

MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Planning Board
DATE: July 28, 2015
SUBJECT: 2015 Paper Street Report Recommendation

Introduction

The Town Council referred to the Planning Board a review of the 2015 Paper Street Report as part of the Paper Street Public Engagement Plan. A summary of the Planning Board process and its recommendation follows.

Process

The Planning Board reviewed the Paper Street Report in detail at the June 3, 2015 workshop. An aerial photo depicting the paper street and adjacent area including related features was reviewed for each paper street. The Planning Board discussed the elements identified in the report, with the most emphasis on paper streets needed to preserve access to unbuilt lots, paper streets where utilities are located, and open space/trail connections. The board prepared a recommendation to "retain" or "vacate" for each paper street.

At the June 16, 2015 meeting, the Planning Board tabled a draft recommendation to the July 21, 2015 meeting, when a public hearing was held. At the public hearing, the Planning Board heard from 3 speakers and also discussed written comments submitted by members of the public. The recommendation for Thompson Rd (U10-1) was discussed and revised. The Board encouraged members of the public to participate in the "Part 2" neighborhood meetings to be hosted by the Town Council.

Public Comment

The Planning Board received comment from the following:

Ellen and Steve Brewster, 4 Drew Rd South Portland (Paper Street id U2-2) - Request to vacate

Anne Cranshaw, Dearborn Dr (Paper Street id U21-1, U21-2) - Request to vacate

Maureen Quinlan and Eric Kruger, 33 Beach Bluff Terrace (Paper Street id U10-1) - Request to retain

Chris Boulos, 67 Edgewood Rd (Paper Street id U1-1a) - Request to vacate

Susan Murray Guerrette, Katahdin Rd (all paper streets) - Request to retain

Russ Keenan, 3 Spoonrift Ln (Paper Street id U36-1) - Request to vacate

Summary of Recommendation

Attached is the Paper Street Inventory Chart with the Planning Board recommendation for each paper street shown in column 15. Please note that the Planning Board supports vacation of paper street id U21-2 as long as a pedestrian easement is retained to provide for continued pedestrian access currently used by school children.

At the July 21st meeting, the following motion was adopted by the Planning Board in a 5-0 vote:

BE IT ORDERED that, based on the meeting materials and the facts presented, the Planning Board recommends that the paper streets shown on the Paper Streets Inventory Chart be vacated or retained. Where paper streets are recommended to be retained, the Planning Board's recommendation is based on the features found in and adjacent to the paper street as identified on the Paper Street Inventory Chart.

