

Karon Catrone

From: Patrick Ahearn
Sent: Thursday, May 6, 2021 11:40 AM
To: Karon Catrone; Nora Loughnane; Abigail McCabe; Joe Doyle
Cc: Jeffrey Silva
Subject: RE: 44 mill st property rights document

Karon, I am having a difficult time reading the document that was sent to me. The statutes he described below are criminal trespass statutes. I do not see it as a trespass issue but if he does then when and if the project proceeds his recourse would be to the police not the building department or the PB. An easement, generally gives you access to go across a piece of property, so an easement is generally not something that prevents but allows access. It looks like the he is saying they are "infringing" on his property rights which they generally cannot do unless allowed by an easement.

Pat

From: Karon Catrone
Sent: Thursday, May 6, 2021 11:31 AM
To: Patrick Ahearn <pahearn@townhall.westwood.ma.us>; Nora Loughnane <nloughnane@townhall.westwood.ma.us>; Abigail McCabe <amccabe@townhall.westwood.ma.us>; Joe Doyle <jdoyle@townhall.westwood.ma.us>
Subject: FW: 44 mill st property rights document

The Commission is currently reviewing a project which is proposing construction of a single family home at 44 Mill Street. The lot has several resource area issues. The applicant is proposing directional drilling for the sewer and water which would run next to the left side of the driveway. The applicant's representative made claims that there is a shared driveway permit which Nora suggested I have them upload to viewpermit (which has not been done yet).

The abutter at 42 Mill Street claims there is no shared driveway permit but the attached easement. Could this easement prevent the applicant from access to the property or directional drilling? I do not have much knowledge of this so any information would be helpful.

Thank you,
Karon

From: A Y [<mailto:ayudzinsky@gmail.com>]
Sent: Thursday, May 6, 2021 10:54 AM
To: Karon Catrone <kcatrone@townhall.westwood.ma.us>
Subject: 44 mill st property rights document

Hi Karon,

I have highlighted areas from Goddard consulting that are planning to infringe on my property rights. You may need to zoom on the pdf to see what I wrote in full along with excerpts my attorney highlighted upon review. It's a no go.

Goddard already expressed intent via the plan, and has not denied it on 2 calls. On the recorded call I warned that this won't be allowed. There is no ignorance of the fact.

Per Massachusetts law below, it's criminal to do so. Below is a simplified version, I'm not an attorney, but the town has one as you said!

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Massachusetts General Laws:

- [Ch.266, Section 120](#) (*general trespass*)
- [Ch.266, Section 121A](#) (*vehicles*)
- [Ch.266, Section 123](#) (*public property*)
- [Ch.266, Section 115](#) (*gardens*)
- [Ch.266, Section 118](#) (*domestic animals*)

Elements of the Crime

General criminal trespass:

- An individual commits an act of trespass if they enter or remain in or on another house, building, boat, wharf, or pier without any legal authority.
- Penalty: Maximum fine of \$100 and/or incarceration up to 30 days.

Trespass of garden/orchard:

- An individual enters someone's garden, orchard, or nursery and destroys trees, flowers, fruits.
- Penalty: Maximum fine of \$500 and/or 6 months in jail

Vehicle trespass:

- An individual enters another's property by using a vehicle
- Penalty: Fine not to exceed 250

The Attorney General has determined that email correspondences are public records unless the content of the email falls with one of the stated exemptions under the Public Records Laws

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