

From: [Matthew Smith](#)
To: [Wentworth, Emily](#); [Planning](#); [mjanza](#)
Subject: 1929 Cart Track Recorded Plan. Registry of Deeds evidence Way on the Ground
Date: Tuesday, June 28, 2022 5:31:40 PM
Attachments: [107 Main. 1929 Cart track.pdf](#)

Emily,

I respectfully request that both emails and all attached documents be included into the public record for tonight's ANR Planning Board Meeting for 107 Main Street.

Subdivision Control Law specifically Mgl 81x grants the rights to a Registered Land Surveyor to determine if a "way" is existing. In the case of 107 Main Street a MA Licensed and Registered Land Surveyor performed his research at the Plymouth County Registry of Deeds to determine that a recorded plan of Land did in fact show a recorded "on the ground way". The Subdivision Control Law and his license grants him the lawful right to record an 81x plan where no new lots or ways are created. Land court is clear that "ways" separate lots and prevent merger of land held in common. For these reasons NO new lots or ways were created in the recorded 2 lot 81x plan.

Mgl 81x Does not grant this right to the Planning Board. It is not the Boards lawful jurisdiction to question a MA registered Land Surveyor or the Registry of Deeds.

I respectfully request the Planning Board honor the process and rule only on vital access, frontage and adequacy of width grade and construction. The previous exhibits I have submitted reference the Hingham Zoning and Planning Bylaws as well as a Professional Engineers opinion of the "way" based on his on site inspection.

I look forward to an open discussion within the Scope of the Boards jurisdiction.

Sincerely

Matthew Smith