

Caswell, Lynne

From: Albert B Calve <calveab@yahoo.com>
Sent: Sunday, September 29, 2019 9:20 AM
To: Claxton, Ned
Cc: Caswell, Lynne
Subject: Re: [roads] Abandoned and Discontinued Roads Subcommittee - Meeting

We were finally able to access the recorded last session of your abandoned / discontinued roads subcommittee meeting yesterday.

There was much for your committee to consider with each issue being unique, yet very similar. During the discussions it became apparent to us outsiders that some towns have indeed abused the intended purpose of abandonment / discontinuance of roads. It was intended for roads that are no longer used and have become a burden to the town.

In our situation, while disclosure of our private road was provided up front, the discontinuance of the only road that provides access to our road was never disclosed. In fact, that "discontinued" section has been maintained regularly until we happened to find out the selectman had summarily decided to stop plowing it.

Our road (which is a deeded right of way) is being effectively denied access in winter, and our properties and houses are going to be landlocked. Because we are not residents, we have no vote nor say in how our tax dollars are spent, yet, we are being obviously excluded and ignored.

If the true intent of the abandonment laws were to ease cost burden to towns for roads no in use, then those laws are being abused by Perham's irresponsible selectmen misinterpreting that intent.

Your committee has no address the town's responsibility to ensure access to taxpayers' houses and properties, not from 20 or 30 years in the past, but as those properties are developed and used today.

This has become a battle not about old wood roads or seasonal camps but about failure to accept progress or expansion. Maine (especially Aroostook) needs to have people moving in, instead of the constant flow of people leaving the state. We truly feel unwelcome here now. Please address the above condition when authoring your amendments to the road discontinuance and abandonment laws.

Thank you for your consideration.

Sincerely,
Albert B Calve

On Sep 17, 2019, at 10:09 AM, Albert B Calve <calveab@yahoo.com> wrote:

Dear Honorable Senator Claxton-

Please, please, please, consider addressing our issue in your next mtg.

As I explained to Lynne, (attached) we have nowhere else to turn on this, and time is short.

Sincerely,
Albert B Calve

Begin forwarded message:

From: Albert B Calve <calveab@yahoo.com>
Date: September 17, 2019 at 9:54:40 AM EDT
To: Lynne Caswell <lynne.caswell@legislature.maine.gov>
Cc: dbarnes@yourhomebank.com, Patrick Ousby <patrickawesbee@tutanota.com>
Subject: Re: [roads] Abandoned and Discontinued Roads Subcommittee - Meeting

Lynne- Thank you for the heads up. Perham had a town mtg last evening and we talked into it. There was no progress made towards reversing their decision regarding plowing the short section of High Meadow road to our street, Maggie drive.

They only agreed to continue plowing it until March when they will put to a vote again.

We have no vote, and even less say on the subject during these meetings because we arent residents yet. There are currently three homes on Maggis drive. One is a beautiful log home (held by the bank), another is seasonal, and ours, which is not yet occupied. All we asked for was to have year round access to Maggie Drive now that there is significant development on it. I would CONSERVATIVELY estimate the total developed property values @ ~750K, with the potential for much more added tax base were the town to decide to keep that 500' section of High Meadow rd. open. We were looking forward to retiring up there, but unless the town is willing to cooperate, we may not be able to, and we now risk losing everything only due to a reluctance on the town's part to accept progress. It was suggested by the Selectman that plowing the 500' "Would be asking the town to accept undue cost burden on our behalf", yet they have been plowing it since before we bought our place?? We all pay our taxes, yet are treated as second class citizens with little regard to our interests.

Please ask your committee to try to help us as we dont have anywhere else to turn at this point.

Thank you

Albert B Calve

On Sep 16, 2019, at 10:51 AM, Lynne Caswell
<lynne.caswell@legislature.maine.gov> wrote:

Good morning. On Wednesday, September 18, the Abandoned and Discontinued

Roads subcommittee of the Joint Standing Committee on State and Local

Government will be meeting at 10:00 am. The meeting will end at approximately

2:00 pm with a 1-hour lunch break.

The meeting will be held in the Cross Office Building, room 214, in Augusta.

The agenda and other materials for this meeting will be posted to the SLG

Committee's webpage sometime tomorrow at:

<http://legislature.maine.gov/joint-standing-committee-on-state-and-local-government>

The meeting will be live streamed via the Legislature's audio feature found

at:

<http://legislature.maine.gov/committee/#Committees/SLG>

If you have any questions, please contact me directly

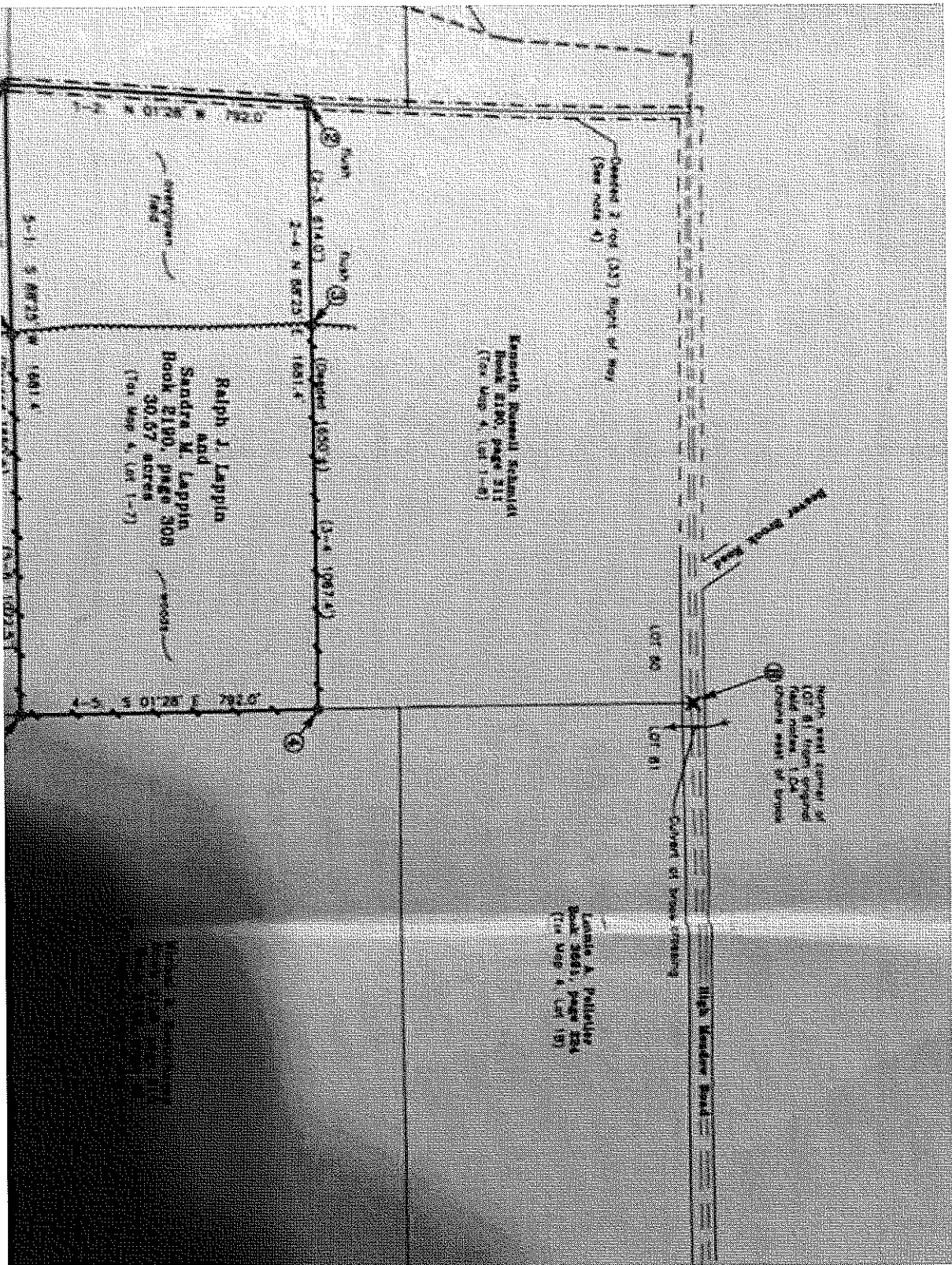
Best Regards -

Lynne L. Caswell, Esq. Legislative Analyst
Office of Policy and Legal Analysis Maine State Legislature
13 State House Station
Augusta, ME 04333-0013
(207) 287-1670

Caswell, Lynne

From: 8606802982@vzwpix.com
Sent: Monday, November 11, 2019 7:10 PM
To: Caswell, Lynne; roadways@juno.com; Claxton, Ned

This message originates from outside the Maine Legislature.



