



Town of Falmouth Community Development  
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Date: March 16, 2012  
To: Town Council  
From: Amanda L. Stearns, Community Development Director  
Cc: Nathan A. Poore, Town Manager  
Jay Reynolds, Parks and Public Works Director  
Re: Harding Avenue Property Issues

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Debi Dowd, Power of Attorney for the property owner of 30 Harding Avenue (U04-3B) contacted the town some weeks back due to a discovery that the town owns what appears to be the front yard and driveway of this property. Research by various departments resulted in the following discoveries:

1. The original lot was divided in 1968 with a portion of the property being conveyed to the town for an extension of Harding Avenue. This extension provided a turnaround at the end of street and extended the sewer to serve two new homes. A second lot was also conveyed at the same time.
2. There is no record of building permits on either of the properties that abut the hammerhead, being 30 and 31 Harding.
3. The timing of the conveyances is such that the layout and conveyance to the town occurred virtually simultaneously with the conveyance of the second lot and the building of the two new homes. There is a Certificate of Occupancy for 30 Harding that was issued after the conveyance to the town that suggests the home may have been under construction at the time of the conveyance.
4. A new survey of the properties has revealed that 30 Harding does not meet the required dimensional requirements of front setback and lot frontage as required at the time of the lot creation.

Our conclusion is that the town was a party to the division of land and the creation of both lots through its lay out and acceptance of the deed for the right-of-way. This creates a unique situation where we recommend that a land swap take place between the town and the property owner. The resulting lot will be conforming and the town will maintain a turnaround right of way that meets the town's current standards. Please see the attached plan for details.

It is requested that the Council consider granting authority to Nathan Poore, Town Manager to execute a deed to and accept a deed from the property owner to implement the land swap.