

Preamble
Subdivision control

Based on some of the questions that were asked by the Board at the initial hearing and before discussing the substantive issues in regard to this particular situation, I thought it would be helpful for the Board to understand how a subdivision and related streets and infrastructure are created with a brief understanding of the evolution of planning and zoning. Several Board members believed that the mere existence of a street and or a lot shown on a piece of paper makes it a street or lot. That is not correct.

Prior to zoning a landowner could divide their property in any way they wished. The first zoning bylaw in Dover did not come into effect until 1933 and was very limited. Prior to the state subdivision control law there was very limited oversight on how subdivisions and related roadways were created. The term “subdivision control” is important. Think of those as two different words, “subdivision”, the division of land into lots with roadways and infrastructure and “control”. Who is in “control” of that process? Prior to the subdivision control law the owner of the land was in control and could do whatever they wanted. After the law went into effect and was adopted by cities and towns in the 1940’s certain rules and regulations were created by the state and filtered down to the towns to create a cohesive process of developing land in cities and towns in an organized manner.

People often ask me, what is the difference between the Planning Board and the Zoning Board of Appeals? This situation provides a good opportunity to define the different disciplines. The Zoning Board of Appeals interprets the town’s zoning rules and regulations, issues special permits based upon those regulations, may grant variances, if they believe the rules and regulations in a particular instance are onerous or create a hardship and rule on appeals from decisions of the Building Inspector. The Planning Board approves the development of undeveloped land and controls the design standards of roads and their related infrastructure. When the Planning Board approves a subdivision plan, they typically require that the construction of the roadways be completed within two years. In any event a subdivision plan Approval **terminates after eight years**. The Lot plan was prepared in 1926. Why does that happen? So that the planning board is always able to make sure that all roadways are in compliance with the then current construction standards. There are multiple recorded plans in the town of Dover that show paper streets that were never built, that based upon current standards, never will be built. The Parcel does not meet town standards and will never be built. The ZBA is being asked to determine whether a plan from 1926 showing a parcel of land that was never approved by any Planning Board as a subdivision and has never been constructed is a street.

APPLICANT'S MEMORANDUM

I. INTRODUCTION

The Applicants, Thomas and Christine Heer would like to build an accessory structure, a garage, on their property at 15 Park Avenue in Dover.

This matter comes before the Dover Board of Appeals from a decision of the Dover Building Inspector that the undeveloped portion of land abutting the Applicants land is a "Street" within the meaning of the Town of Dover Zoning Bylaws ("Dover Bylaws"). As a result of that determination, he imposed a twenty (20) foot setback requirement for the construction of the Applicants garage.

The Applicants' maintain that the property adjacent to the Applicants' property is not and never has been a "Street". It is an undeveloped parcel of land for which a seven and one-half (7.5) foot sideline setback is required.

II. BACKGROUND

1. The Applicants, Thomas and Christine Heer, have resided at 15 Park Avenue, Dover since September 16, 1999. Their property consists of lots 25 & 26, as shown on the original subdivision plan dated July 8, 1926 ("Lot Plan") (see Exhibit A)
2. Their property fronts Park Avenue and abuts a wooded, undeveloped parcel of land ("the Parcel") on their westerly lot line (see Exhibit B). At no time since the filing of the Lot Plan in 1926 has the Parcel been clear cut or used for any purpose other than as natural woodland.
3. The Applicants' property is in the R residential district which requires a minimum sideline setback requirement for accessory buildings of seven and one half (7.5) feet and a minimum twenty (20) foot setback requirement from a street.

4. The Parcel lacks any features of a functional roadway. The Parcel has never been passable for an automobile, police car or fire truck. It has no pavement, drainage or circle for turning around. The Parcel has never been maintained by the Highway Department. It has never been put to public use by the Park and Recreational or other Departments of the Town. The topography alone prohibits vehicle use.

5. On or about August 8, 2002, the Applicants filed for a building permit with the Town of Dover Building Inspector for the construction of an accessory building ten feet from their westerly lot line. The Building Inspector determined that the Parcel of land adjacent to the Applicants property was not a street and that the 10-foot setback of the building was within code requirements. The structure was built and approved without objection. (see Exhibit C).

III ARGUMENT

A. The 2002 Building Inspectors Determination Should Be Upheld

The current Building Inspectors determination seems based upon the neighbor's complaints and upon the fact that the Parcel is shown on the town Zoning and other maps. To our knowledge, no site inspection or historical investigation was conducted by the Building Inspector.

The current Building Inspector's conclusion is unsupported by proper legal or factual inquiry. It rests solely on the neighbor's complaints and the Parcel's depiction on maps, neither of which establish that a parcel qualifies as a "street."

"Courts have held that plans or deeds referring to a way as "public" or a "town road", prior approval not required (ANR) plan endorsements, building permits issued by a planning board, or the beliefs of public officials, in and of themselves, do not constitute legally binding precedent that the way is public." See Goldman v. Planning Bd. of Burlington, 347 Mass. 320, 324-325, 197 N.E.2d 789 (1964); Moncy, 50 Mass. App. Ct. at 720; Rivers, 37 Mass. App. Ct. at 595-596; W. D. Cowls, Inc. v. Woicekoski, 7 Mass. App. Ct. 18, 20, 385 N.E.2d 521 (1979); Miguel v. Town of Fairhaven, 25 LCR 631, 633-634, 2017 Mass.

A cursory viewing of the Parcel confirms that it is not passable for a vehicle and thus not a street. Only Dover's Zoning Bylaw determines what makes a "street" a "street" for zoning purposes.

B. The Undeveloped Parcel Is Not A "Street" Under the Dover Zoning Bylaw

The term "Street" is defined in Section 185-5 of the Dover Zoning Bylaw as follows:

"A public or private way, alley, lane, court, or sidewalk which is open or dedicated to public use" (emphasis added).

As none of the terms used to define a Street are themselves defined in the Dover Zoning Bylaw. Section 185-5 requires that words not defined in the Bylaw, nor the Massachusetts State Building Code, shall have the meaning given in Webster's Unabridged Dictionary, Eleventh Edition. (See Exhibit D for additional definitions).

It is safe to say that the Parcel is neither an **alley, lane, court or sidewalk**, as defined and commonly understood. We are left then to determine whether it is a **public way, private way**, or simply an **undeveloped parcel** of land.

C. Neither the undeveloped Parcel nor the paved portion of Oakley Road are a public way or dedicated for public purposes

The Abutters have alleged that the subject parcel is a public way and thus dedicated to public use. *"When the fact of a public way is alleged by one party and disputed by the adversary the burden of proof ultimately falls on the party asserting the fact."* Commonwealth v. Hayden, 354 Mass. 727, 728, 242 N.E.2d 431 (1968).

They rely on the Town meeting Vote of 1998 (see Exhibit E) as evidence that the Parcel (and all of Oakley Road) is owned by the Town of Dover is a public way and thus dedicated to public use.

The creation of a public way is accomplished by “*laying out by public authority in manner prescribed by statute*; ...” Fenn v. Middleborough, 7 Mass. App. Ct. 80, 386 N.E.2d 740, 1979 (emphasis added).

The relevant statutes are MGL Chapter 82, Sections 21, 23 and 24, and MGL Chapter 79. (see Exhibit F)

Town Meeting voted to accept the Board of Selectmen’s layout of Oakley Road, MGL Chapter 82, Sections 21, 23 but never followed up with an acquisition or taking of the road from the owners as required by MGL Chapter 82, Section 24.

Section 24. If it is necessary to acquire land for the purposes of a town way or private way which is laid out, altered or relocated by the selectmen, road commissioners or other officers of a town under this chapter, *such officers shall, within one hundred and twenty days after the termination of the town meeting at which the laying out, alteration or relocation of such town way or private way is accepted by the town, acquire such land by purchase or otherwise*, or adopt an order for the taking of such land by eminent domain under chapter seventy-nine or institute proceedings for such taking under chapter eighty A.

“Under G.L. c. 82, § 24, a town *must* acquire title to a way through “purchase or otherwise” or by order of taking within 120 days after the Annual Town Meeting votes to accept the layout of the way.” Carricorp Indus., Ltd. v. Town of Westport, 14 LCR 6, 5 (2005) (Piper, J.) (Emphasis added).

The Town meeting vote specifically states:

“[t]hat the Selectmen be authorized to **acquire by purchase or otherwise** such interest in the land as may be necessary to accomplish such purpose” (emphasis added).

In the same 1998 Town Meeting vote, the town also voted to layout Draper Road. In that case the developer had granted the Town an easement over Draper Road prior to the town meeting. (see Exhibit G). This is an example of a typical procedure followed by the town.

See the acceptance of Park Avenue (see Exhibit H), acquired via Release Deed, or more recently, Stagecoach Lane, acquired by deeds from each of the land owners of their interest in the street to the Town (see Exhibit I)¹

While it is unclear why the Town did not complete the process of obtaining ownership of Oakley Road, the record is clear that they did not.

D. Accordingly, neither the subject Parcel nor the rest of Oakley Road is a public way or dedicated to public purpose.

Since the original developer did not retain ownership of the fee in Oakley Road, and never gave an easement to the Town of Dover in the fee, the property owners along the street each own to the center line of Oakley Road.

E. The undeveloped Parcel is not a private way

In order for land to become a private way there must be some action which gives the abutters a right to pass over another person's property. Each lot owner owns to the middle of the road in front of their lot². In most cases the new lot owners of a subdivided property are granted a right or easement to pass over the road layout by the developer. No such easement or right was ever granted by the original owner of the property or by subsequent lot owners. The lot owners, however, may have gained the right to pass over the paved portion of Oakley Road by prescription, the unobstructed use of the roadway for over twenty years.

This right does not, however, extend to the undeveloped parcel as it has never been used for vehicle travel.

While the paved portion of Oakley Road may or may not be a private way, it is clear that the undeveloped Parcel is not.

¹ Both of these were conveyed by deeds to the Town of Dover.

² MGL Chapter 183, sec 58, The Derelict Fee statute copy attached hereto (as Exhibit J)

F. The Undeveloped Parcel Is Not A Street For Other Zoning Requirements

The Dover Zoning Bylaw³ defines criteria that a public or private way must meet in order to be considered a Street for purposes of calculating Street frontage as “... a way which is:

- (a) A public way or a way which the Town Clerk has certified is maintained and used as a public way; or
- (b) A way shown on a plan approved and endorsed in accordance with the Subdivision Control Law, MGL, c. 41, §§ 81K through 81GG, and either has been constructed on the ground or construction of which has been adequately secured; or
- (c) A way in existence on the date when the Subdivision Control Law, MGL, c. 41, §§ 81K through 81GG, became effective in Dover and having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to **provide for the needs of vehicular traffic** in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the building or buildings to be erected thereon;” (Emphasis added).

To the best of the applicants’ knowledge the Planning Board has not yet been asked to determine whether the Parcel is of sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic.

Courts have consistently ruled that an undeveloped way shown on a map or plan but not constructed on the ground is not a “Street”. In Shea v. Board of Appeals of Lexington (see Exhibit K), Rockville Road adjoins two other roads at either end. The middle section is unpaved, with a dirt walking path connecting the two paved sections. (See pictures Exhibit K). The plaintiff, whose lot abuts the undeveloped way was denied a building permit for inadequate access and inadequate frontage on a Street. The Superior Court Opinion affirmed the town officials “...were correct in withholding a building permit for the plaintiff’s lot so long as the section of Rockville Avenue on which it fronts remains unconstructed.”

“Plainly the short unpaved section of Rockville Avenue that borders the plaintiff’s lot and lot 1 is not suitable *in fact* for vehicular travel, except perhaps by four-wheel drive, all-terrain vehicles during nonwinter months.”