Quadrat 2 road (33) right of way
(See note 4)

Kenneth Russell Schmitt
Book 2190, page 211
(See Map 4, Lot 1-8)

Ralph J. Lappin
and
Sandra M. Lappin
Book 2190, page 308
30.67 acres
(See Map 4, Lot 1-7)

Lonnie A. Peltier
Book 2085, page 228
(See Map 4, Lot 17)

North end corner of
LOT 81 from original
plat under L.O.P.
shows same as shown

High Roadway Road

Covey of Wood

LOT 80

LOT 81

1-2 N 0128 W 792.0

②

2-3 S1A07

③

1051.4

④

1067.4

⑤

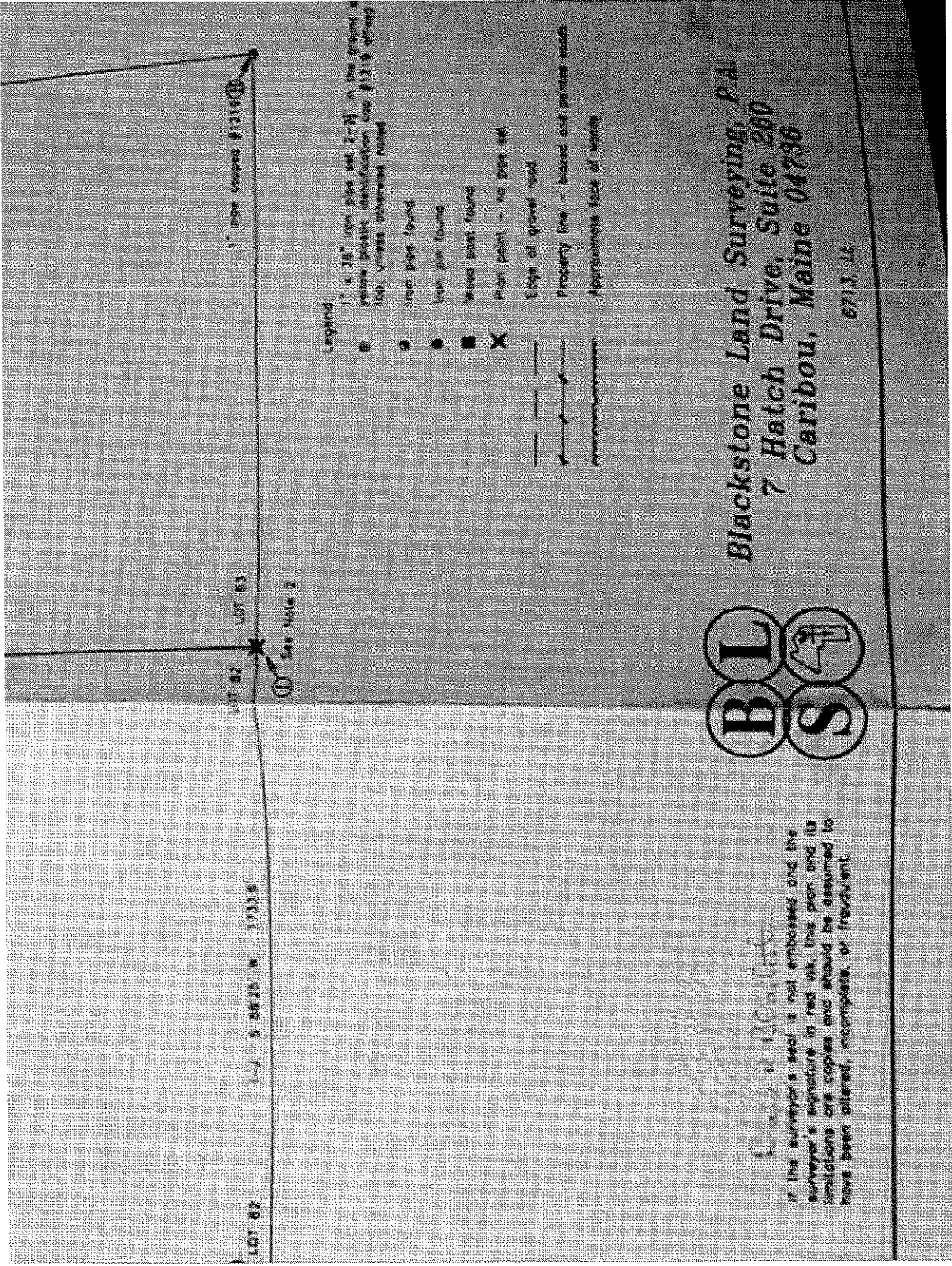
5-1 S 0873 W 1001.4

0.282 3 02.10 S 5-1

Highway Road

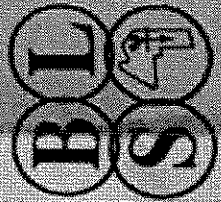
Wood

Highway Road



Legend

- ① 1" x 16" iron pipe set 2-3' in the ground, a yellow plastic identification cap #1219 affixed (100 unless otherwise noted)
- iron pipe found
- iron pin found
- mixed post found
- X iron pinlet - no pipe set
- Edge of gravel road
- Property line - based on printed records
- ~~~ Approximate face of water

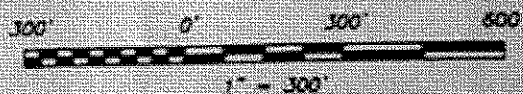


Blackstone Land Surveying, P.A.
 7 Hatch Drive, Suite 260
 Caribou, Maine 04736

6713, LL

If the surveyor's seal is not embossed and the surveyor's signature in red ink, this plan and its simulations are copies and should be assumed to have been altered, incomplete, or fraudulent.

Boundary Survey
Property of
Ralph J. Lappin and Sandra M. Lappin
being
A Part of Lot 80, Township 14, Range 4
in
Perham, Aroostook County, Maine
April 14 - July 7, 2006



This survey conforms with the Maine Board of
Licensure of Professional Land Surveyors Rules
for Technical Standards as defined in Chapter
90 which became effective April 1, 2001

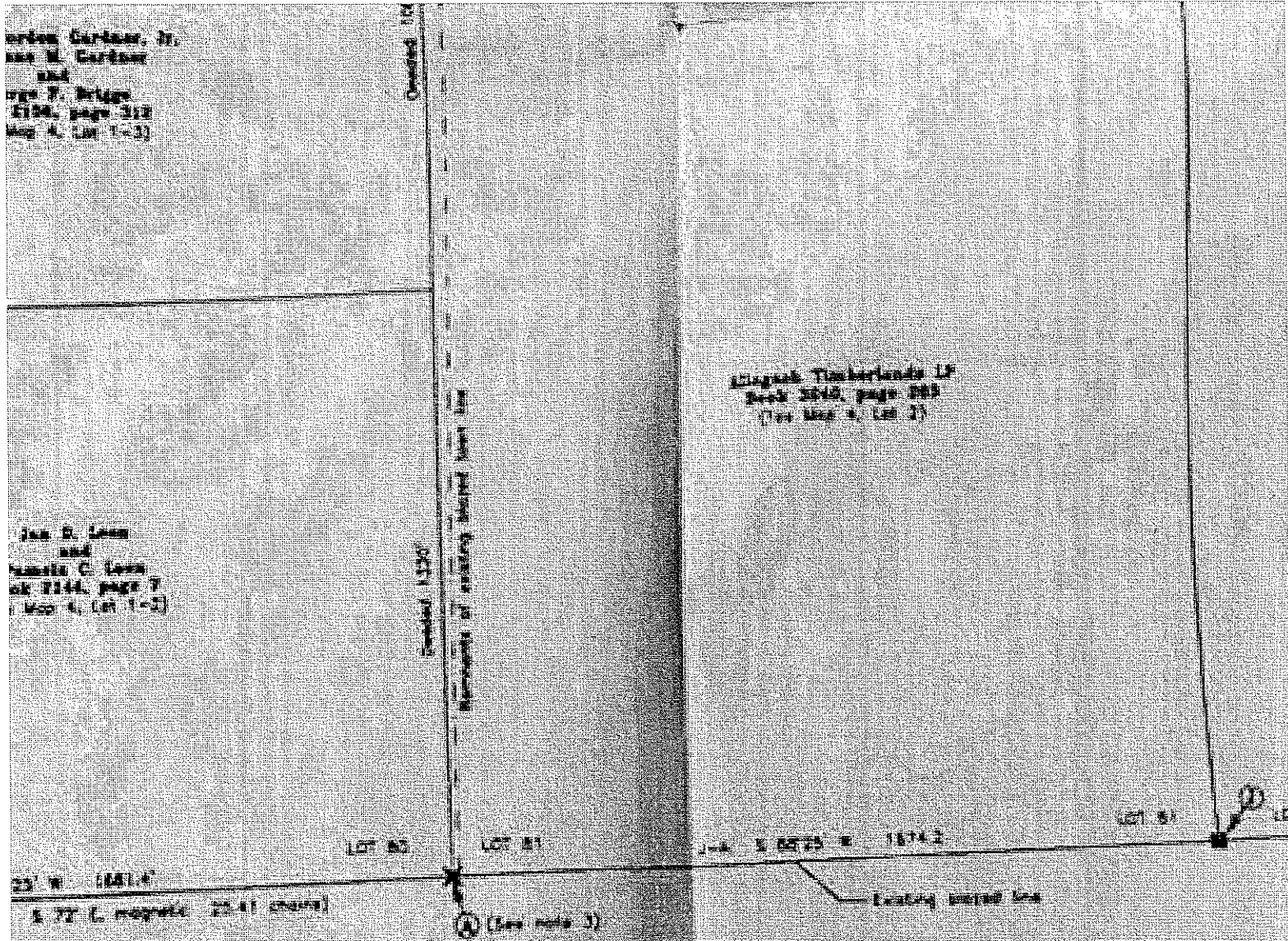
1" pipe capped #1219
set 33' from center
line of road

1" pipe capped #1219

Arden Cartman, Jr.
and M. Cartman
and
George F. Briggs
Book 1124, page 313
Map 4, Lot 1-3

John B. Leach
and
Lillian C. Leach
Book 1144, page 7
Map 4, Lot 1-2

Wingask Timberlands LP
Book 2042, page 283
Map 4, Lot 2



General notes.

1. All deeds referenced on this plan of survey are recorded in the Southern District of the Anrock County Registry of Deeds.

2. See plan of survey entitled, "Standard Boundary Survey, Property of Richard W. Clark and Susan F. Clark being the South half of Lot 81, T14, R4" dated 1990 by Deedy, Blackstone & Buber. This plan is on file in the office of Executive Land Surveying, P.A. (Ref. 4502)

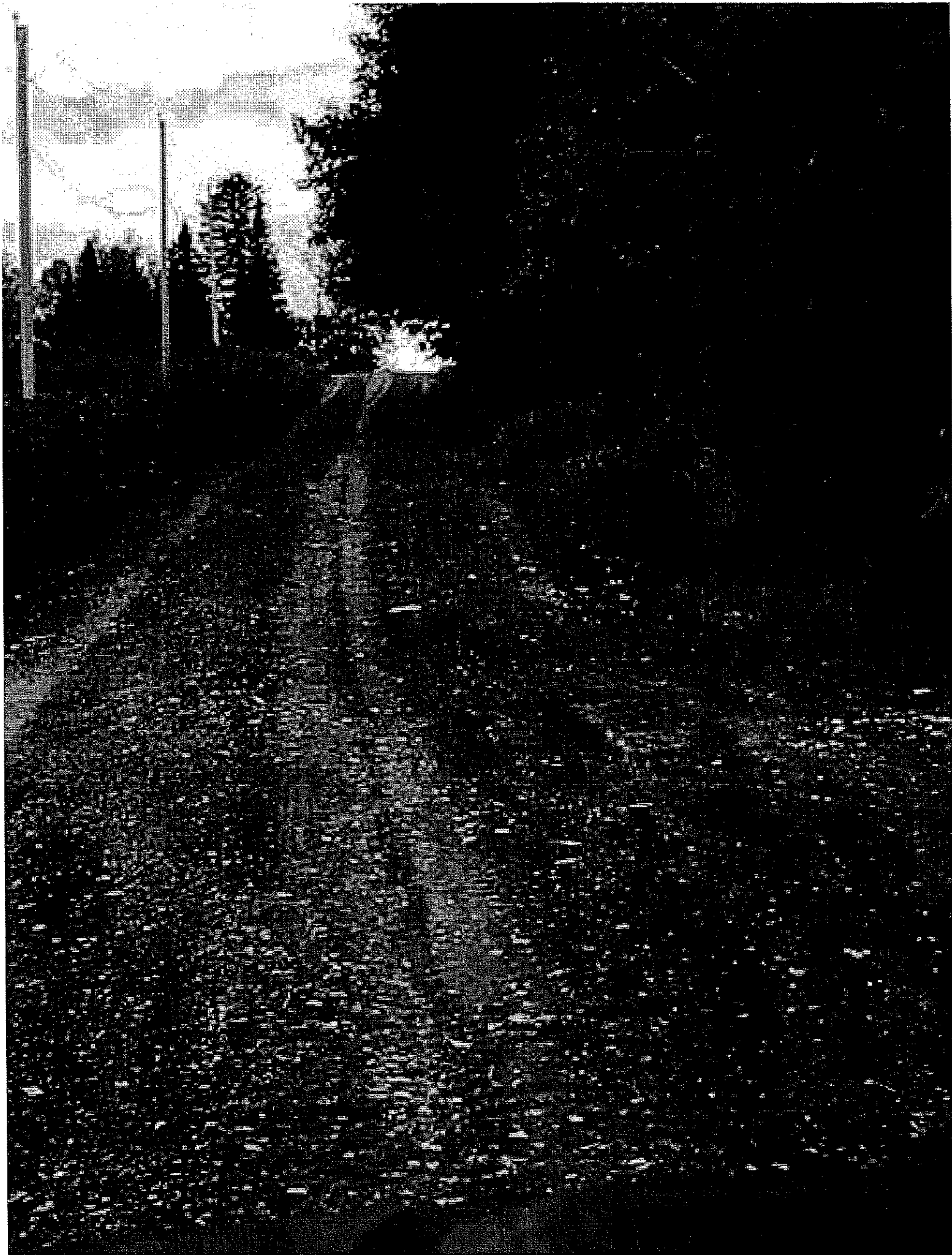
3. All of the deeds created from Lot 80 are tied either directly or indirectly to the southeast corner of Lot 80. I had previously surveyed the south half of Lot 81, see Note 2, and established the southeast corner of Lot 81 at plan point (C). I also found a wooden post at the southeast corner of Lot 82 at plan point (J). The northeast corner of Lot 81 and the northeast corner of Lot 80, according to the original field notes, was located 1.04 chains (68.64 feet) west of a small brook. I located the culvert through which this brook flows and calculated the location of the northeast corner of Lot 80 at plan point (B). I calculated the location of the southeast corner of Lot 80, plan point (A) by intersecting the east line of Lot 80 with the south line of Lot 82.

