

Manager

TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
MONDAY - SEPTEMBER 22, 1997

- I. Call to order at the Cumberland Municipal Center at 7:00 pm.
- II. Approval of Minutes
a. September 8, 1997
- III. Manager's Report
- IV. Public Discussion
- V. Legislation and Policy
- 97-117 To hold Public Hearing to consider and act on status of paper streets.
- 97-118 To consider and act on abatement request. *See Paula note*
- 9/27 97-119 To set date for special Council meeting. - *List items R? read motion Award B. & Renov. & Abatement Handicap abatement white dirt Rd - Buckley*
- 97-120 To set date for public hearing to consider and act on amendment to Section 424 of the Zoning Ordinance - regarding signs. *- Oct. 27th*
- VI. Correspondence
- VII. New Business
- VIII. Adjourn

MEMBERS OF THE TOWN COUNCIL

John Lambert, Jr. (Chair)	781-5282	Harland Storey	829-3939
Peter Bingham	829-5713	James Phipps	846-6274
Philip Gleason	781-3787	Josiah Drummond	829-5506
Mark Kuntz	829-6482		

*Donna
need memo
re Buckley*

ask P 6 & JL

*need proposal for Power Reloc
& recommend on Power
Cable*

**TOWN OF CUMBERLAND
MINUTES OF THE MEETING OF THE TOWN COUNCIL
SEPTEMBER 8, 1997**

Present: John Lambert, Josiah Drummond, Mark Kuntz, Harland Storey, Philip Gleason

Absent: Peter Bingham, James Phipps - both excused

I. The meeting was called to order by the Chairman at 7:00 pm at the Cumberland Municipal Center.

II. Approval of Minutes

a. August 25, 1997

b. August 26, 1997

Councilor Gleason moved to approve the minutes of the August 25, 1997 and August 26, 1997 meetings as written.

Councilor Drummond seconded. Vote: Unanimous (5)

III. Manager's Report

The Manager stated that the Twin Brook opening was very successful.

The Council asked that its thanks be conveyed to those who organized the event as well as special thanks to Phil Wentworth and the employees of the Public Works Department for all their work at the site.

IV. Public Discussion
none

V. Legislation and Policy

97-107 To hold Public Hearing to consider and act on acceptance of planning grant (growth assessment) and matching funds of \$3,000.

The Chairman opened the public hearing.

Donna Larson, Town Planner, explained how this money will be used, stating it will provide an opportunity to look into alternatives to property taxes to pay for the cost of growth.

Bob Harmon, Orchard Rd., asked if the work would be done by in-house staff.
Ms. Larson stated that most of the grant money would be used to hire a consultant whom she will work closely with.

The public hearing was closed.

Councilor Drummond moved to accept the \$10,000 planning grant and designate that the \$3,000 matching funds be taken from the affordable housing fund.

Councilor Gleason seconded. Vote: Unanimous (5)

- 97-108 To authorize Town Manager to execute grant documents.

Councilor Gleason moved to authorize the Town Manager to execute grant documents consistent with Item 97-107.

Councilor Drummond seconded. Vote: Unanimous (5)

- 97-109 To hold Public Hearing to consider and act on adoption of BOCA National Building Code, Twelfth Edition-1993, with proposed amendments, as the Building Code of the Town of Cumberland.

The Chairman opened the public hearing.

Robert Littlefield, Building Inspector, explained that the proposal will bring the Town Code in-line with present day construction activity and will be more convenient to work with.

There was no public comment. The hearing was closed.

Councilor Gleason moved to adopt the BOCA National Building Code, Twelfth Edition-1993, with proposed amendments, as the Building Code of the Town of Cumberland.

Councilor Kuntz seconded. Vote: Unanimous (5)

- 97-110 To set date for special election - At Large Council Seat.

Councilor Lambert explained that Councilor Drummond is leaving Cumberland to take a new job and this will be his last meeting. He explained that the election for the at-large seat can take place during the regular November election.

Councilor Gleason moved to call a Special Municipal Election on November 4, 1997 to elect an "At Large" Town Councilor to fill Josiah Drummond's unexpired Town Councilor seat, with nomination papers to be available in the office of the Town Clerk on September 9, 1997, said papers to be returned to the Town Clerk by October 3, 1997.

Councilor Storey seconded. Vote: Unanimous (5)

The Councilors thanked Mr. Drummond for his service to the community both on the Town Council and the SAD 51 Board of Directors.

- 97-111 To authorize purchase of used Squad Truck (Fire Dept.)

Fire Chief Fischer explained the need to replace the squad truck and explained that purchasing this vehicle will save the Town approximately \$100,000 compared to purchasing a new vehicle. He stated that the money for the vehicle will be budgeted in the Fire Truck reserve fund for next year.

Councilor Storey moved to authorize \$30,000 for the purchase and upgrade of a 1984 GMC Brigadier chassis with a Ranger aluminum squad body, with funding to come from the 1998 Fire Truck reserve fund.

Councilor Kuntz seconded. Vote: Unanimous (5)

- 97-112 To accept 1997 revaluation as submitted by Vision Appraisal Technology, subject to further adjustment and modification as found necessary by the Town Assessor.

Paula Jansmann, Town Assessor, recommended that the revaluation be accepted and noted that an appeals process remains available.

Councilor Gleason moved to accept the 1997 revaluation as submitted by Vision Appraisal Technology, subject to further adjustment and modification as found necessary by the Town Assessor.

Councilor Drummond seconded.

There was some discussion of concerns with the process and the need to do revaluations every 3 or 4 years to minimize the impact.

The Council also thanked Ms. Jansmann for her professionalism, forbearance, grace, patience and good work, noting that hers is not an easy position to be in during the revaluation process.

Vote on the motion: Unanimous (5)

97-113 To set 1997 Tax Rate.

Councilor Drummond moved to set the tax rate for 1997 at \$18.00 per thousand dollars of valuation.

Councilor Gleason seconded. Vote: Unanimous (5)

97-114 To set interest rate to be charges on delinquent 1997 real and personal property taxes.

Councilor Gleason moved to set the interest rate to be charges on delinquent 1997 real and personal property taxes at 10.50%.

Councilor Drummond seconded. Vote: Unanimous (5)

97-115 To authorize application of real estate tax payments to the oldest unpaid tax.

Councilor Drummond moved to authorize and direct the Tax Collector/Treasurer, pursuant to Title 36, M.R.S.A., section 906, to apply any tax payment received from an individual as payment for any property tax against outstanding or delinquent taxes due on said property in chronological order beginning with the oldest unpaid tax bill, provided, however, that no such payment be applied to any tax for which an abatement application or appeal is pending unless approved in writing by the taxpayer.

Councilor Gleason seconded. Vote: Unanimous (5)

97-116 To set rate at which interest is paid on overpayment of real estate taxes.

Councilor Gleason moved to set 6.5% as the rate at which interest is paid on overpayment of taxes.

Councilor Storey seconded. Vote: Unanimous (5)

VI. Correspondence

SAD 51 Superintendent Hasson - re: Drowne Road project
John Ash, III - re: revaluation
C.I. Ferry Adv. Committee minutes of August 20, 1997
Priscilla Ross - re: abatement request

Jensen Baird Gardner & Henry - re: Municipal Client Seminar
Fal/Cumb Chamber of Commerce - re: meeting
Town Forest Board - 8/7/97 meeting minutes
Solid Waste Figures for August 1997
Maine Municipal Association - re: election

VII. New Business

Councilor Storey stated that the Town should go out to bid for the general contractor to manage the renovation of the current town office building for use by the school.

The Chairman noted that the decision regarding a general contractor for that project had already been made by the Council at a previous meeting.

Chairman Lambert thanked Councilor Drummond for his service and wished he and his family the best of luck.

VIII. Adjourn

The meeting was adjourned at 8:20 pm.


Charlene A. Doyle
Council Secretary

Encyclopedias

Abandonment of highway in general, see C.J.S. Highways § 136 et seq.
Construction, operation, and effect of dedication; right or title acquired, see C.J.S. Dedication § 60.
Use and regulation of public places, property, and works; vacation of streets and other

public ways, see C.J.S. Municipal Corporations § 1665 et seq.
Vacation of highway; grounds for discontinuance, see Highways § 116.

Maine Practice

Authority to take by eminent domain, see Real Estate Law and Practice, Vol. 1, Cowan, § 673.
Easements; extent of easement created; implication, see Real Estate Law and Practice, Vol. 1, Cowan, § 281.

Termination of easements, see Real Estate Law and Practice, Vol. 1, Cowan, § 283.

WESTLAW Research

Dedication cases: 119k[add key number].
Highways cases: 200k[add key number].

Municipal corporations cases: 268k[add key number].

§ 3032. Proposed, unaccepted ways deemed vacated

1. **Deemed vacation.** A proposed, unaccepted way or portion of a proposed, unaccepted way laid out on a subdivision plan recorded in the registry of deeds prior to the effective date of this section shall be deemed to have been subject to an order of vacation under section 3027 if the way or portion of the way has not been constructed or used as a way and has not been accepted as a town, county or state way or highway by the later of:

A. Fifteen years after the date of the recording of the subdivision plan laying out the way or portion of the way; or

B. Ten years after the effective date of this section.

A way or portion of a way considered vacated under this subsection is subject to section 3033.

2. **Extensions.** The municipal officers of the affected municipality may except a proposed, unaccepted way or portion of a proposed, unaccepted way described in subsection 1 from the operation of the time limitations of that subsection by filing, in the registry of deeds where the subdivision plan is recorded, a notice stating that the way or portion of the way is excepted from the operation of subsection 1 for a period of 20 years from the filing of the notice. To be effective, this exception must be filed prior to the expiration of the time limitations of subsection 1. An extension accomplished under this subsection may be extended by the municipal officers for a subsequent 20-year period by the filing of a new notice within the preceding 20-year extension period. 1987, c. 385, § 2.

Library References

American Digest System

Abandonment of highway in general, see Highways §=79(1) et seq.
Operation and effect of dedication; abandonment or nuser; vacation, see Dedication §=63(3).

Use and regulation of public places, property, and works; vacation or abandonment, see Municipal Corporations §=657(1) et seq.
Vacation of highway; discontinuance by vote, see Highways §=75(3).

Encyclopedias

Abandonment of highway in general, see C.J.S. Highways § 136 et seq.
Revocation, abandonment, misuse, or diversion of dedication; abandonment, see C.J.S. Dedication § 62.
Use and regulation of public places, property, and works; vacation of streets and other

public ways, see C.J.S. Municipal Corporations § 1665 et seq.
Vacation of highway; grounds for discontinuance, see Highways § 116.

Maine Practice

Authority to take by eminent domain, see Real Estate Law and Practice, Vol. 1, Cowan, § 673.

Termination of easements, see Real Estate Law and Practice, Vol. 1, Cowan, § 283.

WESTLAW Research

Dedication cases: 119k[add key number].
Highways cases: 200k[add key number].

Municipal corporations cases: 268k[add key number].

§ 3033. Rights of action concerning ways deemed vacated

1. **Notice by person claiming ownership.** Any person claiming to own a proposed, unaccepted way or portion of a proposed, unaccepted way deemed vacated under section 3032 may record, in the registry of deeds where the subdivision plan, to which the notice set forth in this subsection pertains, is recorded, a conformed copy of the notice set forth in this subsection, with an alphabetical listing of the names of the current record owners of lots on the subdivision plan to which the notice pertains and their mortgagees of record. The person shall give notice of his claim to these current record owners and their mortgagees of record. Within 20 days of recording of the notice, the person shall give this notice by mailing, by the United States postal service, postage prepaid, to the current record owners and mortgagees, a copy of the notice set forth below:

NOTICE

By virtue of the Maine Revised Statutes, Title 23, section 3032, the following proposed, unaccepted ways or portions of proposed, unaccepted ways were deemed by law to have been vacated by the municipal officers of (name of town or city) _____. The ways or portions of ways so vacated are shown on a plan (named) (dated) (and) recorded in the _____ County Registry of Deeds, Book of Plans, Volume _____, Page _____, (Folio #) and are described as follows:

(Herein list vacated ways or portions of ways)

PHILIP C. HUNT
250 MAIN STREET
CUMBERLAND, ME 04021

September 17, 1997

Mr. John Lambert, Chairman
Cumberland Town Council
Cumberland Town Hall
Drowne Road
Cumberland, ME 04021

Re: Paper Streets

Dear John:

On September 16, 1997, the Planning Board held a hearing concerning paper streets and the impending deadline imposed by 23 M.R.S.A. Section 3032. This law essentially requires that the Town of Cumberland review "paper streets" which appear on recorded subdivision plans but which have never been accepted by the town. Unless the Town chooses to accept the street or extend the deadline, the street will be deemed to have been vacated and public rights to accept the road may be lost.

Prior to the meeting, the only information which the Planning Board received on this issue was a packet containing a copy of Donna Larsen's letter to landowners adjoining the paper streets, a list of paper streets on the mainland and Chebeague Island which has been compiled by the Planning Staff, the recommendations of the town planner as to whether streets shown on these plans should be accepted, vacated, or extended, and copies of the subdivision plans.

Generally, the Planning Staff recommends that in most cases the deadline for accepting the paper streets should be extended so that each paper street can be systematically reviewed and appropriate public hearings held. The Planning Staff recommends vacating two paper streets on Chebeague Island and seven paper streets on the mainland.

At the public hearing, Donna Larsen presented an oral report on background of the various subdivisions. Donna Damon of Chebeague Island presented an oral report of some of her historical research on the roads and streets of the island.

In addition, a number of residents presented oral testimony in support of their views that a number of streets should be vacated. Some claimed that their deeds include the roads. However, the Planning Board was not provided with copies of pertinent deeds or title opinions or abstracts which would demonstrate that there are no public rights. Others claimed to have legal opinions purporting to show that public rights had previously been abandoned. However, these opinions were not provided to the Board. Some claimed that roads shown on various plans had been washed away by the sea. Several mainland residents presented oral testimony in support of the Town Planners recommendations to vacate the streets in their subdivisions.

The consensus of the Planning Board was that there was insufficient information available at this time to enable the Planning Board to recommend vacation of any paper streets. The Planning Board believes that the best course would be to extend the deadline for accepting or vacating paper streets so that a systematic process of reviewing the various paper streets on an individualized subdivision by subdivision basis can be developed and implemented. The Planning Board believes that this review process should be conducted over a period of not to exceed two years.

The Planning Board indicated that for each identified subdivision the Town should have a location map showing the physical location of the subdivision in the town, a map or plan showing how the paper streets intersect with existing roads and ways, a plan or map showing the current ownership of land within the bounds of the subdivision, copies of relevant deeds of land owners in the subdivision with additional title information if necessary so that a determination can be made that no lot owner will lose access as a result of vacating the paper street, an indication of whether any electric lines, water lines, sewer lines, or other utility lines are located within the paper street location, photographs and/or site walks to verify that there is no indication of historical public use of the paper street, and any information which may exist pertaining to actual use of the road locations by the public. The Planning Board believes that there should be a public hearing process for each subdivision and the paper streets contained within it so that affected landowners would be able to submit documentary evidence and offer verbal testimony.

Donna Damon and Board Member Sam Hunter indicated that this type of analysis was being conducted on Chebeague Island and that it might take up to two years to compile the necessary information. Mrs. Damon felt that it would be best to conduct public hearings on the Island paper streets next summer so that all residents, seasonal and year-round would have the opportunity to participate. The Planning Board supports this approach.

Donna Larsen indicated that there were fewer paper streets on the mainland and that, by and large, the issues were less complex. The Planning Board felt that the same systematic review process should apply to the mainland paper streets but that it would be reasonable to expect that the review of the mainland paper streets could be conducted within twelve months.

The Town Council needs to consider who should handle the public hearing process. The decision as to whether to accept or vacate these paper streets rests with the Town Council, and the Council could take on the responsibility of conducting this process itself. However, the Planning Board recognizes that the Council might prefer to have the Planning Board conduct initial public hearings and make recommendations to the Council, and the Planning Board members are willing to undertake the review process.

With respect to the Chebeague Island paper streets which are proposed for vacation, there are two paper streets located in the Merriam Point subdivision as shown on the Plan recorded in Plan Book 11, Page 53, of the Cumberland County Registry of Deeds. The Planning Staff has recommended that a portion of Chebeague Avenue northeast of Cross Street to Hamilton Circle and Hamilton Circle northeast of Cross Street be vacated. The Planning Staff recommendation is based on Donna Damon's research which is said to show that the area in which these two paper streets are located was taken by the United States by eminent domain in 1942 and that the taking terminated all of the Town of Cumberland's rights in these two streets shown on the Plan. Donna Larsen indicated that the Town Attorney, Ken Cole, has reviewed this issue and has come to the same conclusion. However, neither Donna Damon nor Attorney Cole have provided written documentation of their research to the Planning Board, and in the absence of the supporting evidence, the Planning Board members were unwilling to approve the Planning Staff's recommendation with respect to these two streets.

The Planning Board members do not mean to suggest that the Planning Staff, Donna Damon and Town Attorney Cole are wrong in their conclusion that the Town rights in these two paper streets have been taken by eminent domain and that the Town no longer has the ability to accept these ways. I personally have every reason to believe that the recommendation is correct, and I believe that most if not all of the Planning Board members share my confidence in the Town staff and outside advisors. The point which has been made by Tom Powers and Bob Vail, in particular, is that the Town Council's decision to vacate a street should be based on a thorough review and substantial documentary evidence and that the Board and the Council should not rely on second and third hand oral reports. If at the September 22, 1997 hearing before the Council actual evidence is submitted that the streets in question were taken by eminent domain by the United States in 1942 (such as a copy of the Court order approving the taking as recorded

in the Registry of Deeds) and the Town Attorney has provided an opinion that the effect of the taking was to terminate the Town of Cumberland's right to accept the paper streets within the area taken, I am sure that the Planning Board members would favor the Council's accepting the Planning Staff's recommendation to vacate.

Similar issues arise with respect to several mainland paper streets which have been proposed for vacation.

