

**SELECTMEN'S MEETING MINUTES
FEBRUARY 8, 1994**

Regular meeting of the Waterboro Board of Selectmen.

PRESENT: Chm. Frank R. Allen, Jr. & John C. Monteith.
Also present: Selectmen's Assistant Dwayne Morin

REPORT OF STANDING COMMITTEES:

Selectmen's Secretary Nancy Brandt reported on a lot that was auctioned off in 1992. All correspondence pertaining to this lot was sent to Lake Arrowhead Estates %David Fisher which the town records show as the owner of the lot. Mr. & Mrs. Albert Ober purchased the lot from David Fisher and the deed was recorded 12/29/80 in Book 2739 Page 99. The town never received a copy of the deed. Mrs. Ober paid the taxes from 1980 through 1988 and assumed when the town saw their name and address on the check that the records would be changed. All foreclosure notices were sent to Lake Arrowhead Estates, and David Fisher never notified the town that the lot was sold and neither did Mr. & Mrs. Ober. David Fisher deeded the lot to the town 12/4/92 Book 6355 Page 44. This all came about due to her husband death and she decided to sell the lot. They bought the lot to build their retirement home on. Attorney Roger Elliott has been contacted and he suggests if she pays off the back taxes due in the amount of \$442.29, the town should offer her another lot from the swap pool lots. This would need town meeting approval also. Either she pick it out or the town can take pictures and send them to her and she can pick the lot out. The Board was in agreement to offer Mrs. Ober a lot in exchange for payment of back taxes.

DWAYNE MORIN: Dwayne has talked to Bob Abbott in regards to Moonpenny Lane. Bob is comfortable plowing with a pick up truck. Dwayne prepared a letter Stating Bob has permission to plow with a pick up. Atty. Roger Elliott has also reminded Dwayne that the Town Meeting vote for the Lions was for the town to have a guarantee. Dwayne has written a letter to John Kustron with copies of the town meeting minutes. Dwayne presented the Board with a draft letter that will be sent to Wilkes Harper at D.E.P. regarding the Leather Mill.

NEW BUSINESS:

PACE LANDING: Residents of Pace Landing and Mark Gagnon and Atty. Richard Hull was in attendance. The bank will pay 75% of the costs to get the road up to standards and would like to know where the other 25% is coming from. Also question if the town was negligent in allowing Mr. Beck to build without the road up to standard. Dwayne explained the history of Pace Landing. The way the letter of credit was constructed, there was no way the town could collect on it. When Mr. Beck sold the lots, he deeded 1/15th of the road to each lot owner and the town was not aware of this.

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Residents have a letter stating town would upkeep the road until a certain date, this was done in order to sell the houses. Residents feel that due to the bond expiring, there are five houses that should not have been build. There are two letters of credit one for \$5,000. and one for \$3,000. The bank is putting in

\$9,600. Total cost of the project is approximately \$12,000+-. Of the \$9,600. the bank is putting in is the \$5,000. bond money from the town. Chm. Allen stated the road will not be plowed or maintained by the town until accepted by the townspeople. No guarantee that it will be accepted. Sel. Monteith stated that the Road Review Committee will have to give their recommendation. Dwayne told everyone that the price is at town price from F H Scott. Mark Gagnon stated that he wanted to have the road paved as soon as possible. Residents are concerned over paying for the vacant lots. One resident is concerned that town is sending tax bills to houses that were build illegally. Is the town responsible for the houses being build without a bond on the road. Dwayne informed the residents that there will be no more building going on until the road is up to standards. Atty. Hull told the residents that if they don't pay the \$300.00 the deeds stated that they own 1/15th of the road it will be on their shoulders. Dwayne told them that the town will have an easement when it is accepted by the town. One resident stated that they have talked to two different attorney's and both have stated that the town is somewhat responsible and also the bank. The bank was still loaning money to Mr. Beck when he was going under, the town was issuing building permits when they didn't have a bond.

RUDY TURGEON & THOMAS TIERNEY: Came in to discuss a consent decree. Have gone before the Zoning Board of Appeals and was denied. Code Enforcement Officer, Van Foglio was present. Mr. Turgeon started in July when Mr. Tierney approached him, he was in the process of purchasing 5 acres from Joanne Andrews. He was given the setbacks by Tim Nelson and put the setbacks on the plot plan that he submitted when he applied for a building permit. The real estate transfer was made out for Map 9 Lot 10J-2 and that was what the building permits were made to. The correct lot is Map 9 Lot 10J-1. When Mr. Tierney came in a few months ago to get a permit for a porch, the plan that was submitted showed a right of way which was not on his original plan for the mobile home. Mr. Turgeon asked if the information to receive a building permit is left in the building office for one week, why aren't the violations picked up then not when the building is all built. Mr. Turgeon was told that the town issues the map and lot numbers when property is sold. Chm. Allen told him that the town does not issued the map and lot numbers, it is up to the lawyer or the real estate agent to put them on the transfer. Joanne Andrews was the real estate agent and she should have put the right map and lot number of the transfer. Mr. Turgeon showed the Board a plan is the mobile has to be moved. One major problem is that the septic would have to have a pump. Sel. Monteith asked if the violation could be resolve between them and Joanne Andrews. The right of way is just an old logging road, ATV's and snowmobiles are the only traffic on it. Chm. Allen feels that Mr. Tierney has leverage to go back to Joanne Andrews. Van stated that she blamed the lawyer and the town for the wrong lot numbers.

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Van also told them that if they had brought in the survey, it would have showed the right of way and this never would have happened. Right of ways are not depicted on the towns tax maps. Mr. Turgeon stated that the town has bent themselves over backwards to help out and appreciates it. Chm. Allen asked if they could get a respite until they can get it straightened out with Joanne Andrews. Dwayne suggested seeing if anyone else in their deeds has that right of way included and if they would be interested in dissolving the right of way. The Board was in agreement for them to work out with Joanne Andrews about moving the right of way with a deadline for getting back to the Board on or before May 1, 1994. Chm. Allen reminded them that if the right of way issue is not dissolved, then possibly a fine or the mobile may have to be moved to meet zoning.

SIGNED:

The Board signed the warrant for payment of bills and payroll.

ADJOURNMENT:

The motion for adjournment was made at 7:30 p.m.

approved: _____
