conditions of Approval shown here.

(G = GPS Location; W = Waiver; S = Special Condition)

G - THE ENTRANCE SHALL BE LOCATED AT GPS COORDINATES: 43.674850N, -70.911040W.

S - In the town of Parsonsfield on the easterly side of Maplewood Road, the centerline being approximately 234 feet northerly of the centerline of Mountain Road and approximately 13 feet northerly of utility pole 89.

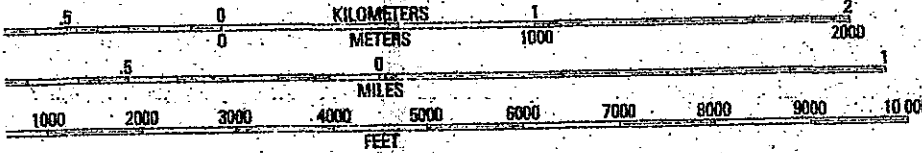
S - The entrance shall be paved, at a minimum, from the edge of the existing highway pavement to the edge of the highway right-of-way / owner's property boundary.

Approved by: Anthony Testa Date: 8-18-2020

**WEST NEWFIELD QUADRANGLE
MAINE-NEW HAMPSHIRE
7.5 MINUTE SERIES (TOPOGRAPHIC)**

SCALE 1:24 000

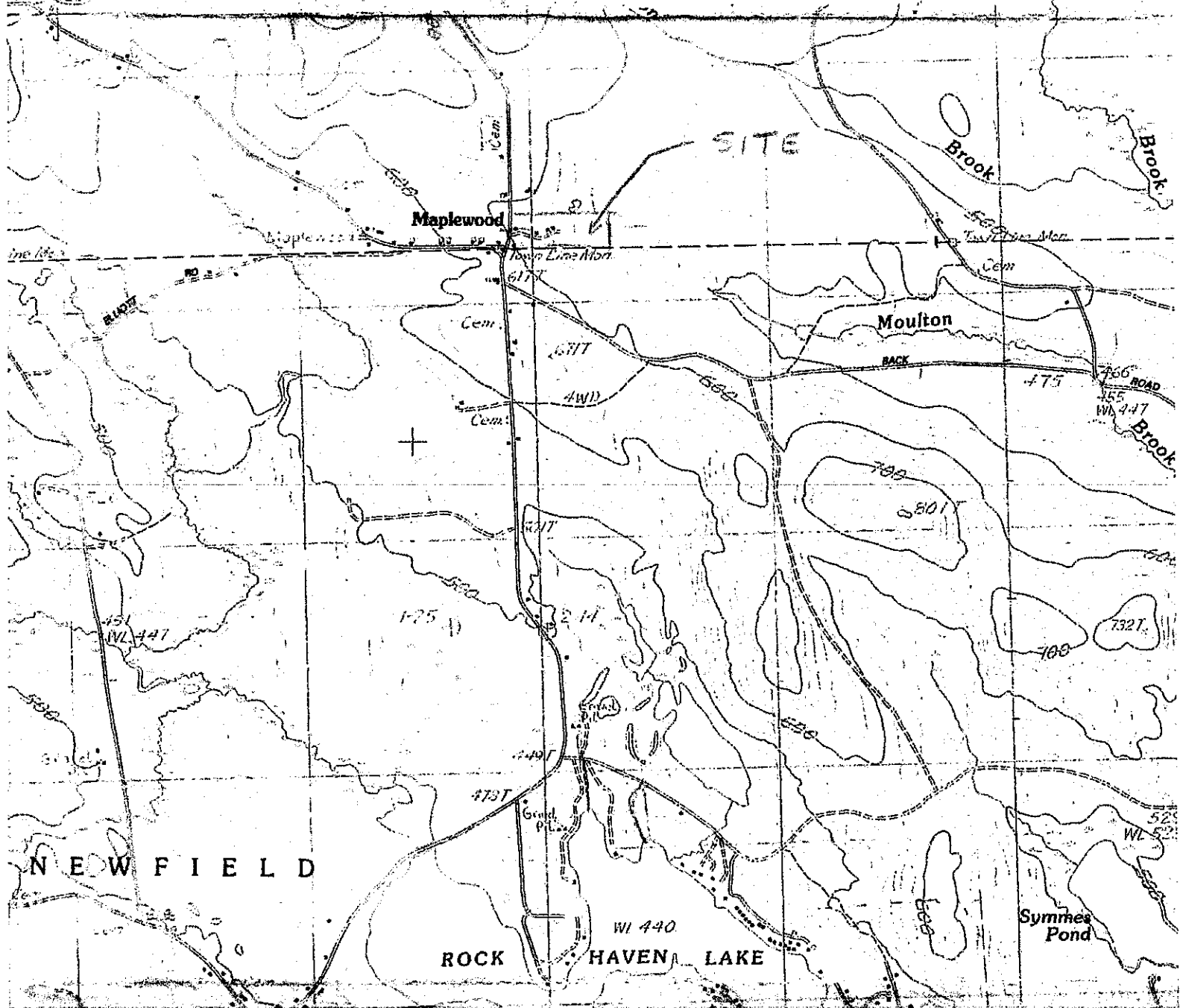
INTERIOR- GEOLOGICAL SURVEY RESTON



CONTOUR INTERVAL 20 FEET

To convert meters to feet multiply by 3.2808
To convert feet to meters multiply by .3048

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, RESTON, VIRGINIA 22092



Soil Map—York County, Maine
(Moreau, Parsonsfield)