Several paper streets have been recommended for vacation in West Cumberland as shown on a Plan of Cumberland Highlands, Plan Book 16, Page 8, and a Plan of Forest Homes, Plan Book 25, Page 24. Again, I personally believe that the Planning Board feels that the staff recommendation is probably correct, but the Board believes that the documentary evidence supporting this recommendation needs to be compiled to provide a basis for the decision to vacate. The Planning Board was concerned that no information was furnished as to the current land owners of the lots described on these plans (which were developed in a manner much different from what the plot plan would suggest), whether there are any lot owners who might lose rights of access, whether there is any indication of public use, whether there is any indication of utility line locations, and so forth. Two local residents present at the hearing were able to present oral testimony on these points which the Board found helpful, but the consensus was that a more systematic review was necessary to assure that no points were overlooked. The Planning Board's recommendation was that public hearings be scheduled on these two Plans within 60 days so that a decision can be made based on a complete documentary record.

Several paper streets have been recommended for vacation in Wildwood. The basis for this recommendation is that these paper streets were previously vacated by the Town in the course of development of a resubdivision of a portion of the property along with an adjoining property. Apparently, Town Attorney Ken Cole has orally reported to the Town Planner that this is the case. This is a situation where the Planning Board would support the recommendation of the Planning Staff and the Town Attorney once the written documentation of the basis for the recommendation has been developed. This could probably take the form of a written opinion by Attorney Cole with appropriate abstracts of the earlier decisions of the Town Officials vacating these paper streets and copies of the approved subdivision plans in which the roads were reconfigured. Again, the Planning Board believes that public hearings could be scheduled on the Wildwood streets within 60 days so that a decision could be made based on a complete documentary record.

A question was raised by a member of the public about the Planning Staff's recommendation to extend the time for accepting Settler's Trail in the Greenwood at Cumberland Subdivision. This paper street extends off Sparhawk Lane. An adjoining

Mr. John Lambert

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landowner stated that this paper street extends into a town owned swampy area which will not be developed and that there is no reason why the paper street should not be vacated. The Planning Staff felt that the possibility existed that a turnout for school buses, plows, and other municipal vehicles might be needed at the terminus of Sparhawk Lane. The Planning Board is familiar with this location. A proposal to develop the area was presented last year, and the Board has been advised that the undevelopable swampy land in this area was conveyed to the Town as open space. Thus, the question of whether or not to accept Settler's Trail may be moot. This issue seems to be capable of prompt resolution within a relatively short time period.

There was a question over the Planning Staff's recommendation to extend the time for accepting Ravine Road as shown on the Plan of Brentwood recorded in Plan Book 136, Page 66 at the Cumberland County Registry of Deeds. One resident urged that the way be vacated. Another resident expressed concern that the public way needed to be maintained to provide access to septic line easements underlying the road bed which serve his residence and that members of the public used the road way as a foot path for access to the shore. In light of the conflicting information, the Planning Board concurs with the Planning Staff's recommendation to extend.

Finally, the Board felt that, in light of the Supreme Judicial Court's decision in *Glidden v. Belden*, 648 A.2d 1306 (Me., 1996) that 23 M.R.S.A. Section 3032 applies to unaccepted range roads and range ways, the Council should make clear that it is extending the time for accepting any unaccepted range roads and range ways in Cumberland.

I will attend the Council Meeting on September 22, 1997 and will be pleased to respond to any questions or comments which the Council may have to offer.

Very truly yours,



Philip C. Hunt
Chairman
Cumberland Planning Board

JENSEN BAIRD GARDNER & HENRY

ATTORNEYS AT LAW

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(207) 775-7271

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ANNE H. JORDAN
JEFFREY F. BUHRMAN
BARRY P. FERNALD
SALLY J. DAGGETT
SUSAN C. STERNER
BRENDAN Y. RIELLY

September 22, 1997

Donna Larson, Town Planner
Town of Cumberland
P.O. Box 128
Cumberland, Maine 04021

Re: Miriam Point, Chebeague Island

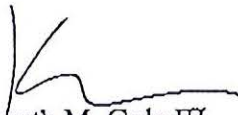
Dear Donna:

This letter is intended to confirm our various telephone conversations in regard to the paper streets at Miriam Point on Chebeague Island. Specifically, it is my understanding that you received a letter dated September 4, 1997 from Ann Richardson Brown alleging that these paper streets were technically vacated by an eminent domain proceeding conducted by the federal government as a part of the construction of World War II defense facilities. Ms. Brown goes on to state that since everything was condemned it was therefore free of any paper streets when their family acquired the property from the government.

Although this argument is compelling, it is possible that the Town could still have rights either by virtue of the doctrine of revival by which those type of interests might be reborn when the government gave up its condemnation, or based on the simple fact that I doubt the Town of Cumberland was a party to the eminent domain proceeding. Either way, I would suggest that it is not worth the cost and expense of litigation to determine whether some arcane legal theory might keep these paper streets still effective when it is more probable that they have, in fact, been lost by virtue of the government's condemnation. Further, based on the lack of any apparent public benefit, I would recommend that the Town allow these streets to become technically vacated at this point. The Town's action would simply reaffirm the federal government taking and end any possible dispute in this regard.

Thank you for your attention to this matter.

Very truly yours,


Kenneth M. Cole III

cc: Robert B. Benson

MEMORANDUM

TO: Town Council
FROM: Kenneth M. Cole III
RE: Paper Streets
DATE: September 22, 1997

KC3

I have reviewed the Chairman of the Planning Board's concerns in regard to paper streets and although they are well founded in terms of the specific research that he recommends, our recommendation is that based on cost it would be better for the Town Council to merely preserve the status quo by passing the proposed order. A few exceptions to this order have been researched and identified by Donna Larson. However, to the extent that the Council feels uncomfortable with even those exceptions, they need not be excepted from the order. Further research can be done at a later date and the Council can deal with them at that time. Based on Donna Larson's research I do not feel uncomfortable with allowing a vacation to occur in regard to her recommendations. In that regard, I would note that most towns have done only minor amounts of research though I notice Freeport became involved in a quite detailed process. The typical order has simply preserved the status quo by attempting to identify the various streets in town and continuing the Council's right to accept them. Exceptions have been minor and related solely to present considerations such as those raised by Donna Larson.

August 28, 1997

Dear Property Owner:

You are an abutter to a "paper street" defined as a way that has been proposed or been laid out in a recorded subdivision plan, but that has never been accepted by the town. State law, 23 M.R.S.A. §3032, requires that any unaccepted and/or unbuilt way, or paper street, be vacated on September 27, 1997 unless the Town Council acts to accept the street or extend the deadline.

A Planning Board public hearing is scheduled for **Tuesday, September 16, 1997, at 7 pm**, in the council chambers of the town hall. This hearing is an opportunity for you as a property owner on a paper street to give written or oral testimony that will help the Board develop their recommendation to the Town Council. The Town Council will then consider and act on the Planning Board's recommendations on **Monday, September 22, 1997**, in the Council Chambers of the Town Hall.

For each paper street there are four possible actions the Town Council may take, they are:

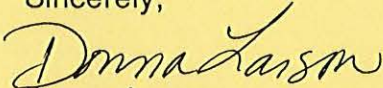
1. **Vacate, or no action:** No action is taken and the ownership of the paper street shifts by law to the property of the abutters on either side. This would potentially increase, by a small amount, the value of both abutters' properties and their property taxes.
2. **Accept:** The town accepts the street and becomes obligated to eventually construct the roadway to town standards.
3. **Reserve a lesser interest** This action involves vacating the paper street as described above, but the town reserves the right to repair and maintain utilities or the right of public access to a place like a park or a water body.
4. **Extend** This means to extend the deadline for an automatic vacation. The town may extend the deadlines for twenty years, although taking this action doesn't prevent the town, or a resident, from initiating a process in the meantime to have the paper street accepted or vacated.

If there are any questions regarding the recommendation for a paper street, an extension will most likely be requested. Extending the time period gives everyone involved additional time in which to decide what to do about the street.

The Planning, and Public Works Departments have reviewed the list of paper streets on the mainland and have made preliminary recommendations as to what action should be taken. Donna Miller Damon has researched paper streets on Chebeague Island and is recommending that all of the streets be extended to allow time for additional research. A list of paper streets with recommended actions is attached. Also enclosed is an information sheet with commonly asked questions and answers, please disregard the word city and insert the word town.

Given the number of paper street and their abutters, we are encouraging you to write letters or give us a call, and/or attend the public meetings listed previously. You have the best knowledge of the area and we need your input. We will assume that you agree with our recommendation if we don't hear from you otherwise. **Please call either me, or Carol Tukey at 829-2206** if you have any comments or questions.

Sincerely,

A handwritten signature in cursive script that reads "Donna Larson".

Donna Larson
Town Planner

BOOK 6609 PAGE 210

BOOK 6612 PAGE 240

42086

CLERK'S CERTIFICATE

ORDER VACATING CERTAIN PAPER STREETS

I, CHRISTINE A. ST. PETER, Town Clerk for the Town of Cumberland, do hereby certify that the documents attached hereto are true copies and that all actions taken pursuant thereto are in full force and effect.

1. Attached hereto as Exhibit A is the Petition of Northland Properties, Inc. and Jonquil Associates dated April 10, 1984 requesting the vacation of certain town ways pursuant to 23 M.R.S.A. Section 3027. The location of the proposed town ways to be vacated is set forth therein.

2. Attached hereto as Exhibit B is a copy of the Minutes of the Meeting of the Town Council of the Town of Cumberland held July 9, 1984 in which the Petition of Northland Properties, Inc. and Jonquil Associates was granted. No award of damages was paid to any lot owner or other person having an interest in the proposed town ways vacated.

3. Attached hereto as Exhibit C is a list of the names of the subdivision lot owners and mortgagees of record whose interests may be affected by the order vacating the aforesaid proposed town ways.

DATED at Cumberland, Maine, this 5th day of November, 1984.

Christine A. St. Peter
Christine A. St. Peter, Town Clerk

State of Maine
Cumberland SS

November 5th, 1984

SEAL

Then personally appeared the above-named CHRISTINE A. ST. PETER, Town Clerk of the Town of Cumberland and acknowledged the foregoing to be her free act and deed in her said capacity.

Before me,

Judith Gillis
Notary Public, Attorney at Law

JUDITH GILLIS
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES SEPTEMBER 15, 1990

SEAL

PETITION TO VACATE PROPOSED TOWN WAY

The undersigned Northland Properties, Inc. and Jonquil Associates, pursuant to Title 23, Section 3027 of the Maine Revised Statutes Annotated, hereby petition the Municipal Officers of the Town of Cumberland, Maine to vacate the following proposed town ways as said ways are located within and on the property described on Exhibit A, attached hereto and incorporated herein:

- (a) Briar Lane;
- (b) Fern Lane;
- (c) Sylvan Lane; and
- (d) Concord Circle

Reference is hereby made to "Plan of Land in Cumberland, Maine for Land Use Consultants" dated July 22, 1982, as revised, a copy of which is attached hereto and incorporated herein.

The aforementioned proposed town ways are shown on a "Plan of Wildwood Park" dated November, 1917 and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 3.

Jonquil Associates, a Maine partnership, claims a property interest in the proposed town ways by virtue of a deed from Casco Northern Bank, N.A. as personal representative of the Estate of Gladys D. Chapman dated March 26, 1984 and recorded in the Cumberland County Registry of Deeds in Book 6142, Page 42. Northland Properties, Inc., a Maine corporation, claims a property interest in said ways by virtue of a Purchase and Sale Agreement dated February 6, 1984 naming Northland Properties, Inc. as Buyer and Jonquil Associates as Seller.

Dated:

Northland Properties, Inc.

By: Frank M. Stewart, Vice Pres.
Its

Jonquil Associates

By: John P. McDermott, Esq.
Its

A certain lot or parcel of land situated in the Town of Cumberland, County of Cumberland, and State of Maine, being more particularly bounded and described as follows:

Beginning at an iron rod situated on the southeasterly side of Route 88 and the northwesterly corner of land of Pierce, recorded in the Cumberland County Registry of Deeds in Book 2039, Page 444;

Thence S61°46'E by land of said Pierce 131.26' to an iron rod set in the ground on the northwesterly sideline of Concord Circle;

Thence N12°58'E by the northwesterly sideline of Concord Circle 78.93' to a point on the southwesterly sideline of Wildwood Boulevard;

Thence S53°50'E by said sideline of Wildwood Boulevard 52.22' to a point on the southeasterly sideline of Concord Circle;

Thence S12°58'W 209.84' to an iron rod set in the ground at the intersection with the northwesterly line of Briar Lane;

Thence S53°50'E along the northeasterly sideline of Briar Lane 75.19; to an iron rod set in the ground;

Thence S53°55'40"E by said sideline of Briar Lane 450' to an iron rod set in the ground at the intersection with the northwesterly sideline of Sylvan Lane;

Thence N36°10'E by said sideline of Sylvan Lane 199.26' to a point in the southwesterly sideline of Wildwood Boulevard;

Thence S53°50'E along said sideline of Wildwood Boulevard 48' to a point in the southeasterly sideline of Sylvan Lane;

Thence S36°10'W along said sideline of Sylvan Lane 199.18' to a point in the northeasterly sideline of Briar Lane;

Thence S53°55'40"E along said sideline of Briar Lane 561.73' to a point;

Thence S36°43'40"W 50.00' to a point in the southwesterly sideline of Briar Lane;

Thence S36°43'40"W 280.90' to a point in a stonewall on the northeasterly sideline of land now or formerly of Nicholas Fish as recorded in the Cumberland County Registry of Deeds in Book 1947, Page 369;

Thence N65°25'30"W along said stonewall and land of Fish 319.64' to a point;

Thence N60°02'W along said stonewall and land of Fish 369.23' to a drill hole in a stone;

Thence N59°49'30"W by land of Fish 653.08' to a stone monument;

Thence continuing on the same course of N59°49'30"W 7.52' to a point on the southeasterly sideline of Route 88;

Thence N49°01'30"E along said sideline 125.95' to a stone monument;

Thence N31°27'40"E along said sideline 27.84' to a point in the northwesterly corner of land now or formerly of Alice M. Sampson as recorded in the Cumberland County Registry of Deeds in Book 3620, Page 319;

Thence S61°46'E along said land of Sampson 148.89' to an iron rod set in the ground;

Thence N28°14'E along said land of Sampson 155.97' to a point;

Thence N61°46'W along said land of Sampson 143' to an iron pipe and the southeasterly sideline of Route 88;

Thence N28°17'E along said sideline 300' to an iron rod set in the ground and the point of beginning.

Bearings and distances were taken from a plan by Owen Haskell, Inc., South Portland, Maine entitled, Plan of Land in Cumberland, Maine for Land Use Consultants, dated July 22, 1982.

TOWN OF CUMBERLAND
MINUTES OF THE MEETING OF THE TOWN COUNCIL
JULY 9, 1984

SEP 26 REC'D

Present: All

I. The meeting was called to order by the Chairman at 7:00 P.M.

II. Approval of the Minutes

A portion of the minutes was accepted unanimously as amended, that portion being the motions under Item 84-55 - To hold a public hearing on the sewer moratorium. The minutes will be presented in their entirety at the July 23rd meeting.

III. Manager's Report (deferred to later in the meeting)

IV. Public Discussion

Mr. Walter Corey asked Councilor Humphreys if the request referred to in his motion of 6/23/84 is the request set forth in the letter from Mr. Carroll to the Council dated 3/26/84 proposing the Council make a finding either as to the 47 user units or the off-peak proposal. Councilor Humphreys replied it was his intention to advise the Planning Board that the application by the Cumberland Village project that required sewer user units placed an unreasonable burden and at that point it was his intention the application should not have been dealt with further. Following further questioning, Councilor Humphreys stated that either way it would place an undue burden on the system.

V. Legislation and Policy

84-64 To continue a public hearing on petition by Northland Properties Inc. to vacate certain proposed town ways shown on a plan of Wildwood Park.

The public hearing was opened by the Chairman at 7:30 P.M. There was no response from the public and the hearing was closed at 7:35 P.M.

Councilor Humphreys moved the Council vacate certain town ways as requested in Jonquil Associates petition dated 4/10/84.

Seconded by Councilor Bates

Unanimous

84-65 To hold a public hearing on application of William Verrill d/b/a Kountry Catering for a victualer's license at Cumberland Fairgrounds. The hearing was opened by the Chairman at 7:45 P.M.

A brief report was given by the Town Manager and the hearing was closed at 7:48 P.M.

Councilor Humphreys moved to grant a victualer's license to William Verrill pending appropriate inspections.

Seconded by Councilor Bates

Unanimous

84-66 To receive report of Town Building Study Committee.

David Pomeroy, Chairman of the Town Building Study Committee, gave a report on the reason for the study and the findings of the committee. Following discussion, Councilor Ahlers thanked the committee for it's work to date and deferred a decision until the final report within 2-3 weeks.

- 84-67 To discuss town communications.
The discussion on town communications included such items as a return to the old format of the town report and a possible bi-monthly newsletter.
Councilor Humphreys offered to contact the Shopping Notes regarding publishing the agenda and whether or not there will be a cost.

Councilor Moon moved to have a questionnaire at the November election dealing with communications, specifically, to deal with regular interim reports of the activities and issues to come before the Council and that the issue of the annual town report also be up for town wide comment; and further, to obtain by the second meeting in August, the costs of the town report from Councilor Johnson and of a newsletter from Councilor Humphreys.
Seconded by Councilor Johnson

Unanimous

- 84-68 Nominating Committee appointments
Councilor Ahlers moved to reappoint Wayne Buhelt and Gordon Erikson to the Cable T.V. Regulatory Board for one year.
Seconded by Councilor Humphreys

Unanimous

- 84-69 To authorize a part time clerical position.
Councilor Moon moved to authorize the Town Manager to employ a part time clerical person as of 8/1/84 at 20 hours per week.
Seconded by Councilor Humphreys

Unanimous

- 84-70 To set date for public hearing on amendments to Sewer Use Ordinance.
Councilor Moon moved to hold a public hearing on the Sewer Use Ordinance amendments on Monday, August 13th.
Seconded by Councilor Johnson

Unanimous

At this time the Town Manager asked for further clarification of Councilor Humphrey's motion on the Sewer Ordinance amendments previously discussed and following discussion Councilor Humphreys moved to inform the Planning Board that no application for off peak usage be entertained for a 2 year period at which time we will request an evaluation from the Portland Water District as to usage.
(Motion died for lack of a second)

It was the decision of the Council to clarify this issue at the joint meeting of the Council and the Planning Board.

