



**STAFF REPORT**  
*Public Hearing 12-3-19*

AGENDA ITEM #: 19-132  
COUNCIL MTG OF: December 3, 2019  
FROM: Dave Caron, Town Administrator  
OFFERED BY: Michael A. Fowler, P.E., Public Works Director  
PREPARED BY: Michael A. Fowler, P.E., Public Works Director  
SUBJECT: Release of Public Servitude – Juniper Road

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#### PURPOSE

The purpose of this document is to provide information regarding a request to release public servitude for a previously dedicated right-of-way off Juniper Road

#### TOWN ADMINISTRATOR COMMENTS

The Council is urged to support Resolution #2019-067; the planned subdivision was never constructed and the subject land was placed in a conservation easement, thus negating the need to maintain rights over this land.

#### BACKGROUND

Petitioners Christopher Donato and Linda Keighley, owners of 35R Juniper Road, have submitted a formal request asking the Town of Derry to release a 230 foot by 50-foot wide dedicated right-of-way located between two dwellings (35L/R Juniper and 33L/R Juniper). RSA 231:52 provides the mechanism by which a municipality may discharge a formerly dedicated public right-of-way.

The right-of-way for this portion of Juniper Road was dedicated in a 1978 plan (RCRD D-8967). This section of right-of-way was never constructed. Presumably, this section of right-of-way was dedicated in anticipation of a future subdivision which was never built. The Town Council has occasionally been asked to release these "paper streets" at the request of an abutter.

#### DISCUSSION

Department Heads have reviewed this request and they have responded to the Town Administrator with their recommendation. There were no objections as there is no current need to retain the right-of-way nor provide a secondary access. Juniper Road is a developed subdivision with several condexs and has direct access to Old Auburn Road and Chester Road via Hickory Drive and Cole Road.

#### FISCAL IMPACT

Legal and survey costs would be borne by the petitioner, no fiscal impact to the Town

#### RECOMMENDED ACTION BY COUNCIL

Staff recommends that the Town Council vote affirmatively to release the portion of Juniper Road never constructed from public servitude, pursuant to RSA 231:52.

#### RECOMMENDED MOTION

See attached Resolution 2019-067