



Town of Falmouth Community Development Department
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Memorandum

Date: October 28, 2009
To: Town Council
From: Amanda L. Stearns, Community Development Director
Cc: Town Manager Nathan A. Poore
Re: Termination of Sherwood Forest Subdivision

Please find enclosed in this e-folder a letter from David Perkins, attorney for Cianchette Family, LLC. The property owner is working through the process to terminate the entire subdivision, with the exception of one lot that has been sold and developed. The process requires two steps.

1. Termination of rights of incipient dedication by the Council – This step terminates the rights to the town established under 23 M.R.S.A. 3031, excerpt below.

§3031. Public and private rights in proposed, unaccepted ways in subdivisions

1. Public rights. From the date of recording of a subdivision plan in the registry of deeds, the public acquires rights of incipient dedication to public use of the ways laid out on the plan. If a proposed way laid out in the plan is not accepted by the municipality within 20 years from the date of recording of the plan, the public rights in that way terminate.

2. Vacation of the Subdivision – This action requires Planning Board approval and will be sought after the action of the Council. Because there is a lot sold and developed that has its legal access and frontage on Howard's End the action will require a concurrent approval for a Private Way under Section 5. 27 to provide frontage and access.