

**Board of Selectmen Meeting Notice,
September 25, 2019**

**The Board of Selectmen will hold a Meeting on Wednesday,
September 25, 2019 at the Chebeague Island Hall at 6:00PM**

- I. Call Public Meeting to Order**
- II. Public Comments for items not on the agenda**
- III. Regular Business**

20-019 **Coyote Meeting**

To take any further action regarding options discussed at meeting on 9/18/2019 with Inland Fisheries & Wildlife Biologist Scott Lindsay.

20-020 **Public Hearing – General Assistance**

To hold a public regarding minimum guidelines for General Assistance.

20-021 **Town of Chebeague Island General Assistance ordinance**

To amend State minimum guidelines for the Town of Chebeague Island General Assistance ordinance (Chapter 19, Article I appendices).

20-022 **Chebeague Island Inn**

To take action regarding the letter dated August 29, 2019 from the Town to the Chebeague Island Inn.

20-023 **Planning for the local economy**

To review a memo and determine next steps.

20-024 **Letter from Joe Chamberlin**

To review a letter from Joe Chamberlin to the Board of Selectmen regarding Capps Road and determine a response.

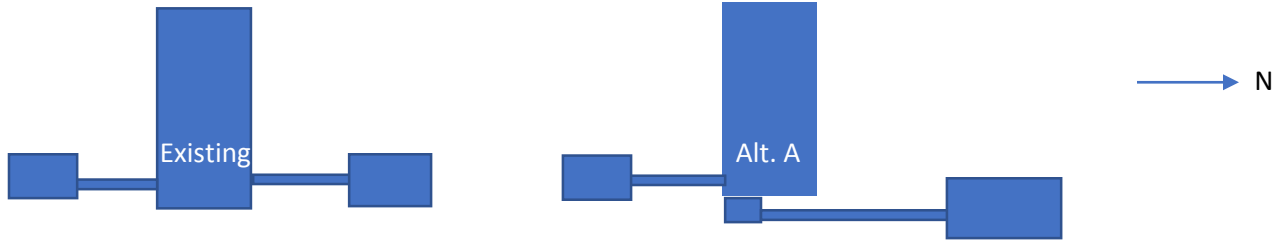
- IV. Communications**
- V. Review and approve prior meeting minutes of September 11, 2019**
- VI. Approval of Expense Warrant(s)**
- VII. Other Business**
- VIII. Adjourn Meeting**

Meeting Notes (Record)
Monday, September 16, 2019
6:00 PM Yarmouth Town Hall
Joint Standing Committee with Chebeague

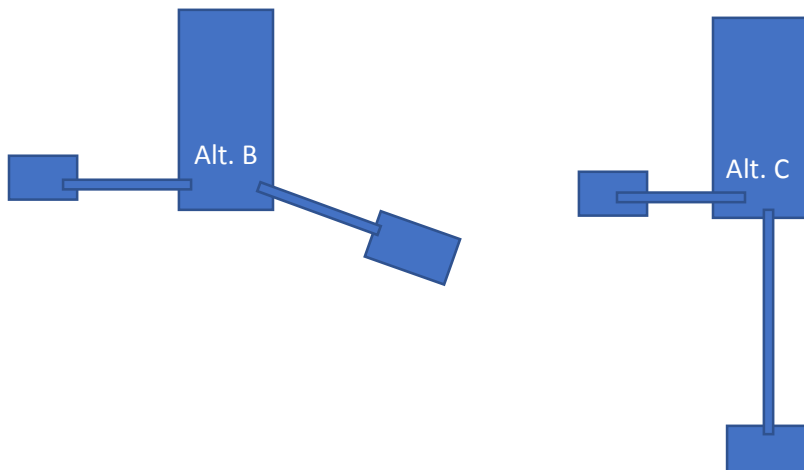
Present: Jay Corson- Chebeague Board of Selectmen
Mark Dyer- Chebeague Board of Selectmen
Meghan Casey- Yarmouth Town Council
Andrew Kittredge- Yarmouth Town Council
Susan Stranahan- CTC Board of Directors
Carol Sabasteanski- CTC General Manager
Will Owen- Yarmouth Harbormaster
Nat Tupper- Yarmouth Town Manager
Marjorie Stratton – Chebeague Town Administrator

After introductions, Carol S provided an update on the new passenger vessel, “The Independence”, which is due for delivery in a few weeks and will replace the Islander. The vessel is larger in length and beam but will be limited to 119 passenger capacity under the Agreement with the Town of Yarmouth.

