

## **Liberty Planning Board Minutes**

May 11, 2017, convened 7:00 pm, Liberty Town Office

**Attendance:** Peter Mallow, chair; Lou Pelletier; Vic Ahlefeld; Al Johnson; Norman Fuller; Kerry Black, alt; don Harriman, CEO; Danielle Blake, secretary.

### **II. Procedural**

1. Review minutes of April 13, 2017 meeting. Motion to accept by Ahlefeld, seconded by Johnson. Pass 5-0.
2. Comments by CEO on matters pertaining to the Planning Board.  
None.

### **III. Applications**

1. Nash, Cary. 24 Kirby Island Rd. Map 21 Lots 17 & 29. Contractor Thomas Bland. Application to install frost wall under existing non-conforming 47' X 20' camp with nearest point 19' from the HWM. Application was tabled at the April 13, 2017 meeting.

Harriman and Fuller visited the site. Harriman said there was no place to move the camp to make it more conforming. Fuller agreed. Black asked if the camp could be moved between the existing septic field and the road. Harriman said it would be too close to the road, that it couldn't meet the setbacks without being placed on top of the septic. Black asked about putting the camp in front of the septic. Fuller said that would eliminate the leach bed and also require cutting down some large trees. Johnson said it sounded like moving the camp was not feasible. Fuller said it comes down to what is practical—the camp could be moved but trees would have to be cut and it would be expensive. Mallow said then the board would then have to look at cutting trees within the SZ. Ahlefeld said the wording in the ordinance was "the greatest practical extent"—moving the camp was not practical. Motion by Pelletier to approve the application to lift the camp, temporarily set it back off the existing site, excavate the existing footprint, install a frost wall to support the camp, and put back the camp on the existing footprint. Seconded by Johnson. Pass 5-0.

### **IV. Public**

- Charlie Evans was present to discuss altering the plot plan for the Smiley Shores Subdivision approved in 1987. At the time, subdivision law stated that a state permit was not required for subdivisions under 20 acres. He said there could be a clause on the plot plan stating that 1 acre would be retained by the owners for a period of 5 years, allowing for a subdivision greater than 20 acres and still not require State DEP approval. He said the clause was inadvertently left off the plot plan approved by the Planning Board. His attorney Bill

Woodward said the current PB would have to change it. Mallow asked if Evans had any documentation. Evans said it's been 30 years and the clause is still in effect. Harriman said the Board may need a letter from the attorney. Mallow said the Board had the authority to allow the alteration, but wanted to know what was the statute. Fuller said they'd be able to get a copy of the statute from the DEP. Mallow asked Evans to furnish it. Ahlefeld said the Board would have to go by the current rules, both local and state. Fuller said it was a licensed subdivision that met the standard of the day. Evans said that from a title insurance standpoint, the wording makes a difference, and doesn't allow for a completely clear title if left as is. He said he could get the amendment and have it recorded with the registry of deeds. He said he had consulted with Mike Mullins from the DEP and that his attorney would know the mechanism to modify the plot plan. Blake will get a copy of the State subdivision rules. Black asked if the 2 lots were contiguous. Evans said they are under two separate names.

**V. Administration**

1. Pending application work.

None

2. Any other administrative matters that might properly come before the Board.

None.

Motion to adjourn by Ahlefeld, seconded by Johnson. Pass 5-0. Adjourned 7:35 pm.