

From: Roger J. McLaughlin <rmclaughlin@wall-lawyers.com>
Sent: Tuesday, September 11, 2018 10:16 AM
To: Chuck Braun
Subject: Sewer Connection/Easement

Chuck:

I have reviewed my prior file; the land use office files and have heard back from Mr. Henderson.

This is just a summary for you to share with the Board, as I am sure the Board will want to discuss this information and its options in more detail:

1. The Township and Henderson rely on the recorded Declaration of Roadway/Utility Access Easement dated February 18, 1997 for the authority to access all utilities in roadway areas throughout Four Seasons.
2. The area where the trees were taken down lies within the right of way of Morningstar, according to all maps on file.
3. The Planning Board approved the extension of the sewer line in that area and required that the trees be replaced with substantial new plantings.

(Note that while I have not examined the landscape plan, I am sure that those plantings would not include large trees, because you never plant trees with deep roots over a sewer line.)

4. It would likely have been possible to require the developer to connect to the sewer line by running the new line through the paved portion of Morningstar. This would have caused some temporary traffic issues for the residents of Four Seasons, but would have preserved the existing trees. I do not know whether that option was considered during the approval stages of the project, as my involvement concluded with the rezoning to eliminate the medical office building a couple of years earlier.

If you and the Board wish, I am available to meet with you at the Clubhouse on Thursday afternoon at

3 or 3:30 or at 9, 9:30 or 10 on Friday morning. I am not available on Wednesday, due to prior commitments.

Roger