

HIDDEN LAKE ASSOCIATION – EASEMENT AND SETBACK POLICY

Policy on Restrictive Covenant regarding “(5) EASEMENTS. STODDARD reserves easements in and over all of the lots within the subdivision for any of the following purposes: (a) service boxes, wires, and conduits for the transmission of electricity, telephone service, and other purposes, and for the necessary attachments in connection therewith; (b) storm drains and water drains; (c) any other method of conducting and performing any public or quasi-public utility or function over or beneath the surface of the ground ... STODDARD reserves a 10 foot easement on all lot lines...”

PURPOSE:

This policy was developed to (a) ensure and protect the health and safety of all HLA members and visitors on HLA land, and (b) to facilitate road construction and road maintenance for plowing and grading, and to ensure the safety of those people maintaining and using HLA roads. Enforcement of this policy may include fines, daily civil penalties allowed by law, injunctive relief, or any other enforcement action allowed by law.

DEFINITIONS

For purposes of this policy, the following definitions apply:

1. **HLA (Hidden Lake Association)** is also known as STODDARD in the Restrictive Covenants.
2. **Building** is any structure (such as a house, shed, barn, garage) with a roof and walls, constructed over a piece of land, and that is used as a place for people to live, work, do activities, store things, etc.
3. **Easement** is the right to use the real property of another for a specific purpose. The **easement** is itself a real property interest, but legal title to the underlying land is retained by the original owner for all other purposes.
4. **Setbacks** are building restrictions imposed on property owners per the Policy Terms and Conditions below.
5. **Written approval** is a dated letter on HLA letterhead, signed by the HLA Board, sent via USPS or as an attachment to an email, confirming the affirmative vote of the sitting Board of HLA, and outlining any conditions and deadlines pertaining to the approval. A copy of the Approval must be signed and dated by the person requesting it, agreeing to all the terms and conditions outlined, and mailed or emailed to HLA.

POLICY TERMS AND CONDITIONS

1. **Building setbacks** are governed by the Town of Stoddard, Community Planning Ordinance, Article III, paragraph 1 (as amended) which states: “Buildings shall be located at least twenty-five (25) feet from any road as measured from the edge of the right-of-way and at least twenty-five (25) feet from all lot lines. Accessory buildings with less than one hundred (100) square feet of floor area may be located within fifteen (15) feet from a side or rear lot line.” This includes Decks. Please refer to the Town of Stoddard for the most up to date version of this Ordinance.
2. HLA Roads were originally built for logging and are therefore erratic, uneven, and of varying widths. Some roads are not physically located where they were originally planned; some planned roads were never built; some roads and cul-de-sacs are smaller than planned. As a general rule, therefore, HLA considers that setback on all lots starts at the property line. The 10-foot easement on all lot lines starts on the property line and is most easily determined on the road-side of the property as 20-feet from the center of the road. Any issue between an HLA owner and the Restrictive Covenants regarding the 10-foot HLA **easement** must be resolved through a meeting with the owner and the HLA Board. Resolution will be made on a per case basis on the criteria of health, safety, and property values of HLA members.
3. If the HLA Board determines there is an **easement** concern with a particular property, that will be brought to the owners attention via a letter, email, or phone call to begin the process of reviewing and resolving the concern/issue.

The **HLA Easement and Setback Policy** was developed by the HLA Bylaws and Policy Committee during meetings from Fall 2022 through Winter 2023 and adopted by the HLA Board at the February 2023 Board of Directors Meeting on February 21st, 2023.