“A fire truck cannot drive on a plan. A zoning by-law which requires frontage on a way shown on an approved plan must be understood, if the purpose of the by-law is not to

³ § 185-19 A. (2) (a), (b), and (c)

be undermined, to require an *actual* way, constructed on the ground, not just a depiction of a way on a plan. The planning board's approval may have legal significance under the zoning by-law's definition of "street" if the way depicted on an approved plan has been constructed as approved (Rockville Avenue is shown on the assertedly approved plan as a way forty feet in width) but not where it has never been constructed at all."

A way, public, private or otherwise must be in fact, open for vehicular travel. Our undeveloped parcel is not under any view passable for vehicles.

The Board's concern that a decision on this matter may adversely impact other abutters relative to the Parcel is unwarranted. See Lot 8 on the 1926 subdivision plan (see Exhibit A). Based on the above, Lot 8 may not use frontage on the Parcel to demonstrate adequate access, because the Parcel is not built on the ground, and thus not a "street". Lot 8 has no frontage on any street. Dover has very liberal rules on preexisting lots and Lot 8 does not meet these standards even if the Parcel were on a public or private way.⁴ As 100 feet of frontage is required and lot 8 is only 93 feet wide and the lot is not on a separate deed, thus it is not a building lot under any circumstances.

G. The Town has never treated the undeveloped parcel as a public way.

According to state law⁵, a public way is a way that a city or town in the state has a duty to maintain free of defects. As further explained in the Massachusetts Select Board Handbook (Exhibit K)

"Roads fall into two categories: public ways and private ways. Generally, **public ways are open to unrestricted use by the public, and the town has taken responsibility for maintaining and repairing them through a formal acceptance process.** Private ways are open for a limited use, usually providing access to homes. **Both types of roads are open to traffic**, but the difference can be quite significant to a town."

⁴ §185-19 B (2) A lot shown on a plan endorsed by the Planning Board before October 30, 1995, or a lot for which a separate deed has been recorded before such date, which has at least 100 feet of frontage on a public way and is otherwise in compliance with this chapter.

⁵ MGL Ch 84, Secs 1, 15, & 22

“State law requires that public ways and railroad crossings “shall be kept in repair at the expense of the town in which they are situated, so that they may be reasonably safe and convenient for travelers.” G.L. c.84 section 1 (emphasis added) (Exhibit D)

It is important to note that there is no such requirement for parcels of land which are not public or open for public purposes. No maintenance, tree trimming, groundskeeping, snow plowing, or construction of any kind whatsoever has been undertaken by the Town on the Parcel.

H. The easement granted by the Catholic Church is irrelevant to the issue of the status of Oakley Road

In their letter of March 17th to this Board the abutters point to the Catholic Church easement (see Exhibit L) to show the towns intent to connect a public way to Oakley Road. It specifically states:

“The above-described easement is appurtenant to and for the benefit of the land of said Town of Dover adjacent thereto now known as the **Chickering School land** so-called, to be used for all purposes for which ways are commonly used in said Town of Dover” (emphasis added)

The easement was for a potential second access to the Chickering School, not Oakley Road.

I. A finding that the undeveloped parcel is a “street” could have substantial unintended consequences for the Town

There are any number of land parcels in town that could become “streets” for zoning purposes should the Board of Appeals find our undeveloped Parcel a “street.” For example, there are a number of old recorded paper streets in town (see Exhibit M) which could become “streets” for zoning purposes and thus permit new buildable lots. Even more current ones such as on Knollwood Drive (see Exhibit N) that could have their status changed. This stub road was laid out during the subdivision approval but never built or taken by the Town. The town accepted Knollwood Drive but not this stub road. If this undeveloped parcel of land was

deemed a “street” then it would provide access to the 6± acre parcel of land that it dead ends into.

IV. Conclusion

For the foregoing reasons, the Applicants respectfully request that the Board reverse the Building Inspector’s determination and affirm that the subject Parcel does not constitute a “Street” under the Zoning Bylaw. Accordingly, only the seven and one-half (7.5) foot sideline setback applies to the proposed accessory structure.

Respectfully submitted by
the Applicants



VINCENT O'BRIEN, ESQ.
BBO #
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Dover, MA 02030
vobrien@dover-law.com
508-785-1505

EXHIBIT A

10

EXHIBIT B



Subject parcel

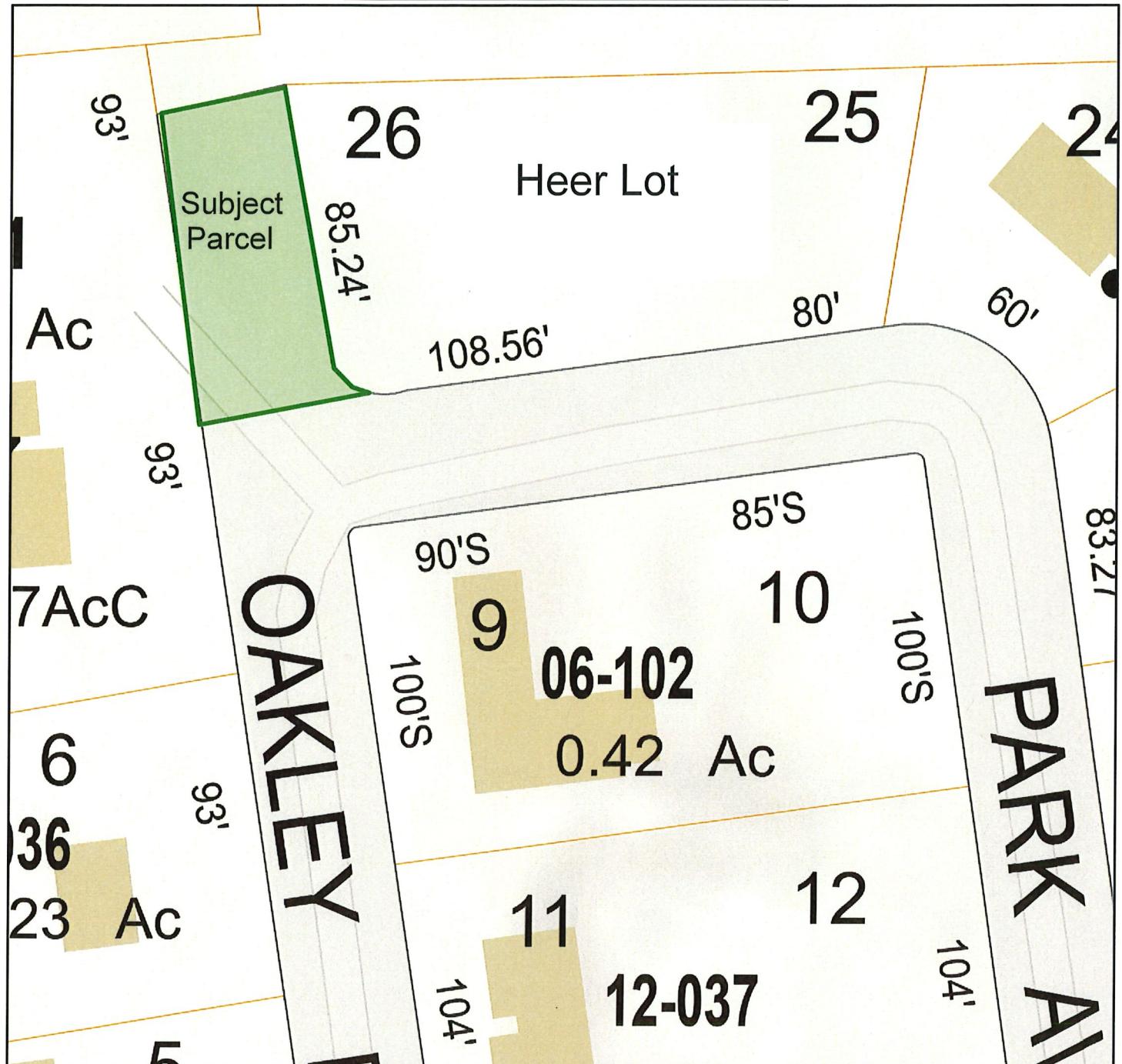
Town of Dover, MA

1 inch = 46 Feet

March 24, 2025

CAI Technologies
Precision Mapping Geospatial Solutions.
www.cai-tech.com

0 46 92 138



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

EXHIBIT C

EXHIBIT A

2002 Building Permit & Site Plan

TOWN OF DOVER

FEE PAID 12.50BUILDING DEPARTMENTDover, Mass. 8/13/02**PERMIT TO BUILD**No 2002-1431

H.I.C. Reg #

Const. Supv. Lic. #

This Certifies that Thomas Heer, homeownerHas Permission to Construct detached storage shedAt 15 Park Avenue Lot No. For Use as a

Provided that the person accepting this Permit shall, in every respect, conform to the terms of this application, on file in this Office, and to the provisions of the By-Laws of the Town of Dover relating to the Construction and Inspection of Buildings in the Town of Dover the provisions of the Commonwealth of Massachusetts, State Building Code. Any violation of the terms above noted shall result in immediate revocation of this permit.

780 CMR-6 Persons contracting with unregistered contractors to not have access to the guaranty fund.

BOARD OF HEALTH Sewage Disposal	INSPECTIONS	FIRE DEPARTMENT	PERMIT # _____	PERMIT # _____	BUILDING INSPECTOR <i>Anthony Cole</i>
CERTIFIED PLOT PLAN	CONSERVATION COMMISSION	PERMIT # _____ GAS INSPECTOR	PLUMBING INSPECTOR	WIRE INSPECTOR	<i>Approved 9/24/02 abal</i> <i>Plough Inspection had</i> <i>Approved 14/9/02 abal</i> <i>Not Ready for Final</i> <i>1/3/03 abal</i> <i>Final Approved 2/21/03</i>

No Lathing or Insulating to Be Done Until Signed by the Inspector abal

THIS CARD MUST BE PLACED IN A CONSPICUOUS PLACE ON THE PREMISES AND NOT BE TORN DOWN OR DESTROYED

A USE AND OCCUPANCY CERTIFICATE MUST BE SECURED.

Anthony Cole
Inspector of Buildings / Commissioner

Use and Occupancy Permit

Anthony Cole
Inspector of Buildings / Commissioner

Date 2/21/03

APPLICATION FOR BUILDING PERMIT

Permit # 202-1134

TOWN OF DOVER, MA 02030

LOCATION OF BUILDING 15 Park Ave

Map	Parcel	Book	Page	Nearest telephone pole no.
OWNER	Thomas Herz			15 Park Ave 508-785-0798
CONTRACTOR	N/A			tel. no.
ENGINEER	License #, name			address tel. no.
ARCHITECT	name	N/A		address tel. no.
				address tel. no.
TYPE OF IMPROVEMENT	<input type="checkbox"/> New Construction <input type="checkbox"/> Alteration <input type="checkbox"/> Addition <input type="checkbox"/> Manufactured Building <input type="checkbox"/> Residential <input type="checkbox"/> Demolition <input type="checkbox"/> Siding <input type="checkbox"/> Pool <input type="checkbox"/> Inspection <input type="checkbox"/> Tent <input type="checkbox"/> Fence			

DESCRIPTION OF WORK: DETACHED STORAGE SHED

PROPOSED USE:	() Non-residential () Residential () Public (State, Federal, etc.)
CONSTRUCTION CHARACTERISTICS	ESTIMATED COSTS
Type of Frame <u>Timber Frame</u>	General Construction <u>\$ 5000</u>
Type of Foundation <u>N/A</u>	Plumbing <u>N/A</u>
Classification	Electrical <u>N/A</u>
DIMENSIONS:	Gas Fitting <u>N/A</u>
Height <u>20'</u>	Heating Type: <u>N/A</u>
feet	Other <u>\$ 5000</u>
Setbacks <u>210'</u>	Total <u>\$ 5000</u>
left side <u>N/A</u>	
right side <u>6'0"</u>	
Front <u>8'0"</u>	
rear	

In accordance with Section 115.0 of the Massachusetts State Building Code, the owner hereby applies for a permit to construct, alter, demolish, or change the occupancy of a building, or install or alter any equipment that is regulated by the State Building Code. Accompanying this application are three copies of the specifications and plans including plot plans signed by a registered land surveyor. The applicant agrees to conform to these plans and specifications or file with the Building official an addendum or revisions. This application shall be deemed abandoned six months after the date of filing unless it has been diligently prosecuted or a permit shall have been issued.

