

Questions for Attorney Bennett

9-23-19

Reference his Memo, 8-15-19

Attorney Bennett:

Does your opinion imply:

1. The Trustees Library expansion plan includes building up to the lot line of the "Homestead lot", adjacent Town property. With 0' setback, this will devalue that lot and limit its future use. Does your opinion include such a right of the Trustees?
2. The present library is very close to the original Town Library which was repurposed for Town use long ago. It is now the location of our Town Clerk/Tax Collector function. It shares the same parking lot as the existing Library. This already busy small parking will not be sufficient for the Town Clerk/Tax collector function as well the expanded Library, 48% larger. Does your opinion include such a right of Trustees?
3. The proposed expansion of the Library will lessen the distance between the Stone building( Tax Collector), a registered historic treasure from 20' to approximately 11 feet. These two buildings share the same lot and have done so since the existing library was constructed in 1978. Does your opinion entitle the Library Trustees to diminish the value and utility of the historic building by such encroachment and the lot it is on? **Potentially POTENTIALLY**
4. The Library Trustees intend the Library to remain open during construction. Does the Select Board have the right to protect the Homestead lot from being used for any purpose by the Library Trustees construction project, in the event it happens? The Homestead has never been controlled by the Library Trustees.

Point outside perimeter of proposed library expansion  
on ground

## MEMORNDUM

To: Bryan Kaenrath

From: Stephen M. Bennett

Date: October 7, 2019

Re: Selectmen Miller's Question Regarding the Proposed Expansion of the Library

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My opinion dated August 15, 2019 dealt solely with the question of which Town Board has the statutory authority to control the design and construction of the Town's public library. The following are my responses to Selectman Miller's question.

1. The Library Trustees have the authority (right) to design and construct a public library consistent with state law. Construction on nearby lots often effects a property's value. However, unless the new construction constitutes a nuisance or presents a health or safety risk or violates state law or local ordinance, a property owner has the right to develop their property
2. See response to #1. I cannot opine on the adequacy of the shared parking. However, I don't believe you can necessarily assume that there will be a large increase in the number of library users due solely to an increase in the size of the library building.
3. See response to #1.
4. The Town always has a right to protect its real property from incursions by abutting property owners. Generally, when a project is undertaken by one town agency which requires access over abutting town property, an agreement (temporary easement) is reached which requires that areas disturbed by the construction project on the abutting property be returned to the same condition as before the construction began.