

Dayton Planning Board October 13, 2015

Members Present: Rand Clark, Bruce Reynolds, Dan Plourde, John Boissonnault

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

Public Present: Robert Yarumian, Robin Howard, Susan Paul, David Paul, Anthony Grant, Monica Armstrong, Virginia Brady, Tom McKenney, Richard Shaw, Yvonne Shaw, Craig Nolan, Christy Nolan, Peter Warren, Joan Warren, Nancy Harriman, Scott Ruby, Roger Hooper, Jason Buda, Dennis Buda, Marlene Buda, Susan Buda, Carol Bacon

Administrative:

Meeting Minutes from the September 15, 2015, meeting were read. Dan Plourde made a motion to accept the minutes. Bruce Reynolds seconded the Motion. All voted in favor.

Old Business:

None discussed.

New Business:

Marlene Buda attended the meeting with a Pre-Application for the Buda Family Subdivision. Robert Yarumian who is a Land Surveyor spoke first. He stated the list of what is in the Pre-Application. A non-biased decision was made on who gets what and what amount of property. This is not up to the Board. The names and percentages on the lots are very flexible.

Marlene Buda said that they have worked hard trying to accommodate family members. Her Great Grandmother, Anna Grant Buda, had no will so it went to Probate and all family got a percentage of interest. There is one surviving son, Anthony Grant, who is with us tonight. They are now trying to resolve family issues. As is, no one can build now. It can only be used for recreational purposes. They almost lost the land to taxes, but are caught up now. There are 126 acres. It is being used for farming by Ed LeBlanc. She said they have been working with a lawyer to figure out co-ownership and percentages. The farming does not cover the taxes. The only other way to resolve this would be to go to court and that would cost thousands of dollars. That is why they are trying to resolve it with the Board.

Marlene's grandparents, Rosemarie and Leo Buda, lived on the land and took care of the taxes. They don't want to lose the land. They do not want to overdevelop the land, just resolve the family issue.

Bruce Reynolds asked how much the taxes are. Carol Bacon said they are \$2700. Marlene said not quite \$3000.

Jim Roberts asked if a Judge has ruled on this. Marlene said they are trying to avoid court and are working with a lawyer. Jim said that if every family member does not sign off it

would have to go to Court.

Rand Clark asked how a son would have a lesser percentage than a grandson, i.e. Tony Grant has 9 percent.

Robert said that the percentage was not only quantity, but quality. They could go to Court with a Petition for Partition. The Judge would then divide the land up. The family does not want to do this because of the cost and control. The owners would have no say.

Marlene said they are not millionaires and don't have thousands to put into this. The ones who don't agree, want money. She said this is not going to happen.

Rand asked if anyone disagrees with the facts.

David Paul, who is an abutter, said it is factual, but not just solving a family issue. If a subdivision is authorized, a road would need to be made, lots would be sold, utilities would be needed and the land developed.

Jim stated that we cannot tell them they can't develop the land and Rand agreed.

John Boissonnault said dividing the land may solve the family issue, but there are other things that would need to be done.

Carol Bacon asked if there is a minimum lot size. It is five acres for a subdivision.

John Warren said that you need 500 feet for river frontage.

Monica Armstrong said that she did not understand. Would there just be a right of way to a lot and no street frontage. The right of way would be reserved for a road to be built.

Carol Bacon asked if each lot would need a well and septic and the answer was that they would.

Robin Howard wanted to know if this would involve moving the entrance to Buda Road. There is already a lot of traffic and this would create much more traffic which is a concern for her. She wanted to know if Buda road is of a standard to allow construction vehicles. She was told that it is.

Marlene stated that she is the first house, then her grandparents and Ed LeBlanc. The road would be busier with ten lots.

Jason Buda stated that the right-of-way is accessible to all lots by SUV or truck. The Town could move the road or build a road.

Robert referred to Exhibit 2 for driveway access for the lots. He stated that the house is being removed because it is old and rundown.

Nancy Harriman noted that if ten or twelve people own the property and the taxes are \$3,000 that if the land is broken up into lots that the taxes will be a lot higher. Will they be approving as buildable lots in phases?

Marlene said that right now just Budas are contributing to the taxes.

Carol Bacon said that the taxes are being paid with haying and pumpkin fees. A lot of times not being paid, but not all is coming out of their pockets.

Tom McKenney who is an alternate to the Saco River Corridor Commission spoke about the requirements of a subdivision and what has to be done to have buildable lots.

Jim said that once there are three parcels it becomes a subdivision. If you get approval, you don't have to wait five years if you want to sell. You need soil tests on the lots.

Susan Buda who is a granddaughter said that her grandparents wanted them to have the land. They are trying to do it the right way. There will not be 2,500 people on the land. Maybe only three homes in the near future. We want to work with the Town. Working to resolve issues with those who want money.

Yvonne Shaw who is a neighbor said she knew there would be buildings on the land eventually. Her concern is that the entrance to Buda Road is dangerous. If the road is to be moved the town would need to acquire the land. The road is not in great shape. She is very concerned about the intersection and the road itself.

Susan Buda said she does not believe that the road has been touched.

John asked Jim if the lots can be subdivided and Jim stated that that is a possibility.

David Paul stated that the road was a major part of discussion when Dearborn was talking about a pit. A study was done on the road and the dangerous nature of the intersection and road were emphasized. If a subdivision is going in, the road needs addressing.

Jim stated that anything to do with Buda road should be addressed to the Selectmen.

David Paul said he feels that approving a subdivision needs to take safety into account.

Christy stated that the next Selectmen's meeting is October 19th.

Peter Warren asked why they are here tonight?

Robert said this Pre-application meeting is the first step in requesting a subdivision. After this, there are two more steps.

Peter said so this preliminary just to share information?

Robert stated that some towns do not allow public speaking at the preliminary meeting.

Rand said that the goal of the family is to disperse the land.

Jim said what we have is a Pre-application.

Rand asking the family if there is a pressing time line.

Marlene said some want to build in a couple of years, but if not affordable then it would not be doable.

Monica Armstrong asked if the lots on the right-of-way have enough frontage.

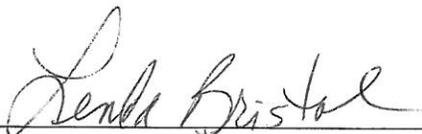
Jim Lot #4 is buildable because there is a house on it now. The lot has a right-of-way and frontage. The second building on the right-of-way would have to come up to spec. It would be up to the Planning Board if they wanted to waive paving or sidewalks.

Monica Armstrong said Lot #10 is wetlands and you can't build on wetlands. If in a flood zone, you can only build in the white zone. The building envelope shows where you can build.

John stated that if Monica wants to build, the others need to build a road.

Virginia Brady thanked all for being patient.

The meeting adjourned at 9:00 PM. The next meeting will be Tuesday, November 10, 2015, at 7:00 PM at Dayton Town Hall.


_____ Date: 11-10-15

Linda Bristol, Secretary


_____ Date: 11-10-15

Rand Clark, Chair

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