Draft Paper Streets Inventory 2015

ID #	Name/Location	Length (ft)	Year recorded	Bk/Pg	Driveway/Private Rd	Utility	Lot access	Turnaround trail	Potential Trail	Open Space proximity	Current status	2015 Conservation Commission Recommendation	2015 Planning Board Recommendation
U1-1a	Stone Dr (north)	65	1904	10/81					60		Potential greenbelt trail (connects to existing ped easement)	Retain	Retain
U1-1b	Stone Dr (south)	200	1904	10/81			X				Possible road turnaround	Retain	Retain
U1-2	Cliff Ave (south)	200	1902	9/105				25			Casual trail	Retain	Retain
U1-3	Cliff Ave west	400	1904	10/81	130		X		410	X	existing greenbelt trail	Retain	Retain
U2-1	Seaview Ave /Ottawa Rd	150	1900	9/39	50	300					sewer pump station, boat storage	Retain	Retain
U2-2	Ottawa Rd (water)	75	1900	9/39		50					sewer and water line, abutter has requested vacation	Retain	Retain
U3-1	Baker Rd ext	120	1907	11/91					120	X	existing trail	Retain	Retain
U3-2	Forest Rd ext	525	1907	11/91		40				X	wetland abutting town open space, sewer line crosses rd	Retain	Retain
U3-3	Stonybrook (south)	50	1912	12/43						X	vacant abutting town open space	Retain	Vacate
U3-4	Crescendo Terrace (50'w)	470	1910	12/15	110	480	X				drainage easement/wetland, sewer easement (75')	Retain	Retain
U3-5	Crestway (40'w)	320	1910	12/15	110		X				driveway	Retain	Retain
U3-6	Ocean View ext	260					X			X	wetland abutting town open space	Retain	Retain
U4-1	Waverly (40'w)	400	1923	15/39	175				230		driveways/trail	Retain	Retain
U4-2	Hazelwood (35'w)	290	1923	15/39							vacant	Retain	Retain
U4-3	High Bluff Rd (40'w)	110	1936	23/40	50	50					stormwater drainage, east-driveway, west-vacant	Retain	Retain
U4-4	Quarry Rd	770	1931	20/78	100		X			X	access CELT open space/lot access w driveway	Retain	Retain
U4-5	Arbutus Rd (35'w)	425	1923	15/39	20	120				X	wetland abutting town open space, drainage	Retain	Retain
U7-6	Delano Park	740	1899	9/9	125	520					driveway/vacant	Retain(1)	Retain
U7-8	Delano Park	500	1899	9/9		20					water line, drainage	Retain	Retain
U8-1	Woodcock Rd (40'w)	170	1939	25/51			X				lot access (lot may not be buildable)	Retain	Retain
U10-1	Thompson Rd	1780	1917		200						private rd/wetland; lots owned by abutters across rd	Vacate	Retain
U12-1	Avon Rd	525	1911	12/45			X			X	access to CELT open space	Retain	Retain
U12-2	Oak Grove Rd (north)(50' w)	330	1911	19/45	120	140					driveway/lot access/potential trail	Retain	Retain
U12-3	Oak Grove Rd (south)	1130	1911	12/45	200		X		775		stormwater drainage	Retain	Retain
U12-5	Surf Side Ave	2250	1911	12/45	1200	200	X		300	1330	potential trail; lot has alternative access	Retain	Retain
U12-6	Old Hayfield Rd	200	1911	12/45	80	10	X				approved private road/accessway (formerly Elizabeth Rd); stormwater drainage	Retain	Retain
U12-7	Wabun Rd/Bigelow Rd	600	1911	12/45	170	170	X				Bigelow Way private rd/lot access	Retain	Retain
U12-8	Atlantic Place	580	1911	12/45	160		X		580		driveway/lot access/ access to potential trail	Retain	Retain
U12-9	Elizabeth Rd	260	1911	12/45	80	260					stormwater drainage	Retain	Retain
U15-1	Lighthouse Point Rd	130	1968	76/8					130	x	Adjacent to coast guard land; has potential trail access for neighborhood	Retain	Retain
U15-2	Balsam Rd	30	1968	76/8								Vacate	Vacate
U19-1	Gladys Rd	80	1963	62/14					80		existing trail	Retain	Retain
U19-2	Hampton Rd/Penny Ln(50'w)	250	1968	75/31	200	150	X		250		private rd/drainage easement/access to vacant land	Retain	Retain
U19-3	Sweet Fern Rd (50'w)	120	1968	75/31		100	X				Access to vacant land; stormwater drainage	Retain	Retain
U20-1	Grover Rd	100	1959	51/20					100		existing trail	Retain	Retain
U21-1	Dearborn Rd south	90	1955	44/12								Vacate	Vacate
U21-2	Dearborn Rd north	90	1955	44/12	20						Connects to Brentwood neighborhood owned open space/trail	Vacate (2)	Vacate (2)
U29-1	Harrison Ave	200				200					potential drainage easement/vacant	Retain	Retain
U29-3	North St	610	1925	16/52		610			610		existing trail	Retain	Retain
U29-4	Stephenson St	350	1925	16/52	240	350	X		170		private road/trail access/ major sewer line	Retain	Retain
U29-6	South St	475	1925	16/52	450	475					sewer line	Retain	Retain
U30A-1	Allen Rd	400	1984	143/46								Retain	Vacate
U32-1	Wedgewood Rd (40'w)	590	1962	61/56	100	150			500	590	driveway/access to private open space, private stormwater drainage	Retain	Retain
U33-3	Highland St	580	1904	9/19			X				lot access/vacant	Retain	Retain
U33-4	Valley Rd/S Curve St	440	1904	9/19	100		X				driveway/vacant	Retain	Retain
U36-1	Spoondrift (north)	170	1964	77/39			X				Lot access/potential trail access	Retain	Retain
U36-2	Spoondrift (west)	160	1964	77/39	60		X				driveways	Retain	Retain
U36-3	Pine Ridge Rd	1250	1964	77/39	90	250			1250	X	existing trail/ Abutting town open space	Retain	Retain
U36-4	off Pine Rdge Rd	200	1964	77/39						X	abutting town open space	Vacate	Vacate
U42-2	Katahdin Rd	75	1964	68/24	75				75		first 75' held for driveways/rest vacated	Retain	Retain
TOTAL		20,285			4,415	4,645	18x	25	3,770	3,790	10x		

(1) The Conservation Commission recommends retaining this paper street for non-greenbelt reasons, specifically due to the presence of utilities in the paper street.

(2) The Conservation Commission and Planning Board recommend that this street be vacated with a pedestrian and bike easement retained to preserve the existing neighborhood path, which is commonly used by school children.



Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Request for information on paper road decisions for Cape Elizabeth

9 messages

Steven Brewster <brewsterfam@gmail.com>
To: maureen.omeara@capeelizabeth.org

Fri, Jan 9, 2015 at 5:34 PM

Ms. O'Meara,

My husband and I talked with you back in Nov. regarding paper roads in Cape Elizabeth, and the best way forward for a planned renovation. You mentioned that all the paper roads are up for review, possibly this year? Our house sits on the border of Cape Elizabeth & South Portland (4 Drew Road) - we pay property taxes in both - and we want to build a garage in the rear of our home that would connect with a paper road and give us access to Ottawa. You were

very helpful, and, as per our conversation, we have subscribed to notices of town meetings and made effort to get legal advice. However, we would like to get an idea of when this issue will appear on the agenda of the Planning Board/Town Council. I have been looking at the agendas and I believe there is no mention thus far. We are eager to get started on plans with our architect/builder, but until we have clarification the way forward is unclear.

