

From: [Michael Behrendt](#)
Subject: Main Street #19 - private easements
Date: Wednesday, April 06, 2022 3:34:13 PM

To the Planning Board (cc to applicant and several abutters),

After checking with the Town Attorney about the relevance of the Urso and Hall easements for the site plan application at 19 Main Street, I shared the gist of her comments with the applicant and abutters, i.e., that she advised the board that these issues are private matters. I asked about the relevance of the existing conditions and proposed conditions of the front area where the curving easement leading to Main Street is located (with potential access through the area impeded by parking spaces and other small structures) and the same applies there, that this is a private matter.

Please see the email from Dennis Meadows below regarding a provision in the Site Plan Regulations. I checked again with the Town Attorney noting that the arc easement is shown in front, though there appears to be some difference of opinion about the exact location of the easement, and no easement is shown in the rear along the Urso and Hall properties since there is not a specific description of the easement.

The Town Attorney advised me that what is being shown seems reasonable to her, but that the board could request more detailed information if it wishes or the applicant could seek a waiver from providing any more information. I will infer that what is depicted presently is sufficient, under the circumstances, unless the board wishes to discuss this further. However, at a minimum, I recommend that a note be added to the plan providing more information about the two easements.

Michael Behrendt

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From: Dennis Meadows <latailled@aol.com>

Sent: Wednesday, April 06, 2022 11:05 AM

To: Michael Behrendt <mbehrendt@ci.durham.nh.us>

Cc: prof.joshua.meyrowitz@gmail.com; Joshua.Meyrowitz@unh.edu; melodyofharpists@gmail.com; Beth.Olshansky@comcast.net; sandysu777@hotmail.com

Subject: From Dennis Meadows: Main Street #19 - private easements

Michael,

Thank you for sharing with me the opinion of Ms. Morgan. I have always understood and agreed with the view that the Planning Board can not be expected to adjudicate easement disputes.

However, Durham's Site Plan Regulations on pages 18-9 state specifically in provision 4.z:

[The plan of the site itself shall show: Location, widths and purposes of any easements or rights-of-way;](#)

Ms. Morgan is obviously not entitled to waive that explicit requirement on behalf of Durham, and Toomerf have ignored it. Until the Murphys comply with our town's site plan regulations, I believe any court would agree that their application is not complete

Sincerely, Dennis Meadows