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April 1, 2024

Town of Canterbury, NH
 Board of Selectman
 P.O. Box 500
 Canterbury, NH 03224

Town of Canterbury, NH
 Planning Board
 P.O. Box 500
 Canterbury, NH 03224

Omere & Denise Omere
 63 Wyven Road
 Canterbury, NH 03224

Andrew Baro
 Jennifer S. Jackson- Baro
 60 Wyven Road
 Canterbury, NH 03224

Carol P. Schepker
 Ronald M. Miller
 56 Wyven Road
 Canterbury, NH 03224

Kerry Clock
 Debra Tomasek
 57 Wyven Road
 Canterbury, NH 03224

Nancy Emerson Kress
 Brian Thomas Kress
 417 Shaker Road
 Canterbury, NH 03224

Gregory & Ruth Heath
 C/O Soft Path Comm Assoc., Inc.
 49 Wyven Road
 Canterbury, NH 03224

Cheryl & Thomas Andrew
 413 Shaker Road
 Canterbury, NH 03224

Karen Parker-Buchanon
 39 Wyven Road
 Canterbury, NH 03224

Soft Path Community Association
 49 Wyven Road
 Canterbury, NH 03224

Re: Wyven Road, Canterbury

Dear Wyven Road owners and town officials:

This firm represents Alfred Nash in the matter of his development and sale of certain lots of his land on Wyven Road. During Mr. Nash's efforts to obtain the appropriate permissions and permits to subdivide and sell certain lots, we conducted research into claims that Wyven Road is a private road, with ownership of at least easement rights, if not outright ownership of said road by those owners of property on the southern end of Wyven Road. Such claims rest on the alleged discontinuance of Wyven Road by the town in 1941. The alleged discontinuance may indeed have been the subject of town action in 1941. However, New Hampshire law prior to 1945 included the requirement that such a discontinuance be brought to the appropriate superior court. This requirement may have been ignored at times by various towns, but it was still, in 1941, part and parcel of New Hampshire statutes regarding town roads. This requirement was not fulfilled. The road was not, in fact, discontinued. The road is not owned by those lot owners who have asserted such ownership in an effort to prevent Mr. Nash from use of the southern end of said road and conveyance of the right to such use to his successors in interest.

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Said southern Wyven Road parcel owners do not have the right to forbid access and use of the full length of Wyven Road to Mr. Nash and his successors in interest. Mr. Nash has offered to join the Soft Path Community Association and participate in its maintenance agreement. He was refused membership.

Mr. Nash has tried to comply with the wishes of his Wyven road neighbors by exploring a cost-controlled improvement to the upper end of the road, only to be met with as firestorm of concern about the state-sanctioned use of so-called dirty dirt as part of the roadbed.

Quite frankly, you folks want to have your cake and eat it too. You seem determined to block Mr. Nash's reasonable desires to subdivide his own land and use the Wyven Road as necessary. Not content with reasonable measures required for any subdivision, you have made it extremely difficult, if not impossible, for anyone not having personal representation on town boards and not having great independent wealth, to actually move forward with a reasonable use of his land. The involvement of personal interests in town decisions which have negatively impacted Mr. Nash is suspect and unreasonable.

Please be aware that it is Mr. Nash's intent to follow this matter to Superior Court, if necessary, in order to be allowed what the southern end owners have claimed as only their right and entitlement.

We would much rather settle this matter by agreement but are willing to undertake a court battle as needed.

We suggest that the following measures could move all parties towards a more workable settlement:

- Agree to participation in a joint road maintenance agreement for Wyven Road
- Negotiating an agreement about use of Wyven road and reasonable, equitable development by each and every owner

It is our goal to effectuate the original subdivision plan as submitted by Web Stout. To that end, I will be attending both the site/road walk on April 6th and the currently scheduled meeting on April 23rd.

My understanding is that the town allowed a home to be built on the southern end of Wyven Road some two years ago, and that those owners are "allowed" to use that end of the roadway. We anticipate being treated with the same courtesy as the individual seller received from the town at that time.

Main Office
4 Park Street, Concord NH 03301
Other Locations
Keene, NH | Portsmouth, NH | Bedford, NH

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RAH/hr

Ruth A. Hall



Very truly yours,

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