

Minutes for the Town of Preble Planning Board, July 22, 2010. Members Present:

Jim Harris, Dawn Lewis, Matthew Swayze, and Nate Currie. Also present were Town Attorney, Donald Armstrong, Code Officer, Rick Fritz, Town Supervisor, Jim Doring, Debbie Brock, Tom Fox and Joe Heath, together with applicant Nate Shirley and his attorney, Scott Chatfield. The meeting opened at 7:10 PM, following the Public Hearing.

Motion by Dawn Lewis, seconded by Matthew Swayze to accept the John H. Currie Sr. subdivision application. Vote 3-0, Nate Currie abstained, motion carried. Nate Currie was directed to file his mylar with the County Clerk and Jim Harris will note on the map the Planning Board approval, as Chairman. The maps will be further filed with the County Health Department.

OLD BUSINESS: Nate Shirley appeared with his attorney, Scott Chatfield concerning his pending subdivision application on Song Lake Road, known as Song Lake View. There was discussion concerning the prior Public Hearing that was held and closed. Mr. Chatfield stated the applicant was waiving all time issues at this time. Mr. Chatfield presented a new map showing revisions to the original lots 1,2, and 3. Mr. Chatfield also presented to the board copies of the Long Form Environmental Assessment form as well as a storm water pollution prevention plan "SWIP", as prepared by William D. Morse, P.E. Discussion was had concerning the Town's minimum lot size of 2 acres and the County Health Department's minimum lot size of 2.4 acres. Mr. Chatfield discussed the next steps to be taken in the application process and stated today's submission was a preliminary plat approval. If Health department approval can be received in a timely fashion, this will be on the August agenda, and if not, then the next presentation will be at the September meeting. Mr. Chatfield acknowledged the action taken by the Town to prevent "keyholing", by passing a local law, and indicated Mr. Shirley is still interested in granting lake access to the lots. Further discussion was had concerning the need to show on the map the distance between adjoining landowner's well and septic systems to the proposed lots.

Town attorney, Donald Armstrong suggested to the Board they may wish to consider hiring their own independent engineer to review what is being submitted, and Mr. Shirley would be asked to pay the cost of the review. Mr. Chatfield agreed but would like to have an estimate of the cost and have a defined limit. The Board is in agreement and will contact a few engineers for a quote and will hold a special meeting on August 5, 2010 at 7:00, prior to the zoning board meeting, to discuss the estimates and retaining an engineer. Mr. Chatfield finished his presentation at 7:45 PM.

Motion was made by Nate Currie, seconded by Dawn Lewis to seek bids from an independent engineer, motion carried with a vote of 4-0 in favor. The board then reviewed various provisions of the Town's subdivision ordinances concerning plat approval. Joseph Heath asked about Mr. Shirley's prior incomplete application and questioned why this subdivision was still before the board. Discussion was had and the board believed that the application had been accepted and acted upon and could not be dismissed at this time. The board believed they had followed proper procedure. Mr. Heath stated that he felt the board had received improper legal advice from former counsel and suggested that Mr. Shirley be asked to withdraw his application. At

this time, Town attorney Armstrong suggested the board move into Executive Session for the discussion of possible litigation. Motion was made by Matthew Swayze, seconded by Nate Currie, and the motion carried with a vote of 4-0 in favor. The board went into Executive Session at 8:10 PM for the purpose of discussing potential litigation. Motion by Matthew Swayze, seconded by Nate Currie to return from Executive Session at 8:30 PM. Vote 4-0, Motion carried.

MINUTES: Motion made by Chairman Jim Harris to approve the minutes of the previous meeting of June 24, 2010. Vote 4-0, Motion carried.

ADJOURNMENT: Motion by Matthew Swayze, seconded by Nate Currie to adjourn at 8:55 PM. Vote 4-0, Motion carried.

Mary Anne McCloskey, Secretary  
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