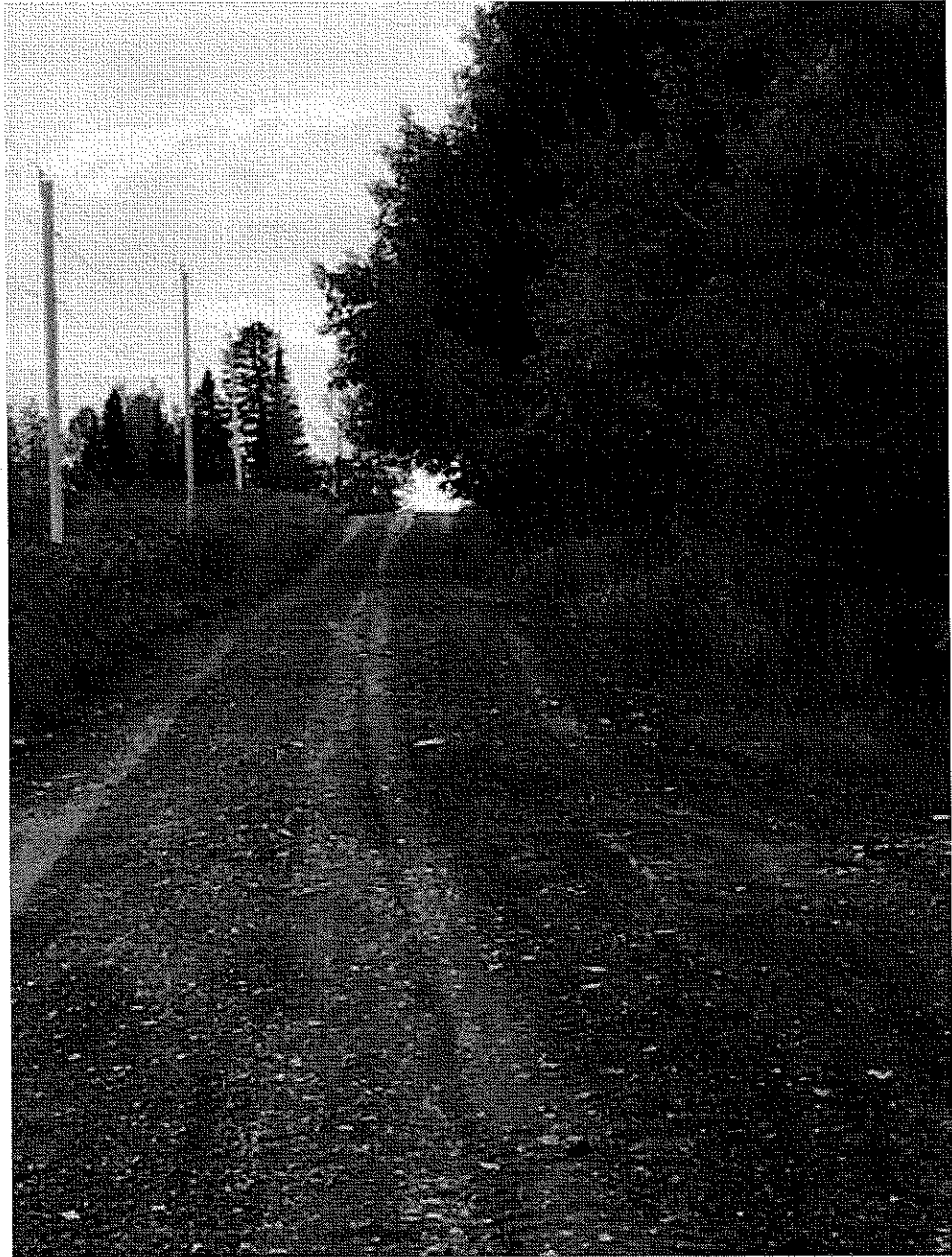
The bearing for the east line of Lot 80 was held as the same as the bearing between plan points (C) and (D). The bearing of the south line of Lot 79-82 was held as the bearing between plan points (I) and (J). I did find the remnants of an existing tilted line westerly of line (A) - (B) but did not use it as it was running parallel to the town line, which according to the original field notes, was not 2 degrees different than the lot lines. I located the town line at plan points (X), (U) and (W).

4. There is no existing road where the deeded right of way is located. The existing field road is on Lot 79. The status of the section of High Meadow Road adjoining the north line of Lot 80 is unclear. It is not being maintained by the Town of Pertham but is used as a driveway by the landowner on the northerly side of the High Meadow Road.









FYI- After having called in to the Perham town meeting where the fate of plowing the last 500' of High Meadow Rd. stood... I was provided a map from a former resident dated in 2006 which shows a deeded right of way (Which is now Maggie Drive) connecting to that 500' North end section of High Meadow Rd. which at that time was considered a driveway for the north lot at its termination. In 2006, the entire subdivided lands at that end of high meadow rd. were not yet developed, and it would have made sense to abandon that portion.

However- fast forward 13 years and now Maggie Drive is a reality along with three new homes on it generating roughly \$13,000.00 / yr. in property tax revenues for the town of Perham. At that meeting, the town (very grudgingly) agreed to plow up to Maggie Drive until this coming March where I was told they will again vote whether to abandon that portion of High Meadow Rd. "Once and for all". NOTE- I was also informed that because im not yet a resident, i will have no say nor vote in these proceedings.

If this isnt tax mining, i dont know what is, and it should not be legal. It is diametrically opposed to natural progress and borders on being immoral. Your committee absolutely has to do something to enable arbitration at the state level so a few townspeople cant run roughshod over people just because theyre "from away". I also have included some photos I took on Sept. 26 proving the town had never abandoned that portion of High Meadow In 1986 as they claim because it is currently being graded all the way up above the intersection of Beaver Brook.

-Note the fresh tire tracks past the road work sign at Beaver Brook. I dont know about you, but I struggle with being lied to.

Caswell, Lynne

From: 8606802982@vzwpix.com
Sent: Tuesday, November 12, 2019 10:16 AM
To: roadways@juno.com; Claxton, Ned; Caswell, Lynne
Attachments: text_0.txt

I have been in prior communication on this subject with all of you before. The attachments are pictures ive taken as proof the town is maintaining a road they repeatedly claim was "abandoned" in 1985.

Caswell, Lynne

From: 8606802982@vzwpix.com
Sent: Tuesday, November 12, 2019 10:18 AM
To: roadways@juno.com; Claxton, Ned; Caswell, Lynne

This message originates from outside the Maine Legislature.

