

**WARRANT ARTICLE QUESTIONNAIRE  
CITIZEN PETITIONS ARTICLES**

Article #21

Date Form Completed: September 8, 2021

Article Title: Authorize Select Board to Grant Easement

Sponsor Name: James Locke Hawthorne

c/o Thomas G. Waldstein, Esq. twaldstein@aol.com

24 Union Ave., Suite 22

Tel. 508-872-6567

Framingham, MA 01702

**QUESTION**

1. Provide the article motion exactly as it is intended to be voted on by the Finance Committee.

Response: See separate sheet

2. At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?

Response The purpose of the article is to authorize the Select Board to grant to the owner of 21 Overbrook Terrace an easement which will rectify two small encroachments that have existed for many decades.

3. What does the sponsor gain from a positive action by Town Meeting on the Motion?

Response: To give authority to the Select Board to be able to grant the requested easement.

4. Describe with some specificity how the sponsor envisions how: the benefits will be realized; the problem will be solved; the community at large will gain value in the outcome through the accompanied motion.

Response: The easement will rectify two small encroachments. The Town, which has not built upon the encroachment area nor has any intention of ever doing so will not be adversely affected. The Town will protect its homeowner without any cost to itself.

5. How does the proposed motion (and implementation) fit with the relevant Town By-Laws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations.

Response: The grant of the proposed easement will have no practical effect on the Town.

6. Have you considered and assessed, qualified and quantified the various impacts to the community such as:

Town infrastructure (traffic, parking, etc.)

Neighbors (noise, traffic, etc.);

Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);

Response: Yes, the neighbors are supportive and have signed the petition.

7. Who are the critical participants in executing the effort envisioned by the article motion?

To this point what efforts have been made to involve those participants who may be accountable, responsible, consulted, or just advised/informed on the impacts of executing the motion?

Response: James Errickson, Town Administrator has been fully informed of the background, facts and plans concerning the proposed article. The Director of Community and Economic Development, James Freas, has been consulted.

8. What steps and communication has the sponsor attempted to assure that:

Interested parties were notified in a timely way and had a chance to participate in the process, that

Appropriate town Boards & Committees were consulted

Required public hearing were held

Response: The neighbors were consulted and are supportive. The Town Administrator was fully advised with background material as well as the Proposed Easement Plan.

9. Why is it required for the Town of Natick AND for the sponsor(s)?

Response: The Town suffers no adverse impact and avoids a potential claim of adverse possession. The homeowner rectifies two technical encroachments and clears up the claim of encroachment if at any time in the future he should seek to sell his property to a third party.

10. Since submitting the article petition have you identified issues that weren't initially considered in the development of the proposal?

Response: No

11. What are other towns and communities in the Metro West area, or the Commonwealth of Massachusetts doing similar to what your motion seeks to accomplish.

Response: N/A

12. If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences.

Response: If the warrant article is not approved and the easement is not granted then the homeowner may be required to remove a portion of his garage and his porch. Alternatively, the homeowner could seek a ruling in court that certain property has come into ownership from the Town as a result of a claim of adverse possession. This would have its attendant costs and risks to all parties.



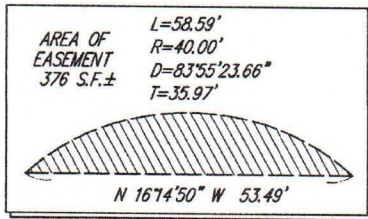
### **PROPOSED ARTICLE**

To see if the Town will vote to authorize the Select Board to grant to David Locke Hawthorne owner of 21 Overbrook Terrace Assessors' Parcel ID 00000369 an exclusive appurtenant easement running with the land of said 21 Overbrook Terrace to pass and repass, maintain such structures presently within the easement area but not to extend such structures, over a Parcel shown as 'Easement Area' on a Plan entitled 'Easement Plan 21 Overbrook Terrace, Natick, Massachusetts' Framingham Survey Consultants, Inc., dated August 6, 2021' or to take any other necessary action to effectuate the purpose of this Article; or to act otherwise thereon.

