



Dover, MA

George Chimento <gchimento@doverma.gov>

RE: 15 Park Avenue

1 message

John Dougherty <JDougherty@nutter.com>

Tue, Mar 18, 2025 at 9:53 AM

To: George Chimento <gchimento@doverma.gov>

Cc: "llovell@doverma.gov" <llovell@doverma.gov>, "nahmed@doverma.gov" <nahmed@doverma.gov>, "mdonovan@doverma.gov" <mdonovan@doverma.gov>, O'Brien Vincent <v.j.obrien@dover-law.com>

Good morning and thank you for your note. I don't believe the Town takes fee title to town roads but might take an easement in a town road. Either way, that does not affect the determination at the 1998 Town Meeting that Oakley be accepted for public use – which is the requirement for a "Street" under the Bylaw. The attached statute regarding the establishment of town ways only requires the Selectmen's layout and then acceptance at Town Meeting. There is no requirement for recording. Thanks and we will "see" you Thursday night.

John

Nutter

John Dougherty

Nutter, McClellan & Fish, LLP

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From: George Chimento <gchimento@doverma.gov>
Sent: Monday, March 17, 2025 6:13 PM
To: John Dougherty <JDougherty@nutter.com>
Cc: llovell@doverma.gov; nahmed@doverma.gov; mdonovan@doverma.gov; O'Brien Vincent <v.j.obrien@dover-law.com>
Subject: Re: 15 Park Avenue

Dear attorney Doherty

Thank you for this submission. I will forward to attorney Vincent O'Brien, who represents the Heers.

One point you should know and for which we would appreciate your view. It appears that Oakley was accepted by Town Meeting in 1960 but title has never been recorded as changing ownership to the Town of Dover.

Your view on this and its relevance would be appreciated.

Due to what seems to be a complex issue, the Board will not be coming to a definitive decision at the brief opening of the hearing on Thursday evening. When I do schedule a date for a more definitive presentation, I will be sure that you are informed so that, if you wish, you may appear on behalf of your client. The hearings are conducted with Zoom and personal appearance will not be necessary.

With kind regards,

George Chimento, Chairman

On Mon, Mar 17, 2025 at 4:09 PM John Dougherty <JDougherty@nutter.com> wrote:

All,

Please see the attached correspondence regarding the above-referenced matter. Thank you.

John

The logo for Nutter, McClellan & Fish, LLP, featuring the word "Nutter" in a bold, italicized, sans-serif font.

John Dougherty

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 **General Law - Part I, Title XIV, Chapter 82, Section 23.pdf**
148K

Part I**ADMINISTRATION OF THE GOVERNMENT****Title XIV****PUBLIC WAYS AND WORKS****Chapter 82****THE LAYING OUT, ALTERATION, RELOCATION AND
DISCONTINUANCE OF PUBLIC WAYS, AND SPECIFIC REPAIRS
THEREON****Section 23****FILING AND ACCEPTANCE OF PLAN**

Section 23. No town way or private way which has been laid out, relocated or altered by the selectmen or road commissioners shall, except as hereinafter provided, be established until such laying out, relocation or alteration, with the boundaries and measurements of the way, is filed in the office of the town clerk and, not less than seven days thereafter, is accepted by the town at a town meeting. This section shall not apply to cities.