Please inform us at your earliest convenience if & when this issue will be addressed - even a rough idea is better than no idea. Are we wiser to ask for a variance based on hardship? Currently we share a driveway with our neighbor and cannot park on the driveway as 2 vehicles will not fit abreast: we would block access to their garage and vice versa. Also, while the driveway is parallel to their garage, it is perpendicular to ours. In order to ingress/egress, we have to execute a 90 degree turn up/down into our garage. On days where there is significant ice, we run the risk of hitting their garage when we back out of ours as their garage sits partially in the path of our exit.

Finally, on the survey I will attach to this email, you can see that there are 3 possible locations for the paper road, which, according to our deed, we have access to. One is not very favorable for us, so there is another possible issue for us to deal with. It certainly is complicated. We appreciate your time and any information you can impart.

Kindest regards,

Ellen & Steven Brewster
brewsterfam@gmail.com
(360) 515-6806

 **4 Drew Survey.pdf**
755K

Maureen O'Meara <maureen.omeara@capeelizabeth.org>
To: Steven Brewster <brewsterfam@gmail.com>

Mon, Jan 12, 2015 at 10:12 PM

Mr. Brewster,

I am completing the paper street report this month. It is in draft being reviewed by my other staff. I have included a reference to your desire to vacate the road in the report. So, there should be more information on next steps around the beginning of February.

Maureen

Sent from my iPad

> On Jan 9, 2015, at 5:34 PM, Steven Brewster <brewsterfam@gmail.com> wrote:

>

> Ms. O'Meara,

>

> My husband and I talked with you back in Nov. regarding paper roads in Cape Elizabeth, and the best way forward for a planned renovation. You mentioned that all the paper roads are up for review, possibly this year? Our house sits on the border of Cape Elizabeth & South Portland (4 Drew Road) - we pay property taxes in both - and we want to build a garage in the rear of our home that would connect with a paper road and give us access to Ottawa. You were

> <mime-attachment>

> <4 Drew Survey.pdf>

Brewster Family <brewsterfam@gmail.com>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Tue, Jan 13, 2015 at 1:52 PM

Maureen,

Thank you very much for the update. We appreciate that you have indicated on your report that we would like the paper road vacated, and we will hope for favorable progress in Feb.

Kindest regards,

Ellen & Steve Brewster

[Quoted text hidden]

Brewster Family <brewsterfam@gmail.com>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Fri, Feb 13, 2015 at 8:11 PM

Maureen,

Is there any update on the paper street report for Cape Elizabeth? Any idea when recommendations will be finalized or voted on?

Kind regards,

Ellen & Steven Brewster

[Quoted text hidden]

Brewster Family <brewsterfam@gmail.com>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Fri, Apr 24, 2015 at 3:34 PM

Ms. O'Meara,

My husband and I were wondering if there were yet any dates set for public engagement on Cape Elizabeth's plans for paper roads? We have been in contact with Norman Twaddel, a right of way agent for the Portland Water District, and have asked him to mark our sewer line. In his opinion, the PWD would have no objections to the vacation of the paper road abutting our property.

We want to be sure not to miss any meetings where this issue will be discussed--hence this email. Thank you for all your assistance, and your forbearance.

Kind regards,

Ellen & Steve Brewster

[Quoted text hidden]

Maureen O'Meara <maureen.omeara@capeelizabeth.org>
To: Brewster Family <brewsterfam@gmail.com>
Bcc: Michael McGovern <michael.mcgovern@capeelizabeth.org>

Mon, Apr 27, 2015 at 12:44 PM

Mr. and Mrs. Brewster,

No meeting dates have been set yet. I expect the Planning Board and Conservation Commission review to happen in May-July, then the Town Council sponsored neighborhood meetings at dates yet to be determined. In case you have not yet seen it, attached is the Town Council adopted Paper Street Public Engagement Plan.

Maureen

[Quoted text hidden]

--

Maureen O'Meara
Cape Elizabeth Town Planner
320 Ocean House Rd
Cape Elizabeth, Maine 04107
(207) 799-0115
maureen.omeara@capeelizabeth.org

 **Public Engagement Plan 4-6-2015.docx**
133K

Michael McGovern <michael.mcgovern@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Mon, Apr 27, 2015 at 1:17 PM

I am confused, This references marking their sewer line. I thought the PWD had their lines in this area. Either water or sewer.