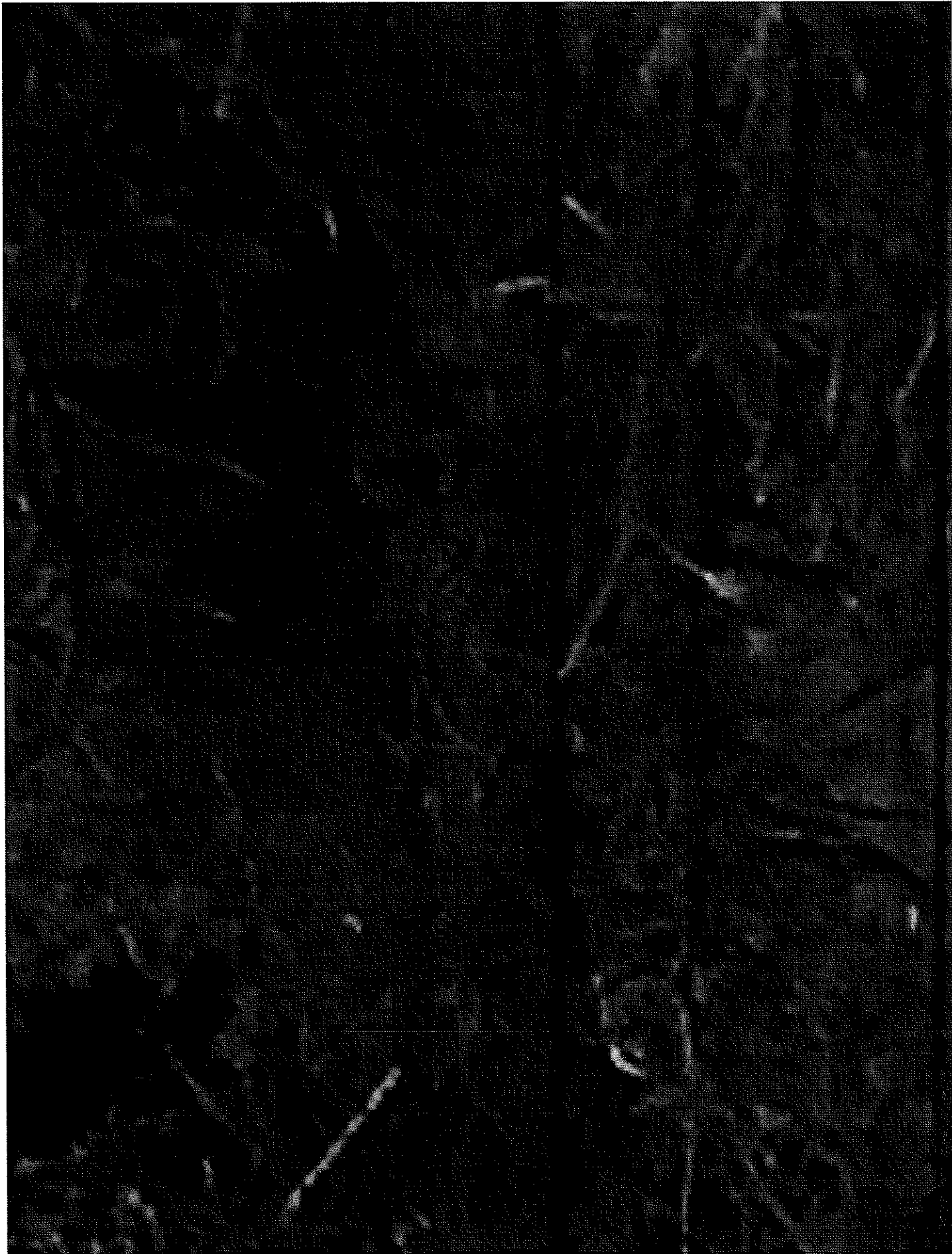
Odd that its been "abandoned" for exactly 35 years...yet they cannot produce objective evidence of that.

Caswell, Lynne

From: Albert Calve <calveab@yahoo.com>
Sent: Wednesday, November 13, 2019 3:15 AM
To: Caswell, Lynne; Claxton, Ned; Roberta Trafton
Subject: Maggie Drive / High Meadow Rd. In Perham

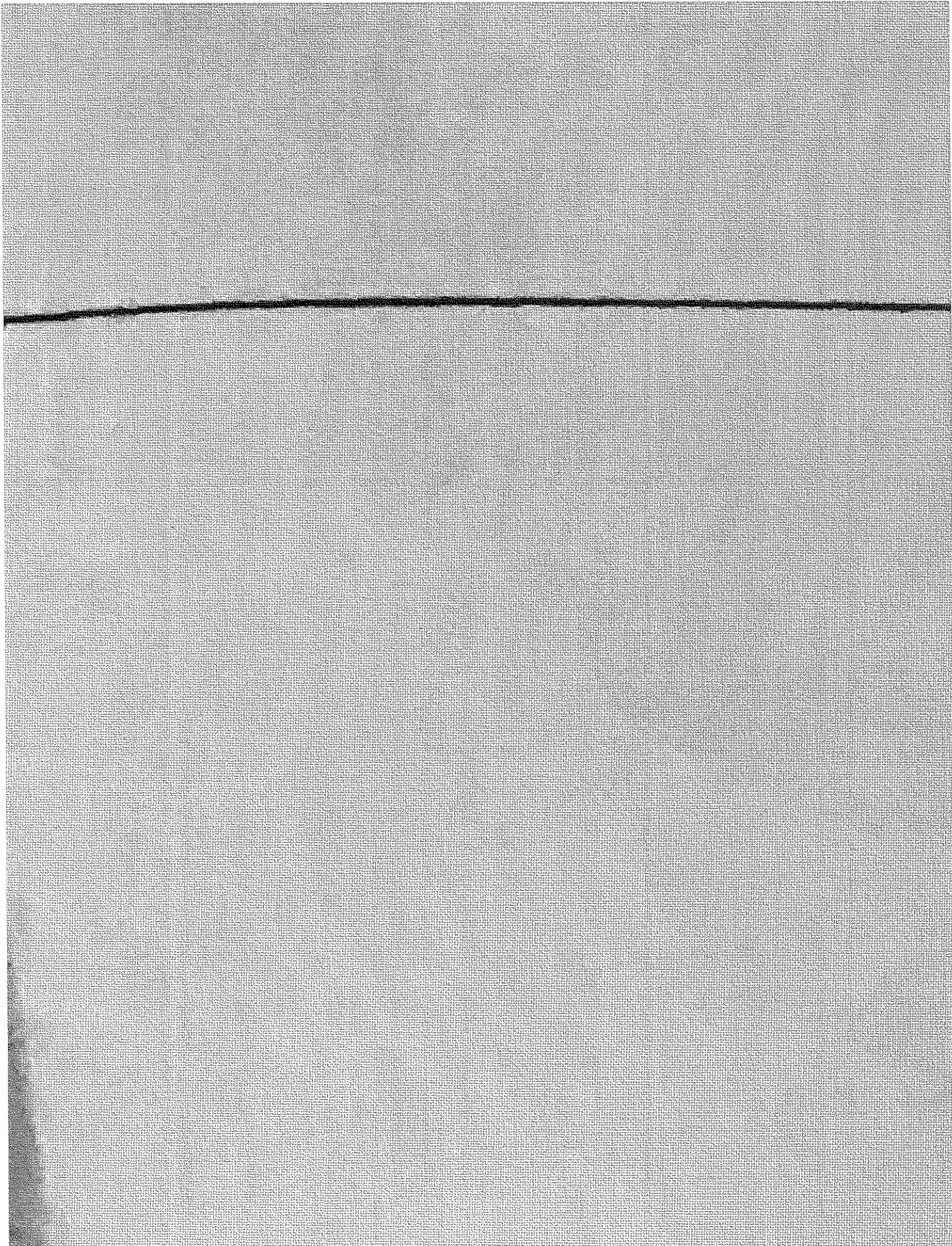
This message originates from outside the Maine Legislature.

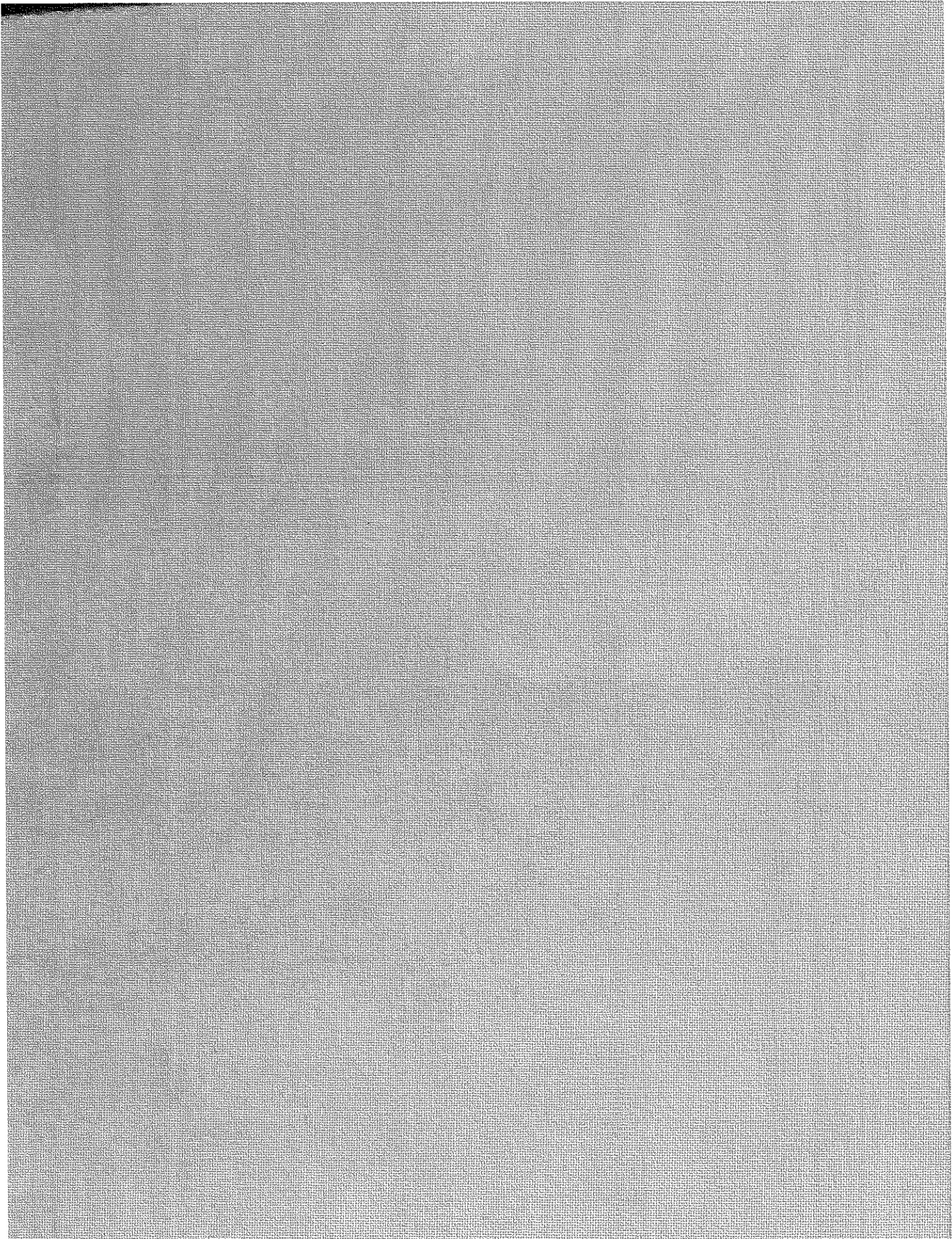






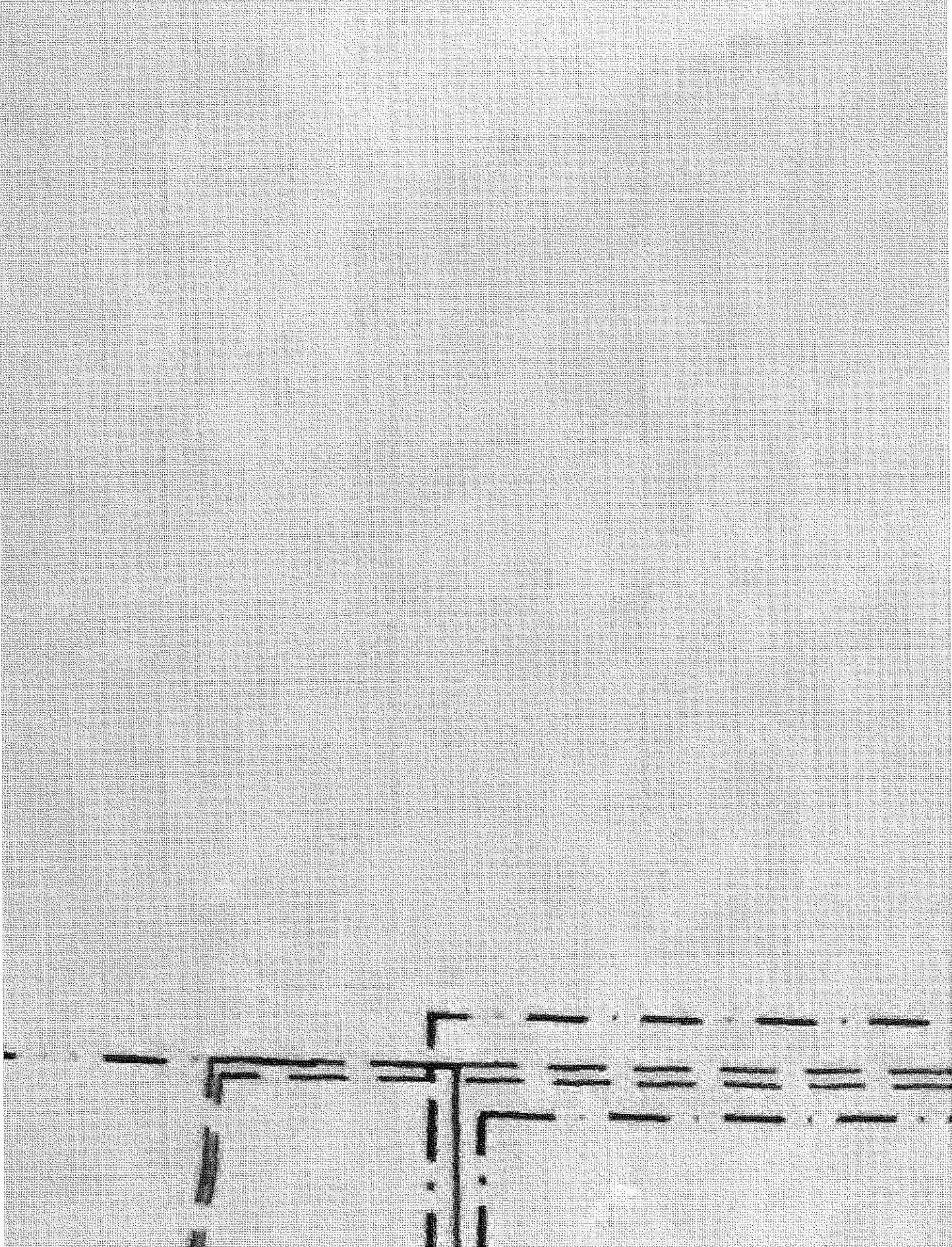






LOT 82

I-J:



I must apologize for my previous communication appearing odd. It was sent to you all as a text message, not in e-mail format, so that is why there was no title or signature. Further, the 8 attached photos would not open for you either, and even made it worse appearing as spam.

I am resending the photos in this e-mail and will try to recreate the text in a following e-mail to this distribution for your perusal.

Apologies,
Albert B Calve

Caswell, Lynne

From: Albert B Calve <calveab@yahoo.com>
Sent: Saturday, November 16, 2019 8:05 PM
To: Caswell, Lynne
Cc: Roberta Manter
Subject: Abolish Unfair Road Discontinuance & Abandonment now

This message originates from outside the Maine Legislature.

Lynne- Please ensure the entire Legislative Road Abandonment Subcommittee gets to review and consider the content of this letter.

Thank you in advance.

Question:

Should anyone on this committee continue to condone the practice of any town to be able to permit development of a new subdivision of properties containing a deeded right of way that connects to a previously "abandoned" access road? There is no disclosure required up front to purchasers of non-abutting lands that their "deeded right of way" has no real connection to a town road system.

In Perham, even though we just learned the town "abandoned" it in 1990, has up to this year regularly maintained the 500' "abandoned" section for school bus access giving the unsuspecting buyers the appearance that it is not abandoned.

Now the town wants to hold a vote (While the affected parties have no vote due to not being residents) to discontinue an even longer section of the access road??!! How underhanded is that, and how can the state allow this to happen? The imperative here is an immediate NEED TO INCLUDE STATE ARBITRATION FOR TAXPAYERS BEING DENIED ACCESS TO THEIR PROPERTIES BY ABUSE OF THE ROAD ABANDONMENT / DISCONTINUANCE PROCESS.

We have been completely victimized and our lives and retirement future is in ruins over 500' of abandoned access road. There is an upcoming vote in March to finalize discontinuing an even longer section in which we will have no say nor representation because we aren't residents yet...even though we pay property taxes on our retirement home in Perham.

This is shameful, deceitful, irresponsible behavior for a town government, and to make matters even worse, the state currently lets towns get away with it. We don't believe this was the intent of the saying:

"Maine- The way life should be".

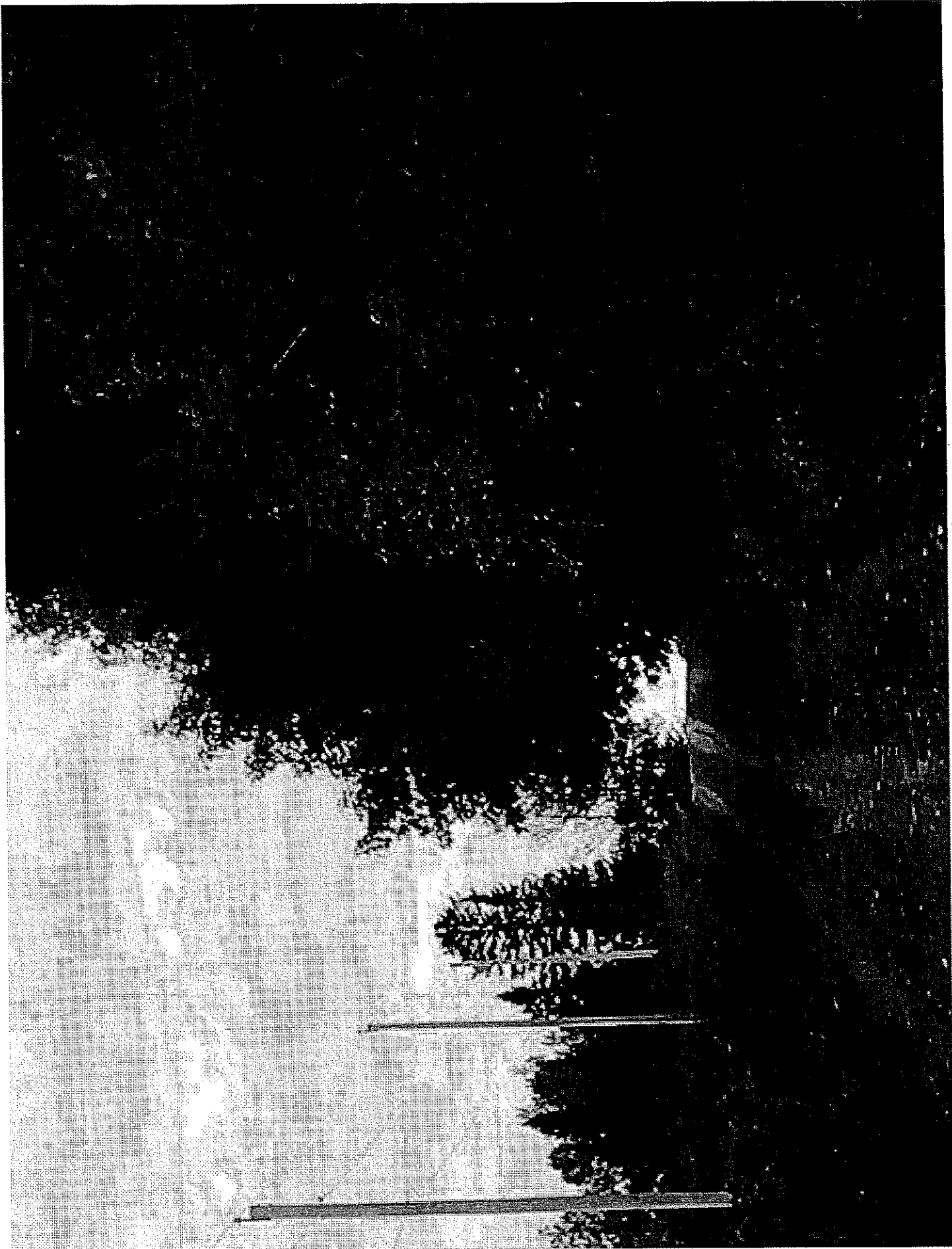
Sad. Very sad indeed.

Albert B Calve

Caswell, Lynne

From: Albert B Calve <calveab@yahoo.com>