III. Manager's Report (previously deferred until this time in the meeting)

As requested at the last meeting, Mr. Benson gave a brief report on the operation at the landfill recycling center.

Councilor Ahlers moved to request the Recycling Committee review the recycling center starting in September and provide an update or recommendations before the end of the year.

Seconded by Councilor Moon

Unanimous

VI. Correspondence

1. Letter to Robert Moody, Recreation Director, from the Woodfords West Educational Center thanking him for the employment of Walter Brooks.

VII. New Business

Councilor Johnson moved to hold a workshop on July 23rd on proposed amendments to the Roads and Town Property Ordinance pertaining to the Chebeague

Wharf, the Stone Pier and the Wharf Road parking.
Seconded by Councilor Moon

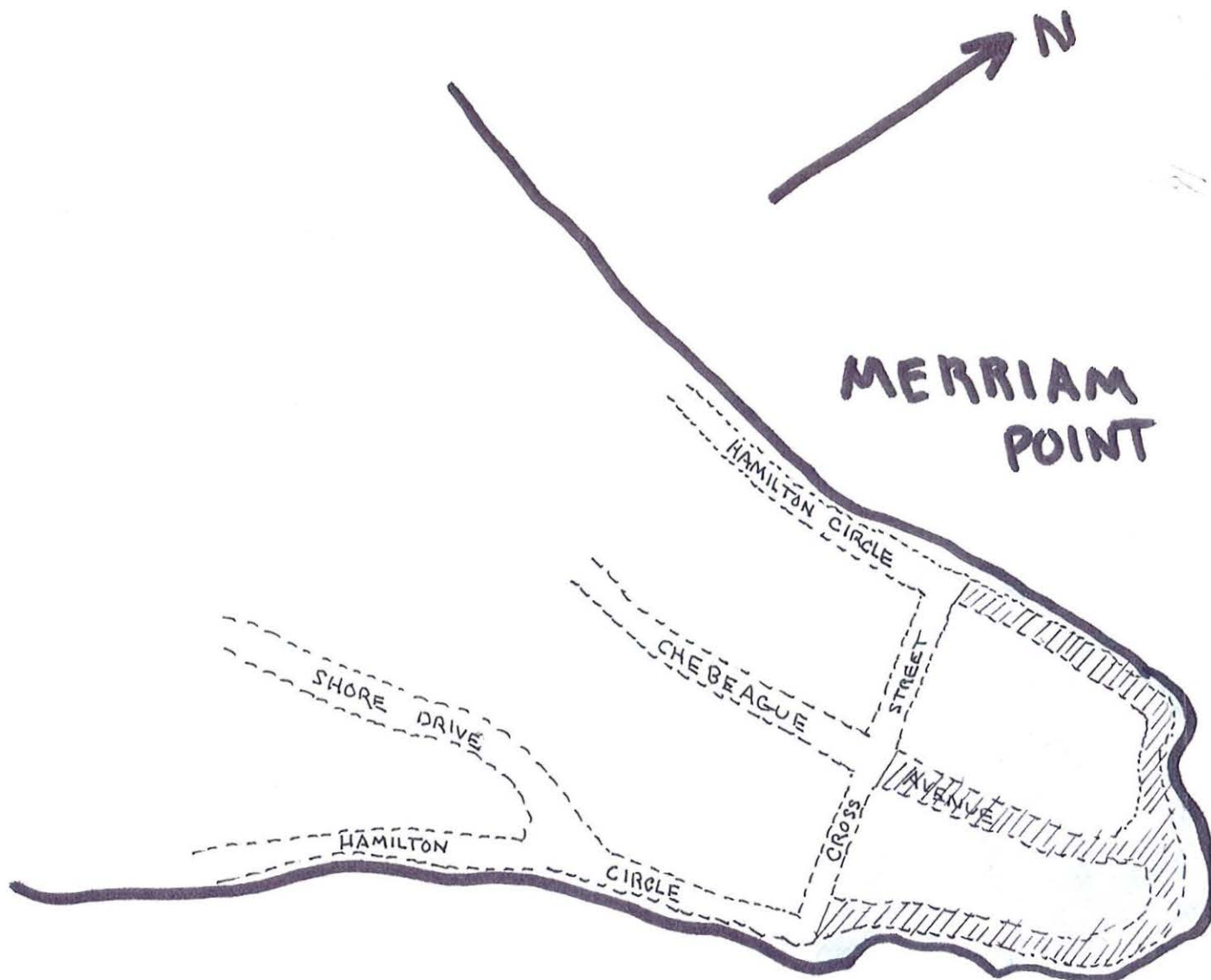
Unanimous

VIII. Adjourn


Councilor Humphreys moved to adjourn to executive session on land
acquisition at 9:15 P.M.
Seconded by Councilor Bates

Unanimous

Christine A. St. Peter
Christine A. St. Peter
Town Clerk



 Lot # 156

 Paper Streets
Eliminated

**GREAT
CHEBEAGUE
ISLAND**

Chebeague Island, ME 04017
4 September 1997

Town of Cumberland
Town Office Building
P.O. Box 128
12 Drowne Road
Cumberland, Maine 04017
Attn: Donna Larson, Town Planner

Dear Ms Larson:

This letter is in response to your letter of 28 August to property owners abutting "paper streets."

We are the owners of Lot 156 on the I-4 Town map. (Your reference Merriam Point, Book 11/page 53). This property, which we inherited in 1977 from our parents, Howard and Page Richardson, has a history which we believe makes State Law 23 M.R.S.A #3032 and Town action inapplicable to:

- (A) that portion of Hamilton Circle from the Southeasterly end of Cross Street circling the Point to the Northwesterly end of Cross Street, and
- (B) that portion of Chebeague Avenue from Cross Street Northeasterly to Hamilton Circle.

A map is enclosed.

Our father was originally a property owner within the context of the "Merriam Point Plan", having purchased said property in 1937. Subsequently, his rights to that property were acquired by the United States Government in 1942 through Declaration of Taking for Wartime purposes. The Federal Government ownership then became paramount, superseding any unaccepted dedication which might be implied from the 1907 recorded plan for the Merriam Point development. In other words, "Hamilton Circle" and "Chebeague Avenue" within the boundaries of that Federal land ceased to exist. Following World War II, the Federal Government's entire rights to the property were conveyed to Howard P. Richardson by quitclaim deed recorded in Book 2048, Page 170, June 20, 1951.

Therefore, we respectfully request that you eliminate from your consideration any action with regard to those portions of Hamilton Circle and Chebeague Avenue described above because they do not exist.

Very truly yours,

Anne Richardson Brown

Anne Richardson Brown
Box 561 (846-6356)

Mary Lee Richardson Hilly

Mary Lee Richardson Hilly
Box 561A (846-6965)

Chebeague Island
Tax Assessor Parcels and Existing Roads

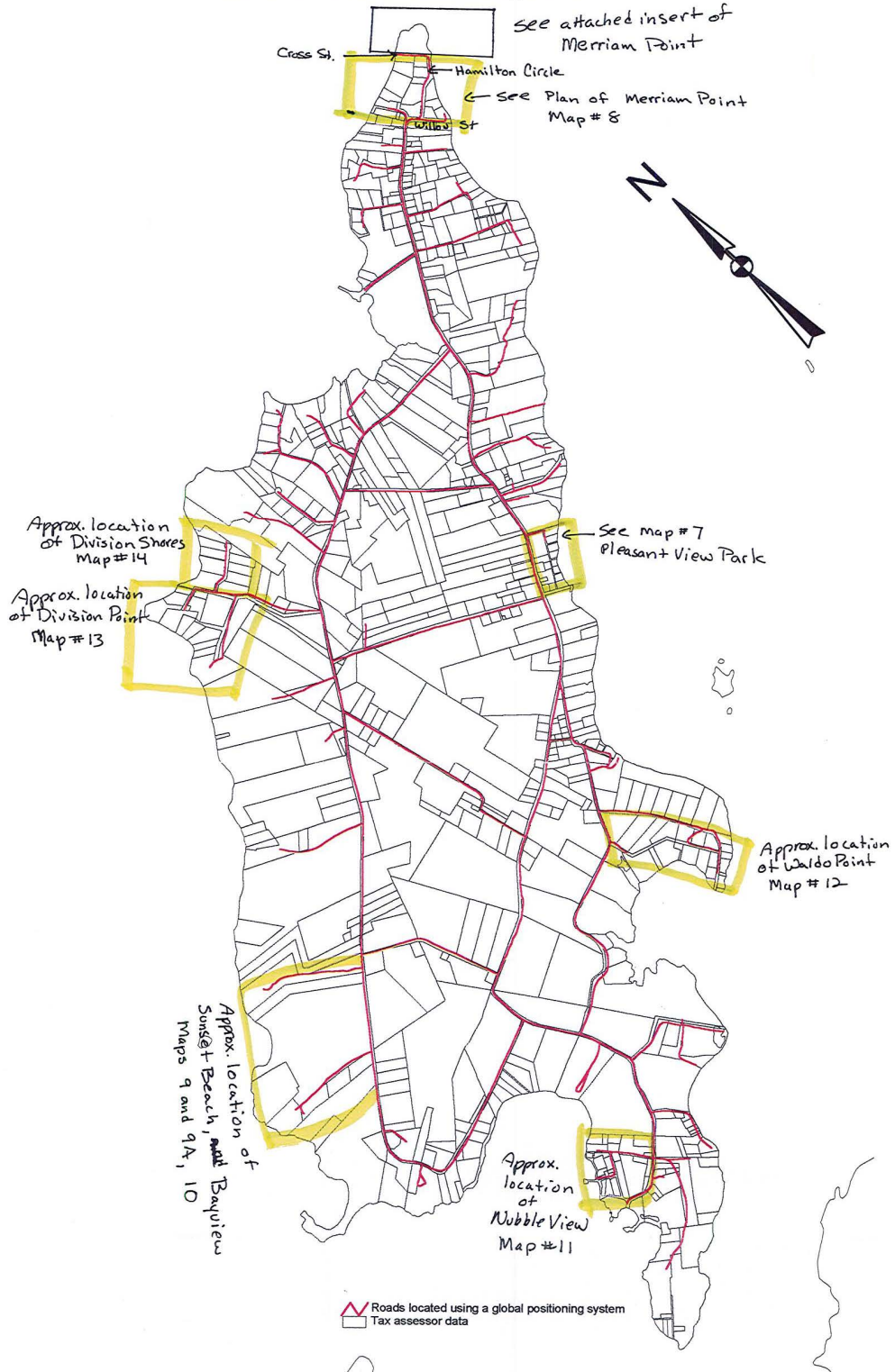
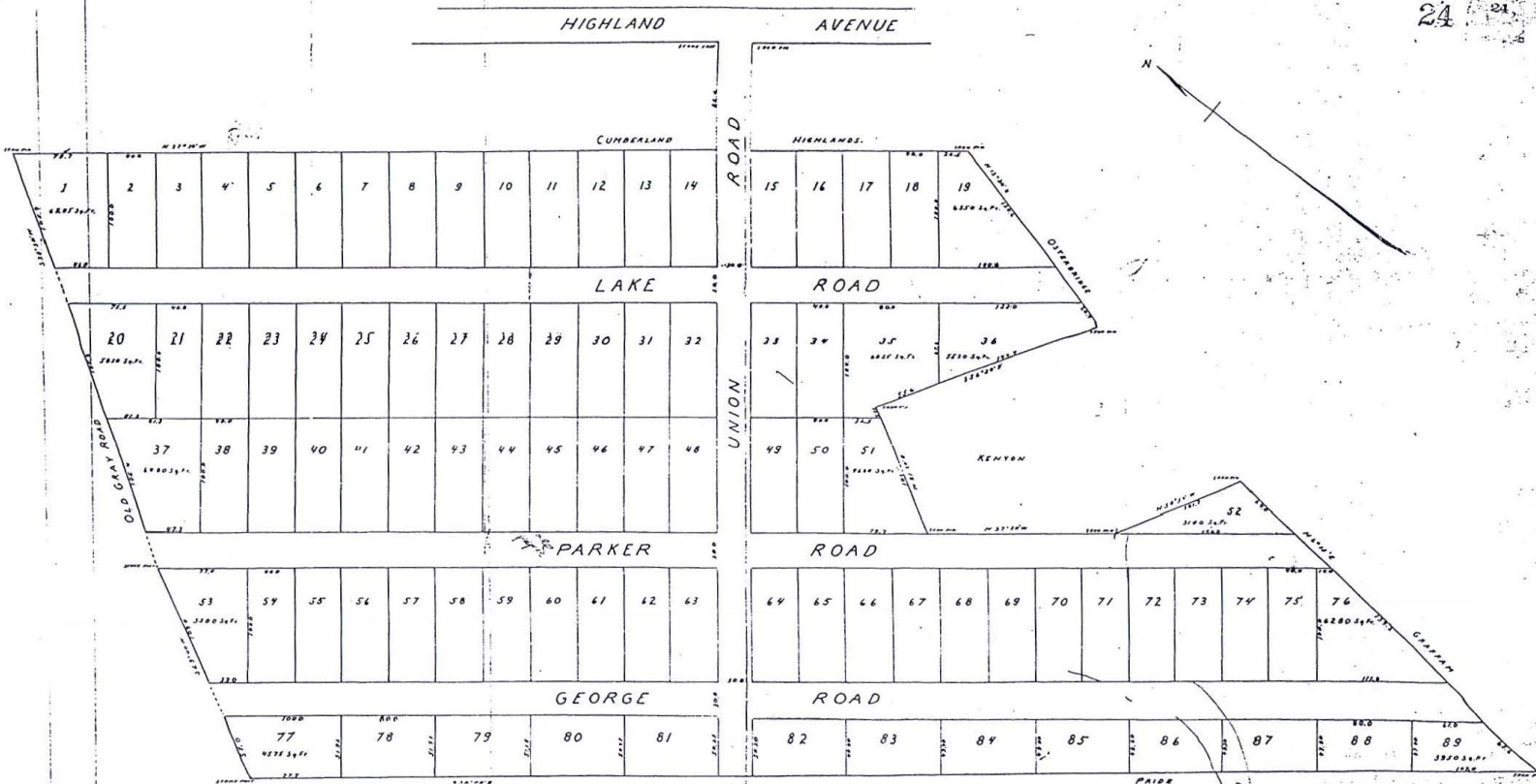


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APPROVED BY
 HERBERT A. HARRISON
 FRANK M. RITCHIE
 TOWN OF CUMBERLAND

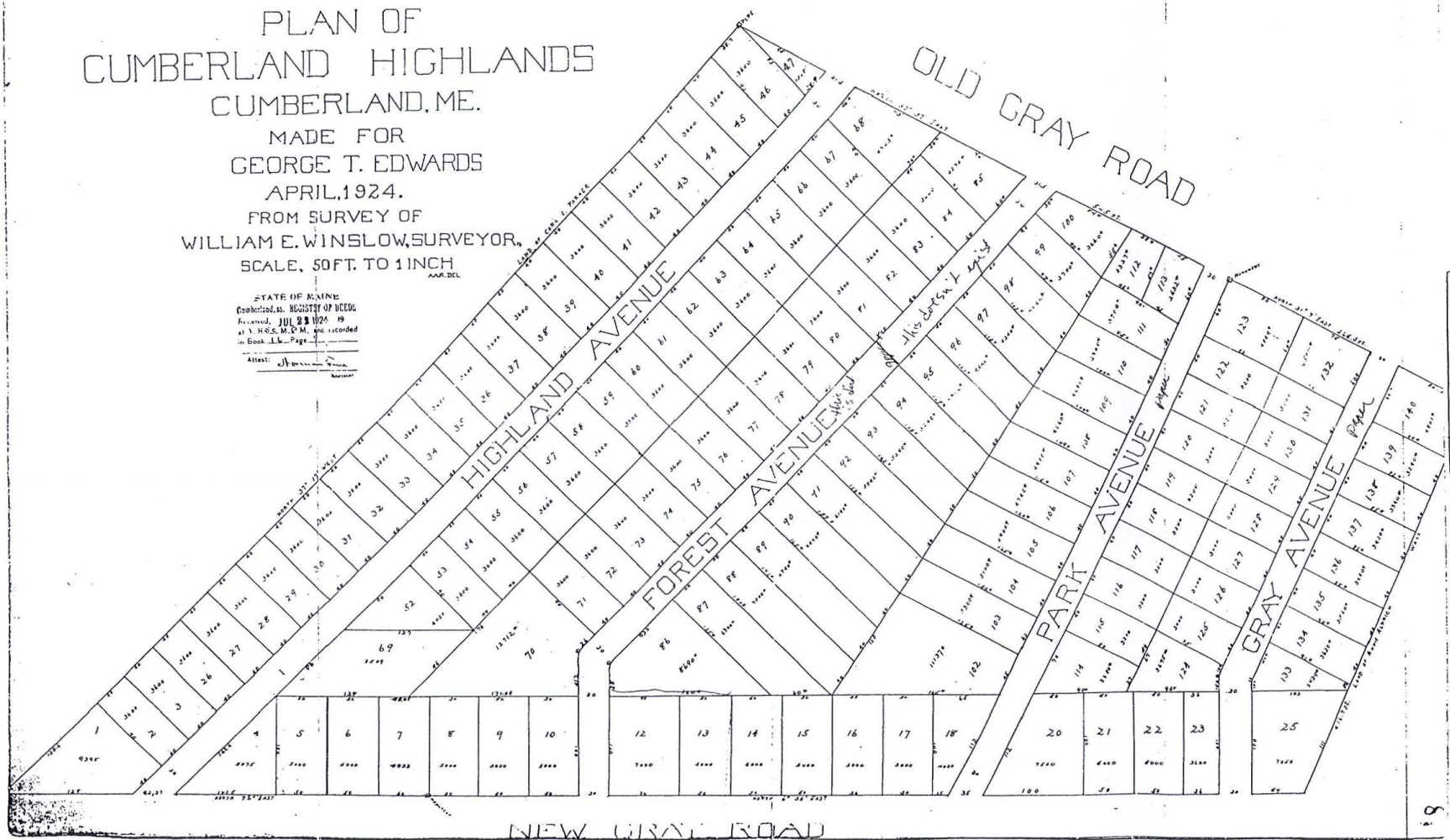
PLAN OF FOREST HOMES
 CORA E. PARKER
 SEPTEMBER 1938
 WEST CUMBERLAND, MAINE
 HARLAN H. SWEETSER ENGINEER
 Scale 50:1