Map Scale: 1:2,460 if printed on A landscape (11" x 8.5") sheet



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BrB	Brayton and Westbury fine sandy loams, 0 to 8 percent slopes	2.1	14.0%
BsB	Brayton and Westbury very stony fine sandy loams, 0 to 8 percent slopes	2.3	15.2%
Ch	Chocorua peat	0.5	3.0%
CoC	Colton gravelly sandy loam, 8 to 15 percent slopes	1.7	11.6%
SkB	Skerry fine sandy loam, 0 to 8 percent slopes	8.3	55.5%
SrC	Skerry fine sandy loam, 8 to 15 percent slopes, very stony	0.1	0.6%
Totals for Area of Interest		14.9	100.0%

TOWN OF PARSONSFIELD

Planning Board
634 North Rd Parsonsfield, Maine 04047
(207)-625-4558 FAX: (207)-625-8172
planning@parsonsfeld.org

September 15th, 2020

Roger Moreau
26 Reed Ln
Parsonsfield, ME 04047

RE: Notice of Decision and Finding of Fact
26 Reed Lane, **Map: R19 / Lot#44**
auto, rec, vehicle & small engine repair shop

Dear Mr. Moreau,

The Planning Board of the Town of Parsonsfield has conducted and finalized its review of your site plan review application. Below are the findings of fact and conclusion.

Findings of fact

The applicant has proposed to use the existing garage, located at the residence of 26 Reed Lane, for an auto repair shop/ business. The applicant purchased the front lot on MapR19 / Lot# 42 gaining access and road frontage to the right of way 26 Reed Lane. The existing garage is a 20-foot by 30-foot building with a single bay to conduct vehicle repairs. The business operator/owner would be Mr. Moreau himself and the proposed business hours were to be Monday through Friday from 8:00 am to 5:00 pm. The commercial use of this property was to be designated to the garage and parking space made available for customers. Parking was proposed on both sides of the driveway at the driveway entrance, both spaces being approximately 60 feet by 60 feet to allow for parking space. A hazardous material storage shed was proposed to be built on top a concrete slab to the right of the garage for storage of used motor oil.

The location of the property is identified on Assessor's Map R19, Lot# 44 in the Village Residential district as designated on the zoning map of the Town of Parsonsfield and as defined in the Towns Land Use and Development Ordinance. The proposed use was identified from the Table of Uses in the Land Use Ordinance as an Auto, Rec, Vehicle and Small Engine Repair Shop. The property is currently used as a residence and accessed by a right-of-way off Maplewood Road. Maplewood Road is also a state aide road that requires a Maine DOT permit for a change of use which was permitted by ME DOT on August 18th, 2020.

The above described site plan review application was received by the planning board on May 7th, 2020. A site walk was held on August 1st, 2020. A public hearing was held on August 18th, 2020. Other landowners abutting the property conveyed to the planning board their concerns both in writing and verbally in public meetings. Some concerns included, but are not limited to, increased traffic along the right-of way, noise levels generated by the proposed business and a decrease in the historical appeal of the village residential area. Other abutters noted on record their support and approval for the project.

Based on the above finding of fact, the Parsonsfield Planning Board makes the following conclusions:

- The proposed use would include both a commercial business of an auto repair shop and the residential dwelling of the property/business owner. Because the applicant now owns the front lot (R19/lot 42), this gives road frontage to the rear lot.
- Maplewood Road is a State Aide road and requires a permit to be issued in accordance with Maine DOT. A signed permit was submitted on August 18th, 2020. After legal review from Maine Municipal Association, it was determined that the right of way (26 Reed lane) was grandfathered from Article II, Section 6, S, iv (page 40) and Article II, Section 6, N regarding the right of way.
- The right of way is now deeded under the applicant who also owns the parcel located on Map R19 / Lot# 42. There were no concerns from an abutter who share the right of way.

Therefore, the Parsonsfield Planning Board completed their review of this application on September 15th, 2020 and voted unanimously to approve the application by vote of 3-0

Decisions by the planning board can be considered for appeal by the Parsonsfield Zoning Board of Appeals by an aggrieved party under the Land Use and Development Ordinance Article 6, Appeals. Such an appeal will need to be filed to the board of appeals within thirty (30) days of this letter.

Respectfully,
Lindsay Gagne,
Parsonsfield Planning Board Administrative Assistant

For Chairman Rick Sullivam

From: David Lourie, Town Attorney for Town of Parsonsfield
Re: Proposed Findings of ZBA after Hearing January 12, 2021
To: Zoning Board Of Appeals, cc: David Silk, Jill Cramer, Attorneys for Nelligan and Moreau respectively
Dated: January 12, 2021

I recommend that the Board adopt the following findings of fact and conclusions of law (explaining your vote to grant the Appeal), at your next meeting when you accept the minutes of your January 12, 2021 meeting.

Counsel for the parties agreed that the Board hearing on the Nelligan Appeal should be bifurcated, and that the hearing on January 12, 2021 should be limited substantially to the question of *Whether the Planning Board erred in its factual and legal conclusion that: "Because the applicant now owns the front lot (R. 19/lot 42) this gives road frontage to the rear lot."*

The Board finds that the only evidence in the Record concerning merger of the front and back lots consisted of copies of two recorded deeds to Applicant, one in joint tenancy with his wife and the other in joint tenancy with his parents. The Board finds (1) that the deeds to the two parcels were *not* to identical grantees, and (2) the rear lot is nonconforming as to road frontage.

After considering argument made at the public hearing, the Appeals Board concludes that there has *not been lot merger* as required in the Land Use Ordinance, due to failure of the unity of ownership required for contiguous lots.

/s/

David A. Lourie