

From: [Dennis Miller](#)
To: [Elaine Banta](#)
Cc: [Bill Crowell](#)
Subject: Fwd: 569 Route 28, Harwich Port - Parking Easement Rights
Date: Monday, July 18, 2022 10:11:58 AM
Attachments: [569 Rte 28 - Parking Easement Docs.pdf](#)

Good morning Elaine,

The following are the 2 opinions from Attorney Bill Crowell related to the parking and access rights held by 569 Route 28 (owned by Main Street HP, LLC) over the lot at 567 Route 28. (I have also attached the original easement documents)

Please let us know if you have any questions.

Thank you,

Dennis Miller

Email: dennismiller@prodigy.net

Cell: (978) 423-4619

From: wcrowell.office1@comcast.net
Date: July 13, 2022 at 5:55:55 PM EDT
To: Dennis Miller <dennismiller@prodigy.net>
Subject: FW: 569 Route 28, Harwich Port - Parking Easement Rights

Hi Dennis:

Please be advised that I have reviewed the easement recorded as Document #282525 which grants the right to "use and/or create and/or maintain a parking area for the use of Lot 7 as shown on Subdivision Plan 23643- E". In my opinion, it is reasonable to conclude that the use of said easement parking area for the "use of said Lot 7" would necessitate access from the existing curb cut on Route 28 into said easement parking area and then into said lot 7 to any commercial building or parking areas on lot 7.

Thank you,

Bill

William D. Crowell, Esq.
P.O. Box 185 - 466 Main Street
Harwich Port, MA 02646
Phone: 508-432-1643
Fax: 508-430-0631
e-mail: wcrowell.office1@comcast.net

-----Original Message-----

From: Atty William Crowell
[mailto:wcrowell.office1@comcast.net]
Sent: Wednesday, May 20, 2015 9:24 AM
To: 'Dennis Miller'
Subject: 569 Route 28, Harwich Port

Please be advised that I have reviewed the title to Lot 7 as shown on the attached Land Court Plan 23643-E and am of the opinion that said Lot 7 has the benefit of the easement area that I have shown in hash marks on the southerly side of the state highway as shown on the attached Land Court Plan 23643-G-1. I am also attaching a copy of the Easement Document No. 282525 which established the easement originally as 96 feet in depth but then was modified by Document No. 308131 which is also attached limiting it to 70 feet in depth. Finally, I am attaching a copy of the Easement to the Harwich Water Department which is 7 feet in width along the easterly boundary of said Lot 7.

Consequently, it is my opinion that Lot 7 has the benefit of said parking Easement as modified, and is 97.5 feet in width along the state highway and 70 feet in depth as shown on said Plan.

Thank you.
William D. Crowell, Esq.
466 Main Street - P.O. Box 185
Harwich Port, MA 02646
Telephone: 508-432-1643
Fax: 508-430-0631
e:mail: wcrowell.office1@comcast.net

569 ROUTE 28 - EASEMENT DOCUMENTS

WE, Paul J Kelley, Kevin J Kelley, William J McGreevy, Edward G Donovan Jr, Thomas H Peterson Jr., James A Peterson, Susan D Peterson, Anthony A Degnan and Joyce A Degnan, being the owners of Units 1 through 5 of the Beach Side Condominium created by Master Deed dated May 28, 1981, recorded with Barnstable County Registry of Deeds, Land Registration Section with Certificate of Title No. C-100, and being the owners of a 100% interest between us in the common areas and facilities of the Beach Side Condominium hereby grant to James A Peterson and Susan D Peterson, their heirs, assigns, grantees and lessees the following easement: the right, in common with all those lawfully entitled thereto, to use and/or create and/or maintain a parking area for the use of Lot 7 (as shown on subdivision plan 23643-E dated August, 1967 drawn by Nickerson & Berger, Surveyors, a copy of which is filed in Barn-

stable County Registry of Deeds, Land Registration Section, with Certificate of Title No. 40819) on the following described portion of Lot ¹⁰⁻¹ as shown on a Plan of Land ^{see PL 23643-G-1} in Harwich entitled Beach Side Condominium dated May 4, 1981 prepared by Eldredge Engineering Co. Inc., Hyannis, MA, a copy of which is filed in Barnstable County Registry of Deeds with Certificate of Title C-100 (Land Registration Section)

"97.50 feet on the northerly bound of said Lot ¹⁰⁻¹ 2 (by the State Highway) and 96 feet deep (from said northerly bound) on the easterly and westerly bound of said Lot ¹⁰⁻¹ 1. (The depth of 96 feet being in a southerly direction).