State of Maine, Cumberland County, Registry of Deeds
 Recording from Vol. 116, Page 215
 and recorded in Plan Book 25 Page 24
 Attest: A. Claude Smith
 Registrar

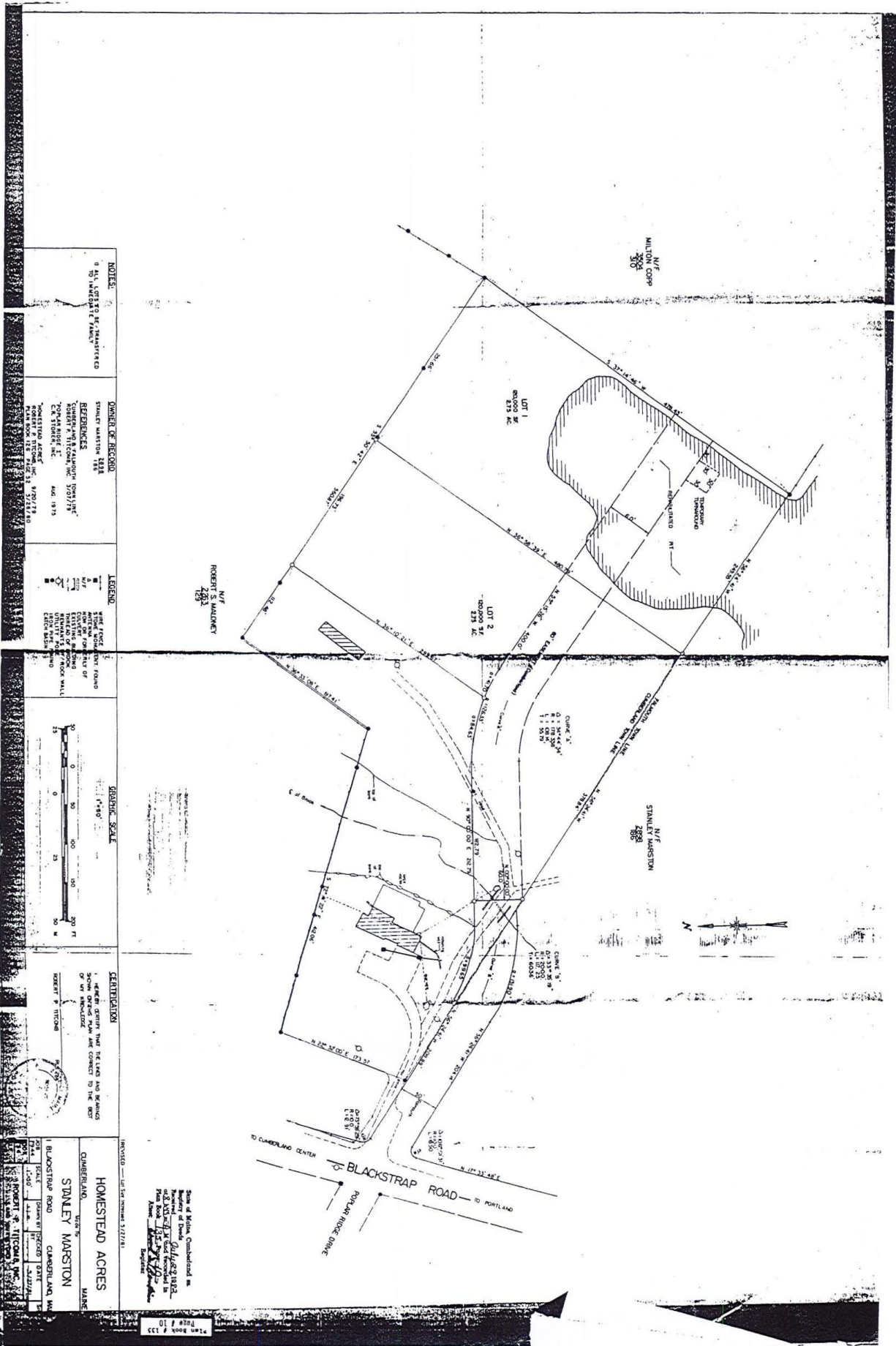
PLAN OF CUMBERLAND HIGHLANDS CUMBERLAND, ME.

MADE FOR
GEORGE T. EDWARDS
APRIL, 1924.
FROM SURVEY OF
WILLIAM E. WINSLOW, SURVEYOR.
SCALE, 50 FT. TO 1 INCH

STATE OF MAINE
Cumberland, ME. REGISTER OF DEEDS
Received, JUL 23 1925 19
at 11 A.M. M. D. M. and recorded
in Book 116 - Page 1
Attest: [Signature] Notary

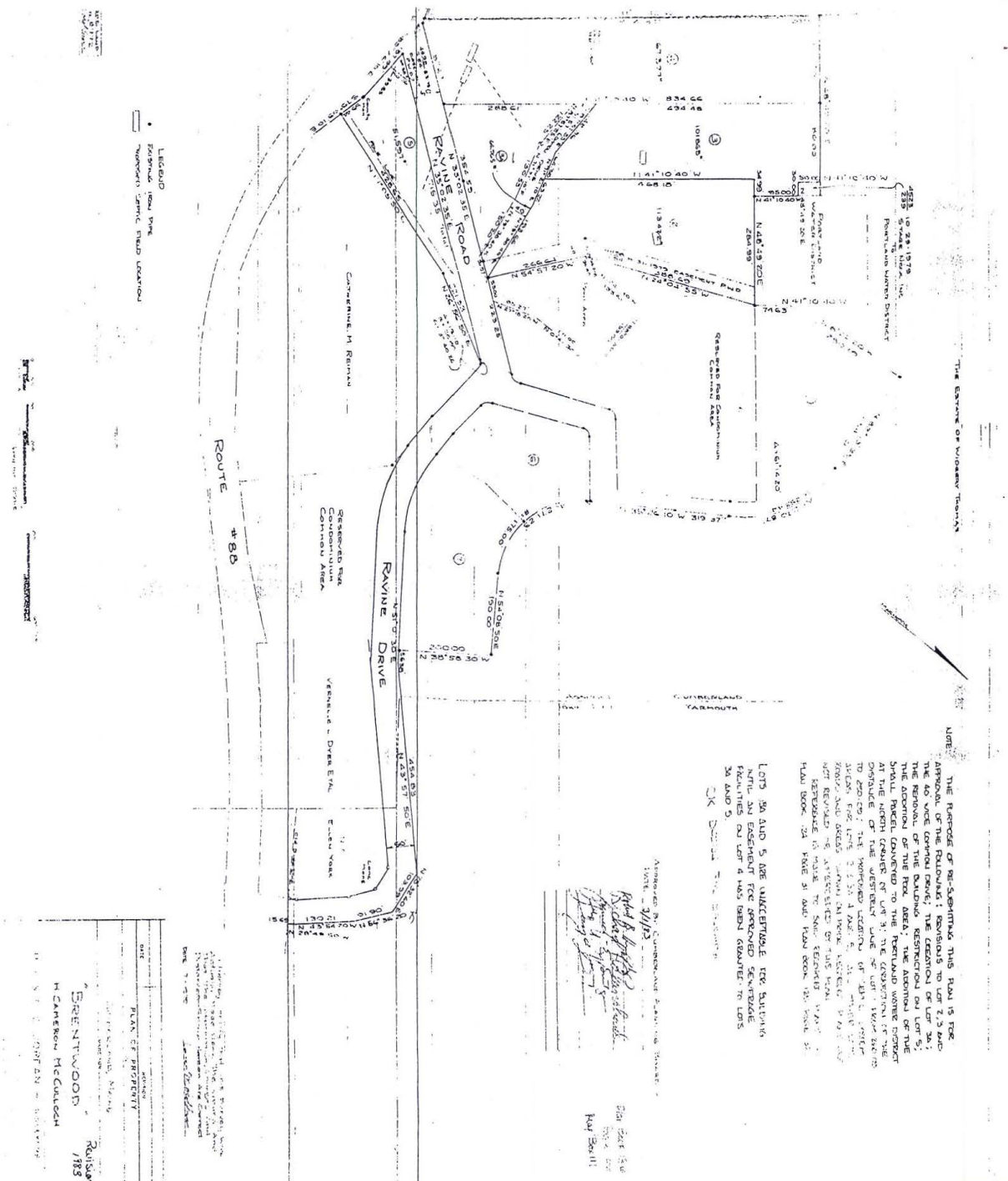


1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140
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HOMESTEAD ACRES

(3)



THE STATE OF TENNESSEE

NOTE: THE PURPOSE OF THIS SURVEY IS TO

LOTS 3, 4 AND 5 ARE UNDEVELOPED AND ARE

APPROVED BY THE BOARD OF DIRECTORS

DATE 10/1/83

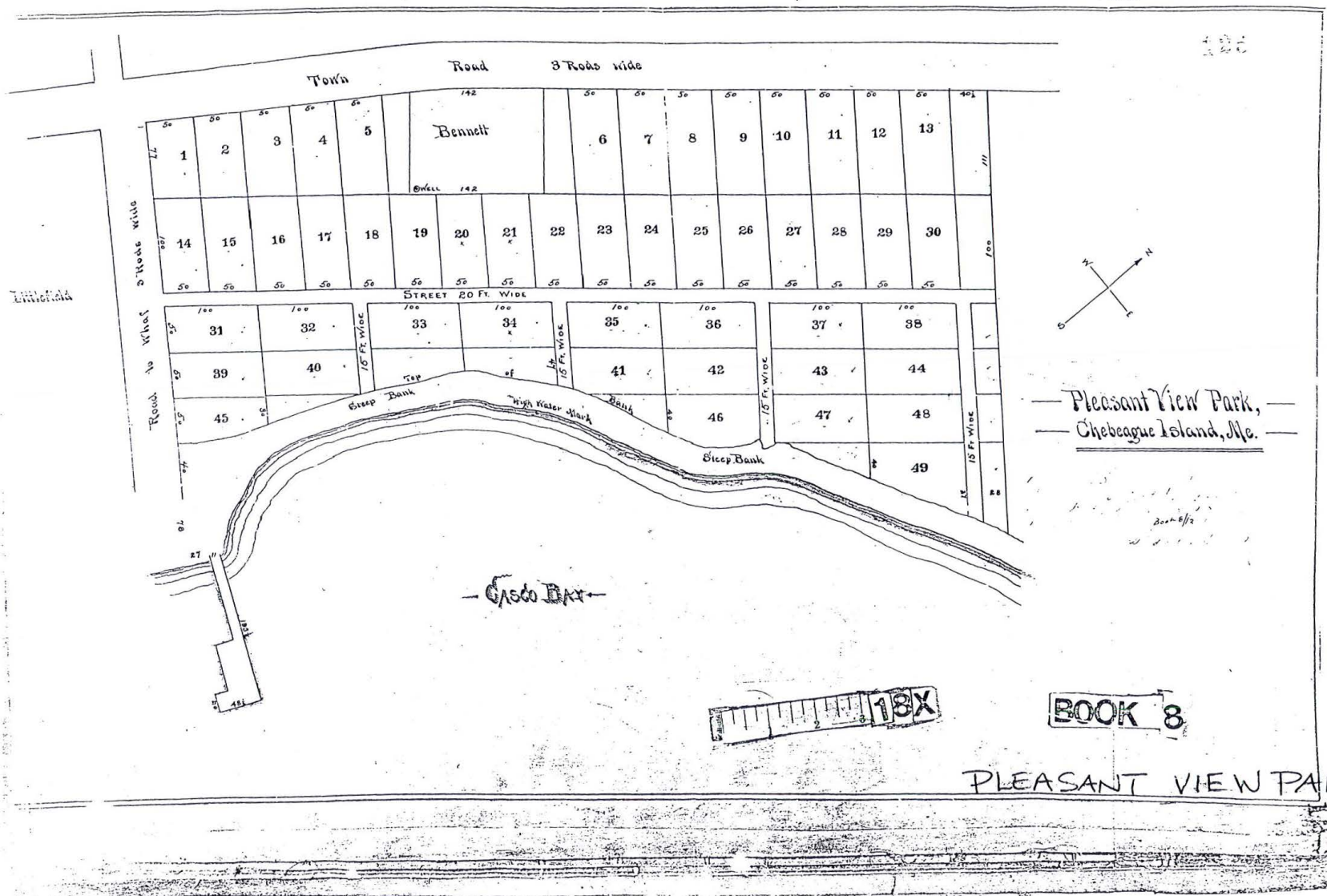
BRENTWOOD

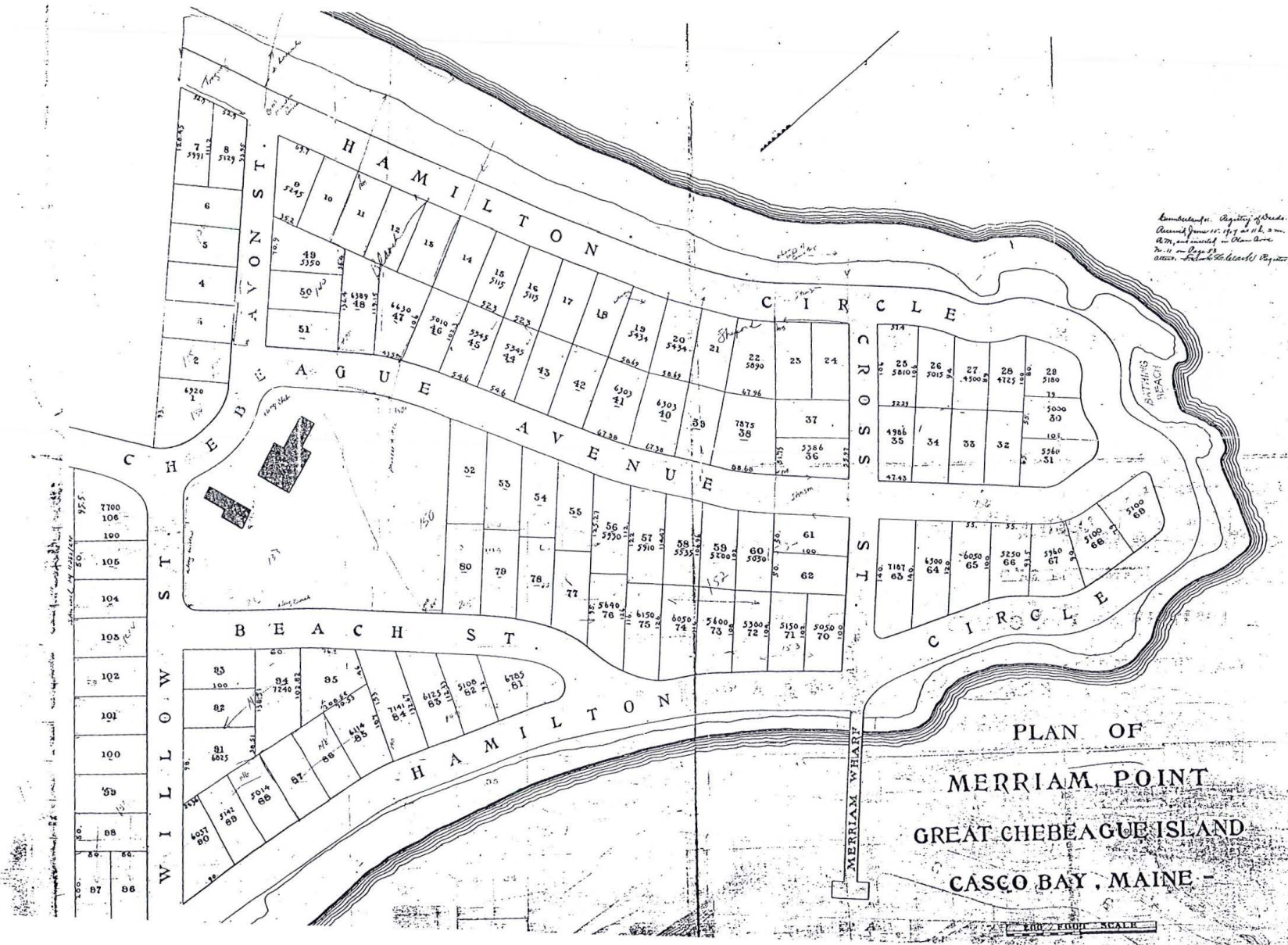
5

C.C.R.D. Plan 1500/14 Page 3



WILDWOOD PARK



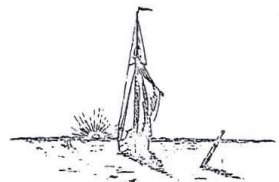
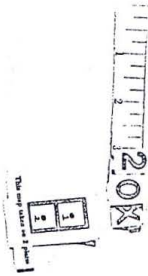


