

**MINUTES
TOWN OF PARSONSFIELD
ZONING BOARD OF APPEALS MEETING
6:00 PM
Thursday, February 25, 2021
TOWN OFFICE BUILDING**

I. Call to Order

Chairman Jim Baron called the meeting to order at 6:02 p.m.

Present: Jim Barron, Don Murphy, George Stacey, Recorder Desirae Lyle, Dana & Darla Gould, Gerard Clifford

Guests Present: Selectman Harvey Macomber, Code Enforcement Officer Jesse Winter, Town Attorney David Lourie, Nathan Wadsworth, Amy McNally – Attorney for Mr. Wadsworth, Jeff Wright, Jack Hennessy, Corey Lane (of Porter)

II. Determine Quorum

This is currently a three member Board, with all three members present, therefore it was determined that a quorum is present which allowed this meeting to proceed.

**III. Open to Public Questions
(General Questions Not Related to the Agenda Items)**

Corey Lane asked for clarification that the Board is reviewing both of the applications and voting on completeness. Jim Baron stated that yes, the Board is reviewing both the Gould and Clifford applications for completeness.

IV. Review of Minutes (January 12, 2021)

George Stacey made a motion to approve the January 12, 2021 minutes as presented. The motion was seconded by Don Murphy. Motion carried with all in favor.

V. Business

A. Review Clifford and Gould Applications for Completeness

1. Determine Conflicts of Interest

Each Board member noted that they have no conflicts of interest regarding either appeal application.

Jim Baron noted that the Gould application was received in a timely manner and can be accepted as complete. The Board discussed Mr. Clifford's appeal and the date received. Mr. Clifford asked to address that remark. Mr. Clifford explained that Mr. Lourie's information was incorrect. Mr. Clifford filed his appeal the same

day as the Gould's, that application was denied, and he applied for reconsideration. Mr. Clifford's appeal was to be heard months ago, but because there was no quorum to proceed with review of the application at that time.

Amy McNally asked to speak and introduced herself as an attorney from Ralph Austin firm, and she is representing Nate Sells Real Estate, LLC. Ms. McNally noted that she, and her client have not received the application dated August 18, 2021. She noted for the record that, 'There was reference to Mr. Austin making representations about attorney Lourie, and we certainly don't disagree with representation about the timeliness of Mr. Clifford's appeal.'

Desirae Lyle reminded the Board that they need to vote to approve these applications as complete.

Don Murphy made a motion to accept both applications are complete, but Mr. Clifford's date of submission needs to be verified. The motion was seconded by George Stacey. Motion carried with all in favor.

2. Schedule Public Hearing

After discussion with Mr. Lourie and Recorder Desirae Lyle, the Board determined that Thursday, March 18, 2021 at 6:00 p.m. would work to hold a public hearing on these applications.

George Stacey made a motion to schedule a public hearing for both application on Thursday, March 18, 2021 at 6:00 p.m. The motion was seconded by Don Murphy. Motion carried with all in favor.

Desirae will notify the Selectmen and the office so that the public hearing can be advertised.

After more discussion the Board decided to schedule a snow date or a possible continuation public hearing.

George Stacey made a motion to schedule Thursday, March 25, 2021 at 6:00 p.m. as a snow date or continuation for the Thursday, March 18, 2021 public hearing. The motion was seconded by Don Murphy. Motion carried with all in favor.

3. Schedule Site Walk (if applicable)

The Board agreed that a site walk is needed. Mr. Lourie reminded the Board that this needs to be advertised as a meeting, all Board members should attend together, and the public is welcome but should not be influencing the Board members. Mr. Winters can also attend but should give his advice to the Board at the public hearing not at the site walk.

George Stacey made a motion to schedule a site walk for Monday, March 15, 2021 at 12:00 p.m. The motion was seconded by Don Murphy. Motion carried with all in favor.

Desirae Lyle will notify the Selectmen and the office so that this can be advertised as well.

Dana Gould asked for clarification on the motion for completeness. Mr. Baron stated that Mr. Gould's application is complete, and the Board is ready to move forward, and Mr. Clifford's application is complete, but the submittal date needs to be verified. Pending that verification both applications will be heard at the Thursday, March 18, 2021 public hearing.

VI. Adjournment

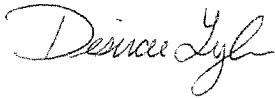
George Stacey made a motion to adjourn at 6:25 p.m. The motion was seconded by Don Murphy.

Before a vote was taken to adjourn Mr. Lourie asked to discuss the public hearing proceedings, specifically nonresident involvement. Mr. Lourie pointed out that Ms. Lane is here and is not a resident of Parsonsfield, the Board should verify if she will be allowed to speak at the public hearing. Mr. Lourie noted that Ms. Lane is not a resident and is not a lawyer. Mrs. Gould shared her opinion that Ms. Lane should be able to represent or be an agent for someone who needs help speaking. Jim Baron noted that this will be a legal proceeding and that Ms. Lane is welcome to come and consult the applicant, but she will not be allowed to address the Board. Mr. Clifford asked to clarify the situation, he explained that 'Mr. Lourie has been making this assertion without any facts, just like he made the assertion that my appeal wasn't filed in a timely fashion. He doesn't know what he's talking about. Ms. Lane got involved in this project because the Town Clerk called her at the Green Mountain Conservation Group, and she's been involved in this project on behalf of the Leavitt Plantation, and you have been trying to disenfranchise her involvement as if she is representing me as an attorney. There is documentation to prove that David Bower contacted her at Green Mountain for his advice on this project.' Mr. Lourie asked if Ms. Lane was here representing the Plantation. Ms. Lane asked to speak on her own behalf. Jim agreed and invited her to speak. Ms. Lane, 'Tonight is just a meeting, it's not a public hearing, but I feel Mr. Lourie is wrong and I can submit information to you about what a public hearing is, and that means that anyone can speak. You don't have to be a resident, you don't have to be anything, I'm not representing the Leavitt Plantation, but yes Mr. Bower contacted me in April of 2017 asking for my advice on this project and I participated with concerns for the Leavitt Plantation for some time. I don't understand why the Town and Mr. Lourie are doing this, and I feel that you need all of the facts before you hear him single out one person in the room that's been here since March of 2017.' Don Murphy noted that during his time in town government it has been a practice that anyone that does not live in town needs permission to speak. Mr. Clifford's opinion is that Ms. Lane was involved with the Planning Board process regarding this project and should be allowed to speak during the Appeals Board proceedings. Jim Baron noted that he will look into the matter concerning nonresidents speaking during public hearings. Mr. Gould asked how a nonresident would receive permission to speak. Jim believes that Ms. Lane would need to ask permission from the Board and the Board would need to vote and a two thirds majority would need to agree to let her speak. Again, Jim will be looking into this before the next meeting.

Michael Nelligan asked if the Zoning Board of Appeals is required to have bylaws. Jim Baron was unsure what Mr. Nelligan was referring to therefore he will look into this as well, but he believes that the Board has the Ordinances and State Statutes to follow.

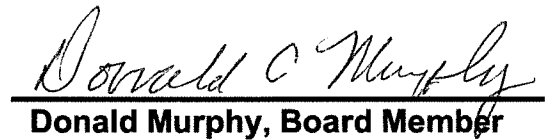
George Stacey made a motion to adjourn at 6:32 p.m. The motion was seconded by Don Murphy. Motion carried with all in favor.

Respectfully submitted,



Desirae Lyle
Zoning Board of Appeals Executive Secretary

APPROVED BY:


James Baron, Board Chair
Donald Murphy, Board Member
George Stacey, Board Member