Michael K. McGovern
Town Manager
Town of Cape Elizabeth, Maine
PO Box 6260, 320 Ocean House Road
Cape Elizabeth, ME 04107
michael.mcgovern@capeelizabeth.org
www.capeelizabeth.com
Phone: 207-619-6716

[Quoted text hidden]

Brewster Family <brewsterfam@gmail.com>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Mon, Jun 1, 2015 at 3:36 PM

Ms. O'Meara (Maureen),

My husband and I are very interested in Cape Elizabeth's paper road report and the proposed public engagement meeting dates. Will Wednesday's meeting (June 3rd) decide the dates for engaging the public in discussion of paper roads--or discuss anything about our particular paper road (Ottawa)? As mentioned in previous emails, and in person with you, we want to build a garage in the rear of our house (4 Drew Street, SoPo) with access to Ottawa, commencing construction just after Labor Day. A survey the previous owner commissioned indicates 3 possible paper roads; the determination of the actual paper road location for setback purposes is crucial to our ability to build. Also, if the paper road is eventually to be vacated by Cape Elizabeth, it will still be necessary to determine its location so that it may be equitably divided among the property owners abutting it and so that we can meet setback requirements.

If the determination of whether to vacate the paper road--or not--**will** not occur before we would like to begin construction, is there the possibility of petitioning Cape Elizabeth to recognize one paper road as being more

accurate? Our deed states that our property extends "fifty feet, more or less, to the Northeasterly sideline of Sea View Avenue (Sea View & Ottawa being synonymous) which would make the the 2 paper roads closest to us ineligible for consideration as possibilities anyway. The 3rd paper road gives us the opportunity to meet Cape Elizabeth's rear setback guidelines.

PWD and Cape Elizabeth both came out to mark our sewer and storm drain lines. Neither poses any difficulty to our building plans as both actually arc southward away from our house towards the sewer station on Ottawa.

As you mentioned late last year, there exists the possibility of petitioning Cape Elizabeth for a variance based on hardship caused by our current garage/driveway situation. To recap, we share a driveway with our neighbor at 2 Drew, but unlike them, have to execute a 90 degree turn into our garage. Their garage is positioned in such a way that if we pull straight out of our garage, we will damage theirs; moreover, the entry into our garage has an incline which causes winter snow and ice to make ingress/egress hazardous; there were weeks this winter where we simply could not use our garage because of ice and the danger of sliding into their garage. Of course this option entails the most time and cost, and we would like to avoid it; however, we will have been in our house a year in August, and worry about facing another winter without adequate garage coverage. Too, we have engaged a designer, but she cannot design a garage until we get this paper road issue settled.

We look forward to hearing from you and thank you for all your assistance.

Kindest regards,

Ellen & Steven Brewster
4 Drew Road
South Portland
(360)515-6806
brewsterfam@gmail.com

[Quoted text hidden]

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Mon, Jun 1, 2015 at 4:30 PM

To: Brewster Family <brewsterfam@gmail.com>

Cc: Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>, Michael McGovern <michael.mcgovern@capeelizabeth.org>

Bcc: Carol Anne Jordan <cajordan@jordansfarm.com>, Elaine Falender <gayerfal@maine.rr.com>, Henry Steinberg <henrysteinberg@yahoo.com>, Hiromi Dolliver <thedollivers@yahoo.com>, Jonathan Sahrbeck <jonathansahrbeck@hotmail.com>, Josef Chalat <azimuth@maine.rr.com>, Peter Curry <peterlc.curry@gmail.com>, Victoria Volent <VVolent@gmail.com>, Garvan Donegan <Garvan.Donegan@maine.edu>, Jeremy Gabrielson <jeremygabrielson@hotmail.com>, Jim Tasse <jamestasse@mac.com>, Mark Fleming <mfleming@maine.rr.com>, Marti Blair <martiblair@maine.rr.com>, Mitch Wacksman <mitch_wacksman@hotmail.com>, Molly MacAuslan <mmacausan@gmail.com>, Zach Matzkin <zmatzkin@mac.com>

Mr. and Mrs. Brewster,

The public engagement plan included three steps. Step 1 was a review by the Conservation Commission and Planning Board. The Conservation Commission has almost completed their review and will probably conclude at the June 4th meeting. The Planning Board will begin their review at the June 3rd workshop. No public comment is allowed at the Planning Board workshops, but I have forwarded your comments to the Planning Board. The Conservation Commission allows public comment at every meeting and I have also forwarded your comments to them.

The public engagement plan proposes to focus public comments on steps 2 and 3 and that scheduling will be decided by the Town Council. I am skeptical that those steps will be completed by Labor Day. I am not sure how the town would make a decision as to the "right" location of Seaview Ave prior to completing the paper street process. As for a variance, I do not know what success you might have. You would need to pursue that with Ben and an application to the Zoning Board.

Maureen



Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Conservation Commission meeting

2 messages

Anne Cranshaw <acransh1@maine.rr.com>

Tue, Jul 14, 2015 at 8:59 AM

To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Hi Maureen,
I am planning on attending tonight's meeting.