SIGNATURE OF APPLICANT (or agent): Anthony GaloDate 8/13/02

ADDITIONAL APPROVALS REQUIRED: (To be completed by building official)

ZONING

HIGHWAY

WATER

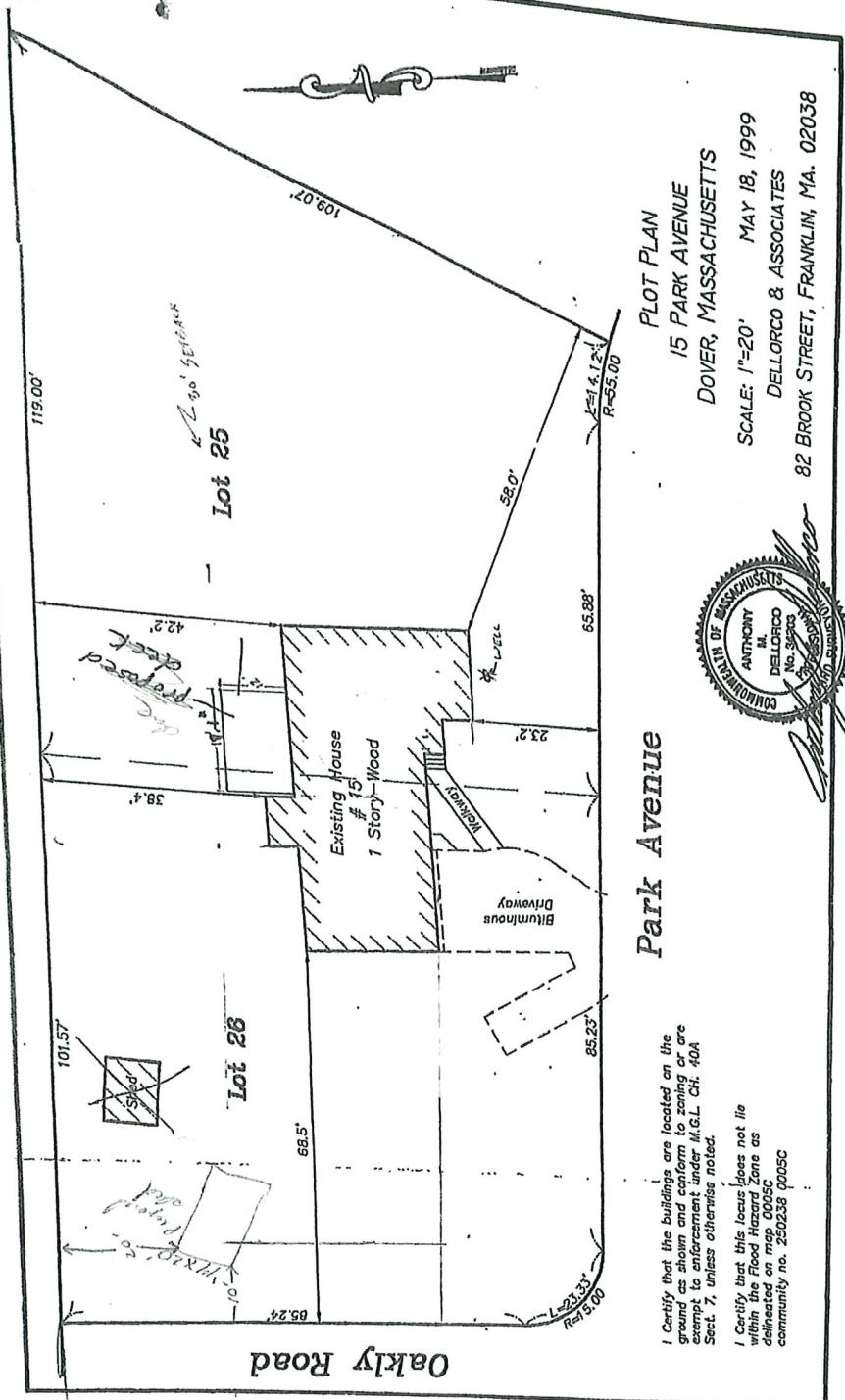
ENGINEER

CONSERVATION COMMISSION

SEPTIC PLANS

- () SUBJECT TO CONSTRUCTION CONTROL
- () PLAN REVIEW WAIVED
- () STRUCTURAL PLAN REVIEW WAIVED
- () PARTIAL PERMIT ISSUED FOR:

BUILDING PERMIT NO. _____ DATE 8/13/02PERMIT PWD _____ APPROVED BY Anthony Galo
Building Official



I certify that the buildings are located on the ground as shown and conform to zoning or are exempt to enforcement under M.G.L. Ch. 40A Sect. 7, unless otherwise noted.

I Certify that this locus does not lie within the Flood Hazard Zone as delineated on map 0005C community no. 250238 0005C

Park Avenue

PLOT PLAN

15 PARK AVENUE
DOVER, MASSACHUSETTS
SCALE: 1"=20' MAY 18, 1999
DELLORCO & ASSOCIATES
BROOK STREET, FRANKLIN, MA. 02035



EXHIBIT D

EXHIBIT B

Definitions

Definition of "Street" in Section 185-5 of the Dover Zoning Bylaw

SETBACK

The distance between the closest point of a structure to the nearest lot line.

SHORT-TERM RENTAL

A housing unit, or portion thereof, available for occupancy for less than thirty (30) consecutive days and subject to room occupancy excise tax.

SPECIAL PERMIT GRANTING AUTHORITY

The authority empowered to grant special permits, which shall be the Board of Appeals unless some other board is so designated in this chapter.

STREET

A public or private way, alley, lane, court, or sidewalk which is open or dedicated to public use.

STRUCTURES

A combination of materials, other than a building, except windmills. For windmills, a "structure" is defined as the supporting tower, pole or base upon which are mounted all rotating machinery and airfoil blades.

Miriam Webster (www.merriam-webster.com) provides the following relevant definitions.

Inapplicable alternative meanings are not included:

- **Public way** – any passageway (as an alley, road, highway, boulevard, turnpike) or part thereof (as a bridge) open as of right to the public and designed for travel by vehicle, on foot, or in a manner limited by statute (as by excluding pedestrians or commercial vehicles)
- **Private way** – a way laid out by a private owner or owners and maintained at their expense, dedicated to public use, but not accepted as a public way; a way laid out by public authority in New England at the request and expense of a private owner or owners, maintained by them and dedicated to public use, but not accepted as a public way
- **Alley** – a narrow street
- **Lane** – a narrow passageway between fences or hedges; a relatively narrow way or track: such as... a strip of roadway for a single line of vehicles...
- **Court** – a wide alley with only one opening onto a street
- **Sidewalk** – a wide alley with only one opening onto a street

EXHIBIT E



TOWN OF DOVER

5 Springdale Avenue
P.O. Box 250
Dover, Massachusetts 02030

Betsey B. Horovitz
Town Clerk

Tel: (508) 785-1719
Fax: (508) 785-2341

CERTIFICATE OF VOTE

This is to certify that the Annual Town Meeting of the Town of Dover was held at the Lindquist Commons Building at the Dover-Sherborn Regional High School in Dover on May 4, 1998. The meeting was duly called and held pursuant to warrant therefore issued by the Selectmen on the 25th day of February 1998 and duly served in accordance with town bylaws, at which meeting a quorum was present and voting. The following action was taken with respect to Article 22 of the Warrant. The article reads as follows:

Article 22. (Board of Selectmen) To see if the Town will accept Draper Road, Oakley Road, and Tisdale Drive as accepted public ways, as laid out by the Board of Selectmen, all as shown on plans on file in the Office of the Town Clerk; or take any other action relative thereto.

It was moved by Mr. O'Keeffe and seconded by Mr. Hepburn that the Town accept the laying out of Draper Road and Oakley Road as accepted public ways, pursuant to the reports and orders of the Selectmen filed with the Town Clerk, as shown on plans on file with the Town Clerk, and that the Selectmen be authorized to acquire by purchase or otherwise such interest in land as may be necessary to accomplish such purpose.

The motion was put to a vote and passed unanimously.

Betsey B. Horovitz
Town Clerk
May 5, 1998

A TRUE COPY

ATTEST:

Betsey B. Horovitz

TOWN CLERK OF DOVER, MASS.

May 5, 1998

EXHIBIT F

Part I

ADMINISTRATION OF THE GOVERNMENT

Title XIV

PUBLIC WAYS AND WORKS

Chapter 82THE LAYING OUT, ALTERATION, RELOCATION AND
DISCONTINUANCE OF PUBLIC WAYS, AND SPECIFIC
REPAIRS THEREON**Section 7**TAKING LAND OR EASEMENT BY EMINENT DOMAIN;
DAMAGES

Section 7. If it is necessary, for the purpose of laying out, altering or relocating a highway, or establishing a building line in connection therewith, to acquire land, or an easement or right therein, the commissioners shall, at the same time that the highway is laid out, altered or relocated, take such land, easement or right by eminent domain under chapter seventy-nine. Any person sustaining damage in his property by the laying out, alteration, relocation, discontinuance or discontinuance of maintenance of a highway, or by specific repairs thereon, or by the establishment or discontinuance of a building line, shall be entitled to recover the same under said chapter. If no entry has been made upon land taken for highway purposes, or if the location has for any other cause become void, or if specific repairs which have been ordered are not made, a person who has suffered loss or been put to expense by the proceedings shall be entitled to recover indemnity therefor under said chapter.

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 24****TAKING BY EMINENT DOMAIN; DAMAGES**

Section 24. If it is necessary to acquire land for the purposes of a town way or private way which is laid out, altered or relocated by the selectmen, road commissioners or other officers of a town under this chapter, such officers shall, within one hundred and twenty days after the termination of the town meeting at which the laying out, alteration or relocation of such town way or private way is accepted by the town, acquire such land by purchase or otherwise, or adopt an order for the taking of such land by eminent domain under chapter seventy-nine or institute proceedings for such taking under chapter eighty A. Any person sustaining damage in his property by the laying out, alteration or relocation of a town way or private way shall be entitled to recover the same under said chapter seventy-nine, unless such damage was sustained in connection with a taking made in proceedings instituted under said chapter eighty A, and any person sustaining damage in his property by the discontinuance of a town way or private way or by specific repairs thereon shall be entitled to recover the same under said chapter seventy-

Part I ADMINISTRATION OF THE GOVERNMENT

Title XIII EMINENT DOMAIN AND BETTERMENTS

Chapter EMINENT DOMAIN

79

Section 1 ORDER OF TAKING; CONTENTS

Section 1. The taking of real estate or of any interest therein by right of eminent domain may be effected in the following manner. A board of officers upon whom authority to take real estate by eminent domain on behalf of any body politic or corporate has been conferred by law, having first complied with all the preliminary requirements prescribed by law, may adopt an order of taking, which shall contain a description of the land taken sufficiently accurate for identification, and shall state the interest therein taken and the purpose for which such property is taken, and in case such taking is for an improvement for which betterments may be assessed shall state whether betterments are to be assessed therefor. In case there are trees upon the land taken, or structures affixed thereto, the order of taking shall state whether the same are to be included in the taking, and, if they are not so included, shall allow the owner a reasonable time after the date of the order or after entry or possession to remove the same, to be specified in the order.