Sent: Monday, November 18, 2019 10:00 PM
To: Caswell, Lynne
Cc: Roberta Manter; Doreen Calve; Ray Porter
Subject: IMG_2292.jpg

This message originates from outside the Maine Legislature.



This 9/26/2019 photo is of the 500' section at the far west end of High Meadow Rd. In Perham. This photo was taken by me from the last residence on High Meadow rd. Looking up to where it ends at Maggie drive at the top of that hill. This section was allegedly "ABANDONED" in 1985. It was just freshly graded that morning at 11:30 a.m. as one can tell by my lone tire tracks in the loose dirt. I can also provide objective evidence (witnesses) that it has been regularly maintained in good condition at the town of Perham's expense in this condition at least since 2009 when power was brought up Maggie Drive by the first residents at house #41. Further, the intersection of High Meadow and Maggie drive at the top of this hill has been regularly used as a school bus turnaround since at least 2009 or longer as well.

(Looks pretty good for being "abandoned" since 1985...)

Regards,

Albert B Calve

Caswell, Lynne

From: Albert B Calve <calveab@yahoo.com>
Sent: Monday, November 18, 2019 10:36 PM
To: Caswell, Lynne
Cc: Roberta Manter; Doreen Calve; Ray Porter
Subject: Re: IMG_2292.jpg

This message originates from outside the Maine Legislature.

Correction Typo- The first residents on Maggie Drive were at house #42.

Sorry.

Albert B Calve

> On Nov 18, 2019, at 10:00 PM, Albert B Calve <calveab@yahoo.com> wrote:

>

>

>

> <IMG_2292.jpg>

>

> This 9/26/2019 photo is of the 500' section at the far west end of High Meadow Rd. In Perham. This photo was taken by me from the last residence on High Meadow rd. Looking up to where it ends at Maggie drive at the top of that hill. This section was allegedly "ABANDONED" in 1985. It was just freshly graded that morning at 11:30 a.m. as one can tell by my lone tire tracks in the loose dirt.

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> Albert B Calve

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However- fast forward 13 years and now Maggie Drive is a reality along with three new homes on it generating roughly \$13,000.00 / yr. in property tax revenues for the town of Perham. At that meeting, the town (very grudgingly) agreed to plow up to Maggie Drive until this coming March where I was told they will again vote whether to abandon that portion of High Meadow Rd. "Once and for all". NOTE- I was also informed that because im not yet a resident, i will have no say nor vote in these proceedings.

If this isnt tax mining, i dont know what is, and it should not be legal. It is diametrically opposed to natural progress and borders on being immoral. Your committee absolutely has to do something to enable arbitration at the state level so a few townspeople cant run roughshod over people just because theyre "from away". I also have included some photos I took on Sept. 26 proving the town had never abandoned that portion of High Meadow In 1986 as they claim because it is currently being graded all the way up above the intersection of Beaver Brook.

