

[JUNK]Re: proposed Cromwell Lane Road Association Tisbury - DRI 550-M4 - LUPC meeting and discussion 5/2/22 5:30pm

BENJAMIN HALL <buzzvmv@comcast.net>

Wed 4/27/2022 2:06 PM

To:Geoghan Coogan <cooganlaw@gmail.com>;

Cc:Bill Veno <veno@mvcommission.org>; Alex Elvin <elvin@mvcommission.org>; Lucy Morrison <morrison@mvcommission.org>; Adam Turner <turner@mvcommission.org>;

I found "Cromwell Street" listed at the Town Street List link shown on the top left at <https://www.tisburyma.gov/roads-sidewalks-basins> which is on the DPW website page. Norton Lane is NOT listed.

Ben

On 04/27/2022 1:53 PM Geoghan Coogan <cooganlaw@gmail.com> wrote:

Thanks Ben.

On Wed, Apr 27, 2022 at 1:47 PM BENJAMIN HALL <buzzvmv@comcast.net> wrote:

Dear Geoghan: I received by mail your letter and proposal for a Cromwell Lane Road Association related to the MV Commission's DRI 550-M4 LUPC post-decision plan review upcoming on 5/2/22 at 5:30 pm. I am unable to attend that meeting but am copying persons at the MVC so that my comments can be considered.

I agree that Cromwell Lane is likely a public street and has been neglected and must be kept up. It has been for decades regularly used by Tisbury Police and public safety vehicles to access the station (which prior to its current iteration was also located at the west end of the Water Street parking lot (oft called the "Stop and Shop" lot) and thus has become public by prescription. Because the police regularly use it, it would be of great benefit that the Town take over plowing and maintenance of that way that it is already somewhat undertaking (but only when conditions make it near impossible for public safety vehicles to traverse it - large chuckholes form and must be routinely filled). It needs to be paved throughout its length with proper drainage into storm drains to alleviate the impact of the degree of precipitation flowing along it.

On the other hand, when I contact the Town Clerk for the street list, I am told that neither Norton Lane, on which a family affiliate-owned building fronts (35 Main Street), nor Cromwell Lane which runs only from its intersection at Norton Lane and Beach Road, are on the "accepted street list" at the Town Clerk's office (which I am told is kept in a drawer of street names at the Town Clerk and is not compiled into a formal public street list). I believe the Planning Board also maintains a street list of named ways but am unsure as to the public nature of those ways under Chapter 90 of the General Laws.

I note the plan you sent to us shows Cromwell Lane misnamed as "Norton Lane." This misnomer ought to be corrected by the survey team.

Moreover, as you know, the proposal for a statutory Road Association can only apply to those who "front" on a way and a certain process is required through the Clerk Magistrate to serve process upon those fronting on the way proposed to be maintained by a statutory road association under G.L. c. 84 §§12, 13, and 14 in order to comply with the statute to hold a valid vote as to whether or not to form such an association.

The lots fronting along the way are not depicted on any plan submitted so it is unclear who could participate or would have a say in the formation of the road association. I know for a fact that 35 Main Street does not front on Cromwell Lane but those occupying that parcel have rights to use Cromwell Lane having done so for 40+ years. 35 Main Street lands extend to a point that is 6 feet from the rear of the former police station now the "comfort station" and the owners have entered into a "License Agreement" with the Town to permit police and other public safety vehicles to conditionally traverse that area so as to have direct access across it to the area of Norton Lane and Cromwell Lane. But Cromwell Lane itself starts (or ends depending on from which end one begins) at the corner of the Stop and Shop "upper" "seasonal" store by the rear door and runs along the frontage of the parking area shown on the plan attached (but misnamed as "Norton Lane" and to (or from) Beach Road.

As the best way to address the issues, I would urge an effort to follow the process guided by the Planning Board to have the Town accept Cromwell Lane and to seek to have the Town meeting vote to layout Cromwell Lane and confirm prescriptive rights and to do a confirmatory acceptance (taking) of a layout and to further allocate a sum of funds for betterment so that it will be improved to meet proper standards.

Best, Ben

Benjamin L. Hall, Jr., Vice President and Assistant General Manager
Benjamin Lambert Hall Real Estate of Martha's Vineyard, Inc., Managing Agent
PO Box 5039 - 45 Main Street
Edgartown, MA 02539-5039
508-627-5900

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Geoghan E. Coogan, Esq.

Edmond G. Coogan Law Office, P.C.

4A Causeway Road

P.O. Box 1639

Vineyard Haven, Ma. 02568

Ph: 508.693.3200

Fax: 508.693.7316

Email: cooganlaw@gmail.com

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