

MEMORANDUM

TO: Nathan Poore, Town Manager
FROM: Ethan Croce, Senior Planner
DATE: December 30, 2009
RE: Proposed public pedestrian easement at Foreside Place – 202 U.S. Route One

In August 2009, the Planning Board granted a site plan approval for the redevelopment of the Foreside Place property at 202 U.S. Route One. As one component of the site plan approval, the Planning Board requested that the developer construct a new sidewalk along the property's Clearwater Drive frontage in order to create a continuous pedestrian connection between the existing sidewalks along U.S. Route One and the existing sidewalks in the Tidewater Village and Tidewater Farm developments.

While the majority of the new sidewalk will be constructed wholly within the Clearwater Drive right-of-way, one segment of the sidewalk will cross private property. As part of the Planning Board approval, the developer agreed to provide a pedestrian easement over that portion of the new sidewalk that will lie on private property in order to ensure that the public has rights to travel over this area. This item is now before you since only the Council has the authority to accept public easements offered to the Town.

The attached site plan attempts to show graphically the location of the proposed public easement. The three different colored areas on the plan represent the following:

- The green areas represent the existing sidewalks along Route One and Tidewater Farm/Tidewater Village.
- The blue area represents the new sidewalk and crosswalks to be constructed within the Clearwater Drive right-of-way.
- The yellow area represents the portion of the new sidewalk and public gathering/seating area to be constructed on private property and represents the area of the proposed public easement.

The proposed easement language is attached and has been reviewed and approved by the Town Attorney.