MERRIAM POINT

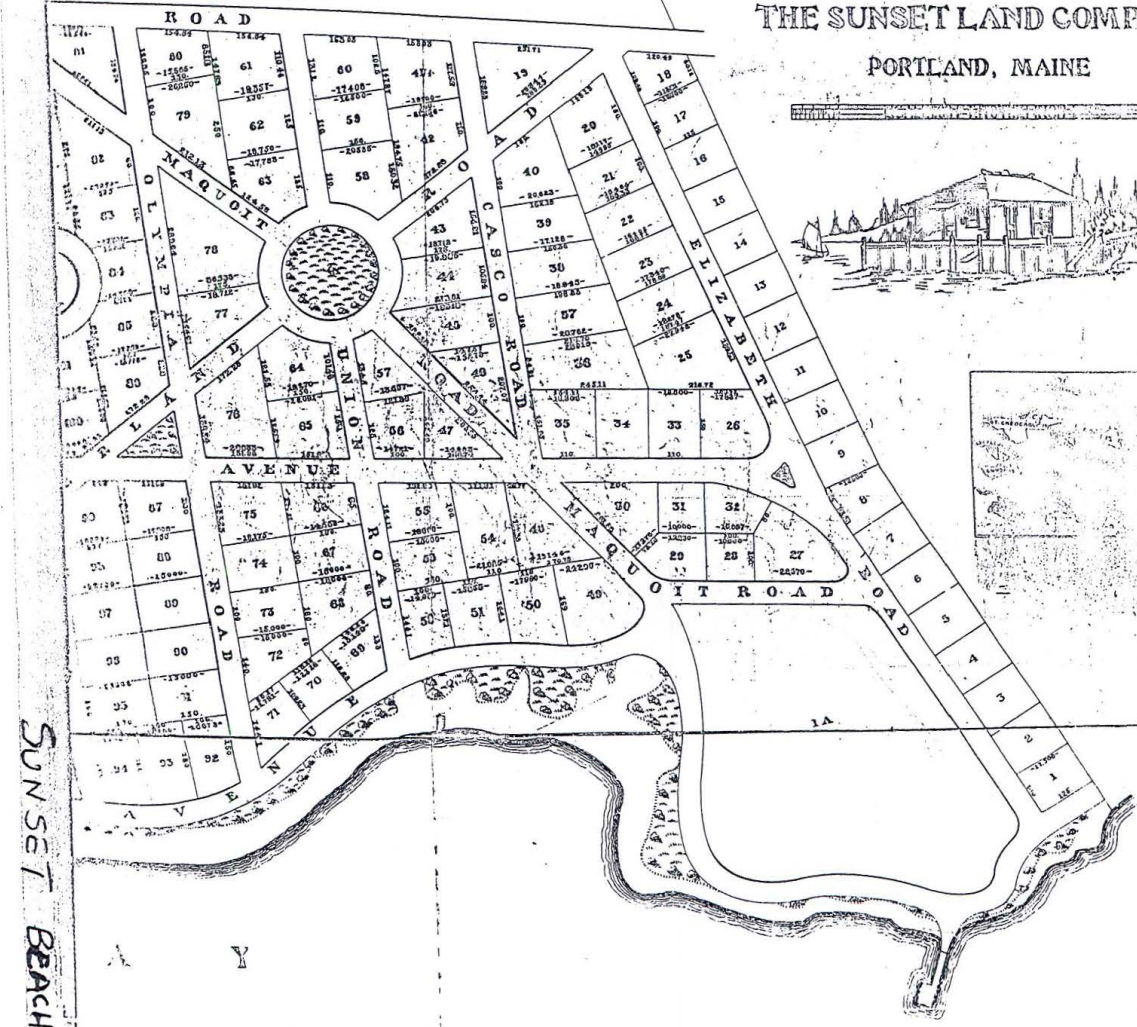
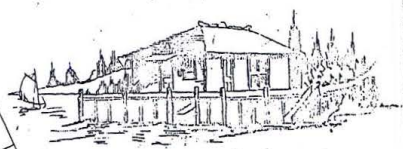
(8)

BOOK 117

Plate No. 21



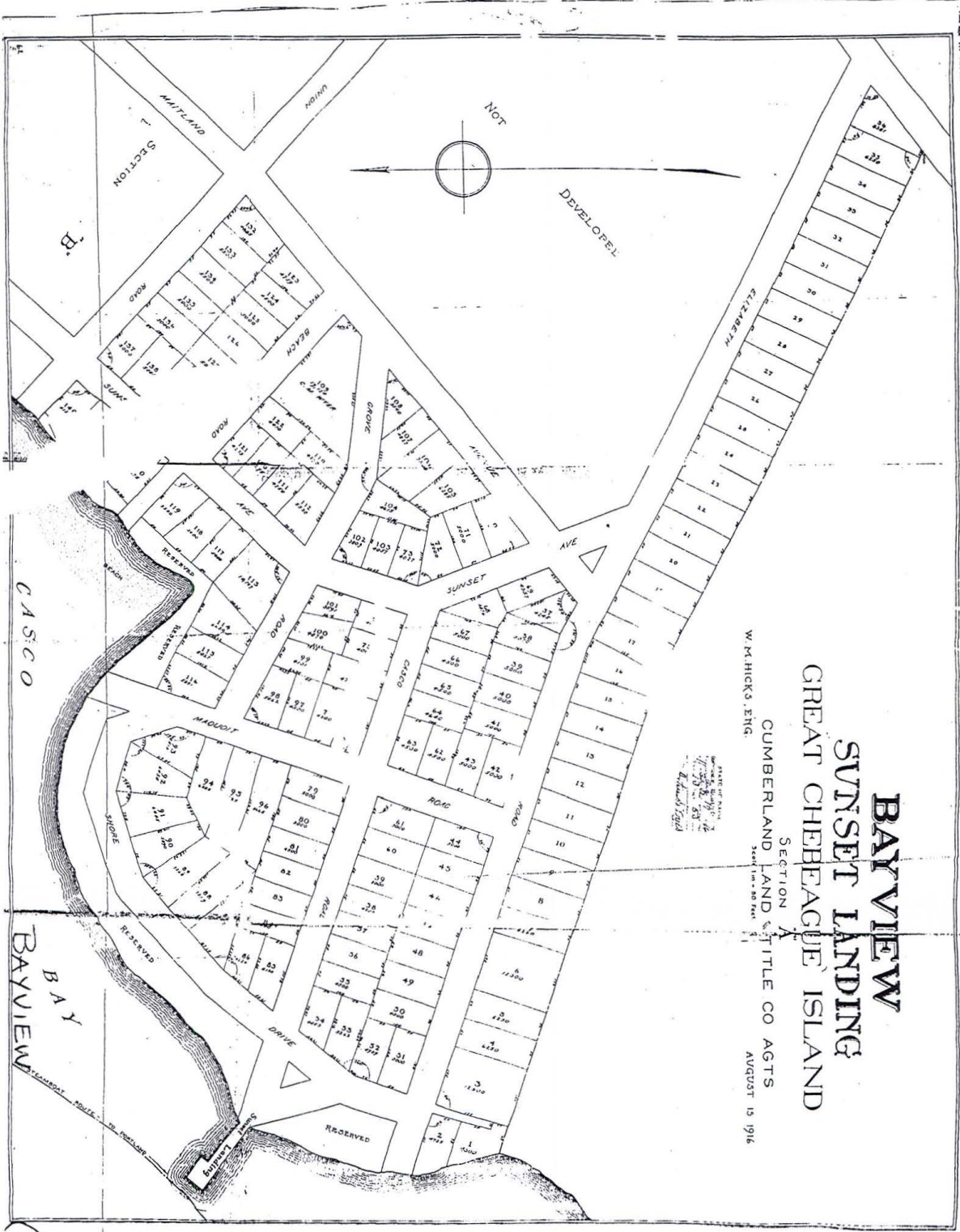
SUNSET BEACH
LOCATED ON
CHEBEAGUE ISLAND, MAINE
PROPERTY OF
THE SUNSET LAND COMPANY
PORTLAND, MAINE



SUNSET BEACH (9)

**BAYVIEW
SUNSET LANDING
GREAT CHEBEAGUE ISLAND**

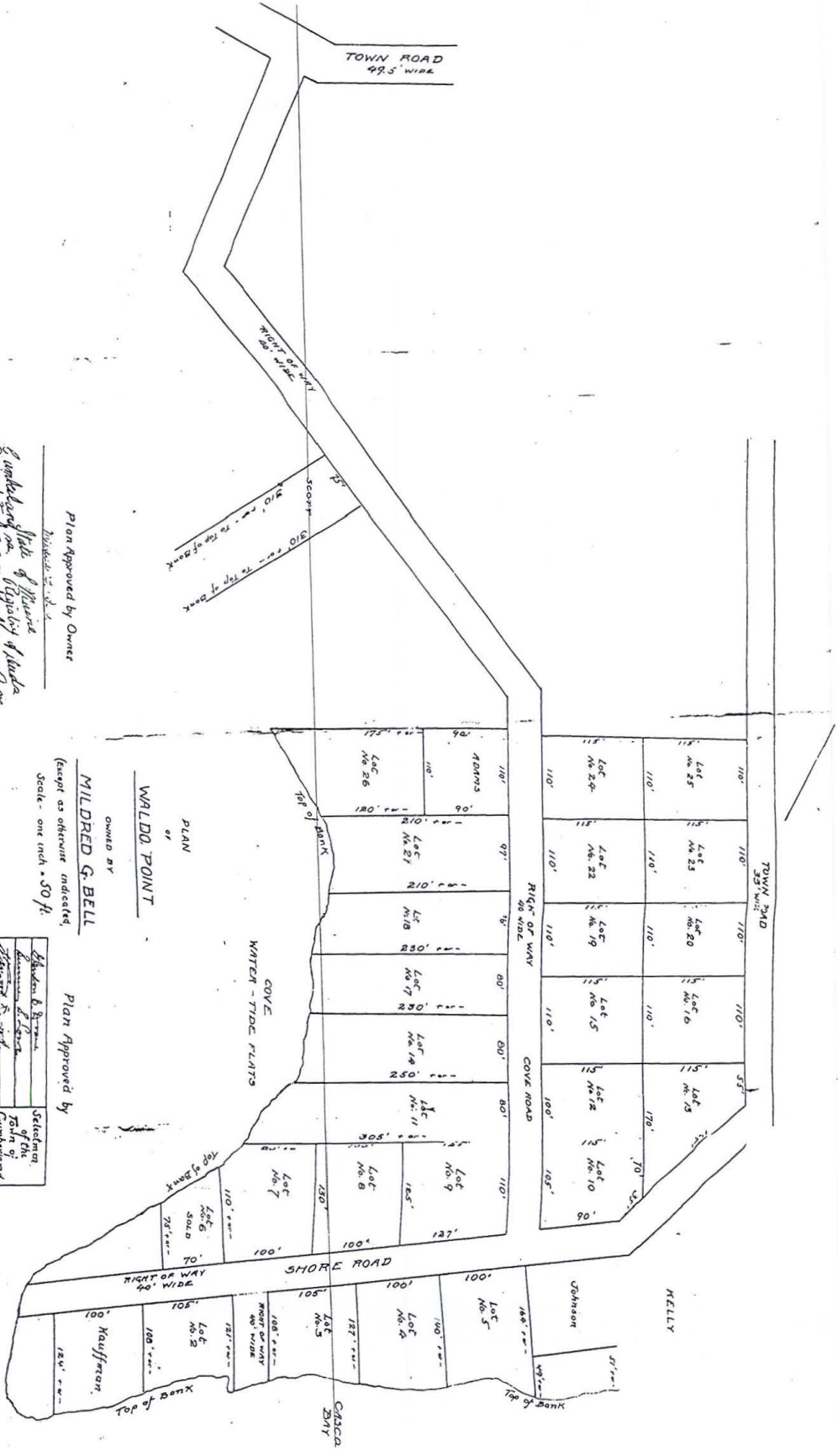
SECTION A
CUMBERLAND LAND LITTLE CO AGTS
3544 1/2 in - 50 Feet 9
AUGUST 15 1916
W. M. HICKS, ENG.



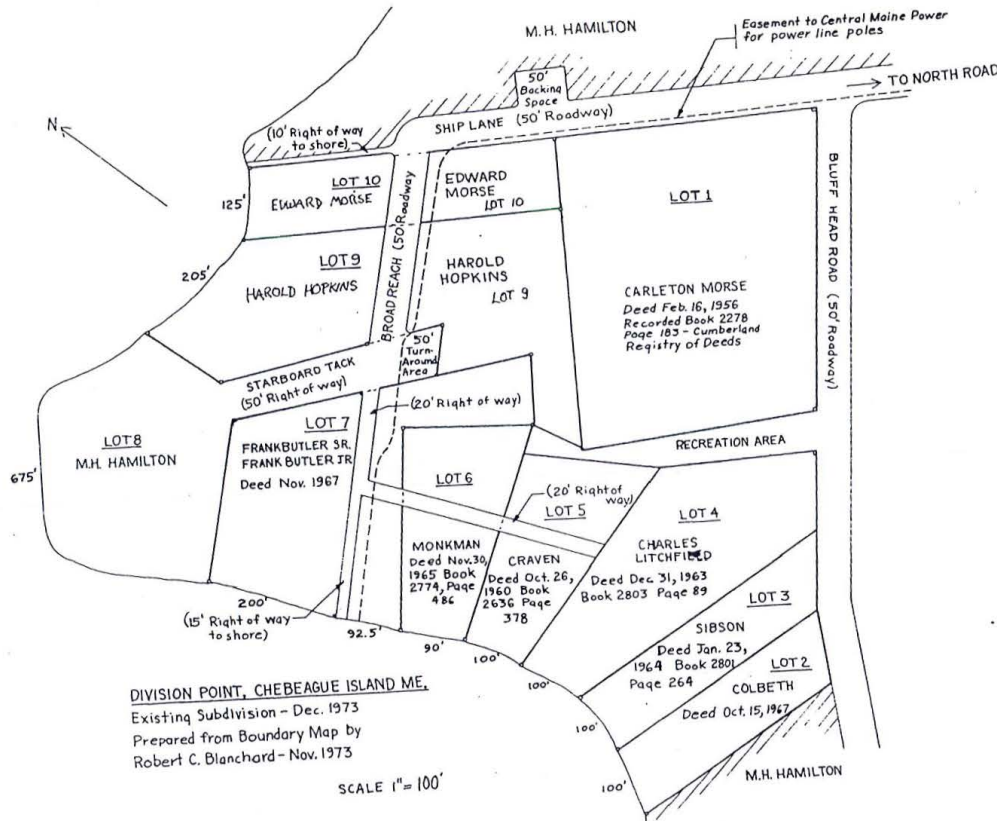
Plan Approved by Owner
 MILDRED G. BELL
 (except as otherwise indicated)
 Scale - one inch = 50 ft.

State of Maine
 County of Waldo
 Assessed 1918 11.00 and 18.35m G.M.
 and recorded on Plan Book 307,
 Page 71
 Attest: F. T. T. Conn.
 Register

Waldo & Bell	Settlement
Waldo & Bell	of the
Waldo & Bell	County of
Waldo & Bell	Waldo
Waldo & Bell	1818



WALDO POINT



Approved by the Planning Board
 May 24, 1974
 as noted: *Land Steward*
Town Manager

DIVISION POINT (13)

TOWN OF CUMBERLAND
PLANNING BOARD

FINAL PLAT APPROVED

Robert D. Galt

Robert P. Galt

Robert P. Galt

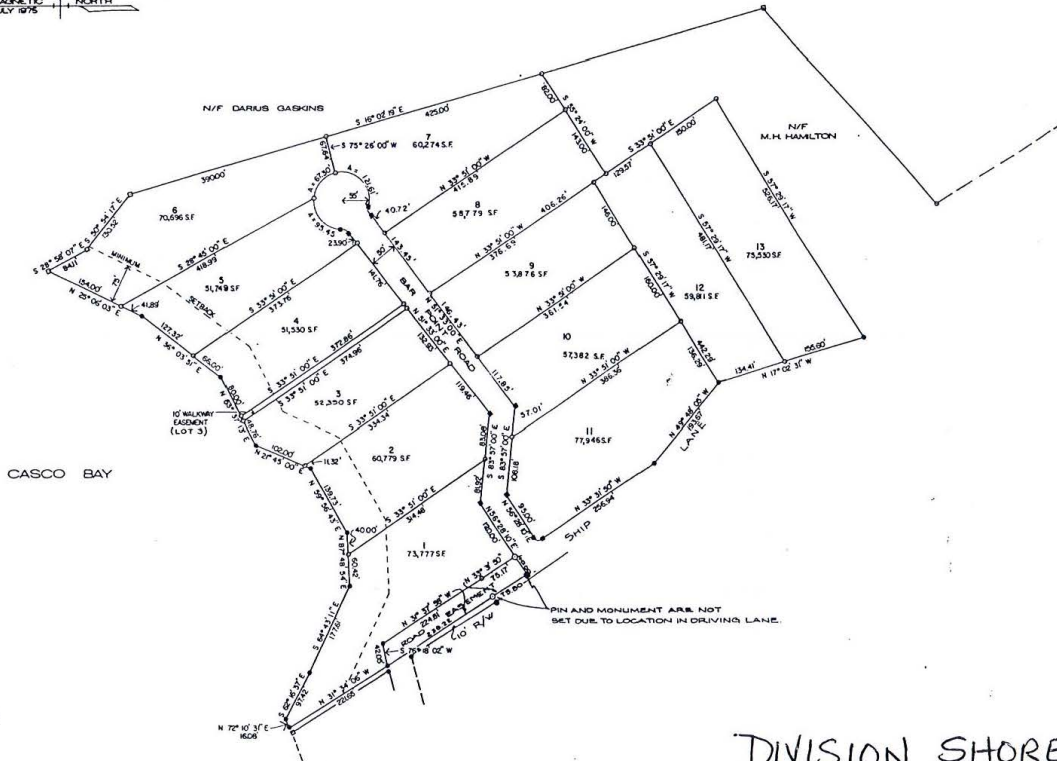
Robert P. Galt

Robert P. Galt

Robert P. Galt

DATE 10/1/75
THIS IS TO CERTIFY THAT THE PLANNING BOARD HAS REVIEWED AND APPROVED THIS SUBDIVISION IN ACCORDANCE WITH TITLES 14, 17, 30, 31 AND 35 OF THE MAINE, REVISED STATUTES ANNOTATED AND CHAPTER 10 OF THE REVISED AND CODIFIED ORDINANCE OF THE TOWN OF CUMBERLAND, MAINE, JULY 31, 1975

RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS.
BOOK No. PAGE No.