EXHIBIT G

3
N O T
N O T
O F F A N A L
O F F A N A L
C O P Y 142697
C O P Y Draft #5
10/03/86
10/09/86
10/16/86
10/17/86
11/25/86
/C. -

331

GRANT OF ACCESS OVER DRAPER ROAD AND PARCELS A, B AND C
AND DRAINAGE AND UTILITY EASEMENT

William W. Warwick, having an address at 85 County Road, Dover, Massachusetts ("Warwick"), the owner of the premises shown on a set of plans of land entitled "Plan of Warwick Acres, Dover, Mass." dated September 27, 1985, revised June 2, 1986, October 8, 1986 and October 28, 1986, recorded herewith (the "Plans") and being the land described in a deed recorded with the Norfolk County Registry of Deeds in Book 3192, Page 470, in consideration of approval by the Dover Planning Board of the Plans under the Massachusetts Subdivision Control Law, does hereby grants with quitclaim covenants to the Town of Dover the perpetual right and easement to use Draper Road and Parcels A, B and C as shown on the Plans for which roads and ways are commonly used in the Town of Dover including without limitation the right to construct, inspect, repair, remove, replace, operate and forever maintain (1) a sanitary sewer or sewers with any manholes, pipes, conduits or other appurtenances, (2) pipes, conduits and their appurtenances for the conveyance of water, (3) pipes, conduits and their appurtenances for the conveyance of gas, electricity and/or telecommunications, and (4) a covered surface and ground water drain or drains with any manholes, pipes, conduits, and their appurtenances, and to do all the acts incidental to the

1966 DEC -5 PM 12-53346

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foregoing, including, the right to pass for said purposes, in, through and under:

- (a) The whole of the way named Draper Road as shown on the Plan,
- (b) The area as shown on the Plan as Parcel A,
- (c) The area shown on the Plan as Parcel B, and
- (d) The area shown on the Plan as Parcel C.

Reference is hereby made to the Plan for a detailed description of Draper Road and said Parcels A and B and C.

With respect to Parcels A and B there is hereby granted an appurtenant perpetual right and easement to use the area within 10' of the northerly and southerly sidelines of said Parcel A and within 10' of the northerly sideline of Parcel B for performing any work necessary for the construction of roads and installation of utilities within Parcels A and B including without limitation placing permanent bounds on the sidelines of said parcels. With respect to Parcel C there is hereby granted an appurtenant perpetual right and easement to use the area within 35' of the sidelines of said Parcel C for a slope easement including without limitation the right to alter said area, construct retaining walls or barriers therein and to landscape the same and to do acts incidental to the foregoing.

To have and to hold the above described rights and easements unto the Town of Dover and its successors and assigns forever.

The rights and easements granted hereby with respect to

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Parcels A, B and C are subject to the condition that: (1) neither Warwick nor his successors in title shall have any obligation to maintain Parcels A, B or C in a condition appropriate for such use; (2) the use of Parcels A, B and C shall be at the sole risk and liability of those making use of such areas and neither Warwick nor his successors and assigns shall incur any loss, cost, or liability on account of such use; and (3) that each person who shall use Parcels A, B or C for such use shall be deemed to have agreed to hold Warwick and his successors in title harmless from and against any and all suits, claims, damages, loss, cost or liability rising out of or in connection with such use.

Executed as a sealed instrument this 25 day of November, 1986.


William W. Warwick

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

November 25, 1986

Then personally appeared the above named William W. Warwick and acknowledged the foregoing instrument to be his free act and deed, before me


William D. Walsh
Notary Public
My Commission Expires: June 19, 1992


SVS-6078/W

MAILED 10/26/86
FPP FAX 10/26/86



EXHIBIT H

Street Layouts

March 7, 1960
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O F F I C I A L O F F I C I A L
C O P Y C O P Y

I, Edward J. Comiskey, Town Clerk of Dover, certify that in the Warrant for the Annual Town Meeting to be held at the Dover Town House March 7, 1960, there appeared the following Article:

Article 6. To see if the Town will vote to accept the laying out of Park Avenue pursuant to the report and order of the Selectmen which has been filed with the Town Clerk, and to see what name shall be given thereto.

I, Edward J. Comiskey, Town Clerk of Dover, certify that at the Adjourned Town Meeting held March 14, 1960, a quorum being present, it was voted unanimously, and so declared by the Moderator on motion of Robert H. Waldinger duly made and seconded by John B. Gray that the Town accept the laying out of Park Avenue pursuant to the report and order of the Selectmen which has been filed with the Town Clerk, and that the sum of \$ 7900.00 be appropriated from Free Cash in the Treasury for improvement of the same, to be repaid to the Town by betterment assessments, and such way shall be named Park Avenue.

A True Copy of the Records.

Attest:

Edward J. Comiskey
Edward J. Comiskey,
Town Clerk.



OFFICE OF
BOARD OF SELECTMEN
N O T D O V E R, M A S S A C H U S E T T S N O T
A N T O W N O F D O V E R A N
O F F I C I A L O F F I C I A L
Report and Order relating to Layout
of Park Avenue

The Board of Selectmen of the Town of Dover having determined and adjudged that common convenience and necessity require that the private way known as Park Avenue be laid out as a town way in the location hereinafter described, having complied with all the requirements of law relating to notice to the owners of land to be taken therefor, and of a hearing thereon, and having met at the time and place appointed for such hearing, and then and there heard all persons present who desired to be heard, we have laid out and do hereby lay out as and for a Town way in its entire length the private way known as Park Avenue on the northerly side of Dedham Street.

The location of Park Avenue as a Town way is bounded and described in all respects as shown on a "Plan showing Layout of Park Avenue, Dover, Massachusetts," dated January 10, 1952 by Gleason Engineering Company, signed by the then existing Board of Selectmen for identification, which is filed herewith and made a part of this order.

Our action aforesaid has been taken under the provisions of law relating to the assessment of betterments and betterments are to be assessed.

The area which it is expected will receive benefit or advantages other than the general advantage to the community from such improvement is shown in the schedule hereto annexed and made a part hereof entitled "Estimated Betterments," and also upon the plan referred to above. We estimate the betterments that will be assessed upon each parcel of land within said area as shown in the above-mentioned schedule.

This layout so made by us we hereby report to the Town for acceptance and order that this report be forthwith filed in the office of the Town Clerk.

IN WITNESS WHEREOF we have hereunto set our hands this 29th day of February 1960.

George L. Soper
Shaygas J. M. Will
John J. Stur
Board of Selectmen
Town of Dover

TOWN OF DOVER

<u>OWNER</u>	<u>NOT A N O F F I C I A L C O P Y</u>	<u>ESTIMATED BETTERMENTS</u>				
		<u>LOT</u>	<u>No.</u>	<u>Bk.</u>	<u>Page</u>	<u>BETTERMENT</u>
✓ Christopher C. and ✓ Joan S. Boughner		9	55960	280	160	\$325.00
		10	55960	280	160	325.00
✓ Arthur W. and Margaret E. Quinlan		12	56407	283	7	0
✓ Ned S. and Antoinette ✓ C. Weathers		14	53976	270	176	650.00
✓ Elmer L. and Charlotte C. Hanscom		16	62915	315	115	650.00
✓ George R. and Anne Wightman		18	56601	284	1	0
✓ David O'Connell ✓ "		19	26325	132	125	325.00
		20	26325	132	125	325.00
✓ Tiberio W. and ✓ Elsie Tiberi		21	42603	21 4	3	325.00
		22	42603	21 4	3	325.00
✓ Samuel L. and ✓ Barbara C. Spalding		23	50744	254	144	650.00
✓ Gordon L. And Esther V. Boone		24	44813	225	13	650.00
✓ William A. and Beatrice Cassidy		25	59417	298	17	325.00
		26	59417	298	17	325.00

2163PM

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RELEASE DEED

Duval County Registry

MAY 4 1960

RECEIVED FOR REGISTRATION

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PALMER DODGE GARDNER & BRADFORD
53 STATE STREET
BOSTON

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KNOW ALL MEN BY THESE PRESENTS that we, the undersigned, owners or mortgagees of land upon and including the private way hereinafter referred to, in consideration of our desire that a public or town way shall be laid out in place of said private way, of one dollar and other good and valuable consideration to each of us paid by the Town of Dover, a municipal corporation located in the County of Norfolk, Massachusetts, the receipt whereof is hereby severally acknowledged, do hereby remise, release and quitclaim unto the said Town of Dover, all our right, title, interest and estate in and to that certain parcel of land situated in said Dover and shown and delineated as the private ways respectively called Park Avenue on a plan entitled "Layout of Park Avenue in Dover, Mass." dated January 10, 1952, Gleason Engineering Company, and Connecting Road on a plan entitled "Layout of Connecting Road in Dover, Mass." dated January 10, 1952, Gleason Engineering Company, both of which plans are recorded herewith. Reference is hereby made to said plans.

We, the undersigned, husbands or wives of such of the owners of the above described parcel of land as are married, release to the said Town of Dover, and its successors, all rights of courtesy, dower and homestead, and other interests in the above described parcel of land.

TO HAVE AND TO HOLD the above described parcel of land and rights to the said Town of Dover, and its successors, to its and their own use and behoof forever.

IN WITNESS WHEREOF we have hereunto set our hands and one seal, which each of us adopts as his or her own, this 7th day of ~~March~~, in the year nineteen hundred and sixty.

BANK
MERCHANTS CO-OPERATIVE
D.C. 19523

✓ *Samuel L. Spalding* 2/15/60 *By* *John A. Hill*
✓ *Barbara C. Spalding* 2/15/60 *By* *Duncan MacAskill*
✓ *Cert. 50744, Bk. 254, P. 144* *Assistant Treasurer*

✓ *Christopher C. Boughner* *Warren Institution for Savings* *By* *Malcolm I. MacLennan* *Mgr.*
✓ *John S. Boughner* *Asst. Vice President*
✓ *Cert. 55960, Bk. 280, P. 160*

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William A Cassidy
Beatrice Cassidy
Cert. 59417, Bk. 298, P. 17

Ester Boone 3/1/60
Gordon R Boone 3/1/60
Cert. 44813, Bk. 225, P. 13

Samuel L. Spalding 3/7/60

PIONEER CO-OPERATIVE BANK
McKee Ferguson - Pres.

Commonwealth of Massachusetts

Norfolk, ss.

March 7, 1960

Then personally appeared the above named Samuel L. Spalding,
and acknowledged the foregoing instrument to be his free act and deed,
before me.

Thomas F. McCloskey
Notary Public

My commission expires October 31, 1964

EXHIBIT I

May 14, 2021

Anderson & Krieger LLP
50 Milk Street, 21st Floor
Boston, Massachusetts 02109

ATTN: Attorney Jillian B. Barger

RE: Stagecoach Road Acceptance

Dear Attorney Barger:

Enclosed herewith please find the original signed documents in regard to the Stagecoach Road acceptance.

If you have any questions or need anything further, please feel free to give me a call.