An update on the paper street next to our property on Star Road:
The President of the Brentwood Association and a Brentwood resident attorney have determined that the association does not belong to them by virtue of it not being on the assessor list and that there is apparently no insurance on the property. They have stated that they will not contest a vacation of the property.

Thanks,
Anne Cranshaw
232-3265

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Tue, Jul 14, 2015 at 11:10 AM

To: Anne Cranshaw <acransh1@maine.rr.com>

Cc: Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>

Bcc: Garvan Donegan <Garvan.Donegan@maine.edu>, Jeremy Gabrielson <jeremygabrielson@hotmail.com>, Jim Tasse <jamestasse@mac.com>, Mark Fleming <mfleming@maine.rr.com>, Marti Blair <martiblair@maine.rr.com>, Mitch Wacksman <mitch_wacksman@hotmail.com>, Molly MacAuslan <mmacauslan@gmail.com>, Zach Matzkin <zmatzkin@mac.com>, Carol Anne Jordan <cajordan@jordansfarm.com>, Elaine Falender <gayerfal@maine.rr.com>, Henry Steinberg <henrysteinberg@yahoo.com>, Hiromi Dolliver <thedollivers@yahoo.com>, Jonathan Sahrbeck <jonathansahrbeck@hotmail.com>, Josef Chalot <azimuth@maine.rr.com>, Peter Curry <peterlc.curry@gmail.com>, Victoria Volent <VVolent@gmail.com>

Mrs. Cranshaw,

That appears consistent with what I found. Your comments will be forwarded to the Conservation Commission and the Planning Board.

Maureen
[Quoted text hidden]

--
Maureen O'Meara
Cape Elizabeth Town Planner
320 Ocean House Rd
Cape Elizabeth, Maine 04107
(207) 799-0115
maureen.omeara@capeelizabeth.org

