

Dayton Planning Board September 13, 2016

Members Present: Dan Plourde, Bruce Reynolds, John Boissonnault, Darren Adams, Ryan Loshaw

Town Employees Present: Jim Roberts (CEO), Linda Bristol (Secretary)

Public Present: Steve and Lisa Morse, Kyle and Kaitlyn Mooers

Administrative:

Meeting Minutes from the August 16, 2016, meeting were read. Darren Adams made a motion to accept the minutes. Bruce Reynolds seconded the Motion. All voted in favor.

Old Business:

Jim Roberts sent an e-mail to Southern Maine Planning and Development Commission. A representative will attend the October 25th Planning Board Meeting.

New Business:

Steve and Lisa Morse attended the meeting in regard to their subdivision—Wilderness Acres off Bickford Road.

Lisa spoke and stated that they had purchased 45 acres from Ed and Sarah LeBlanc. There are Title issues and they have not been able to sell any lots. They had 21 acres under contract and lost the sale because the Title Company said it was in an illegal subdivision. There are now 42 acres remaining because they deeded three acres to their daughter Kaitlyn. They also lost two other sales. The 45 acres are listed as Lot 3. Lot 3 needs to be listed as remaining land and not Lot 3. Lisa gave the Board a letter from Attorney Rick Hull to show what he came up with. Kaitlyn and Kyle want to sell their house in the spring, but will not be able to as things stand now.

John asked if we make that change will she then be able to sell her house.

Jim said he was not sure if he agrees with all that Attorney Hull said in his letter.

Lisa said that Ed LeBlanc thought the 40+ acres was exempted.

John said but that was not correct.

Lisa said that the minutes show that we could sell a lot every five years. But, we got shot down three times.

Steve said they are unable to fix the road until they sell a lot. And, the Title Company said there is something fishy with the subdivision.

Jim said they would have to come back for Planning Board review when they sell a lot.

Lisa didn't think that is so if it had been listed remaining land at the time.

John said LeBlanc sold in less than five years.

Lisa responded to John and said that their intention was to gift to Kaitlyn and their son and possibly build a home themselves. Then sell one or two lots. We have deeded seven more acres to Kaitlyn and Kyle. We now have 35 acres. The reason Kaitlyn and Kyle want to sell in the spring is because they have bought land in Lyman.

Lisa said the original Title lawyer they hired assumed we had an exemption. When we pulled our daughter's permit it was an illegal subdivision.

Dan said that we will have our Town Attorney go over this. Unfortunately, there is nothing we can do today.

Jim said he will send the letter tomorrow.

John said the problem is that one lawyer may see it one way while another lawyer may see it another way.

Lisa said they have Planning Board minutes where David Ordway said we have the right to sell because we had the land over five years. He said that in 2012. We were told we could sell.

Dan said it is the road that needs to be widened.

Jim stated that when zoning changes, you need to follow them.

Lisa said she thinks it needs to be viewed as 2012. David Ordway said we can sell. She wishes we could follow that.

Dan said as far as he can see we need to wait to see if David Ordway agrees that it can be "remaining land" and not Lot 3.

Ryan said we have to give this to David Ordway. We cannot make the decision. He wishes we could, but we cannot.

Lisa asked if we could request that David Ordway look at this as 2012.

Lisa asked if he says "no," what to they need to do.

Jim said we had just done one for Cook's Brook. You just need to come in for Planning Board Review for one lot. You don't need to do a full-fledged soil test, etc.

John asked if that was the only sticking point.

Lisa said "yes" and if we can sell, we will have the money to widen the road.

Dan said we will table this until we hear from David Ordway.

Lisa said they will need guidelines from the Board on how to proceed.

Jim said when Ed sold to you it was an illegal subdivision.

Lisa said they were under the assumption if they waited five years, it would erase itself.

Jim said that was not correct.

Lisa said they don't want to prevent their daughter from selling.

John said we will hand off to the Town Attorney and go from there. He made a motion to table the matter.

Darren seconded the motion and all were in favor.

Other Business:

John asked about the notice we had from Hollis subdivision and Jim said it has nothing to do with us.

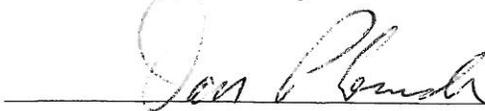
A motion to adjourn was made by Darren Adams. John Boissonnault seconded the motion. All voted in favor. The meeting adjourned at 7:30 PM.

The next regular meeting will be on October 11, 2016, and another one will be on October 25, 2016, regarding the Comprehensive Plan at 6:30 PM at the Dayton Town Office.



Date: 10/11/16

Linda Bristol, Secretary



Date: 10/11/16

Dan Plourde, Chairman

COPIES TO: Jim Roberts, Code Enforcement Officer; Selectmen; and Tax Assessor
THESE MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE
PARAPHRASED FOR CLARITY.