Very truly yours,

Vincent J. O'Brien
VJO/kmi
Enclosures

Patricia J. Kirby, Jonathan F. Kirby, Daniel R. Coleman,
Timothy T. Kirby and Patricia M. Kirby

2 Stagecoach Lane

Dover, MA 02030

Board of Selectmen
Town of Dover
5 Springdale Avenue
Dover, MA 02030

RE: Acceptance of Stagecoach Lane, Dover, MA

Dear Member of the Board:

Assent to Street Acceptance

As Owners of the portion of Stagecoach Lane that abuts our property we are requesting that the Board accept this letter as our Assent to a certain Citizens Petition to the Town of Dover requesting that the Town Accept Stagecoach Lane as a public way pursuant to Chapter 248-20 of the Town Code. A Street Acceptance Plan has been prepared by GLM Engineering of 19 Exchange Street, Holliston Massachusetts showing all metes and bounds of the way. The Street acceptance Plan is dated June 18, 2019 and has been delivered to the Town Clerk.

If any additional information is needed please feel free to contact us directly.

Very truly yours,

Patricia J. Kirby

Jonathan F. Kirby

Daniel R. Coleman

Timothy T. Kirby

Patricia M. Kirby

Waiver of Appraisal and Damages

KNOW ALL MEN BY THESE PRESENTS, that we, Patricia J. Kirby, Jonathan F. Kirby, Daniel R. Coleman, Timothy T. Kirby and Patricia M. Kirby as a part owner of land known as **Stagecoach Lane** and shown on a plan entitled "Street Acceptance Plan, Stagecoach Lane, 'Kirby Farms Estates', Dover, MA", dated June 18, 2019. Prepared for Kirby Farm, LLC GLM Engineering Consultants, Inc. (the "Plan"), in consideration of the sum of One Dollar (\$1.00) paid, said consideration being hereby acknowledged as full compensation for all damages sustained by said Owner on account of a taking to be made by the Town of Dover, a municipal corporation with an address of Dover Town House, 5 Springdale Avenue, Dover, Massachusetts 02030, by and through its Board of Selectmen ("Town"), of our property shown as Stagecoach Lane on the Plan above, to use and maintain the area for all purposes for which public roadways are commonly used in the Town of Dover and to allow members of the public to use said area for the same purposes, for themselves, their successors and assigns, pursuant to G.L. c.79, §7A, hereby waive, release and forever discharge the Town, its successors and assigns, from all debt, demands, actions, reckonings, bonds, covenants, contracts, agreements, promises, damages, and liabilities and any and all other claims of every kind, nature and description whatsoever, both in Law and Equity, from or in consequence of said taking, consent to said taking, and waive an appraisal of damages for said taking.

A detail of the aforesaid Plan is attached hereto as Exhibit A and incorporated herein by reference.

For our title, see Deed from Patricia J. Kirby, dated May 21, 2014 and recorded with the Norfolk County Registry of Deeds at Book 32266, Page 137.

Executed under seal this _____ day of _____, 2021.

Patricia J. Kirby

Timothy T. Kirby

Jonathan F. Kirby

Patricia M. Kirby

Daniel R. Coleman

COMMONWEALTH OF MASSACHUSETTS

_____, ss:

On this ____ day of January, 2021, before me, the undersigned notary public, Daniel R. Coleman personally appeared, proved to me through satisfactory evidence of identification which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

_____, ss:

On this ____ day of January, 2021, before me, the undersigned notary public, Patricia M. Kirby personally appeared, proved to me through satisfactory evidence of identification which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

_____, ss:

On this ____ day of January, 2021, before me, the undersigned notary public, Patricia J. Kirby personally appeared, proved to me through satisfactory evidence of identification which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

_____, ss:

On this ____ day of January, 2021, before me, the undersigned notary public, Jonathan F. Kirby personally appeared, proved to me through satisfactory evidence of identification which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

_____, ss:

On this ____ day of January, 2021, before me, the undersigned notary public, Timothy T. Kirby personally appeared, proved to me through satisfactory evidence of identification which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires: _____

EXHIBIT A

PLAN

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ORDER OF TAKING

WHEREAS, the Town of Dover, acting by and through its Board of Selectmen (the "Town") hereby certifies that the Town did vote to acquire by purchase or eminent domain, any fee, easement, or other interest in the land known as Stagecoach Lane in Dover, Norfolk County, Massachusetts (the "Property") as shown on a plan entitled "Definitive Subdivision Plan, 'Kirby Farm Estates' Dover, Massachusetts" dated May 14, 2013, last revised January 15, 2014 (the "Plan"), said Plan being recorded with the Norfolk County Registry of Deeds in Plan Book 628, Page 72.

WHEREAS, the Board of Selectmen has deemed that public necessity and convenience require that it should take charge of and take by eminent domain a fee interest in the Property for use as a public road;

WHEREAS, the taking was authorized by a vote at the 2021 Annual Town Meeting, held on May 1, 2021, pursuant to Article 24, a certified copy of which vote is filed herewith; and

WHEREAS, the Property is currently owned by the owners identified on Exhibit A hereto, under those certain deeds identified on Exhibit A.

NOW, THEREFORE, we, the undersigned Selectmen of the Town of Dover, acting herein under the authority conferred on us by Chapters 82 of the General Laws, and Dover Town Code 248-20 (U), do hereby adopt this Order of Taking to take, on behalf of the Town, a fee simple interest in all of the Property.

AND FURTHER ORDERED that included in this taking and without limiting the provisions of the foregoing, said taking includes the right of the Town of Dover to use and maintain the Property for all purposes for which public roadways are commonly used in the Town of Dover including but not limited to: walkways, wires, cables, poles, pipes, conduits and other appurtenances for the conveyance of gas, water, sewerage, electricity, cable television, telephone or other electronic communication located in, on, under or upon the Property as well as storm drainage systems, but not including any improvements or structures constructed or installed on the Property including but not limited to: sewerage system, water systems, mail boxes, alarm system panels, decorative street improvements, entranceway stone walls and signs.

Property: Stagecoach Lane, Dover, MA

AND FURTHER ORDERED that a representative of the Town shall record this Order of Taking in the Registry within thirty (30) days from its final passage, shall notify the Treasurer and Collector of Taxes in the Town of Dover of this taking in accordance with Chapter 79 § 1 of the Massachusetts General Laws, and shall cause notice of the taking to be given to all persons entitled thereto and do all things necessary for the validity of this Order of Taking.

IN WITNESS WHEREOF, we, the Board of Selectmen, have executed this Order of
Taking this 9th day of July, 2021.

TOWN OF DOVER
By its Board of Selectmen:

John D. Jeffries, Chair
Robyn Hunter, Clerk

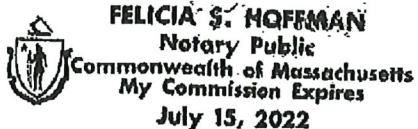
Robert Springett Member

COMMONWEALTH OF MASSACHUSETTS

NORFOLK , ss.

On this 19th day of AUGUST, 2021, before me, the undersigned notary public, personally appeared John D. Jeffries, Robyn Hunter, and Robert Springett, members of the Town of Dover Board of Selectmen, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons who signed the preceding document and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Town of Dover Board of Selectmen.

Felicia S. Haffman
Notary Public: FELICIA S. HAFFMAN
My Commission Expires: JULY 15, 2022



N O T EXHIBIT A N O T
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Lot 1

Record Owner: O F Jennifer Cashman, Trustee of the Stagecoach One Realty Trust u/d/t
Parcel Address: 5 Stagecoach Lane
Record Title: Book 32998, Page 404

STAGECOACH ONE REALTY TRUST
C O P Y

Lot 2

Record Owner: Tucker M. Walsh and Kathleen M. Walsh
Parcel Address: 7 Stagecoach Lane
Record Title: Book 33789, Page 210

Lot 3

Record Owner: Thomas J. Burke and Katie W. Wakeley
Parcel Address: 9 Stagecoach Lane
Record Title: Book 34006, Page 147

Lot 4

Record Owner: Stephanie Kube
Parcel Address: 11 Stagecoach Lane
Record Title: Book 34530, Page 205

Lot 5

Record Owner: Kyle P. Julian
Parcel Address: 10 Stagecoach Lane
Record Title: Book 35816, Page 47

Lot 6

Record Owner: Matthew M. Stone and Jennifer M. Stone
Parcel Address: 8 Stagecoach Lane
Record Title: Book 35397, Page 569

Lot 7

Record Owner: Jorge Fradinho and Maria Fradinho
Parcel Address: 6 Stagecoach Lane
Record Title: Book 36194, Page 186

Lot 8A

Record Owner: Steven Ellis and Robin Ellis
Parcel Address: 4 Stagecoach Lane
Record Title: Book 37348, Page 597

Lot 8B

Record Owner: Patricia M. Kirby
Parcel Address: 2 Stagecoach Lane
Record Title: Book 36398, Page 140

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Felicia S. Hoffman
Town Clerk

TOWN OF DOVER

5 SPRINGDALE AVENUE
P.O. BOX 250
DOVER, MASSACHUSETTS 02030

Telephone 508-785-0032 x 226
FAX 508-785-2341
Email: shoffman@doverma.org

CERTIFICATE OF VOTE

This is to certify that the 2021 Annual Town Meeting of the Town of Dover was held at the Nora Searle Field at the Dover-Sherborn Regional High School in Dover on May 1, 2021. The meeting was duly called to order by the Moderator on the 1st day of May, at 10:08 AM and held pursuant to the warrant issued by the Selectmen on the 25th day of February, 2021 and duly served in accordance with Town bylaws, at which meeting a quorum was present, reduced as permitted pursuant to Chapter 92 of the Acts of 2020 and declaration of the Board of Selectmen on April 1, 2021.

The following action was taken with respect to this article of the Warrant. The article reads as follows:

Article 24. Accept Stagecoach Lane as a Public Way (Citizens' Petition) To see if the Town will vote to accept Stagecoach Lane as accepted public way as laid out by the Board of Selectmen, as shown on the plans on file in the Office of the Town Clerk; or take any other action relative thereto.

It was moved by Mr. Kinder and seconded by Mr. Andrews that the Town vote to establish as a public way and accept the layout of Stagecoach Lane as laid out by the Board of Selectmen and shown on a plan by GLM Engineering Construction, Inc. dated June 18, 2019, on file with the Town Clerk, and to authorize the Selectmen to acquire by purchase, gift or eminent domain any fee, easement or other interest in land necessary therefore; provided, however, that such acceptance and authorization is contingent upon the Calumet Corporation entering into and complying with the terms of a Maintenance Agreement with the Town concerning the stormwater systems within Stagecoach Lane.

The motion was put to an electronic vote and passed 61(yes) to 16(no).

Felicia S. Hoffman, CMMC
Town Clerk
May 7, 2021

A TRUE COPY
ATTEST:

TOWN CLERK OF DOVER

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RECORD OF VOTE OF THE TOWN OF DOVER BOARD OF SELECTMEN

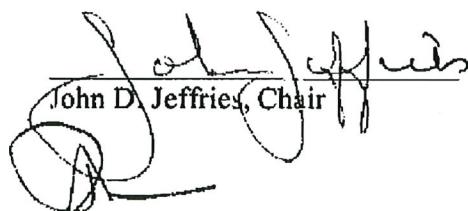
August 19, 2021

At a duly called public meeting of the Board of Selectmen of the Town of Dover (the “Board”) on July 19, 2021, the Board voted as follows with respect to the land known as Stagecoach Lane, Dover, Norfolk County, Massachusetts, as more identified on a plan entitled “Definitive Subdivision Plan, ‘Kirby Farm Estates’ Dover, Massachusetts” dated May 14, 2013, last revised January 15, 2014 (the “Plan”), said Plan being recorded with the Norfolk County Registry of Deeds in Plan Book 628, Page 72 (the “Property”):

To acquire any fee, easement or other interest in the Property by eminent domain, for the purpose of accepting the Property as a public way, as laid out on the Plan.