- LEGEND
- IRON PIPE SET
 - IRON PIPE FOUND
 - CEMENT MONUMENT FOUND
 - GRANITE MONUMENT SET
 - SF SQUARE FEET

AREA SUMMARY

AREA OF LOTS	18.38 AC.
AREA OF ROADWAY	0.93
AREA OF WALKWAY	0.09
TOTAL AREA	19.30 AC.

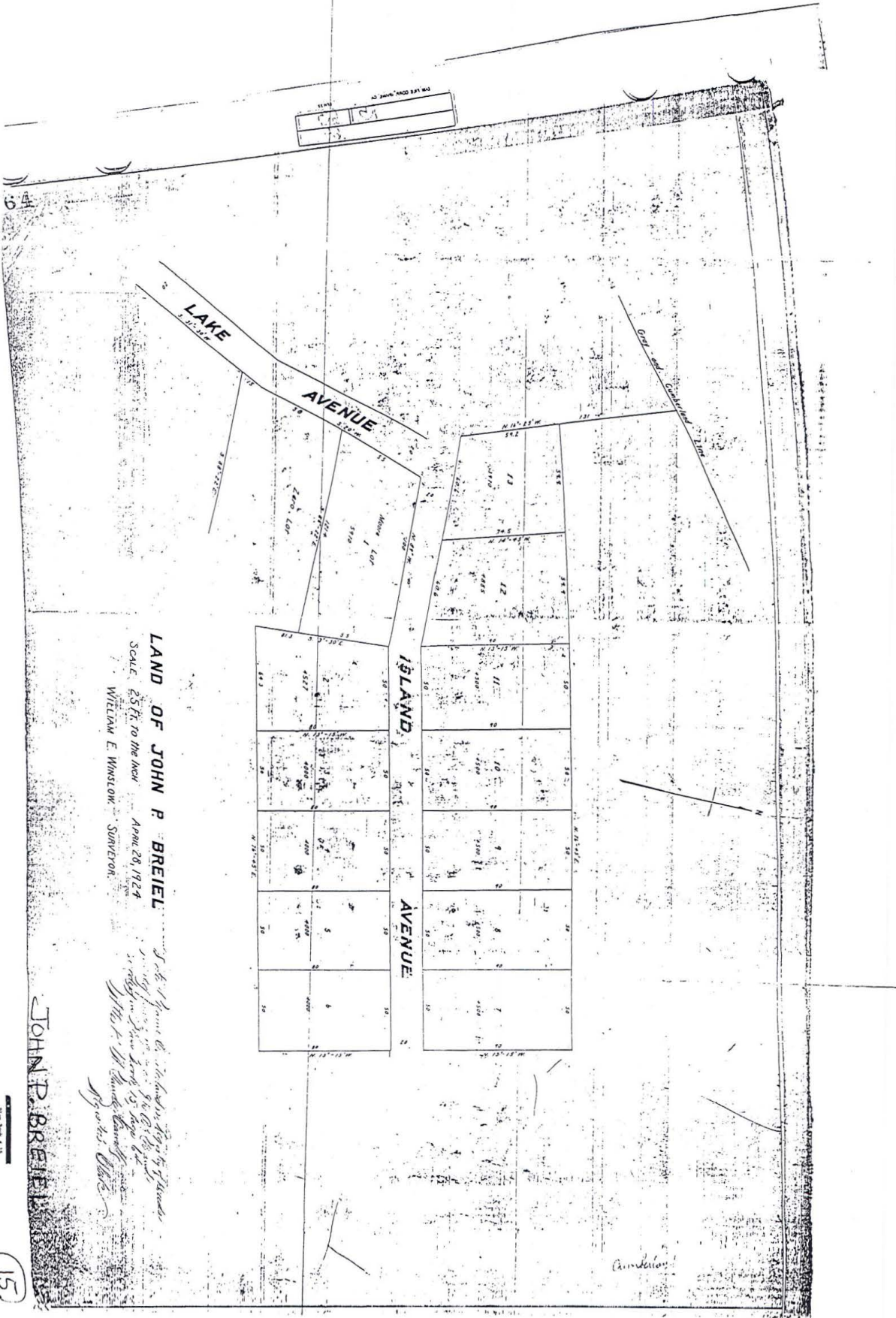
INTERSECTION CURVE DATA
90° INTERSECTION RADIUS 10'

I CERTIFY THAT THIS PLAN IS TRUE AND ACCURATE, SHOWS ALL KNOWN PHYSICAL EVIDENCE.



LAND SURVEYING AND LAYOUT BY:
Land Use Consultants, Inc.
1000 FOREST AVENUE PORTLAND, MAINE 04103 287-7871

DIVISION SHORES (14)	
1	SUBMITTED TO CUMBERLAND PLANNING BOARD FOR FINAL APPROVAL
No.	REVISIONS
DIVISION SHORES	
CHEBEAGUE ISLAND, CUMBERLAND, MAINE	
FINAL PLAT	
	A.E. Hagedorn CONSULTING ENGINEER 179 MAIN ST., WATERSVILLE, ME. DRAWN BY: ABB CHECKED BY: DEO APPROVED BY: A.E.H. BOOK No. 001
DATE: JULY 29, 1975 DATE: SEPT. 1975 PROJECT No. 24-74	SCALE: 1" = 100' SHEET No. 14 OF 14



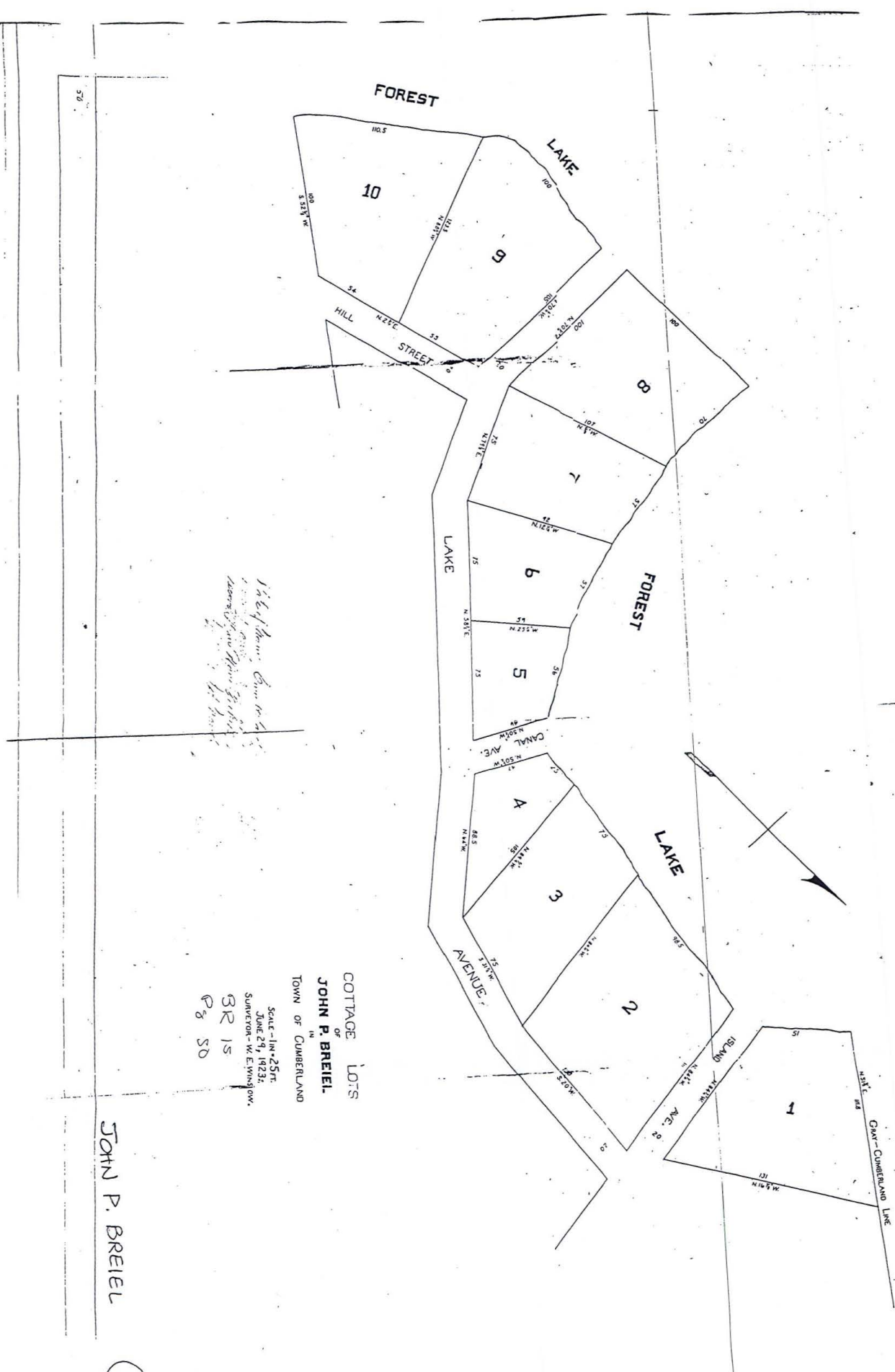
LAND OF JOHN P. BREIEL

SCALE 2.5 ft. to the inch

April 28, 1924

WILLIAM E. WINSLOW, SURVEYOR

JOHN P. BREIEL



*1st of June, 1923, to the
Town of Cumberland, N.S.
for the purpose of
surveying the same.*

COTTAGE LOTS
OF
JOHN P. BREIEL
TOWN OF CUMBERLAND
SCALE - 1 in = 25 ft.
JUNE 24, 1923.
SURVEYOR - W. E. WINSLOW.
BR 15
Pg 50

JOHN P. BREIEL

MEMORANDUM

DATE: September 9, 1997

TO: Robert Benson, Tax
Collector

FROM: Paula W. Jansmann, *Paula*
Assessor

RE: Ross Abatements I02/42

As Assessor I am able to make abatements within one year of the date of commitment. The commitment date for 1996 was September 9, therefore I have granted an abatement in the amount of \$8,550 assessed value (\$176.99) tax dollars for the 1996 assessment year.

The Municipal Officers may grant an abatement on their own initiative or on written application at any time after one year but within 3 years from the commitment date where necessary to correct an illegality, error or irregularity.

The 1994 commitment date was September 1, 1997. Based on this, I do not believe the Council can grant an abatement for the 1994 assessment year. They can, however, grant an abatement for the 1995 assessment year which would be based on an abatement of \$8,550 assessed value or \$171.86 tax dollars. $(8,550 \times .02010)$

MEMORANDUM

DATE: September 9, 1997

TO: Robert Benson, Tax
Collector

FROM: Paula W. Jansmann,
Assessor

Paula

RE: Ross Abatements I02/42

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The 1994 commitment date was September 1, 1997. Based on this, I do not believe the Council can grant an abatement for the 1994 assessment year. They can, however, grant an abatement for the (1995) assessment year which would be based on an abatement of \$8,550 assessed value or \$171.86 tax dollars. $(8,550 \times .02010)$

*Note: Under assessed - no reason to complain as it
could be so*

RR Box 154
Chebeague Island, ME 04017
Aug. 28, 1987

(members of The Town Council)
To the ~~Councilman of the Town of Cumberland,~~

I am not sure how to word this.
We, Richard, Elizabeth & Priscilla Ross would
like to present a petition as follows:

We own an 11 acre woodlot (lot # ⁴²42)
When the land was revaluated in 1986, we
were unaware that they had wrongly assessed
the property as 17.9 acres. 1986 was the first
year that the tax bills did not have the
acreage on them. Therefore, for 10 yrs. we have
paid taxes on 17.9 acres.

We became aware of this error after
receiving the new revaluation, in which the
letter stated 17.9 acres, and the taxes went
from \$22,080. to \$86,200.

I was advised by a nice lady from
V.A.T at my hearing, to contact Paula at the
Town office. I did, and Paula, after studying
the maps, etc., corrected the error, and the
taxes were changed to \$57,800. I would like
to mention at this time, $\frac{1}{3}$ of this woodlot is swamp
and two large gullies.

I told our problem to Mark, the night of the meeting at Chebeague. (Jim hadn't arrived at the time.)

We are asking if we can ^{get} any reimbursement? Mark talked with Paula, and if I understood right, she can only reimburse one year, but if we petition our councilmen, you might consider reimbursement for 3 yrs.

Would you please take this into consideration. It would be greatly appreciated.

Yours truly,
Priscilla Rose

RR 1 BOX 634
CHEBEAGUE ISLAND, MAINE
04017

September 17, 1997


Memo from: Beth Howe, Chebeague Island

To: Cumberland Town Council

Re: Property Reevaluation

I have two concerns about the overall reassessment as it applies to Chebeague Island, one procedural and one substantive.

(1) The process seemed to invite confusion and unhappiness because of lack to timely information and opportunities for asking questions and providing input. We got our reassessment notices in early summer with a letter saying that we could appeal, but no explanation of how the assessment had been done. After the appeals to Vision Appraisal had been held and the revised assessments had been sent out, then the Council and the consultant had a meeting on Chebeague to explain how the assessment had been done and to answer questions. That meeting raised a number of general issues about the method of the assessment, especially the small number (13) of sales on which it had been based (see note at end), and about how the four "neighborhoods" had been defined.

After that meeting I undertook some analysis of the sale prices of property on Chebeague. I wanted to be able to suggest that the Council go back to Vision Appraisal and ask them to reconsider their findings about the basic land price in each of the Island's four "neighborhoods". However, by the time I was able to raise this issue, the consulting contract was over, the Town had to adopt the mill rate and the only way to raise this systemic issue is to try to encourage individuals to appeal their assessments when the tax bills come out.

(2) In terms of the substance of the reassessment, I think it may not accurately reflect market values for land (not houses), particularly for land that is not on the shore (in "neighborhoods" 1 and 2). On the Town Growth Management Committee of which I am a member, one of the things we have been discussing is the way rising assessments, geared to the "highest and best (i.e. developed) use of land may encourage or force holders of land to subdivide for development. This is directly contrary to the goals of the Town. In addition, on Chebeague, the only way we can get young families of modest means to settle is to have moderately priced land available in the central part of the island ("neighborhood" 4). So it worries me that the standard new assessment of vacant land in neighborhood 4 is about \$25,000 per acre.

In the Vision Appraisal study there were only two vacant parcels in neighborhood 4, and one in neighborhood 3. By a statistical quirk, they all happened to be sold for fairly high prices, suggesting a strong, high-priced market for land everywhere on Chebeague. However, on the basis of my analysis of sales data for a somewhat longer span of time, and from looking at the asking prices for land now on the market, I would suggest that demand for land in neighborhood 4, and maybe in neighborhood 3 as well, is not as strong as Vision Appraisal concluded it was.

The sales and asking price data were supplied by Pam Johnson of Mark Stimson Realty. Four sales in the period 1994-95 before the assessment study and two since were included in the enlarged sales analysis.

In neighborhood 4, in the interior of the island, the average land price in the assessment study was \$17,000 per acre. The larger sample of sales (five in this area instead of 2) gives a per acre sale value of \$10,000, with a range from \$2,700 to \$19,000 per acre. Two lots of vacant land are being offered on the market for an average of \$2,600. A vacant 14 acre parcel in neighborhood 4 that was given a new assessed value of \$67,700 actually sold this summer for \$38,000. Presumably their assessment will now go down, but I think this is one indicator that much or all of the land in this "neighborhood" is overassessed.

Neighborhood 3 is all the area between land with shore ownership or direct access (neighborhoods 1 and 2) and the interior (neighborhood 4). It corresponds roughly to the land along the roads running around the island. I think that some of the same problem of over-assessment of land may exist in this area as well, but even the enlarged sample of sales only has two vacant lots in this area. In the Vision Appraisal evaluation, the new assessed value of an acre of undeveloped land seems to be about \$35,000 (land with buildings in this area is assessed at about \$50,000 per acre for the land). In the Vision Appraisal study group the sales price of vacant land in neighborhood 3 was \$14,500. In my enlarged sales sample there were two additional vacant lots that sold for an average price of \$10,000. On the market there seem to be two quite different values for land in this area. Land already prepared for development -- in a subdivision with roads, a community right of way to the shore, and a collective septic leach-field -- the price is \$15,000 to \$25,000 per acre. This is not a new subdivision and these lots have been on the market for some years. Raw land, on the other hand, is being offered for \$6,000 per acre. It may well be that this "neighborhood" included a wider variety of land parcels than Vision Appraisal's study suggested.

Finally, I would like to point out one possible inconsistency in Vision Appraisal's reasoning about the price of land. At the Council meeting on Chebeague complaints were made about some houses being under-appraised. The spokesman from Vision

Appraisal indicated that the amount that someone spends on building a house may be greater than what the finished house could sell for in the market, so that the assessment should not simply reflect the construction cost. The same logic can apply to land, and may have inadvertently increased on the Vision Appraisal assessments for neighborhood 3. This wouldn't be a problem except the "sample" of sales on which the reassessment is based was so small that one parcel could have a biasing effect. One 3.18 acre parcel sold to the owner of a neighboring parcel for \$46,000. However, it well might have sold on an open market for closer to \$30,000. This buyer was probably willing to spend more on this particular parcel than he could recoup by selling it, but that may not have been taken into account in the appraisal study.

I know that the Town hopes to do the next comprehensive reappraisal sooner than ten years from now. I hope that whenever it is done again the process might involve more information and citizen input earlier, and that these substantive issues related to the number of study parcels and the definition of neighborhoods might be addressed.

