

# Cotuit 'ease'ment not a matter of ease

By Paul Gauvin

pgauvin@barnstablepatriot.com

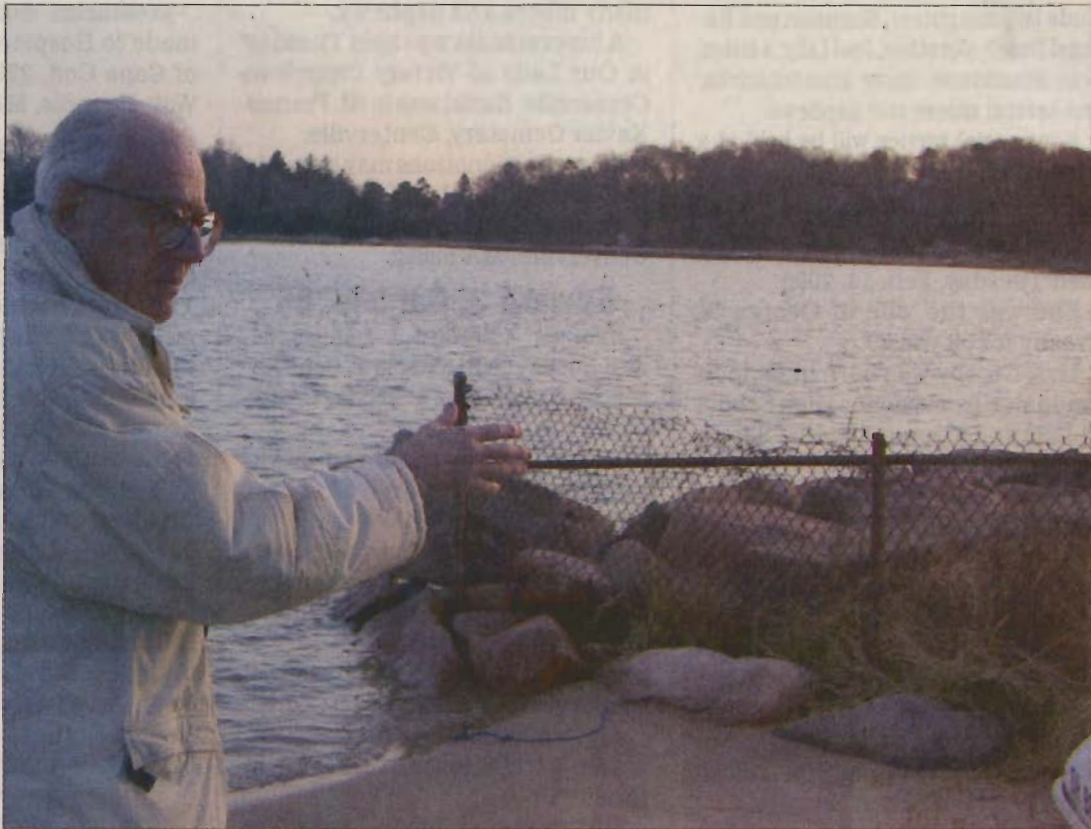
**T**hey took the "ease" out of Cotuit easements.

That's what Cotuit native Fred Claussen claims as he fights to have municipal officials install a sign at his gift of public access from the Oyster Place Road town landing to coastal beaches west of the landing across private property that he formerly owned.

While the property through which the right of way passes has been sold several times, Claussen's easement has always been maintained, and in March 2005, Claussen, being of generous mood, deeded the easement to the town to accommodate beachgoers and shellfishermen in perpetuity.

Claussen, whose day job is as the county's elected Register of Probate, received a note of "deepest appreciation" from town council president Gary Brown last April for "granting an easement in Cotuit to increase public access to a coastal beach."

But there are claims the town's law department is discouraging public access



PAUL GAUVIN PHOTOS

**IMPEDIMENTS** – Fred Claussen points to shoreline impediments at Oyster Place town landing as a reason for providing an easement for another path to the coastline.

as a new owner in 1996, identified by Claussen as Paul Cain of Texas, installed a fence with a gate that stated "private property." This launched a situation of confusion that the town evidently was in no rush to resolve then – much to Claussen's chagrin.

But now that the town owns the easement, Claussen feels it should be doing all it can to assure that the intent – right of public passage – is clearly enforced and clearly defined "so that people know the right of way is there. How are they going to know if it isn't marked?" – particularly since there is a six-foot board fence and a closed door dominating the site.

Claussen's grief stems from vague signals emitted by the town attorney's office where, evidently, there is no rush to clearly identify the gate and the path beyond it as a public right of passage.

Wayne Nickerson, a member of the Barnstable Association of Recreational Shellfishermen reached in Florida last week, claims an assistant town attorney, Dave Houghton, had a sign removed indicating a right of way.

"He (Houghton) told me, and this is hard to believe, that it was OK for me to use the path to water deeded by Fred (Claussen) to the town, and if the owner of the property which is crossed by the path tries to

stop me let him (Houghton) know, but he told me not to publicize the fact that there was a town way to water, referring to Fred's path to water."

Houghton, a former town councillor, said last week, "We don't sign every easement, every place. We're trying to figure out what an appropriate sign would be. I'm sure we'll put one there eventually."

Meanwhile, there are incidents apparently depriving the public of rightful access. Doug Kalweit, supervisor of the Natural Resources Division, was asked by Houghton's office last week to check a report from shell-



**PUBLIC ACCESS?** – Who would know, asks Fred Claussen, by the latched gate and lack of signs.