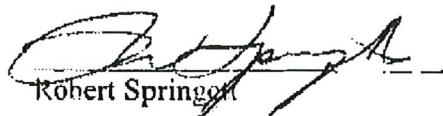
TOWN OF DOVER

By its Board of Selectmen:



John D. Jeffries, Chair

Robyn Hunter, Clerk



Robert Springer

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QUITCLAIM DEED

Property Address: 2 Stagecoach Lane, Dover, Massachusetts

Patricia J. Kirby, Timothy T. Kirby, Jonathan F. Kirby, Patricia M. Kirby and Daniel R. Coleman ("Grantor"), having an address of 2 Stagecoach Lane, Dover, Massachusetts, for consideration paid and in full consideration of One and No/100 Dollar (\$1.00), grants to The Town of Dover, a municipal corporation, acting by and through its Board of Selectmen ("Grantee"), having an address of Dover Town House, 5 Springdale Avenue, P.O. Box 250, Dover, Massachusetts 02030,

with quitclaim covenants,

all of Grantor's right, title, and interest in that certain parcel of land and the improvements thereon known as Stagecoach Lane and shown as "Parcel A" on that certain plan entitled "Definitive Subdivision Plan, 'Kirby Farm Estates' Dover, Massachusetts" dated May 14, 2013, last revised January 15, 2014, recorded with the Norfolk County Registry of Deeds in Plan Book 628, Page 72.

Said parcel is conveyed subject to Grantor's right to use Stagecoach Lane in common with all others entitled thereto for all purposes for which public ways are or may hereinafter be used in the Town of Dover, and subject to and with the benefit of rights, easements and restrictions of record, if any, insofar as the same are now in force and applicable.

For reference to Grantor's title, see that certain deed recorded in the Norfolk County Registry of Deeds in Book 36398, Page 140.

[Signature Page Follows]

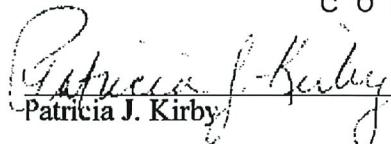
MASSACHUSETTS STATE EXCISE TAX
Norfolk Registry of Deeds
Date: 09-09-2021 @ 01:39pm
Ctl#: 699 Doc#: 116997
Fee: \$.00 Cons: \$1.00

WILLIAM P. O'DONNELL, REGISTER
NORFOLK COUNTY REGISTRY OF DEEDS
RECEIVED & RECORDED ELECTRONICALLY

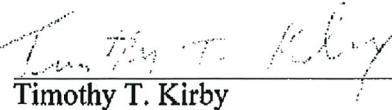
IN WITNESS WHEREOF, this quitclaim deed has been executed as a sealed instrument
to be effective as of the 13 day of January, 2021 ^{A N}
O F F I C I A L O F F I C I A L

C O P Y

C O P Y



Patricia J. Kirby



Timothy T. Kirby



Jonathan F. Kirby



Patricia M. Kirby

Daniel R. Coleman

COMMONWEALTH OF MASSACHUSETTS

_____, ss:

On this ____ day of January, 2021, before me, the undersigned notary public, Daniel R. Coleman personally appeared, proved to me through satisfactory evidence of identification which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:

My Commission Expires: _____

IN WITNESS WHEREOF, this quitclaim deed has been executed as a sealed instrument
to be effective as of the 11th day of March - 2021 ^{A.N.}
O F F I C I A L - O F F I C I A L
C O P Y C O P Y

Patricia J. Kirby

Timothy T. Kirby

Jonathan T. Kirby

Patricia M. Kirby

Daniel R. Coleman
Daniel R. Coleman

COMMONWEALTH OF MASSACHUSETTS

Mass., ss:

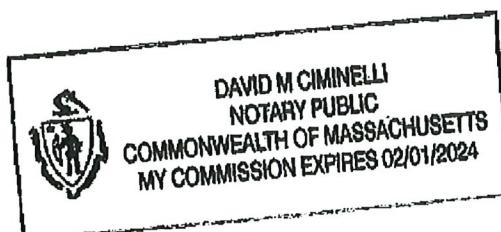
March

On this 11th day of January, 2021, before me, the undersigned notary public, Daniel R. Coleman personally appeared, proved to me through satisfactory evidence of identification which were Personally Known, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

David M. Ciminelli

Notary Public:

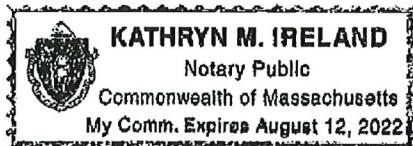
My Commission Expires: 02/01/24



No. T
COMMONWEALTH OF MASSACHUSETTS
A N
Norfolk, ss: F F I C I A L
C O P Y

No. T
OFFICIAL
COPY

On this 10 day of March, 2021, before me, the undersigned notary public, Patricia M. Kirby personally appeared, proved to me through satisfactory evidence of identification which were MDL, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

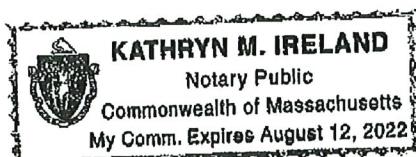


Kathryn M. Ireland
Notary Public:
My Commission Expires: 8-12-22

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss:

On this 10 day of March, 2021, before me, the undersigned notary public, Patricia J. Kirby personally appeared, proved to me through satisfactory evidence of identification which were MDL, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.



Kathryn M. Ireland
Notary Public:
My Commission Expires: 8-12-22

NO. 9 T
COMMONWEALTH OF MASSACHUSETTS
A N

Norfolk, ss: F F I C I A L
C O P Y

O F F I C I A L
C O P Y

On this 18 day of January, 2021, before me, the undersigned notary public, Jonathan F. Kirby personally appeared, proved to me through satisfactory evidence of identification which were MDT, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

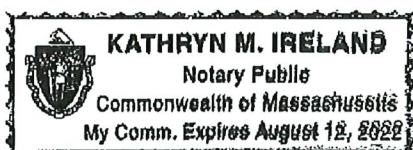


VJ
Notary Public:
My Commission Expires: 1/1/2027

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss:

On this 10 day of March, 2021, before me, the undersigned notary public, Timothy T. Kirby personally appeared, proved to me through satisfactory evidence of identification which were MDT, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

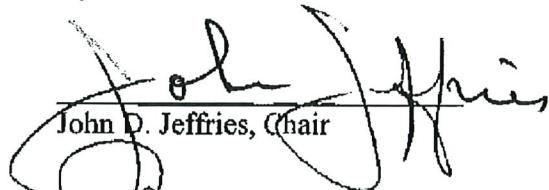


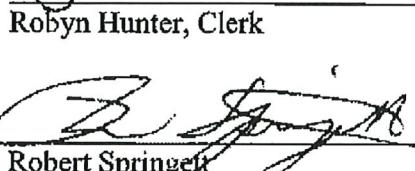
Kathryn M. Ireland
Notary Public:
My Commission Expires: 8/12/22

ACCEPTANCE BY TOWN OF DOVER BOARD OF SELECTMEN
A N A N

We, being a majority of the undersigned members of the Board of Selectmen of the Town of Dover, Massachusetts, hereby certify that at a public meeting duly held this 19TH day of AUGUST, 2021, the Board of Selectmen voted to approve and accept this deed.

TOWN OF DOVER
By its Board of Selectmen:


John D. Jeffries, Chair

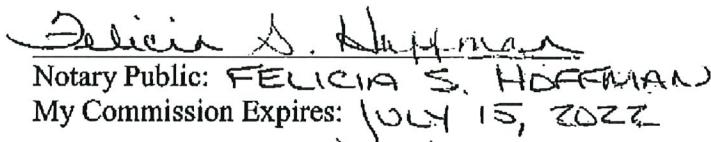

Robyn Hunter, Clerk


Robert Springett

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

On this 19TH day of AUGUST, 2021, before me, the undersigned notary public, personally appeared John D. Jeffries, Robyn Hunter, and Robert Springett, members of the Town of Dover Board of Selectmen, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons who signed the preceding document and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Town of Dover Board of Selectmen.


Notary Public: FELICIA S. HOFFMAN
My Commission Expires: JULY 15, 2022


FELICIA S. HOFFMAN
Notary Public
Commonwealth of Massachusetts
My Commission Expires
July 15, 2022

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QUITCLAIM DEED

Steven Ellis and Robin Ellis (together, "Grantor"), having an address of 4 Stagecoach Lane, Dover, Massachusetts, for consideration paid and in full consideration of One and No/100 Dollar (\$1.00), grants to The Town of Dover, a municipal corporation, acting by and through its Board of Selectmen ("Grantee"), having an address of Dover Town House, 5 Springdale Avenue, P.O. Box 250, Dover, Massachusetts 02030,

with quitclaim covenants,

all of Grantor's right, title, and interest in that certain parcel of land and the improvements thereon known as Stagecoach Lane and shown as "Parcel A" on that certain plan entitled "Definitive Subdivision Plan, 'Kirby Farm Estates' Dover, Massachusetts" dated May 14, 2013, last revised January 15, 2014, recorded with the Norfolk County Registry of Deeds in Plan Book 628, Page 72.

Said parcel is conveyed subject to Grantor's right to use Stagecoach Lane in common with all others entitled thereto for all purposes for which public ways are or may hereinafter be used in the Town of Dover, and subject to and with the benefit of rights, easements and restrictions of record, if any, insofar as the same are now in force and applicable.

For reference to Grantor's title, see that certain deed recorded in the Norfolk County Registry of Deeds in Book 37348, Page 597.

[Signature Page Follows]

Property Address: 4 Stagecoach Lane, Dover, Massachusetts

MASSACHUSETTS STATE EXCISE TAX
Norfolk Registry of Deeds
Date: 09-09-2021 @ 01:39pm
Ctl#: 700 Doc#: 116998
Fee: \$.00 Cons: \$1.00

WILLIAM P. O'DONNELL, REGISTER
NORFOLK COUNTY REGISTRY OF DEEDS
RECEIVED & RECORDED ELECTRONICALLY

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Q F F I C I A L O F F I C I A L
IN WITNESS WHEREOF, this quitclaim deed has been executed as a sealed instrument
to be effective as of the 11 day of March, 2021.

Steven Ellis
Steven Ellis

Robin Ellis
Robin Ellis

COMMONWEALTH OF MASSACHUSETTS

March 11, ss.

On this 11 day of March, 2021, before me, the undersigned notary public, personally appeared Steven Ellis and Robin Ellis, proved to me through satisfactory evidence of identification, which was W.D.O., to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.



Vincent J. O'Brien
Notary Public
My Commission Expires: 1/1/2027

We, being a majority of the undersigned members of the Board of Selectmen of the Town of Dover, Massachusetts, hereby certify that at a public meeting duly held this 19th day of AUGUST, 2021, the Board of Selectmen voted to approve and accept this deed.

TOWN OF DOVER
By its Board of Selectmen:


John D. Jeffries



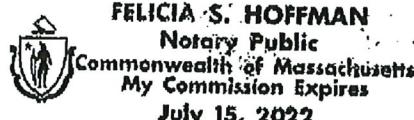
Robert Springer

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

On this 19th day of AUGUST, 2021, before me, the undersigned notary public, personally appeared John D. Jeffries, Robyn Hunter, and Robert Springett, members of the Town of Dover Board of Selectmen, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons who signed the preceding document and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Town of Dover Board of Selectmen.