Handwritten signature and notes at the bottom of the page, including "23643-E"

The above-described Lot ¹⁰⁻¹ is also shown as such on subdivision ⁶⁻¹ 23643-F dated April 1969, drawn by Nickerson & Berger, Surveyors, and filed in the Land Registration office at Boston, a copy of which is filed in Barnstable County Registry of Deeds in Land Registration Book 190, Page 87 with Certificate of Title No. 24947.

FA title, see Cert. of Title C-100 and U# 85910

IN WITNESS WHEREOF, we, the said Paul J Kelley, Kevin J Kelley, William J McGreevy, Edward G Donovan Jr., Thomas H Peterson Jr., James A Peterson, Susan D Peterson, Anthony J Degnan and Joyce A Degnan have hereunto set our hands and seals this 19th day of ~~XXXXX~~, 1981.

JUNE

Paul J Kelley
Anthony J. Degnan
Joyce A. Degnan
William M. Young
James A. Peterson
Susan D. Peterson
Edward G. Donovan
Kevin J. Kelley

PARTIAL RELEASE OF EASEMENT

WE, James A Peterson and Susan D Peterson, of 21 Oliver Snow Road, Harwich Port, MA, being the grantees of an easement from Paul J Kelley, Kevin J Kelley, William J McGreevy, Edward G Donovan Jr, Thomas H Peterson Jr, James A Peterson, Susan D Peterson, Anthony J Degnan and Joyce A Degnan dated June 19, 1981 and recorded at the Barnstable Registry of Deeds, Land Registration Section with Certificate of Title C-100 (said easement being over Lot 10-1 [Beach Side Condominium] for the benefit of Lot 7) (see Plan 23643-G-1 & Plan 23643-E) (see Document NO. 282,525) ^{in cert 88910} hereby release to the said Paul J Kelley, Kevin J Kelley, William J McGreevy, Edward G Donovan Jr, Thomas H Peterson Jr, James A Peterson, Susan D Peterson, Anthony J Degnan and Joyce A Degnan, their heirs, assigns, grantees and lessees the following described portion of the original easement over Lot 10-1:

26 feet on the easterly and westerly boundary of Lot 10-1 (The depth of 26 feet being from the southerly bound of the original easement and measured in a northerly direction)

For purposes of clarification only, James A Peterson and Susan D Peterson are retaining for their use the following portion of the original easement: "97.50 feet on the northerly bound of Lot 10-1 (by the State Highway) and 70 feet deep (from said northerly bound) on the easterly and westerly bound of said Lot 10-1. (The depth of 70 feet being in a southerly direction)

IN WITNESS WHEREOF, WE, THE SAID JAMES A PETERSON AND SUSAN D PETERSON HAVE HEREUNTO SET OUR HANDS AND SEALS THIS 14th DAY OF MARCH, 1983

