

**Mitchell Rd, Great Pond
Paper Street Meeting Notes**

Wednesday, March 30, 2016

7:00 - 9:00 p.m.

Cape Elizabeth Town Hall

Welcome/Introductions

Town Council Chair Molly MacAuslan opened the meeting and explained that this meeting is part of the town council goal to address paper streets. She referenced the 2015 Paper Street Report on the town website and also explained the public engagement plan for paper streets, which began with reviews by the Planning Board and the Conservation Commission.

Councilor MacAuslan explained that the purpose of tonight's listening session is to hear public comment on how paper streets are currently used and how they should be used in the future. Once the neighborhood meetings have been held, the town council will hold 1-2 workshops before holding a public hearing. She recognized Councilors Jamie Garvin and Patti Grennon.

She introduced Town Planner Maureen O'Meara.

Paper Streets in Cape Elizabeth

Ms. O'Meara described paper streets as streets shown on subdivision plans that were recorded in the Cumberland County Registry of Deeds but not built. The act of recording the plan creates "incipient rights" available to the town and that is the focus tonight. Private rights in the paper streets are also created, but the town is focusing this process on the public rights.

She referenced the 1997 Town Council vote to extend paper street rights for 20 years and that extension is due to expire. She recommends reviewing the 2015 Paper Street Report to see detailed maps of each paper street. The spreadsheet listing all the paper streets has been updated based on public comments and was distributed at the meeting.

As part of this review, the 2015 Paper Street study was prepared. Elements of paper streets that would be important to the public were evaluated, including length of street, date recorded, and whether it includes a private driveway or road, utilities, lot access, turnaround, trail, potential trail or adjacency to open space.

She explained that the town has options on actions to take on paper streets. If the town allows its rights to extinguish, the land of a paper street is split along the center line and added to the abutters lots.

Public Comment

A member of the public asked for an explanation of incipient rights. Ms. O'Meara said the legal status of paper streets is a bit murky, and the town council has retained legal counsel to advise just on paper streets. The act of recording the subdivision plan creates a right for the town to accept. If the town has not accepted the right, it is pending acceptance, or "incipient."

Jean Scott, 1 Stephenson Street - She said that her street connected to the new development and then was closed off. She asked about the status of the road now that new development has occurred. Ms. O'Meara explained that the portion of Stephenson that is paved is public and the unpaved portion is private. Ms. Scott is concerned with the traffic from new construction, especially construction trucks ignoring stop signs.

Ms. Scott asked if there is a paper street in the new [Cottage Brook] development, because it is closed off. Ms. O'Meara responded that there is no paper street in the new development and the gate is installed on an emergency accessway.

Bill Gilchrest, 18 Sweet Fern Rd - He was here 20 years ago when the first extension was adopted. On Sweet Fern Rd extension, is it a well-traveled access to Great Pond. We have horses, snowmobiles, and four wheelers using the paper street for access. He would like restrictions on cars parking at the access point.

Jeff Flaherty, 15 Gladys Rd - If someone is injured on a paper street, who is liable?

Ms. O'Meara said that if someone is walking on a town greenbelt trail, the town is liable and except for the most egregious situations, is protected. We know there are trails on private property, and one advantage of having the town manage the trail is that the town can assume liability.

Mr. Flaherty wanted to know if there can be parking restrictions. Ms. O'Meara referred to the Road Ordinance, where the Town Council can place restrictions on parking on-street.

Becky Fernald, 313 Mitchell Rd - She supports keeping the status quo with no new development on paper streets.

Kate Shevenell, 2 Moonshadow Ln - She would like the town to accept Moonshadow Ln. Should she put this in writing? Councilor MacAuslan generally encourages people to put their comments in writing.

Joe Shevenell, 2 Moonshadow Ln - We have a sewer line that runs down Highland St to Manter St. What will happen if the paper street is not extended? He wants it to stay a paper street. If the street is vacated, do the abutting lot owners get the land?

Ms. O'Meara explained that the paper street is divided along the center line and the abutting lot owners acquire that land.

Tom Leen, 323 Mitchell Rd - He questioned why we don't deal with the paper streets now rather than extend for another 20 years.

The meeting evolved to a less formal question and answer session.

There was a question about the future of South Street? Ms. O'Meara confirmed it is a paper street and includes a significant sewer line. Most of the area is wetland.

There was a question if you can vacate a portion of a paper street? Ms. O'Meara said that you can vacate only a portion, and the Town Council has done that on individual requests.

There was a question if setbacks change if a paper street is vacated? Yes, setbacks are measured from the property line, which would now extend into the former paper street.

There were questions about if a lot owner does not want the paper street. Ms. O'Meara explained that, actually, the abutters probably already own the land under the paper street, but the paper street rights are so burdensome on any other use of the land, that it does not matter who owns the land under a street. The paper street vacation peels the access rights off the land, leaving the land to abutters.

Mr. Flaherty suggested the town consider a 1 year extension instead of a 20 year extension and see if foot traffic reduces. There are horses and snowmobiles that use the Glew property.

Public comments and questions ended. Councilor MacAuslan noted that this neighborhood meeting had been different from the others because there were more questions rather than just statements of position. There is a better understanding of paper streets, as well as hearing concerns. Notes of the meeting will be posted. The Town Council has a goal to complete its paper street decisions this year.

The meeting concluded at 7:55 p.m.