Felicia S. Hoffman
Notary Public: FELICIA S. HOFFMAN
My Commission Expires: JULY 15, 2022



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QUITCLAIM DEED

Property Address: 5 Stagecoach Lane, Dover, Massachusetts

Jennifer E. Cashman and Carlos B. Cashman, Trustees of the Stagecoach One Realty Trust u/d/t dated March 27, 2017 for which a Trustee Certificate was recorded pursuant to M.G.L. c. 184, § 35 in the Norfolk Registry of Deeds in Book 32998, Book 402, as amended by a Trustee Certificate filed in Book 35929, Page 438 ("Grantor"), having an address of 5 Stagecoach Lane, Dover, Massachusetts, for consideration paid and in full consideration of One and No/100 Dollar (\$1.00), grants to The Town of Dover, a municipal corporation, acting by and through its Board of Selectmen ("Grantee"), having an address of Dover Town House, 5 Springdale Avenue, P.O. Box 250, Dover, Massachusetts 02030,

with quitclaim covenants,

all of Grantor's right, title, and interest in that certain parcel of land and the improvements thereon known as Stagecoach Lane and shown as "Parcel A" on that certain plan entitled "Definitive Subdivision Plan, 'Kirby Farm Estates' Dover, Massachusetts" dated May 14, 2013, last revised January 15, 2014, recorded with the Norfolk County Registry of Deeds in Plan Book 628, Page 72.

Said parcel is conveyed subject to Grantor's right to use Stagecoach Lane in common with all others entitled thereto for all purposes for which public ways are or may hereinafter be used in the Town of Dover, and subject to and with the benefit of rights, easements and restrictions of record, if any, insofar as the same are now in force and applicable.

For reference to Grantor's title, see that certain deed recorded in the Norfolk County Registry of Deeds in Book 32998, Page 404.

[Signature Page Follows]

MASSACHUSETTS STATE EXCISE TAX
Norfolk Registry of Deeds
Date: 09-09-2021 @ 01:39pm
Ctl#: 702 Doc#: 117000
Fee: \$.00 Cons: \$1.00

WILLIAM P. O'DONNELL, REGISTER
NORFOLK COUNTY REGISTRY OF DEEDS
RECEIVED & RECORDED ELECTRONICALLY

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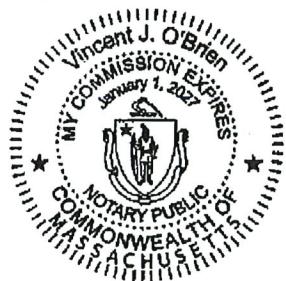
IN WITNESS WHEREOF, this quitclaim deed has been executed as a sealed instrument
to be effective as of the 20th day of APRIL, 2021.


Jennifer E. Cashman, Trustee of the
Stagecoach One Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this 20th day of APRIL, 2021, before me, the undersigned notary public, personally appeared Jennifer E. Cashman, Trustee of the Stagecoach One Realty Trust, proved to me through satisfactory evidence of identification, which was MPD, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purpose as Trustee of the Stagecoach One Realty Trust.




Notary Public
My Commission Expires: 1/1/2027

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IN WITNESS WHEREOF, this quitclaim deed has been executed as a sealed instrument to be effective as of the 28 day of April, 2021.

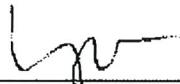

Carlos B. Cashman, Trustee of the
Stagecoach One Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Nwrf, ss.

On this 28 day of April, 2021, before me, the undersigned notary public, personally appeared Carlos B. Casman, Trustee of the Stagecoach One Realty Trust, proved to me through satisfactory evidence of identification, which was h.n.p.L, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purpose as Trustee of the Stagecoach One Realty Trust.




Notary Public
My Commission Expires: 1/1/2027

We, being a majority of the undersigned members of the Board of Selectmen of the Town of Dover, Massachusetts, hereby certify that at a public meeting duly held this 19th day of AUGUST, 2021, the Board of Selectmen voted to approve and accept this deed.

TOWN OF DOVER
By its Board of Selectmen:

John D. Jeffries
John D. Jeffries, Chair

Robyn Hunter, Clerk


Robert Springer

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

On this 19TH day of AUGUST, 2021, before me, the undersigned notary public, personally appeared John D. Jeffries, Robyn Hunter, and Robert Springett, members of the Town of Dover Board of Selectmen, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons who signed the preceding document and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Town of Dover Board of Selectmen.

Felicia S. Hoffman
Notary Public: FELICIA S. HOFFMAN
My Commission Expires: July 15, 2022.

FELICIA S. HOFFMAN
Notary Public
Commonwealth of Massachusetts
My Commission Expires
July 15, 2022

EXHIBIT J

Part II	REAL AND PERSONAL PROPERTY AND DOMESTIC RELATIONS
Title I	TITLE TO REAL PROPERTY
Chapter 183	ALIENATION OF LAND
Section 58	REAL ESTATE ABUTTING A WAY, WATERCOURSE, WALL, FENCE, OR OTHER MONUMENT

Section 58. Every instrument passing title to real estate abutting a way, whether public or private, watercourse, wall, fence or other similar linear monument, shall be construed to include any fee interest of the grantor in such way, watercourse or monument, unless (a) the grantor retains other real estate abutting such way, watercourse or monument, in which case, (i) if the retained real estate is on the same side, the division line between the land granted and the land retained shall be continued into such way, watercourse or monument as far as the grantor owns, or (ii) if the retained real estate is on the other side of such way, watercourse or monument between the division lines extended, the title conveyed shall be to the center line of such way, watercourse or monument as far as the grantor owns, or (b) the instrument evidences a different intent by an express exception or reservation and not alone by bounding by a side line.

EXHIBIT K

EXHIBIT D

Massachusetts Select Board Handbook Chapter 10 Public Works and Parks

<https://www.mma.org/members/msa/massachusetts-select-board-handbook/chapter-11-public-works-and-parks/>

Public vs. Private Ways

Roads fall into two categories: public ways and private ways. Generally, public ways are open to unrestricted use by the public, and the town has taken responsibility for maintaining and repairing them through a formal acceptance process. Private ways are open for a limited use, usually providing access to homes. Both types of roads are open to traffic, but the difference can be quite significant to a town.

State law requires that public ways and railroad crossings “shall be kept in repair at the expense of the town in which they are situated, so that they may be reasonably safe and convenient for travelers.” (MGL Ch 84, Sec 1- see also below) Generally, private roads are the responsibility of the private owners to maintain, though towns may, by bylaw, establish procedures for making temporary (usually minor) repairs on private ways at the request of abutters.(MGL Ch 30A, Secs 18-25) The bylaw must address several specific issues, including what percentage of abutters must petition for such repairs, whether betterment charges will be assessed, and the extent of the town’s liability due to damages caused by these repairs. Towns that accept the applicable section of state law (MGL Ch 40, Sc 6c) may also vote to appropriate funds for the removal of snow and ice from private roads, generally for public safety purposes.

Typically, roads are laid out at the request of a subdivision developer. In accepting a subdivision street as a public way, the Select Board should ensure that the developer or the abutting landowners have conveyed ownership or an easement for the street to the town. Abutting property owners who want the town to take over maintenance and repair of a private way may petition the Select Board for its acceptance by Town Meeting as a public way.

Many older subdivisions, constructed when subdivision regulations were not necessarily rigorous with respect to road standards, have roads (private ways) that are in poor condition and require major drainage and pavement improvements. A town should consider the conditions under which it would consider acceptance of any road, as well as how any needed improvements would be made and who would assume the cost.

Not all private ways or subdivision roads are eventually accepted by the town. The acceptance process is technical and should be coordinated with town counsel and the head of the public works department, as well as the planning board.

MGL Part I, Title XIV, Chapter 84, Section 1

Highways and town ways, including railroad crossings at grade with such highways and town ways, shall be kept in repair at the expense of the town in which they are situated, so that they may be reasonably safe and convenient for travelers, with their horses, teams, vehicles and carriages at all seasons. A city or town shall submit a letter of request for such repair and for approval by the state department of highways. Upon receipt of such approval, the city or town shall be reimbursed by the commonwealth from monies which may be appropriated therefor by the commonwealth and the federal government to defray expenses of such repairs for safety programming. Such reimbursement will not create liability, of any kind, either civil or criminal on the part of the commonwealth or the federal government.

EXHIBIT L



*address of grantee
Dover Mass*



ROMAN CATHOLIC ARCHBISHOP OF BOSTON, a CORPORATION SOLE, of Boston,
A N A N
Suffolk County, Massachusetts, for consideration paid grants to TOWN OF
DOVER, a Municipal corporation duly organized and located in Norfolk County,
said Commonwealth of Massachusetts, with QUITCLAIM COVENANTS, a certain
parcel of land situated in Dover, Norfolk County, Commonwealth of Massachu-
sets, bounded and described as follows:

NORTHWESTERLY: by Center St., forty-six and 28/100 (46.28) feet;
NORTHEASTERLY: by land now or formerly of Michael W. Comiskey,
twenty-nine and 9/100 (29.09) feet;
NORTHEASTERLY: again, but more Easterly by other land of the Town
of Dover, being the grantee herein, eighty-six and
73/100 (86.73) feet; and
SOUTHWESTERLY: by other land of this grantor, being Lot 8 on the
plan hereafter referred to, one hundred five and
36/100 (105.36) feet.

The above described land is shown as Lot 7 on a plan entitled:
"Plan of Land in Dover, Massachusetts" dated September 21, 1959, drawn by
Cheney Engineering Co. to be filed in the Land Registration Office as Plan
No.19441B, a copy of a portion of which is filed herewith in the Norfolk
Registry District of the Land Court.

Also, a right of easement, to pass and repass over the premises
marked "Right-of-Way" on said plan above referred to and thereon bounded and
described as follows:

NORTHWESTERLY: by Center St., forty-six and 28/100 (46.28) feet;
EASTERLY: by the remainder of Lot 5 and 6 as shown on said
plan;
NORTHERLY: by the remainder of Lot 6;
EASTERLY: again by land of the Town of Dover, forty (40)
feet;
SOUTHERLY: by the Northerly end of Oakley Road and by land
now or formerly of Dandrow, one hundred forty-
seven and 90/100 (147.90) feet; and
WESTERLY: by land formerly of James H. Chickering, four
hundred forty-five and 61/100 (445.61) feet.

The above described easement is appurtenant to and for the benefit
of the land of said Town of Dover adjacent thereto and now known as the
Chickering School Land so-called, to be used for all purposes for which ways
are commonly used in said Town of Dover, in common with this grantor, its
successors and assigns.

For grantor's title, see Certificate of Title #63992 issued by the
Norfolk County Registry District of the Land Court in Book 320, Page 192.

IN WITNESS WHEREOF, the said Roman Catholic Archbishop of Boston, a
Corporation Sole, has caused its corporate seal to be hereto affixed and
these presents to be signed, acknowledged and delivered in its name and
behalf by Richard Cardinal Cushing, present Roman Catholic Archbishop of
Boston, hereunto duly authorized this 24th day of May , A.D., 1960.