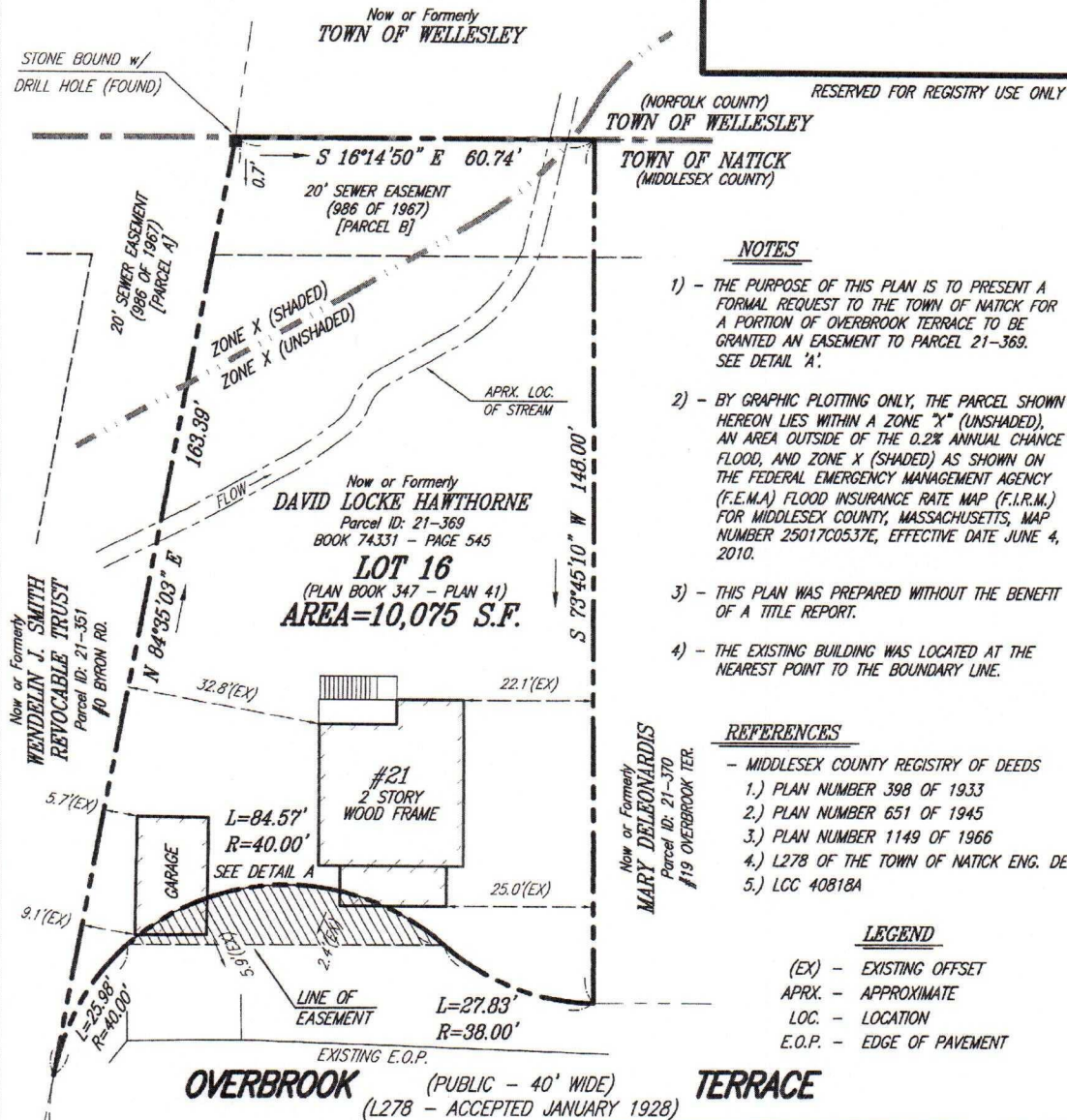
David Locke Hawthorne  
21 Overbrook Rd.  
Natick, MA 01760  
Primary Sponsor

## Article 21

Motion: To grant to the Select Board the authority to grant an easement to the owner of 21 Overbrook Terrace as requested in Article 21.



DETAIL A  
SCALE: 1"=20'



### NOTES

- 1) - THE PURPOSE OF THIS PLAN IS TO PRESENT A FORMAL REQUEST TO THE TOWN OF NATICK FOR A PORTION OF OVERBROOK TERRACE TO BE GRANTED AN EASEMENT TO PARCEL 21-369. SEE DETAIL 'A'.
- 2) - BY GRAPHIC PLOTTING ONLY, THE PARCEL SHOWN HEREON LIES WITHIN A ZONE "X" (UNSHADED), AN AREA OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOOD, AND ZONE X (SHADED) AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP (F.I.R.M.) FOR MIDDLESEX COUNTY, MASSACHUSETTS, MAP NUMBER 25017C0537E, EFFECTIVE DATE JUNE 4, 2010.
- 3) - THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
- 4) - THE EXISTING BUILDING WAS LOCATED AT THE NEAREST POINT TO THE BOUNDARY LINE.

### REFERENCES

- MIDDLESEX COUNTY REGISTRY OF DEEDS
- 1.) PLAN NUMBER 398 OF 1933
- 2.) PLAN NUMBER 651 OF 1945
- 3.) PLAN NUMBER 1149 OF 1966
- 4.) L278 OF THE TOWN OF NATICK ENG. DEPT.
- 5.) LCC 40818A

### LEGEND

- (EX) - EXISTING OFFSET  
APRX. - APPROXIMATE  
LOC. - LOCATION  
E.O.P. - EDGE OF PAVEMENT

I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY PLANS AND DEEDS OF RECORD.



WILLIAM E. TIRRELL, PLS (MA# 49930)

DATE



### EASEMENT PLAN 21 OVERBROOK TERRACE NATICK, MASSACHUSETTS

**FRAMINGHAM SURVEY CONSULTANTS INC.**

P.O. BOX 1190 FRAMINGHAM, MA 01701

PH: 508-628-1444 FAX: 508-879-9292

WWW.FRAMINGHAMSURVEY.COM

SCALE: 1"=20' DRAWN BY: RDW DWG: 4132\_21 EASE  
DATE: AUGUST 6, 2021 CHECKED BY: WET JOB NO: 4132\_21

GRAPHIC SCALE (IN FEET)