-Note the fresh tire tracks past the road work sign at Beaver Brook. I dont know about you, but I struggle with being lied to.

Caswell, Lynne

From: roadways@juno.com
Sent: Tuesday, November 19, 2019 2:10 PM
To: Caswell, Lynne
Subject: RE: abandoned roads

This message originates from outside the Maine Legislature.

Thank you!

----- Original Message -----

From: "Caswell, Lynne" <Lynne.Caswell@legislature.maine.gov>
To: "roadways@juno.com" <roadways@juno.com>
Subject: RE: abandoned roads
Date: Tue, 19 Nov 2019 19:04:10 +0000

Hello Roberta, I will give all material to the subcommittee

Lynne Caswell

287-1670

From: roadways@juno.com <roadways@juno.com>
Sent: Tuesday, November 19, 2019 2:01 PM
To: Caswell, Lynne <Lynne.Caswell@legislature.maine.gov>
Subject: Fw: abandoned roads

This message originates from outside the Maine Legislature.

Lynne -

I just sent some information to Garrett Corbin of MMA, and thought it would be good for the Subcommittee on abandoned roads to have it as well. Can you pass this along?

Thanks!

Roberta Manter, Maine ROADWays

Please note: forwarded message attached

From: "roadways@juno.com" <roadways@juno.com>

To: gcorbin@memun.org

Subject: abandoned roads

Date: Tue, 19 Nov 2019 18:54:15 GMT

Garrett -

I wanted to get back to you about a few things that were mentioned at the last work session, to set the record straight before you disappear on us. Since today's scheduled work session got cancelled and I couldn't catch you there, I hope this email still works for you - please let me know if you get this.

First, there is Bolin Hill Road in Liberty, which the Town claims was legitimately abandoned, and which you told me they claimed had never been a town road. According to the Maine DOT public map viewer site, the section that goes up the hill from Route 3 was county road number 0805040, laid out in Lincoln County, book 5, page 40, established in 1817 at four rods wide. It was never discontinued by the county, so it would have become a town way in 1976. The section that turns east and goes to Montville was county road number 0601173, laid out in Kennebec County, book 1, page 173, established in 1802 at four rods wide. It also was never discontinued by the county. (See attached.) The Town collected LRAP funding on that road's full mileage for years, and didn't even vote to close it to winter maintenance until 2005. (I would send you that as well, but it's in part of a huge file and I can't find a way to separate just the relevant pages.)

Second, you always say that it should be obvious a road has been abandoned because it's all grown up with trees and brush. I will attach some pictures of the "abandoned" section of Bolin Hill Road (images 7050, 7051, and 7052.) Does this look like a road that no one has used in 30 years?

I will also attach a picture of an "abandoned" section of High Meadow Road in Perham, (image 2292). Here (with his permission) is a description of it from the out-of-state owner of a seasonal residence on Maggie Drive, which can only be accessed via this section of High Meadow Road:

"On Nov 18, 2019, at 10:00 PM, Albert B Calve wrote:

>

> <IMG_2292.jpg>

>