ROMAN CATHOLIC ARCHBISHOP OF
BOSTON, A CORPORATION SOLE

WITNESS:

Robert Kennedy

By *Richard Cardinal Cushing*
Richard Cardinal Cushing, Roman
Catholic Archbishop of Boston

EXHIBIT M



Riverside Drive

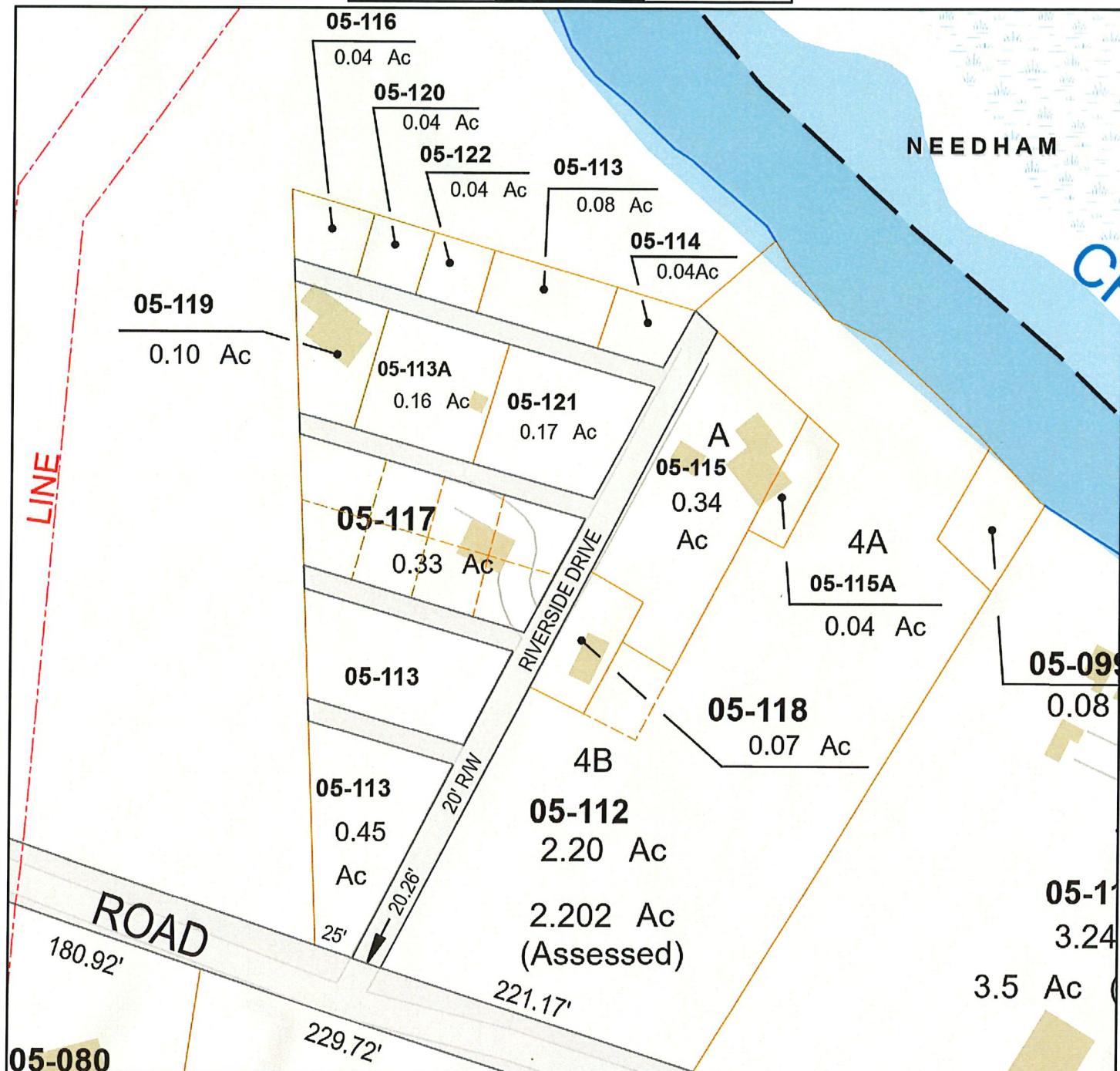
Town of Dover, MA

1 inch = 100 Feet

March 28, 2025

CAI Technologies
Precision Mapping Geospatial Solutions.
www.cai-tech.com

0 100 200 300



Large Scale	— PVTRD	— TRACT	— Buildings
— CAI Town Line	— PWATER	— Utility	— Right of Ways
— PROPERTYLINE	— ROAD	— Water Lines	— Water

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



Cullen Road Paper Streets

Town of Dover, MA

1 inch = 140 Feet

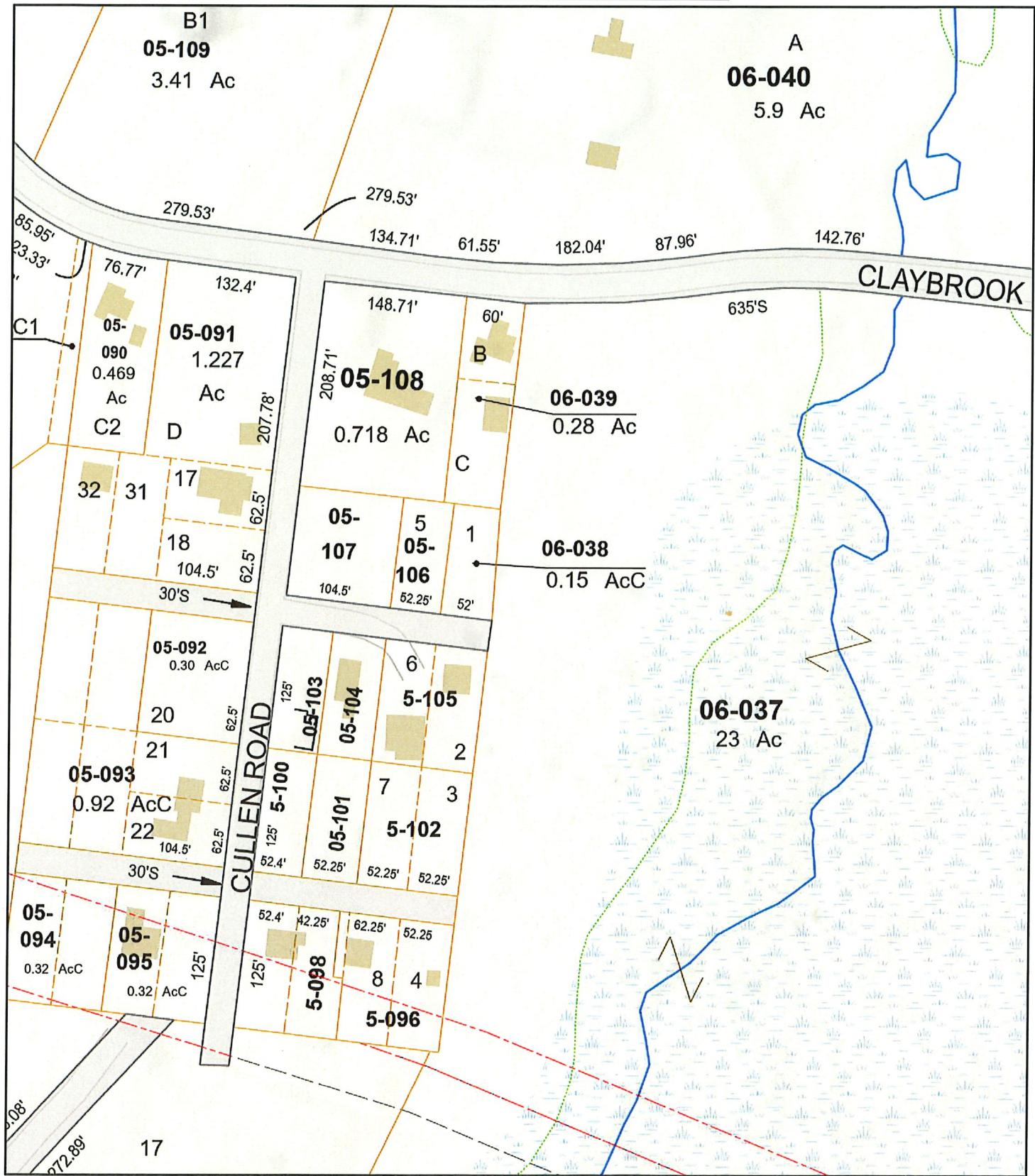
March 26, 2025



CAI Technologies
Precision Mapping. Geospatial Solutions.

www.cai-tech.com

0 140 280 420



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EXHIBIT N



Knollwood

Town of Dover, MA

1 inch = 140 Feet

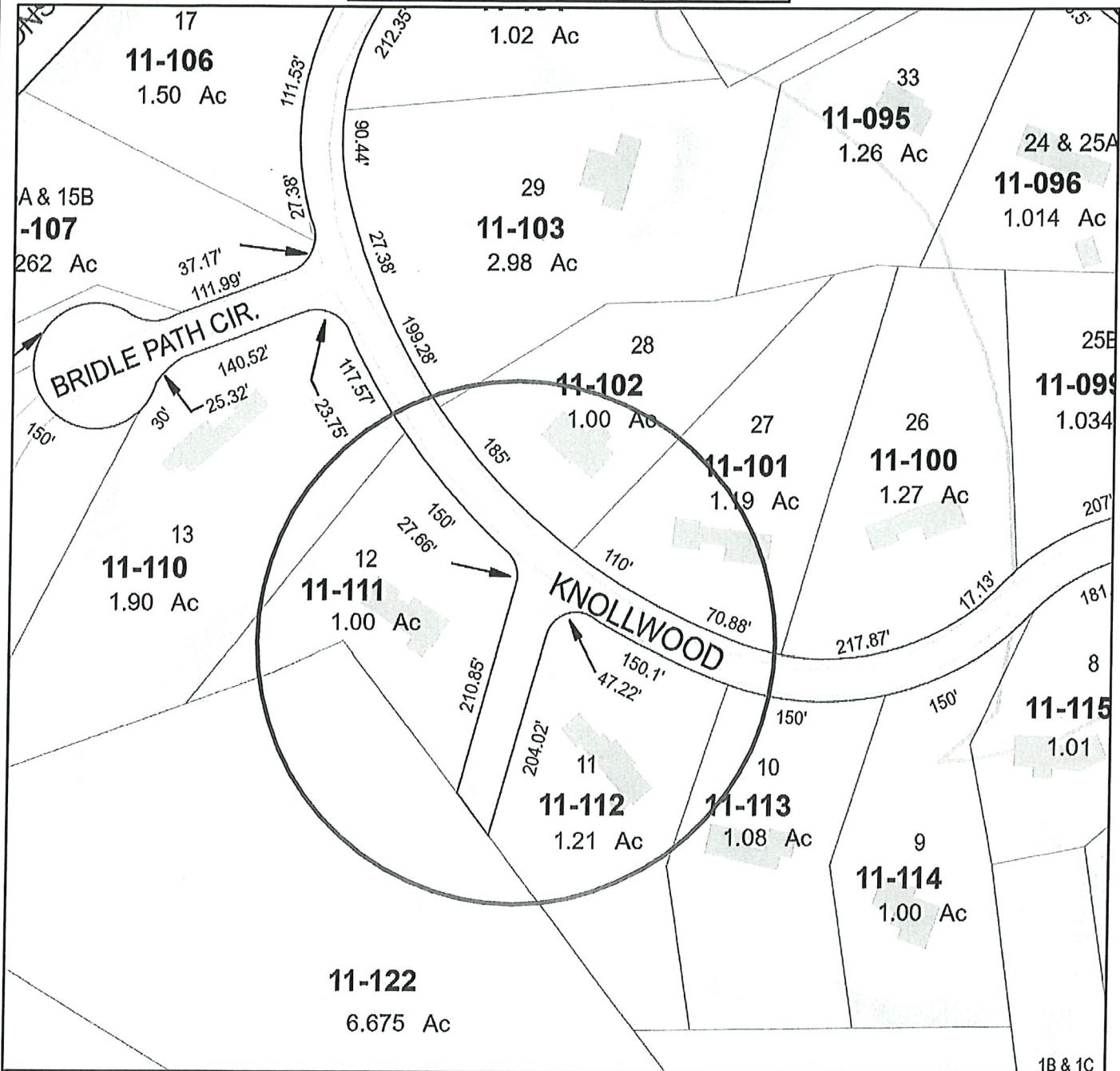


Precision Mapping Geospatial Solutions

www.cai-tech.com

March 24, 2025

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