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January 4, 2021

Town of Wareham  
Planning Board  
Attn: Mr. Richard Swenson, Chairman  
54 Marion Road  
Wareham, MA 02571

RE: Maritime Haven – Response to Peer Review  
7 Lot Definitive Subdivision Plan  
36, 42, and 48 Robinwood Road  
**Installation of Sewer Utility in Roadway**

Dear Chairman Swenson,

On behalf of RESI, LLC., please accept this letter pertaining to the Petitioners ability to construct and install a sewer line within the private and public ways from the existing municipal sewer line to the subject property and proposed dwellings.

Per M.G.L. Ch. 187 Sec. 5 (Easements- Installation of Public Utility Services for Abutting Owners on Private Ways Authorized) abutting property owners have the right to install and construct, in, on, along, under, and upon private ways certain, pipes, conduits, manholes, specifically sewer systems so long as the facilities do not unreasonably obstruct the private way and its placement is in accordance with the regulations and practices of said utility company. Attached please find a Copy of MGL Ch. 187 Sec. 5. Said section specifically provides RESI, LLC. the request authority to install the proposed sewer line to its property.

The installation of the proposed sewer line will be permitted and constructed in accordance with the Sewer District and will meet the standards of said statute.

Furthermore, the deeds for the surrounding properties which abut these ways reference the right to utilize said ways and to construct and use utilities installed within, specifically referencing gas, electric, and water. Said easement language mirrors that of MGL Ch. 187 Sec. 5 and an inference can be made that at the time said deed was drafted, the sewer was not a utility which could be provided and therefore was omitted, however, the easement language would

intend to provide access and rights to utilities such as sewer and said omission has been remedied by the MGL Ch. 187 Sec. 5.

It is our opinion that RESI, LLC. has the right to install the proposed sewer line per MGL and per the guidance and permitting of the Sewer District.

We trust the foregoing is sufficient for your immediate needs as we look forward to discussing this project with the Board.

Respectfully,

A handwritten signature in black ink, appearing to read 'T. P. Gay Jr.', with a horizontal line extending to the right.

Thomas P. Gay Jr., Esq

Cc: RESI, LLC  
G.A.F. Engineering Inc

**Part II**

REAL AND PERSONAL PROPERTY AND DOMESTIC RELATIONS

**Title I**

TITLE TO REAL PROPERTY

**Chapter 187**

EASEMENTS

**Section 5**INSTALLATION OF PUBLIC UTILITY SERVICES FOR ABUTTING OWNERS ON  
PRIVATE WAYS AUTHORIZED

Section 5. The owner or owners of real estate abutting on a private way who have by deed existing rights of ingress and egress upon such way or other private ways shall have the right by implication to place, install or construct in, on, along, under and upon said private way or other private ways pipes, conduits, manholes and other appurtenances necessary for the transmission of gas, electricity, telephone, water and sewer service, provided such facilities do not unreasonably obstruct said private way or other private ways, and provided that such use of the private way or other private ways does not interfere with or be inconsistent with the existing use by others of such way or other private ways; and, provided further, that such placement, installation, or construction is done in accordance with regulations, plans and practices of the utility company which is to provide the gas, electricity, or telephone service, and the appropriate cities, towns, districts, or water companies which provide the water service. Said agencies, which provide such service, shall comply with the rules and regulations of the division of water supply and the department of public utilities or the department of telecommunications and cable. Any such owner or owners may grant permission to a public utility company or water company to enter upon said way or other private ways to place, install, repair, or relocate pipes, conduits, manholes, and other necessary appurtenances for the transmission of gas, electricity, telephone or water service in accordance with such company or companies regulations, practices and tariffs filed with the department of public utilities or the department of telecommunications and cable or the division of water supply; provided, however, that no charge or added assessment shall be levied by such public utility company or companies against any such owner or owners not connected to such service or services. Neither the person installing or repairing public utility facilities, nor such

facilities, nor the gas, electricity, telephone or water service transmitted shall be deemed to constitute a trespass upon said way or ways.