ANNE CRANSHAW

The Neighborhood of Brentwood West

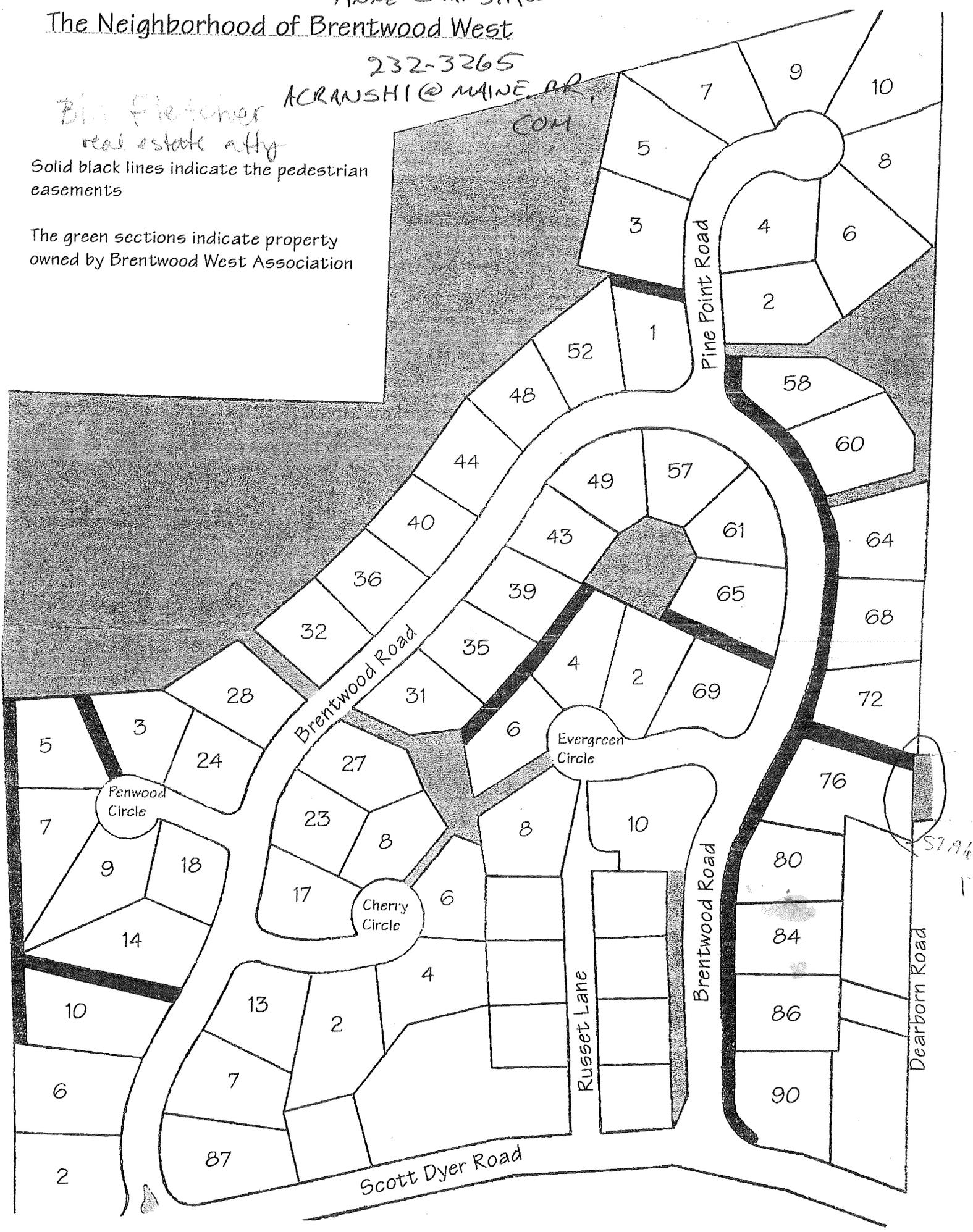
232-3265

ACRANSHI@MAINE.RR.COM

Bill Fletcher
real estate ally

Solid black lines indicate the pedestrian easements

The green sections indicate property owned by Brentwood West Association



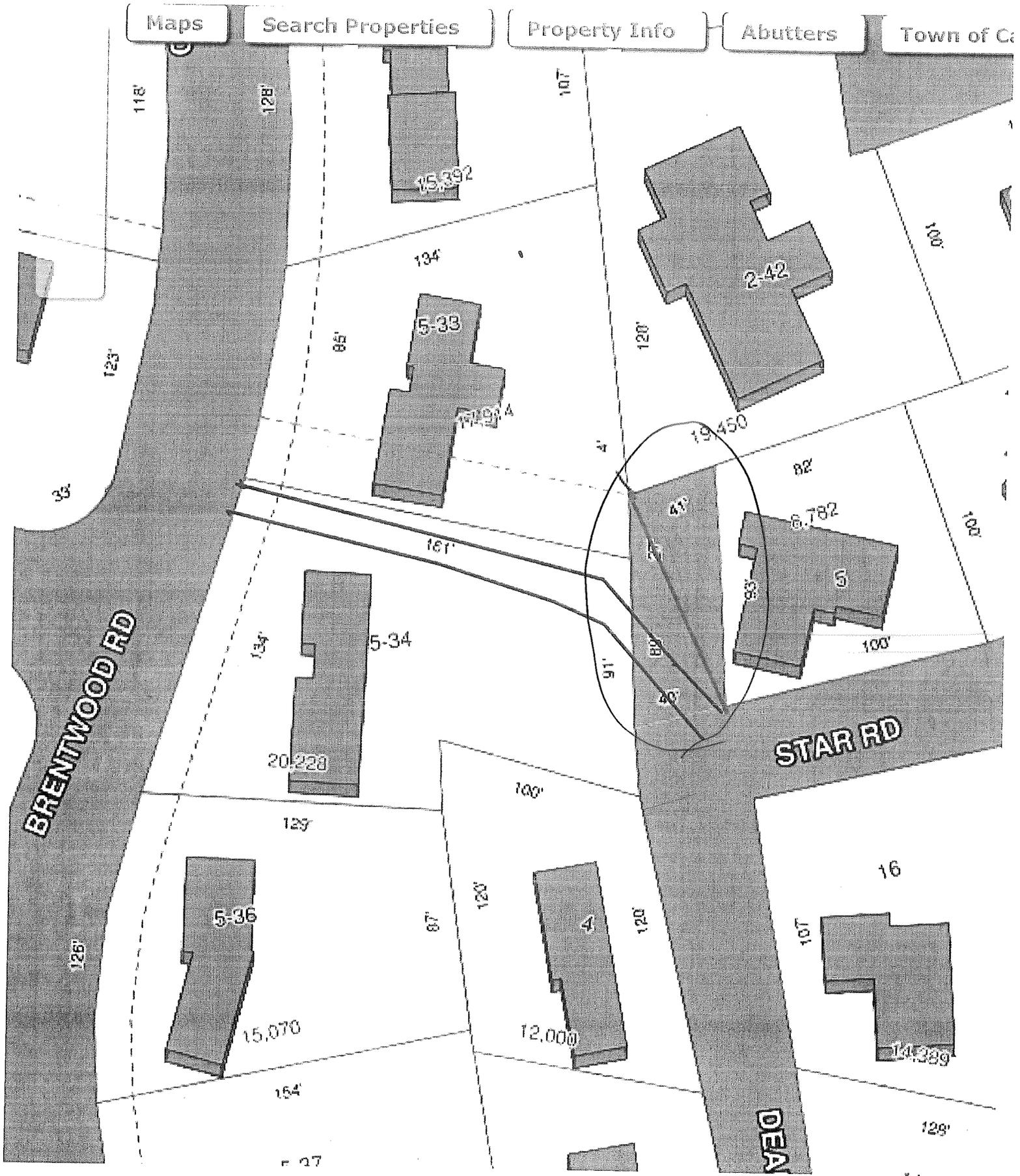
Maps

Search Properties

Property Info

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Town of Cape Elizabeth



Maureen P. Quinlan
Eric R. Kruger
33 Beach Bluff Terrace
Cape Elizabeth, ME 04107