> This 9/26/2019 photo is of the 500' section at the far west end of High Meadow Rd. In Perham. This photo was taken by me from the last residence on High Meadow rd. Looking up to where it ends at Maggie drive at the top of that hill. This section was allegedly "ABANDONED" in 1985. It was just freshly graded that morning at 11:30 a.m. as one can tell by my lone tire tracks in the loose dirt.

> I can also provide objective evidence (witnesses) that it has been regularly maintained in good condition at the town of Perham's expense in this condition at least since 2009 when power was brought up Maggie Drive by the first residents at house #42.

> Further, the intersection of High Meadow and Maggie drive at the top of this hill has been regularly used as a school bus turnaround since at least 2009 or longer as well.

> (Looks pretty good for being "abandoned" since 1985...)

> Regards,

> Albert B Calve"

For comparison, I'm also attaching two pictures of a section of Bog Road in Fayette that I know the Town has not maintained in 30 years, although to my knowledge they have not yet officially declared it abandoned. (Images 4370 and 4373.) I personally drove through there just about 30 years before these pictures were taken, with a farm tractor pulling a fully loaded hay trailer. Such a load wouldn't make it through there now!

Third, I believe you said you had never seen the original version of section 3028 that limited it to a specific 30 year period. Believe me, I will never forget that version of the law, because the Town of Fayette got a Motion in Limine excluding the county's 1945 discontinuance order on our road from the evidence because it was outside of the period

from 1946 to 1976 and was therefore irrelevant. We did manage to get the Supreme Court to look at it on appeal, but that did us little good because we had been denied the right to present all the arguments we had in relation to that order, and the Court assumed that the arguments we put in our brief were all that was needed. (All that was in the brief were arguments as to why that order should be considered, not our proof that the order was invalid in its attempt to retain an easement.) Anyway, here is the original version:

" 3028. Abandonment of public ways

It shall be prima facie evidence that a town or county way established prior to January 1, 1946, and not kept passable for the use of motor vehicles at the expense of the municipality or county for a period of 30 or more consecutive years next prior to January 1, 1976, has been discontinued by abandonment. A presumption of abandonment may be rebutted by evidence that manifests a clear intent by the municipality or county and the public to consider or use the way as if it were a public way. No municipality or its officials shall be liable for nonperformance of a legal duty with respect to such ways if there has been a good faith reliance on a presumption of abandonment. Any person affected by a presumption of abandonment, including the State or a municipality, may seek declaratory relief to finally resolve the status of such ways. A way that has been abandoned under this section shall be relegated to the same status as it would have had after a discontinuance pursuant to section 3026, except that this status shall be at all times subject to an affirmative vote of the legislative body of the municipality within which the way lies making that way an easement for recreational use."