Note on samples.

Though it seems counter-intuitive, the accuracy of statistical sample depends more on its absolute size than on what proportion of the whole "population" it includes. A sample of 400 is about the minimum size necessary for moderately accurate conclusions to be drawn about a whole population, whether that population is 500 or 1,000,000. The spokesman from Vision Appraisal said that sales of 2 percent of all parcels were commonly used as the basis for reassessments. This would be ok as long as the total number of parcels in the community was at least 20,000, so that a 2 percent sample would have 400 cases in it. However, for a place with 400 parcels altogether, 13 parcels is just too small. I don't know how the appraisal people deal with this, but it certainly worried me.

THE SHUPE FAMILY
9 HALLMARK ROAD
CUMBERLAND FORESIDE, MAINE 04110
(207) 781-3551
E-MAIL: THESHUPES@AOL.COM

Council
NH
9-22-97

September 12, 1997

The Cumberland Town Council
John Lambert, Chair
Cumberland Town Hall
Drowne Road
Cumberland, ME 04021

Dear John and Members of the Council,

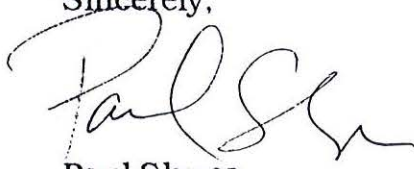
I am writing to express my appreciation for the Twin Brook Recreation Area. I believe that this is a wonderful addition to the life of the town. My dog Homer and I go walking there four or five times a week and find it delightful each and every time. It has been interesting to watch the development of the facility over the course of the summer, and I have been impressed with the careful balancing of nature as it is found with improvements which will clearly make it more useful for a wide variety of human activity. The master plan is obviously well conceived and is being thoughtfully executed.

The acquisition and development of this site show real vision for the future of our town. Having such a friendly gathering spot so near the geographical center of the town is going to enhance the spirit of community in Cumberland. I commend your wisdom in seizing the opportunity to purchase the property and in developing it in ways that will serve a great many people.

While I must say that part of me wishes it would remain lightly used so that Homer and I would have the place to ourselves, I know that good news travels fast, and that Twin Brook will be a busy place in years to come.

Please accept my congratulations and keep up the good work!

Sincerely,



Paul Shupe

TOWN OF CUMBERLAND
DEPARTMENT OF BUILDING INSPECTION
P.O. BOX 128, 12 DROWNE ROAD
CUMBERLAND CENTER, MAINE 04021

August 1997 Building Permits

DATE	PERMIT #	Map/Lot	LOCATION	OWNER	IMPROVEMENT	EST. COST	FEE
8 -5	115 -97	R05/48	147 Bruce Hill Rd	John & Elaine Godsoe	Foundation	\$27,500	\$29.00
8 -5	116 -97	I04/128	541 South Rd	Albert Whitaker, Jr	Addition	\$140,000	\$52.00
8 -5	117 -97	U22/66	23 Forest Ln	David & Theresa Russell	Deck	\$3,500	\$9.00
8 -6	118 -97	R03/51A	290 Tuttle Rd	Town of Cumberland	Town Office	\$1,750,000	NA
8 -6	119 -97	R08/41C	14 Kerri Dr	Mark & Courtney Soucie	Garage	\$40,000	\$52.00
8 -6	120 -97	R08/68	379 Blanchard Rd	Judith Kane	Barn	\$8,400	\$19.00
8 -6	121 -97	R03A/9	23 Turnberry Dr	Cynthia & Nicholas Baratta	House	\$180,000	\$192.00
8 -11	122 -97	U14/1	288 Greely Rd	Sterling & Janice Parker	Deck	\$450	\$4.00
8 -11	123 -97	U14A/71	8 Phillips Rd	Susan Wilder	Renovation	\$300.00	\$8.00
8 -12	124 -97	U08/1A	167 Main St	Michael Towle	Shed	\$700.00	\$4.00
8 -13	125 -97	R01/16A	18 Island Pond Rd	Peter Williamson	House	\$208,000.00	\$440.00
8 -18	126 -97	U06A/17	27 Ledge Rd	E. Carter Milliken	Garage	\$18,000.00	\$30.00
8 -18	127 -97	I09/2	Hope Island	John Cacoulidis	Private Chapel	\$25,000.00	\$74.00
8 -19	128 -97	R07/69	7 Blackstrap Rd	James F. Lynch	Addition	\$4,000.00	\$10.00
8 -20	129 -97	U10A/22	23 Cumberland Common	D. Ezzio & T. LaPlante	Deck	\$1,225	\$5.00
8 -25	130 -97	U10A/21	4 Oak St	Scott & April Ross	House	\$120,000	\$132.00
8 -25	131 -97SZ	U01/51	19 Stornoway Rd	Martha Dumont	Renovation	\$225,000	\$237.00
8 -25	132 -97	I01/56	Chandlers Cove	Peter & Linda Carleton	Shed	\$6,000	\$14.00
8 -25	133 -97	U06A/16	26 Ledge Rd	Paul Michaud	Addition	\$12,000	\$24.00
8 -25	134 -97	R08/54C	95 Orchard Rd	Peter & Nancy Fannon	Garage	\$65,000	\$77.00
8 -26	135 -97	U03/6B	9 Dean's Way	Elizabeth Ventre	Renovation	\$10,000	\$22.00
8 -26	136 -97	R05/48	147 Bruce Hill Rd	John & Elaine Godsoe	Golf School	\$150,000	\$162.00
8 -27	137 -97	R06/56C	77R Blanchard Rd	R. & E. Young	Addition	\$8,000	\$18.00
8 -27	138 -97	U10/7D	229 Main St	Dale Farris	Shed	\$1,300	\$5.00
8 -27	139 -97	U06/35	4 Sylvan Ln	Paul Villery III	Shed	\$1,000	\$4.00
8 -27	140 -97	U01/16	8 Spruce Ln	Valerie & Peter Kyros	Renovation	\$18,000	\$30.00
8 -27	141 -97	R04B/36	70 Crossing Brook Rd	Ed Antz	Garage	\$18,600	\$30.00
						\$3,041,975	\$1,683.00

BUILDING PERMITS SUMMARY:

	<u>August, 1997</u>			<u>YEAR TO DATE</u>		
	<u>Number</u>	<u>Cost</u>	<u>Fees</u>	<u>Number</u>	<u>Cost</u>	<u>Fees</u>
New Houses	3	\$508,000.00	\$764.00	31	\$4,880,100	\$5,841
Renovations	4	\$253,300.00	\$297.00	21	\$429,400	\$600
Alterations	0	\$0.00	\$0.00	0	\$0	\$0
Additions	4	\$164,000.00	\$104.00	20	\$685,182	\$850
Porches	0	\$0.00	\$0.00	5	\$27,500	\$173
Garages	4	\$141,600.00	\$189.00	14	\$244,995	\$410
Foundation	1	\$27,500.00	\$29.00	2	\$32,000	\$40
Access. Struct.	7	\$14,175.00	\$45.00	24	\$81,225	\$128
Temp. Struct.	0	\$0.00	\$0.00	0	\$0	\$0
Antenna	0	\$0.00	\$0.00	0	\$0	\$0
Pools	0	\$0.00	\$0.00	6	\$82,100	\$201
Retaining Wall	0	\$0.00	\$0.00	0	\$0	\$0
Demolitions	0	\$0.00	\$0.00	6	\$0	\$6
Commercial	1	\$150,000.00	\$162.00	4	\$182,500	\$224
TOTALS:	24	\$1,258,575.00	\$1,590.00	136	\$6,645,002	\$8,473
OTHER :	3	\$3,041,975	\$1,683.00	6	\$3,378,975.00	\$1,687

		<u>August</u>	<u>Year to Date</u>
ELECTRICAL PERMITS:	Number:	14	110
	Fees:	\$190.00	\$1392.00
PLUMBING PERMITS:	Number:	16	113
	Fees:	\$810.00	\$5573.00


 Robert B. Littlefield
 Building Inspector

**TOWN OF CUMBERLAND
MINUTES OF THE MEETING OF THE TOWN COUNCIL
SEPTEMBER 22, 1997**

Present: Peter Bingham, Philip Gleason, Mark Kuntz,
John Lambert, James Phipps, Harland Storey

- I. The meeting was called to order by the Chairman
at 7:00 p.m. at the Cumberland Municipal Center.

- II. Approval of Minutes
a. September 8, 1997

Councilor Storey moved to approve the minutes of
September 8, 1997 with one change: to correct the dates of
the previous meeting minutes approved (Section II) to read:
(a) 8/25/97 and (b) 8/26/97.

Councilor Phipps seconded.

VOTE: IN FAVOR (4)
ABSTAIN: Phipps & Bingham

- III. Manager's Report

None.

- IV. Public Discussion

None.

- V. Legislation and Policy

97-117 To hold Public Hearing to consider and act on
status of paper streets.

Chairman Lambert opened the Public Hearing.

Chairman Lambert gave a comprehensive explanation
and his recommendation on the paper street issue
and the time frame in which to address it both on
the mainland and Chebeague Island.

Several town residents, property owners, Town
Councilors, the Town Planner, and the Planning
Board Chairman also voiced their concerns. They
all reiterated the need to follow a consistent and
fair, street by street review process, in a timely
fashion so as not to delay this issue indefinitely.

Chairman Lambert declared the public hearing
closed.

Councilor Gleason moved the Town Council to extend, for a period of twenty years from the date of recording in the Cumberland County Registry of Deeds of written notice, the time for action under 23 M.R.S.A., Section 3032(2), which said statute permits the Town to extend its decision to either accept or allow a deemed vacation of all of the proposed, but unaccepted ways identified on Exhibit A attached, provided that nothing herein shall limit the authority of the Council under Maine law, to vacate or accept any of those streets during said time period; and to authorize the Town Manager to sign the appropriate document extending said deadline and record the same.

Councilor Bingham seconded. VOTE: UNANIMOUS

Councilor Gleason moved the Council set the deadlines for the Town Council to act on these paper streets to one year with respect to streets on the mainland, and two years with respect to streets on Chebeague.

Councilor Kuntz seconded.

Councilor Storey moved to amend to make the deadline years 1-01-1999 for the mainland and 1-01-2000 for Chebeague Island.

Councilor Kuntz seconded the amendment.

VOTE on both: UNANIMOUS

Councilor Gleason moved to schedule a Special Public Hearing on October 14th to consider the paper streets on the mainland, and also schedule on that same day, consideration of the alleged public street on Miriam Point on Chebeague.

Councilor Kuntz seconded. VOTE: UNANIMOUS

97-118 To consider and act on abatement request.

Councilor Phipps moved to authorize the Town Manager to grant abatements for 1994 (\$166.73) and 1995 (\$171.86) to Elizabeth, Priscilla and Richard Ross for property designated as Map I02, Lot 42, due to incorrect acreage assessment, (subject to Town Attorney's approval).

Councilor Kuntz seconded. VOTE: UNANIMOUS

97-119 To set date for special Council meeting.

Councilor Gleason moved to set the date of September 29, 1997 for a special Council meeting for the purpose of reviewing and accepting construction bids on the Drowne Road school renovation and addition, and to consider Hardship Abatement requests.

Councilor Bingham seconded. VOTE: UNANIMOUS

97-120 To set date for public hearing to consider and act on amendment to Section 424 of the Zoning Ordinance - regarding signs.

Councilor Phipps moved to set the date of October 27, 1997 for a public hearing to consider and act on amendment to Section 424 of the Zoning Ordinance - regarding signs.

Councilor Kuntz seconded. VOTE: UNANIMOUS

VI. Correspondence

- (1) Beth Howe, Chebeague Island, RE: Property Reevaluation
- (2) The Shupe Family, RE: appreciation for the Twin Brook Recreation area.

VII. New Business

Councilor Bingham reported that the local Habitat for Humanity group had recently approached him with regard to the possibility of exploring the option of building a habitat home in Cumberland in the next couple of years.

Councilor Phipps had several citizens request the Council to continue to evaluate the Brown Tail Moth issue.

The Town Manager stated that the State of Maine Entomologist, Mr. Bradbury, will be doing a survey of the islands this fall and will have information for the Councils in the area upon completion of the evaluation of survey data.

VIII. Adjourn

The meeting adjourned at 8:13 p.m.

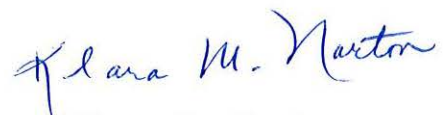

Klara M. Norton
Town Clerk

Exhibit A

Mainland Paper Streets

A = Accepted

V = Vacated

E = Extended

R = Reserve a lesser interest

E/V = extend a portion of the road; vacate the remaining

West Cumberland

Staff Recommendation

Planning Board Recommendation

Plan of Forest Homes (Bk 25/Pg 24)

Parker Road

V

E

Lake Road (east of Union Road)

V

E

Lake Road (west of Union Road)

E

E

Plan of Cumberland Highlands (Bk 16/ Pg 8)

Forest Avenue

E

E

Park Avenue

V

E

Gray Avenue

V

E

Homestead Acres (Bk 135/ Pg 10)

Unnamed 60' easement

E

E

Forest Lake John P. Breiel Property

E

E

(Bk 15/ Pg 50; Bk 15/ Pg 64)

Those ways or portions of ways shown in
the above referenced plans recorded in the
Cumberland County Registry of Deeds that
have not previously been accepted or vacated.)

Cumberland Center

Greenwood at Cumberland

Settlers Trail

E

E

Cumberland Foreside

Brentwood Subdivision

Ravine Road (from Ravine Drive to 40' common
drive shown on brentwood Plan CCRD;
Bk 136/ Pg 66)

E

E

Ravine Road (from 40' wide common drive
shown on above referenced plan
to Route 88)

E

E

Wildwood Park (Bk 14/ Pg 3)

All ways or portions of ways, except those specifically stated below, shown on plans in Wildwood Park recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 9, and Plan Book 14, Page 3, that have not previously been accepted or vacated.

E

E

Concord Circle (from Wildwood Blvd to Fern Lane
as shown on the above referenced plan)

V

E

Fern Lane (as shown on above referenced plan)

V

E

Briar Lane (from Concord Circle to the SE corner of
lot 158 as shown on above referenced plan)

V

E

Sylvan Lane (from Wildwood Blvd to Fern Lane as
shown on above referenced plan)

V

E

Chebeague Island Paper Streets

Pleasant View Park (Bk 8/ Pg 125)

20' unnamed street (beginning at road to wharf and ending at lot lines for 30/38; shown as Armington Street)	E	E
4, 15' wide streets (between several lots & running from Armington Street)	E	E

Merriam Point (Bk 11/ Pg 53)

Chebeague Avenue (from South Road to E Cross Street)	E	E
Chebeague Avenue (NE of Cross Street to Hamilton Circle)	V ✓	E
Avon Street (50' road from Chebeague Avenue to Hamilton Circle)	E	E
Willow Street (50' road from Chebeague Avenue to intersection of Hamilton Circle & shore)	E	E
Beach Street (50' road from Willow Street to Hamilton Circle)	E	E
Cross Street (40' road from Hamilton Circle on north side to Hamilton Circle on south side)	E	E
Hamilton Circle (NE of Cross Street)	V ✓	E
Hamilton Circle (50' road from Willow Street to Cross Street)	E	E

Sunset Beach (all roads = 50'; Bk11/ Pg 55)

Elizabeth Road (North Road to Sunset Avenue)	E	E
Casco Road (North Road to Maitland Avenue/ Maquoit Road)	E	E
Union Road (North Road to Sunset Avenue)	E	E
Olympia Road (North Road to Sunset Avenue)	E	E
Maquoit Road (North Road to Sunset Avenue and Elizabeth Road)	E	E
Bayview Road (North Road to Sunset Avenue)	E	E
Cumberland Road (North Road to Hillside Road to Sunset Avenue)	E	E
Highland Road (North Road to Sunset Avenue)	E	E
Grove Road (North Road to Sunset Avenue)	E	E
Hillside Road (North Road to Cumberland Road to Sunset Avenue)	E	E
Prospect Road (North Road to Sunset Avenue)	E	E
Grove Road (North Road to Sunset Avenue)	E	E
Avon Road (Prospect Road to intersection of Grove Road and Hillside Road)	E	E
Maitland Avenue (parallel to North Road from lots 223/224 to Elizabeth Road)	E	E
Sunset Avenue (from lot 1 to lot 226 near shore)	E	E

Bayview Sunset Landing (all roads = 50'; Bk 13/ Pg 53)

Elizabeth Road (North Road to Casco Bay)	E	E
Sunset Avenue (Elizabeth Road to Section B)	E	E
Maitland Avenue (Elizabeth Road to Section B)	E	E
Maquiot Road (Elizabeth Road to Great Cove)	E	E
Shore Road (Elizabeth Road to Maquiot Road)	E	E
Casco Road (Sunset Avenue to Sunset Landing)	E	E
Grove Road (Maitland Avenue to Maquiot Road)	E	E
Beach Road (Maitland Avenue to Beach)	E	E
Unnamed Road (Maitland Avenue to Great Cove)	E	E
Unnamed 15' Road (Elizabeth Road to lots 1/2/3)	E	E

Nubble View (Bk 14/ Pg 40)

Cove Road (20' road along shore from Bennett's Cove Road)	E	E
Bennett's Lane (30' road from Bennett's Cove Road to Shore Lane)	E	E
Nubble Road (30' road from Bennett's Lane to North Lane)	E	E
Chandler's Lane (20' road from Nubble Road to Chandler's Cove Landing)	E	E
North Lane (15' road from Nubble Road to Shore Lane)	E	E
Shore Lane (15-20' road from Bennett's Lane to lot 39 and I-1, Lot 44)	E	E

Waldo Point (Bk 35/Pg)

Cove Road (40' road from John Small Road to Shore Road)	E	E
Shore Road (40' road from Rose Point Road to shore of Johnson's Cove)	E	E
Unnamed road (40' road from Shore Road to South shore)	E	E

Division Point (Bk 99/Pg 36)

Bluff Head Road (50' road from Ship Lane to I-3, Lot 39)	E	E
Broad Reach (50' road from Ship Lane to Starboard Tack)	E	E
Starboard Tack (>50' road from Broad Reach to I-7, Lot 54)	E	E

All ways or portions of ways shown in the above referenced plan recorded in the CCRD that have not been previously accepted or vacated.	E	E
---	---	---

Division Shores (Bk 110/Pg 14, Bk 113/ Pg 24, Bk 139/Pg 10)

Bar Point Road (50' road from Ship Lane to lots 68/69)	E	E
--	---	---

Ken
FAX
Tel 775-7935
775-7935

9-22-97

(all present)

Minutes
II ✓ Warland moved
✓ Phipps

✓ Chair Amend
Discussion Correct 8-25 To 8-26-97

Vote -

✓ Peter & Phipps
abstain

III No Managers Report

IV PD

none

V 97-117 -

John Langbert explained paper streets
(1 year delay decision)
Schedule a meeting in Oct for Warland
& act on this.