July 12, 2015

Planning Board
C/O Maureen O'Meara
Town Planner
P.O. Box 6260
Cape Elizabeth, Maine 04107

RE: Thompson Road & 33 Beach Bluff Terrace, Cape Elizabeth (Map U10, Lot 026, Account: K0896R)

Dear Mr. Jonathan Sahrbeck, Ms. Carol Anne Jordan, Ms. Victoria Volent, Ms. Elaine S. Falender,
Mr. Henry Steinberg, Mr. Josef Chalal, & Mr. Peter L. Curry,

We are writing to comment on the 2015 Paper Street Report. We wish to express our concerns about the possibility of Thompson Road lapsing and town rights to the road being vacated. We purchased our home, at 33 Beach Bluff Terrace, in 1997. Years later we purchased the property behind our home and lots to the east. As you are aware, Thomson Road runs through these lots.

Our lot borders the second home of the driveway of Thomson Road. It appears the entire length of Thompson Road will not be extinguished. We request the Planning Board allow the paper road to continue at least to our property. If Thompson Road is extinguished it would be difficult for us to access the property via Beach Bluff Terrace. Our home on Beach Bluff Terrace covers a substantial width of our Beach Bluff Terrace frontage, making even a private driveway to the back lot difficult to build. We have a driveway only one car width wide.

We wish to continue, to have the option, to access the lot from Thomson Road. In the future, it is our wish to sub-divide our lot on Thomson Road from 33 Beach Bluff Terrace. We have two children. We hope to leave the house to one of our children and the lot to the other child, to build a home. In that way they always have a home in Maine. These children are now minors and as such we have not made plans for such a division. We hope and pray to be here for next discussion regarding paper roads in twenty years. We can, if need be, extend the driveway during that twenty year period.

Thank you for your time and consideration in this matter.

Sincerely,

Maureen P. Quinlan
Maureen P. Quinlan

Eric R. Kruger
Eric R. Kruger



U10-1

THOMPSON ROAD

BEACH BLUFF TERRACE

SHORE ROAD

CREST

TODD ROAD

Legend

- Sewer Manhole
- Sewer Line Local
- Sewer Mains PWD
- Catch Basin Round
- Catch Basin Square
- Drainage Manhole
- Sewer Lines
- Storm Drain Lines
- Water Lines

Town Boundary Lines

- Type
- Ist, River, Shore
 - Town



Office: 207.874.9000 Ext 210 | Cell: 207.671.4576 | Fax: 207.874.7800

HEALTH ENVIRONMENT TECHNOLOGY SUSTAINABILITY

 **3_Spoondrift_Warranty_Deed.pdf**
146K

Wed, Jul 22, 2015 at 9:53 AM

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

To: Russ Keenan <rkeenan@integral-corp.com>

Cc: Durward Parkinson <dparkinson@bergenparkinson.com>

Bcc: Carol Anne Jordan <cajordan@jordansfarm.com>, Elaine Falender <gayerfal@maine.rr.com>, Henry Steinberg <henrysteinberg@yahoo.com>, Hiromi Dolliver <thedollivers@yahoo.com>, Jonathan Sahrbeck <jonathansahrbeck@hotmail.com>, Josef Chalut <azimuth@maine.rr.com>, Peter Curry <peterlc.curry@gmail.com>, Victoria Volent <VVolent@gmail.com>, Patricia Grennon <patricia.grennon@capeelizabeth.org>, Caitlin Jordan <Caitlin.Jordan@capeelizabeth.org>, Deb Lane <Debra.lane@capeelizabeth.org>, James Wagner <jamie.wagner@capeelizabeth.org>, James Walsh <jwalsh@lbean.com>, Jessica Sullivan <jessica.sullivan@capeelizabeth.org>, Kathy Ray <retbank@maine.rr.com>, Michael McGovern <michael.mcGovern@capeelizabeth.org>, Molly MacAuslan <mmacauslan@gmail.com>

Mr. Keenan,

I will forward your comments to the Planning Board and to the Town Council.

Thank you for reviewing the report, and for providing supporting documentation. The potential rights the town may have in paper streets is a legal question, and the Town Council has retained legal counsel specifically for advice about paper streets. Because the Town may have residual paper street rights over the land that you own in fee, I included it in the report. *If* there may be some rights, this process could benefit you by having the town affirmatively extinguish those rights.

Many of us have been frustrated by the lack of legal clarity regarding paper streets, and we hope one outcome of this effort is definitive answers to legal status.

