

**BOARD OF SELECTMEN**  
**Minutes of August 26, 2008**

Chairman Jackson called the meeting to order at 4:00PM. Board members present in addition to Chairman Jackson were Richard Gandt, and Nancy Luther. Martha Morrison was absent. Of the Selectmen's staff, Town Administrator Virginia Wilder, and Board Secretary Donna Rich, were in attendance. Other persons present were Brian Woodland, Grove Realty Partners, LLC.

Chairman Jackson stated the purpose of the meeting was to discuss the ATC easement at 7 Grove Street.

**Old Business**

**ATC (Alternate Transportation Corridor) Easement:** Mr. Brian Woodland was invited to meet with the Board to review the location of the 20 feet in width ATC easement on the property at 7 Grove Street as stated in a deed from the MBTA to Grove Realty Partners, LLC. This deed was recorded on September 28, 2005 in Essex South District Registry of Deeds Book 24885, Page 300, stating that the Grantor reserves an easement in the Premises to locate an alternative transportation corridor (ATC) 20 feet in width along the entire length of the Premises.

The primary issue discussed was that the building is almost to completion with no discussion initiated with the Board of Selectmen regarding the location of the ATC easement. Selectman Gandt read from the deed, paragraph four, which relates to the ATC easement. There have been conversations between Mr. Woodland and Mr. Joe Geller, Rail Trail Chairman, relative to the design of the Topsfield Linear Common which included a 12 foot wide trail with 2 foot shoulders on either side of an 8 foot wide path. Selectman Gandt clarified that the purpose of this discussion was to determine the location of the ATC, not to design the Rail Trail at this location. Mr. Woodland expressed that his understanding of the ATC easement was "contemplated to be generally a 20 foot easement", and that he has discussed the issue with Phil Jean and Robert LaVita, of Transit Realty Associates, LLC, as representatives of the MBTA. Chairman Jackson said he will contact Mr. LaVita and Mr. Jean for clarification on the width of the ATC easement. Chairman Jackson will also inquire with Mr. LaVita if parking spaces are allowable to be designated on the ATC. Ms. Wilder suggested that the MBTA's Legal Counsel be requested to review the legality of allowing parking on the ATC easement.

**Warrants:** The Selectmen signed and approved warrants in the amount of **\$2,002,524.82**. The breakdown is as follows:

Warrant #FY09:	
017T	\$ 749,952.42
017	\$ 168,506.74
018	\$1,759,065.66

At 5:55PM, Selectman Luther made a motion to adjourn, Selectman Gandt seconded the motion, vote: 4-0.

Respectfully submitted,

Donna Rich, Secretary  
Selectmen's Office

*Approved as written at the September 15, 2008 Board of Selectmen's meeting.*