

**PLANNING BOARD MEETING
December 3, 2009**

The meeting was called to order at 7:00 p.m. by Harry M. Lowd, Chairman.

Board members present: George Masters, Earle Cooper, Bill Cummings, Jeff Eilenberg, Herb Watson and Robert Cushing.

Also present: Code Enforcement Officer Merle West, D. Wayne Russel, Karl Olson, Paul and Marjorie Aldrich

Earle Cooper made a motion to correct the minutes to the November 5th meeting to reflect that alternate Jeff Eilenberg was also eligible to vote.

Agenda

D. Wayne Russell, Map 10 Lot 10, 89 Erskine Farm Road

Surveyor Karl Olson spoke on behalf of Mr. Russell. Russell is the owner of the 155 acre parcel and wishes to sell 23 acres. Earlier this year Russell took a mortgage on 27 acres of the property (including his house). Olson submitted a letter and a survey plan entitled "Proposed Subdivision of Two Century Farm, LLC" to the board asking whether the sale of the 23 acres would create a subdivision. The plan shows the parcel split into three lots: Lot 1, with Russell's house and the mortgage; Lot 2, the 23 acres proposed for sale; and Lot 3, the remaining land. According to Olson, Russell's attorney does not feel the sale of the parcel creates a subdivision, the buyer's attorney says perhaps; Olson asked the Planning Board to clarify.

Chairman Lowd asked how long Russell has been living/homesteading on Lot 1 of the plan. Russell replied that it has been in excess of five years. The original piece of land was purchased by Russell's parents in 1962. In 2000 they transferred it to Two Century Farm LLC, and then Russell transferred it into his own name in December, 2006. Lowd asked CEO Merle West to recap his discussion with Maine Municipal Association's Legal Department. West spoke with attorney Becky Seel and asked her whether a mortgage deed constitutes a division of land. Seel replied that it did, but advised the parties to seek legal counsel. West said that the mortgage deed created two lots, and the sale of the 23 acres would create a third lot. Lowd also said that it was a legal issue and suggested the parties speak with their attorneys.

Russell said that he did not take the mortgage to make a subdivision, but to provide security as required to establish a line of credit at the bank. Earle Cooper suggested that Russell talk to the bank to see if the mortgage could be changed to include both Lots 1 and 3, and eliminating the issue of three lots.

Surveyor Karl Olson asked about subdivision requirements from the Town. Olson asked to be placed on the January 7th agenda. If he submits a plan, it must be turned in to the Town Office no later than 4:00 p.m .on Thursday, December 17.

Adjourned.

Submitted by

Heather Houston
Secretary
Bristol Planning Board

PLANNING BOARD APPROVED: _____