Maureen

[Quoted text hidden]

--

Maureen O'Meara
Cape Elizabeth Town Planner
320 Ocean House Rd
Cape Elizabeth, Maine 04107
(207) 799-0115
maureen.omeara@capeelizabeth.org

 **3_Spoondrift_Warranty_Deed.pdf**
146K

WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL MEN BY THESE PRESENTS,

That William J. Bouman and Cynthia A. Bouman a/k/a Cynthia Ann Bouman, of 3 Spoonrift Lane, Cape Elizabeth, Maine 04107, for consideration paid, grant to Russell E. Keenan and Donna L. Keenan, whose mailing address is 597 Sawyer Street, South Portland, Maine 04106, as Joint Tenants and not as Tenants in Common, with WARRANTY COVENANTS, the land in Cape Elizabeth, County of Cumberland, State of Maine, described as follows:

A certain lot or parcel of land, with the buildings thereon situated on the northerly side of Spoonrift Lane, in the Town of Cape Elizabeth, County of Cumberland and State of Maine, bounded and described as follows: Beginning on the northeasterly side of Spoonrift Lane at the westerly corner of land conveyed by I. Alan Balfour to George J. Scully by deed dated March 23, 1959 and recorded in Cumberland County Registry of Deeds in Book 2465, Page 20; thence North 57 degrees 46 minutes West by the northeasterly side line of Spoonrift Lane, seventy-two and four hundredths (72.04) feet to an angle; thence South 70 degrees 54 minutes West by the northwesterly side line of Spoonrift Lane, seventy (70) feet to a point; thence North 19 degrees 06 minutes West by land now or formerly of I. Alan Balfour, eighty (80) feet to an angle; thence North 27 degrees 42 minutes East by said Balfour land, one hundred ten and five hundredths (110.05) feet to the westerly corner of land conveyed by Pearl G. Goodey to Guy W. Farley by deed dated May 14, 1958 and recorded in said Registry in Book 2409, Page 81; thence South 55 degrees 30 1/2 minutes East by said Farley land, ninety-one and six tenths (91.6) feet to an angle; thence North 58 degrees 54 minutes East by said Farley land, ninety-one and six tenths (91.6) feet to an angle; thence South 53 degrees 55 minutes East by said Farley land, fifty and forty-three hundredths (50.43) feet to the northerly corner of said Scully land; thence South 32 degrees 14 minutes West by said Scully land, one hundred seventy-nine and sixty-one hundredths (179.61) feet to the point of beginning.

Said above described courses are magnetic as of the year 1954.

Being the same premises conveyed to the Grantors herein by deed of Russell C. Briggs and Barbara M. Briggs, recorded in the Cumberland County Registry of Deeds in Book 6339, Page 13.

Also conveying the land in Cape Elizabeth, County of Cumberland, State of Maine, described as follows: Beginning on the northerly sideline of Spoonrift Lane at the southwest corner of land now or formerly of the Grantors herein, being Lot 61 as shown on "Plan of Land in Cape Elizabeth, Maine made for I. Alan Balfour, Broad Cove" by H.I. and E.C. Jordan, dated May 1964, recorded in the Cumberland County Registry of Deeds in Plan Book 77, Page 39; thence North 19° 06' West along the westerly sideline of Lot 61 eighty (80) feet; thence North 27° 42' East along the westerly sideline of Lot 61 one hundred ten and five hundredths (110.05) feet to the northwest corner of Lot 61; thence southwesterly along southerly line of land now or formerly of Shore Acres Land Company fifty-six (56) feet, more or less, to the northeast corner of Lot 60 on said plan; thence South 27° 42' West along the easterly sideline of Lot 60 ninety (90) feet, more or less, to a corner of said Lot 60; thence South 19° 06' East along the easterly sideline of Lot 60 ninety-seven and thirty-one hundredths (97.31) feet to the northerly sideline of Spoonrift Lane; thence North 70° 54' East along the northerly sideline of Spoonrift Lane forty (40) feet to the southwest corner of Lot 61 and the point of beginning; said land being designated Private Way on said Plan.

The above described parcel of land shown on said recorded plan as a private way aforesaid is hereby conveyed subject to the rights of others which may have been acquired by virtue of deed references to said private way or to said plan or by virtue of the recording of said plan or by use of said way.

Being the same premises conveyed to the Grantors herein by deed of I. Alan Balfour, dated May 15, 1984 and recorded in the Cumberland County Registry of Deeds in Book 6454, Page 125.

41-211-

MAINE REAL ESTATE PUBLIC SALE

WITNESS our hand(s) and seal(s) this 4th day of January, 1991.

William J. Bouman

William J. Bouman
William J. Bouman

Cynthia A. Bouman a/k/a Cynthia Ann Bouman
Cynthia A. Bouman a/k/a Cynthia Ann Bouman

STATE OF MAINE

January 4, 1991

COUNTY OF Cumberland ss:

Personally appeared the above-named William J. Bouman and Cynthia A. Bouman a/k/a Cynthia Ann Bouman, and acknowledged the above instrument to be their free act and deed.

Before me,

William J. Bouman
Notary Public/Attorney at Law

My Commission Expires: MAINE LOCAL

Typed Name of Notary/Attorney: William J. Bouman