



Town of Falmouth Community Development Department  
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## Memorandum

**Date:** December 9, 2015  
**To:** Town Council  
**From:** Ethan J. Croce, Senior Planner  
**Cc:** Town Manager Nathan A. Poore  
**Re:** Vacate public rights of incipient dedication in Overlook Farm Road and Halter Road in the Overlook Farms Subdivision

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The Falmouth Land Trust is seeking to vacate all development rights and approvals associated with the 17-lot Overlook Farms Subdivision approved by the Planning Board in September 2014. As the Council is aware, this subdivision was purchased by the Land Trust in June 2015 with financial support from the Town and is now referred to as the Hurricane Valley Farm property.

The process for vacating a subdivision is a two-step process that involves both the Town Council and the Planning Board. The first step in this process is to obtain approval from the Town Council to vacate the public rights of incipient dedication in the subdivision's roadways, Halter Road and Overlook Farm Road. This step terminates the rights to the Town established under 23 M.R.S.A. §3031 which states, in part:

*From the date of recording of a subdivision plan in the registry of deeds, the public acquires rights of incipient dedication to public use of the ways laid out on the plan."*

The second step in the subdivision vacation process is to obtain Planning Board approval to vacate all other aspects of the subdivision approval. This two step process is the same process that was adhered to six years ago when the Town Council and Planning Board processed a request to vacate the former Sherwood Forest Subdivision on Woodville Road.

Please find enclosed in this e-folder the following:

1. A letter from Falmouth Land Trust President Tommy Johnson outlining the Land Trust's formal request to vacate the subdivision.
2. The recorded Overlook Farms Subdivision plat.
3. The MOU between the Falmouth Land Trust and the Town related to the subject property.