

Minutes of the Planning Board 8-27-14

Members Present: Jim Harris, Tim Coyne, Jim Seamon, Maureen Knapp, and Barb Albro. Also present, town attorney Donald Armstrong, Linda Riehlman, Ken and Deb Brock, Tony George, Terry Orr and Deb Putman.

The meeting opened at 7:00 with the Pledge of Allegiance. First on the agenda is the application of Terry and Linda Riehlman for a minor subdivision. Mr. Riehlman's sister-in-law Linda Riehlman is here on behalf of the applicants who are unable to attend, and she has the final mylar and print copies of their maps. Jim Harris read the letter from County Planning, regarding its review of the application. The County has determined that since the remaining 5.73 acre would be landlocked, it should be consolidated with parcel #38.00-02-03.000. Proof of consolidation shall be given to the town code enforcement officer. This would be done through Real Property Tax Services. Linda Riehlman confirmed that is the intent of the applicants. The Board then reviewed the maps submitted by the applicant. Don Armstrong said that the Town's ordinances prohibit creation of a landlocked parcel. Jim Seamon stated that the application could be approved contingent upon parcel (2) being consolidated with Mr. Riehlman's remaining 100 acres. Discussion ensued about whether the 100 acre parcel had frontage and was that parcel grandfathered as a non-conforming use, from the requirement that the parcel must have road frontage. Don noted that if it is grandfathered, does expanding the lot create a problem? After further discussion the Board determined the consolidation of the 5.73 acre parcel to the 100 acre parcel will not be an issue.

Motion to approve the application of Terry and Linda Riehlman for a minor subdivision contingent upon parcel (2) (5.73 acres) being consolidated with adjoining premises owned by the applicant, parcel #38.00-02-04.211, made by Barb Albro, seconded by Tim Coyne, all in favor, the motion carried.

Don noted that the zoning board regulations were revised in March. He will circulate revised copies from his office.

Jim Harris said he now has the final maps for Song Lake View for the Board to review. Don has reviewed the deeds and they have been circulated to the board members. Maureen asked what would prevent Nate Shirley from doing a hand-shake deal as he sells lots, to allow access over his lake property. Don stated he could give permission but would not be granting a legal right. Maureen asked why the easement was being transferred and not terminated. Don said the easement is transferred by the corporation back to Nate individually and then terminated. The deeds have been recorded. Discussion ensued regarding the mechanism for transferring the easement back to Nate Shirley and the extinguishment of the easement. Further discussion was had concerning whether the Keyholing Law could be circumvented. Jim Harris noted that anyone can give permission to enter the lake through their individual properties or have a party and invite guests.

Jim said the next step in the process is approval of the final plat and he will sign the maps as Chairman.

Motion made by Tim Coyne, seconded by Barb Albro to accept the maps as final with the conditions stipulated to having been satisfied, all in favor, the motion carried.

New Business/Comments: Tony George is concerned about whether the easement has been terminated and whether Nate Shirley can give 10-12 people access to the lake through his property. Don said the easement was granted to the corporation who is the applicant. Nate, individually transferred the easement to Song Lake View who held the easement. Therefore, the corporation had to convey the easement back to Nate and the corporation has no right to grant access. He further stated that Nate individually has full ownership of his lakeside parcel, and noted that while the original intent was to give access, that easement has been terminated. The Board has no control over what Nate can do as an individual owner. Don then read the specific language from the deed concerning the termination of the easement. Tony's concern is about the introduction of invasive species to the lake. Don said that any property owner could allow a boat in and there is always the reality that it could happen. Tony then asked if Nate sells his property does a new owner have an easement? Jim Harris said there is no easement – it has been terminated. Don further noted that any property owner can give anyone an easement across their property if they have sufficient road frontage; it is permissible, provided it complies with the Keyholing Law.

There being no further comments, the board then reviewed the July minutes. Jim Seamon moved to accept the minutes, Maureen seconded, all in favor, the motion carries.

Motion to adjourn made by Tim Coyne, seconded by Jim Seamon, all in favor, the motion carried and the meeting adjourned at 8:15 PM.

Respectfully submitted,

Mary Anne McCloskey, Secretary