Chubazue (2 year delay decision)

100

Planning Board (summer 98+99) Chubazue need
to have input and then be acted on.

113

Richard Dunkinson spoke in one of those st's
& saw no need to delay the decision.

Chair spoke to that
16 year st - Warland
& a lot on Chubazue

140 address the mainland ones at a
sp. meeting in Oct (sensitive to people affected
by p.s. but all st's should have due
process.

179 Ken Roachkey - spoke for his aunt

218 Recommendation only on the process to use, not a
specific recommendation from the Planning Board
+ atty before making any decisions.

260 Need to follow a consistent, fair process
(street by street review)

270 Charles Nelly (Miriam point)
of Chicago addressed his
particular problem - govt. condemned
property - obliterated any right of way by
the town. (Do not to be considered a paper st
or fed govt.)

327 Lambert assured him his would be addressed
by end of week - or determine if it is indeed
a paper st (a different issue entirely)

367 ^{handout}
statute

393 - Donna Larson

446 Jim Phipps - motion should state goals when
to complete the process.

475 Peter B -

482 ^{Set date}
~~Oct 20th~~ Bob Recommendation

499 Oct 14 - Special Council meeting decided

Motion - ^{see next page} Move to hold a special meeting Oct 14th
to address ...

650 ✓ Phil G. moves

OK ✓ Peter seconds Unanimous

673 ✓ Phil Pearson moves to set deadline
for the TC / to

✓ Mark seconds

^{amended}
Harland 1-1-99 to 1-1-99

✓ Kentz seconds amendment

Look
back
for
check
sheet

699 ✓ Phil
P. G. learn moves
to council

720 ✓ Mark
Kentz recorded
amends to include Miriam Pt
& also alleged public street

gleam
✓ Vote Unanimous

side
2

Public thanked
Council thanked

Bruce & Kathy Robinson asked to be
prioritized on. (Oct 14th decision will be made)

750

97-118

750 Phipps asked about 3 year time frame

806

Mone

✓ Jim Phipps

Kentz recorded

Ken Cole

✓ Vote Unanimous

Set date for

820 -

Sp. Council meeting on 9-29-97

~~to building~~

97-119

830

✓ gleam moves to schedule a meeting
for purpose of reviewing & accepting
Grant. (Both will help w/ this work)

show
2 hardcopy
chatting
white
road

✓ Peter recorded

Vote - Unanimous

Donna
453

DEP approval -
review (low changes)
Serge Rickley

97-140 Oct 27th

899 ✓ Phipps moves for a PH for the 2nd
✓ Kuntz seconds ~~date~~: Unanswered

VI Correspondence

915 Peter - local habitat folk have
approached him re building a habitat
home here in Cumberland & are interested
in exploring that option - one over town
parcels that could be suitable for this.

within the
next couple
of years

931 Jim Phipps - people want to continue
the Brawn Tail maths problem.
Concern about next year being worse
than this year.

951 TM started Bradley (Spex. Ex)
will make a study of the island
at this time this fall.

955

Harland

^{Virgin}

Ham property wants to swap for 2
more lots to them
on Harris Road

Turn 19 Acres

023

Bob Albin 9 acres (not needed ownership)
(Original owner in 1944 now - Harland has died)

What kind of a right of way would
that give us to Longwoods Road?

Peter - Merits investigation

Rt. 9 junkyard (Greenlaw's)
in compliance?

70

Phil & ^{class} moved to ~~down~~ at 8:13 pm

Kentz recorded

Klara M. Norton
Town Clerk

Council
NM
9-22-97

THE SHUPE FAMILY
9 HALLMARK ROAD
CUMBERLAND FORESIDE, MAINE 04110
(207) 781-3551
E-MAIL: THESHUPES@AOL.COM

September 12, 1997

The Cumberland Town Council
John Lambert, Chair
Cumberland Town Hall
Drowne Road
Cumberland, ME 04021

Dear John and Members of the Council,

I am writing to express my appreciation for the Twin Brook Recreation Area. I believe that this is a wonderful addition to the life of the town. My dog Homer and I go walking there four or five times a week and find it delightful each and every time. It has been interesting to watch the development of the facility over the course of the summer, and I have been impressed with the careful balancing of nature as it is found with improvements which will clearly make it more useful for a wide variety of human activity. The master plan is obviously well conceived and is being thoughtfully executed.

The acquisition and development of this site show real vision for the future of our town. Having such a friendly gathering spot so near the geographical center of the town is going to enhance the spirit of community in Cumberland. I commend your wisdom in seizing the opportunity to purchase the property and in developing it in ways that will serve a great many people.

While I must say that part of me wishes it would remain lightly used so that Homer and I would have the place to ourselves, I know that good news travels fast, and that Twin Brook will be a busy place in years to come.

Please accept my congratulations and keep up the good work!

Sincerely,


Paul Shupe

RR 1 BOX 634
CHEBEAGUE ISLAND, MAINE
04017

September 17, 1997


Memo from: Beth Howe, Chebeague Island

To: Cumberland Town Council

Re: Property Reevaluation

I have two concerns about the overall reassessment as it applies to Chebeague Island, one procedural and one substantive.

(1) The process seemed to invite confusion and unhappiness because of lack to timely information and opportunities for asking questions and providing input. We got our reassessment notices in early summer with a letter saying that we could appeal, but no explanation of how the assessment had been done. After the appeals to Vision Appraisal had been held and the revised assessments had been sent out, then the Council and the consultant had a meeting on Chebeague to explain how the assessment had been done and to answer questions. That meeting raised a number of general issues about the method of the assessment, especially the small number (13) of sales on which it had been based (see note at end), and about how the four "neighborhoods" had been defined.

After that meeting I undertook some analysis of the sale prices of property on Chebeague. I wanted to be able to suggest that the Council go back to Vision Appraisal and ask them to reconsider their findings about the basic land price in each of the Island's four "neighborhoods". However, by the time I was able to raise this issue, the consulting contract was over, the Town had to adopt the mill rate and the only way to raise this systemic issue is to try to encourage individuals to appeal their assessments when the tax bills come out.

(2) In terms of the substance of the reassessment, I think it may not accurately reflect market values for land (not houses), particularly for land that is not on the shore (in "neighborhoods" 1 and 2). On the Town Growth Management Committee of which I am a member, one of the things we have been discussing is the way rising assessments, geared to the "highest and best (i.e. developed) use of land may encourage or force holders of land to subdivide for development. This is directly contrary to the goals of the Town. In addition, on Chebeague, the only way we can get young families of modest means to settle is to have moderately priced land available in the central part of the island ("neighborhood" 4). So it worries me that the standard new assessment of vacant land in neighborhood 4 is about \$25,000 per acre.

In the Vision Appraisal study there were only two vacant parcels in neighborhood 4, and one in neighborhood 3. By a statistical quirk, they all happened to be sold for fairly high prices, suggesting a strong, high-priced market for land everywhere on Chebeague. However, on the basis of my analysis of sales data for a somewhat longer span of time, and from looking at the asking prices for land now on the market, I would suggest that demand for land in neighborhood 4, and maybe in neighborhood 3 as well, is not as strong as Vision Appraisal concluded it was.

The sales and asking price data were supplied by Pam Johnson of Mark Stimson Realty. Four sales in the period 1994-95 before the assessment study and two since were included in the enlarged sales analysis.

In neighborhood 4, in the interior of the island, the average land price in the assessment study was \$17,000 per acre. The larger sample of sales (five in this area instead of 2) gives a per acre sale value of \$10,000, with a range from \$2,700 to \$19,000 per acre. Two lots of vacant land are being offered on the market for an average of \$2,600. A vacant 14 acre parcel in neighborhood 4 that was given a new assessed value of \$67,700 actually sold this summer for \$38,000. Presumably their assessment will now go down, but I think this is one indicator that much or all of the land in this "neighborhood" is overassessed.

Neighborhood 3 is all the area between land with shore ownership or direct access (neighborhoods 1 and 2) and the interior (neighborhood 4). It corresponds roughly to the land along the roads running around the island. I think that some of the same problem of over-assessment of land may exist in this area as well, but even the enlarged sample of sales only has two vacant lots in this area. In the Vision Appraisal evaluation, the new assessed value of an acre of undeveloped land seems to be about \$35,000 (land with buildings in this area is assessed at about \$50,000 per acre for the land). In the Vision Appraisal study group the sales price of vacant land in neighborhood 3 was \$14,500. In my enlarged sales sample there were two additional vacant lots that sold for an average price of \$10,000. On the market there seem to be two quite different values for land in this area. Land already prepared for development -- in a subdivision with roads, a community right of way to the shore, and a collective septic leach-field -- the price is \$15,000 to \$25,000 per acre. This is not a new subdivision and these lots have been on the market for some years. Raw land, on the other hand, is being offered for \$6,000 per acre. It may well be that this "neighborhood" included a wider variety of land parcels than Vision Appraisal's study suggested.

Finally, I would like to point out one possible inconsistency in Vision Appraisal's reasoning about the price of land. At the Council meeting on Chebeague complaints were made about some houses being under-appraised. The spokesman from Vision

Appraisal indicated that the amount that someone spends on building a house may be greater than what the finished house could sell for in the market, so that the assessment should not simply reflect the construction cost. The same logic can apply to land, and may have inadvertently increased on the Vision Appraisal assessments for neighborhood 3. This wouldn't be a problem except the "sample" of sales on which the reassessment is based was so small that one parcel could have a biasing effect. One 3.18 acre parcel sold to the owner of a neighboring parcel for \$46,000. However, it well might have sold on an open market for closer to \$30,000. This buyer was probably willing to spend more on this particular parcel than he could recoup by selling it, but that may not have been taken into account in the appraisal study.

I know that the Town hopes to do the next comprehensive reappraisal sooner than ten years from now. I hope that whenever it is done again the process might involve more information and citizen input earlier, and that these substantive issues related to the number of study parcels and the definition of neighborhoods might be addressed.

Note on samples.

Though it seems counter-intuitive, the accuracy of statistical sample depends more on its absolute size than on what proportion of the whole "population" it includes. A sample of 400 is about the minimum size necessary for moderately accurate conclusions to be drawn about a whole population, whether that population is 500 or 1,000,000. The spokesman from Vision Appraisal said that sales of 2 percent of all parcels were commonly used as the basis for reassessments. This would be ok as long as the total number of parcels in the community was at least 20,000, so that a 2 percent sample would have 400 cases in it. However, for a place with 400 parcels altogether, 13 parcels is just too small. I don't know how the appraisal people deal with this, but it certainly worried me.

NOTICE TO EXTEND TIME TO PREVENT VACATION OF PROPOSED,
BUT UNACCEPTED WAYS

TAKE NOTICE, pursuant to 23 M.R.S.A. § 3032(2), the Town Council of the Town of Cumberland, acting as the municipal officers of said municipal corporation, in a public meeting duly called, ^{T m m} have voted with a quorum present and voting, to extend for a period of twenty (20) years from the date of recording in the Cumberland County Registry of Deeds of this written notice, the time for action by the said Council under said statute either to accept or allow a deemed vacation of all of the proposed, but unaccepted ways identified on Exhibit A attached hereto; provided, however, nothing herein shall limit the right or authority vested by Maine law in the said Town Council to vacate or accept said proposed, but unaccepted ways during said time period as otherwise provided by law.

Dated: _____

TOWN OF CUMBERLAND

By _____

By _____

By _____

By _____

By _____

By _____

By _____

Its Councilors

STATE OF MAINE
Cumberland, ss.

_____, 1997

Then personally appeared _____, Chairman of the Town
Council of the Town of Cumberland, and acknowledged the above instrument to be his
free act and deed in said capacity.

Before me,

Notary Public

EXHIBIT A

Proposed, But Unaccepted Ways in the Town of Cumberland Cumberland County, Maine

All proposed, but unaccepted ways, not previously vacated located in the Town of Cumberland, including, without limitation, all such ways shown on the following plans on file in the Cumberland County Registry of Deeds:

JENSEN BAIRD GARDNER & HENRY

ATTORNEYS AT LAW

TEN FREE STREET
P.O. BOX 4510
PORTLAND, MAINE 04112
(207) 775-7271

TELECOPIER (207) 775-7935

WALTER E. WEBBER
KENNETH M. COLE III
NICHOLAS S. NADZO
FRANK H. FRYE
DAVID J. JONES
MICHAEL A. NELSON
RALPH W. AUSTEN
RONALD A. EPSTEIN
WILLIAM H. DALE
JOSEPH H. GROFF III
PETER W. GREENLEAF
E. BRUCE SLEEPER
DEBORAH M. MANNLESLIE E. LOWRY III
KEITH R. JACQUES
PATRICIA McDONOUGH DUNN
MICHAEL J. QUINLAN
JAMES N. KATSIARICAS
MILDA A. CASTNER
ANNE H. JORDAN
JEFFREY P. BUHRMAN
BARRY P. FERNALD
SALLY J. DAGGETT
SUSAN C. STEINER
BRENDAN P. RIELLYRAYMOND E. JENSEN
M. DONALD GARDNER
MERTON G. HENRY
JOHN D. BRADFORD
JAMES E. KAPLAN
OF COUNSELKENNETH BAIRD
(1914-1987)YORK COUNTY
OFFICE419 ALFRED STREET
BIDDEFORD, MAINE 04005
(207) 282-6107
TELECOPIER (207) 282-4901TELECOPIER TRANSMITTAL
INFORMATION

TO: Robert Benson, Donna Larson, Philip Gleason

TELECOPIER NO.: 829-2214, 774-1127

FROM: Ken Cole

DATE: September 22, 1997

This transmission consists of 3 pages, including this cover sheet.

Please deliver this telecopy immediately upon receipt. If there has been an uncorrected error in transmission, please call our office at the number listed above.

Return telecopy phone number, direct line is: (207) 775-7935.

Thank you.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

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Thank you.

JENSEN BAIRD GARDNER & HENRY

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LESLIE E. LOWRY III
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(1914-1987)

YORK COUNTY
OFFICE

419 ALFRED STREET
BIDDEFORD, MAINE 04005
(207) 282-8107
TELECOPIER (207) 282-0301

September 22, 1997

Donna Larson, Town Planner
Town of Cumberland
P.O. Box 128
Cumberland, Maine 04021

Re: **Miriam Point, Chebeague Island**

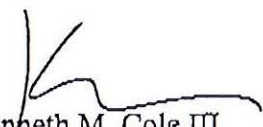
Dear Donna:

This letter is intended to confirm our various telephone conversations in regard to the paper streets at Miriam Point on Chebeague Island. Specifically, it is my understanding that you received a letter dated September 4, 1997 from Ann Richardson Brown alleging that these paper streets were technically vacated by an eminent domain proceeding conducted by the federal government as a part of the construction of World War II defense facilities. Ms. Brown goes on to state that since everything was condemned it was therefore free of any paper streets when their family acquired the property from the government.

Although this argument is compelling, it is possible that the Town could still have rights either by virtue of the doctrine of revival by which those type of interests might be reborn when the government gave up its condemnation, or based on the simple fact that I doubt the Town of Cumberland was a party to the eminent domain proceeding. Either way, I would suggest that it is not worth the cost and expense of litigation to determine whether some arcane legal theory might keep these paper streets still effective when it is more probable that they have, in fact, been lost by virtue of the government's condemnation. Further, based on the lack of any apparent public benefit, I would recommend that the Town allow these streets to become technically vacated at this point. The Town's action would simply reaffirm the federal government taking and end any possible dispute in this regard.


Thank you for your attention to this matter.

Very truly yours,


Kenneth M. Cole III

cc: Robert B. Benson

*See letter sub
to council &
p. 126*

Post-it® Fax Note 7671		Date 	# of pages 1
To Joan Wogaman	From Shelley Doyle		
Co./Dept. legal Ad PPH	Co. Town / Cumberland		
Phone #	Phone # 829 5559		
Fax # 791-6910	Fax # 829-2214		

**TOWN OF CUMBERLAND
TOWN COUNCIL
PUBLIC HEARING**

The Town Council of Cumberland will hold a Public Hearing on Monday, September 22, 1997, at 7:00 p.m. at the Cumberland Municipal Center to consider and act on status of paper streets.

John Lambert
Chairman

9/9/97

Joan

Please run one
day - Sept. 12

PO # 4221 T

Thanks
Shelley

Councilor Gleason moved the Town Council to extend, for a period of twenty years from the date of recording in the Cumberland County Registry of Deeds of written notice, the time for action under 23 M.R.S.A., Section 3032(2), which said statute permits the Town to extend its decision to either accept or allow a deemed vacation of all of the proposed, but unaccepted ways identified on Exhibit A attached, provided that nothing herein shall limit the authority of the Council under Maine law, to vacate or accept any of those streets during said time period; and to authorize the Town Manager to sign the appropriate document extending said deadline and record the same.

Seconded by Councilor Bingham

VOTE: UNANIMOUS

Dated September 22, 1997.