James A. Peterson
Susan D. Peterson

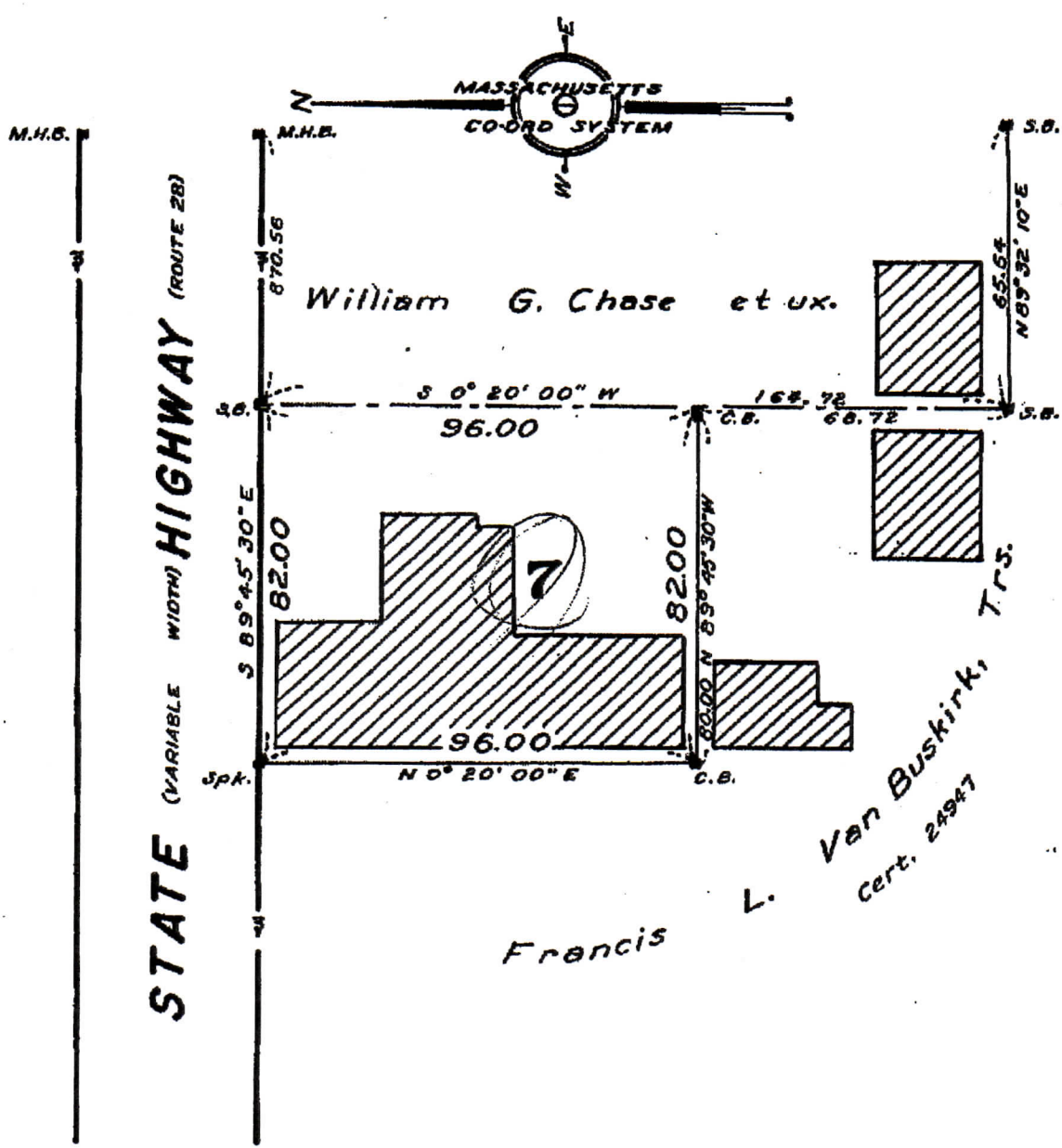
COMMONWEALTH OF MASSACHUSETTS
MARCH 14, 1983

Barnstable, ss
Then personally appeared the above-named James A Peterson and Susan D Peterson and acknowledged the foregoing to be their free act and deed, before me.

[Signature]
Notary Public
Commission Expires 4/5/85

23643E

SUBDIVISION PLAN OF LAND IN HARWICH
Nickerson & Berger, Surveyors
August 1967



Subdivision of Part of Lot 6
Shown on Plan 23643D
Filed with Cert. of Title No. 24947
Registry District of Barnstable County

Separate certificates of title may be issued for land
shown hereon as Lot 7
By the Court.

Margaret M. Daly
Recorder

AUG. 21, 1967

Copy of part of plan
filed in
LAND REGISTRATION OFFICE
AUG. 21, 1967
Scale of this plan 30 feet to an inch
C.M. Anderson, Engineer for Court v.