Finally, I believe you said you had not seen the Legislative discussion on the bill that created section 3028. I will attach that as well. (The title on each attachment tells you which page of the document to look at to find the relevant discussion. I'll have to send those in a separate email, as this file is getting too big.)

Perhaps you can hand this information along to your successor, whoever that may be. Odd as it may seem, I really am sorry to see you go! We may have been at odds with each other, but you have always listened and at least had some sympathy for the situations we've been fighting for. I wish you the best in your new endeavors.

Roberta Manter

Caswell, Lynne

From: Albert B Calve <calveab@yahoo.com>
Sent: Thursday, November 21, 2019 10:35 PM
To: Caswell, Lynne
Cc: Roberta Manter; Tom & Ray Porter; Patrick Ousby
Subject: Legislative Road Abandonment Committee Action Item suggestions

This message originates from outside the Maine Legislature.

Lynne:

Currently, It is by far, much simpler to discontinue / abandon a road than it is to reverse the process even after thirty years of progress. Something is definitely wrong... (Or more likely missing).

I know your agenda is very crowded, however I respectfully submit the following important items for discussion / inclusion in the Maine road abandonment / discontinuance statute at your next meeting.

- Road associations are a band aid which doesn't solve the unfair costs incurred for those property owners who get no real 1:1 (equivalent) tax rate relief for the added cost imposed upon them by discontinuance for road maintenance and snow removal. People too often create these associations as a last resort. (See next bullet:)
- There is currently no oversight nor arbitration process for people to use when a town refuses to take responsibility for the cost of equal access support for new development. -ESPECIALLY important when new subdivided properties are made available for purchase having a common deeded right of way that only intersects with a discontinued or abandoned road. (No abutting property, no vote, no say.) Yet, the town happily issues building permits and collects full taxes on those landlocked properties.
- Property owners have no say in town discontinuance / abandonment proceedings unless they reside in the town. This is unfair as they pay the same taxes as residents. The statute must change to include property owners, not just residents because road closure equally affects their access.
- There should also be a requirement to place permanent, standardized SIGNAGE at any entrance / exit of a discontinued or abandoned road so

purchasers of inner or connected properties aren't misled to believe there is town supported access to a deeded right of way when there isn't.

The above items are accurate, true, and reflect actual conditions I (and others) have experienced and continue to experience to this day.

Regards,
Albert B Calve