

**Town of Woodstock
Selectmen's Meeting
Tuesday, February 19, 2019**

Selectmen: Joel Bourassa, R. Gil Rand, Scott Rice

Staff: Judy Welch, Ryan Oleson, Kevin Millar

Public: Patrick Griffin, Cheri Caulder, Lisa MacKay, John MacKay

Gil called the meeting to order at 6:05 p.m. Scott seconded the motion and the vote was affirmative.

Public Participation:

No Public Participation

Minutes of the February 5, 2019 Meeting:

Gil motioned to accept the minutes of the February 5, 2019 Selectmen's Meeting. Scott seconded the motion and the vote was affirmative. Joel abstained.

Legal Opinion/Sabourn & Tower/Clark Farm Road:

The Board reviewed the following legal opinion relative to Sabourn & Tower's research on the status of Clark Farm Road:

"Hi Judy. I've reviewed Roy's research and spoken with Jae. As you know, roads can be established one of four ways. They can be dedicated and accepted, laid out, conveyed to the town, or they can be established by prescription. There is no vote of any acceptance, no evidence of any layout, and there is no deed of the road to the town, so if this is a public road, it would have to be a road by prescription. That means it was used by the public for at least 20 years prior to 1968. Here, the evidence is that this was a public road at least to the Dearborn house. That evidence is the 1860 and 1892 plans. Since there is no evidence that the road was ever discontinued, it remains a public road.

Whether the road is Class V or Class VI is not clear from the plans. However, regardless of its class, it is a public road over which the selectmen have regulatory authority. It appears that the town has always assumed that the road is a Class V road and treated it as such, because it has maintained it. Absent some evidence to the contrary, I am very comfortable with the town continuing to maintain it. Should someone contest that conclusion or the town's maintenance of the road, it is up to them to produce some evidence that it's not a Class V road.

Please let me know if I can be of additional assistance. Thank you."

*Laura Spector-Morgan, Esquire
Mitchell Municipal Group, P.A.*

Second Legal Opinion/Bill Waterhouse/Termination & Release of Restrictive Covenants:

The Board reviewed the following second legal opinion from a real estate lawyer pertaining to the release of restrictive covenants outlined in the deeds related to map 105 lots 019 and 020.

"Good afternoon, Judy.

I reviewed the documents you forwarded to me, including the Termination and Release of Restrictive Covenants (the "Termination"). Since the copy of the Termination provided to me did not include evidence of recording, I did a quick search of the Grafton County Registry of Deeds to confirm that it was recorded. I confirmed that it was recorded in the Registry at Book 4402, Page 978.

I assumed that the Recitals in the Termination correctly state that Tax Map 105, Lot 20 and Tax Map 105, Lot 19 are the only lots that were affected by the restrictive covenants. I did not undertake any further research of the land title records recorded in the Registry to confirm that was true. In light of the fact that the Termination was prepared by a reputable law firm that would likely have conducted all necessary due diligence to confirm the ownership of the lots affected by the restrictive covenants, I have no reason to believe the recitals were not correct.

The restrictive covenants affecting Tax Map 105, Lots 19 and 20 are appurtenant to the land. In other words, the restrictions benefit the owners or occupiers of the land. They also "run with the land", which means they are binding on future owners of the land automatically when the property is transferred. The fact that the restrictive covenants run with the land does not mean that they cannot be terminated; such covenants can be terminated if the parties that have an interest in the property or whom have been granted a right of enforcement in the instruments creating such restrictions consent in writing to the termination. Nothing in the deeds creating the restrictive covenant provides any third party the right to enforce the covenants. By law, only the parties that own the subject property at the time of such enforcement can enforce the covenants or terminate the covenants. So, the parties that objected to the termination of the restrictive covenants at the Board of Selectman's meeting have no standing to object to the termination of the covenants.

The owners of all of the parcels affected by a "servitude" that is appurtenant and which runs with the land, like the restrictive covenants in this case, may terminate the servitude by signing an instrument effectuating such a termination. The instrument must be acknowledged in front of a notary public or justice of the peace and recorded in the Registry of Deeds. The Termination effectively terminated the restrictive covenants affecting Tax Map 105, Lots 19 and 20.

I agree with the conclusion of the town's counsel that the Termination effectively terminated the restrictive covenants affecting Tax Map 105, Lots 19 and 20 and that the third parties who objected to the termination do not have any standing to enforce the covenants.

Please let me know if you have any other questions about this matter."

Thanks,

James D. Kerouac
BERNSTEIN SHUR - Shareholder

Conceptual Plans/AHEAD Proposed Housing:

Gil met with AHEAD to discuss the proposed housing project. Gil presented the Board with conceptual plans and explained that the project is in the very early stages of planning and is probably four to five years out. Gil toured the facility in Littleton and met with the Littleton Police Chief in hopes to try and field some of the concerns.

Appointment/Kevin Millar:

Gil motioned to appoint Kevin Millar to Deputy Emergency Management Director and Deputy Health Officer. Scott seconded the motion and the vote was affirmative. Appointment was signed and Kevin took the oath of office for both positions.

Old Business:

New/Other Business:

Scott motioned to adjourn the Selectmen's Meeting at 6:28p.m. Gil seconded the motion and the vote was affirmative.

March 5, 2019

R. G. Rand
[Signature]
[Signature]