CTC and the Town of Chebeague explored the idea of replacing the 40 ft ramp with an 80 ft ramp to allow for more reasonable and safe movement, particularly at low tide. This could require adding a small extension to the wharf to allow attachment at the top on the southerly side instead of at the northerly side of the wharf, and possibly enlarging the size of the float. (Alternate A)



Other design ideas such as bringing the ramp and float out at an angle to provide deeper water, and to have the ramp directed easterly out into the mooring area were tossed around for early consideration. (Alternates B and C) In all cases, it is likely the “dolphins” would need to be re-set.



While making it explicitly clear that the Yarmouth members of the JSC were not empowered to represent the Council or community without authorization from the Council, members indicated that all the options were reasonable, subject to engineering and permit issues; and that nothing in the Agreement or other authoritative documents provided any restriction or conferred approval/denial authority to the Yarmouth Town Council.

The Committee discussed concerns over barging, and resident concerns about (a) unauthorized exceedances, and (b) worrisome vessel loading which appear to be unsafe. CTC described their efforts to remain in compliance at all times, and the frustration of having trucks arrive that are larger than what was indicating when booked and larger than the limitations under the court order. CTC also explained the Coast Guard review and inspection requirement and the 100,000 GVW loading limits for the barge which, although they may appear unsafe to untrained observers are deemed safe and permissible (despite the very low freeboard). The group discussed alternative barge sites such as Wyman Station (possible future option) and Winslow Park. The group also discussed significant changes in both trucking standards (more tri-axels required for loads) and changes in the trucking/delivery systems that mean more "standard" equipment today would have been "Exceptional" equipment 30 years ago. There may be a need to revisit safe loading and trucking using a different standard than wheel count.

Traffic and Speeding Concerns were reviewed extensively (the so-called "over the hill" rules). Although, the constructed improvements for bus turning has alleviated much of the congestion, trespass, backing, and other problems, there remain significant concerns about normalized disregard for the summer weekend restrictions. A consensus emerged that such disregard is troublesome, but the major concern and most upsetting issue is the speed of vehicles coming and going from the wharf (whether inside or outside authorized times). A number of speed reduction strategies were discussed including speed humps (bumps) and possibly a summer enforcement officer present part time. Yarmouth will prepare a proposal for a part time seasonal "ranger" or "police cadet" or traffic officer or other enforcement presence in addition to the Harbormaster and YPD occasional presence, for future discussion and consideration for a funding agreement.

The JSC agreed to meet again in January, April and then perhaps in September of 2020- recognizing that more frequent conversations would be constructive.

Adjourned at 7:50 PM

Respectfully,

Nathaniel J. Tupper
Yarmouth Town Manager

2019-2020 GA Overall Maximums

Metropolitan Areas

COUNTY	Persons in Household				
	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	759	862	1,096	1,373	1,924
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	865	909	1,176	1,634	1,866
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	725	783	1,007	1,265	1,606
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	725	728	964	1,208	1,330
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,089	1,191	1,526	2,037	2,418
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	809	915	1,076	1,425	1,677

2019-2020 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2019, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	\$ 45.12	\$ 194
2	82.56	355
3	118.37	509
4	150.23	646
5	178.60	768
6	214.19	921
7	236.74	1,018
8	270.70	1,164

Note: For each additional person add \$146 per month.

Metropolitan FMR Areas

<u>Penobscot Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	133	574	156	671
1	133	574	156	671
2	167	720	206	886
3	211	908	260	1,117
4	224	964	284	1,221
<u>Portland HMFA</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	218	938	241	1,035
1	232	999	262	1,127
2	298	1,282	337	1,448
3	404	1,737	453	1,946
4	477	2,052	537	2,309
<u>Sagadahoc Cty. HMFA</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	153	658	176	755
1	168	723	198	851
2	193	832	232	998
3	262	1,125	310	1,334
4	305	1,311	365	1,568
<u>York Cty. HMFA</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	174	748	197	845
1	179	769	209	897
2	220	946	259	1,112
3	285	1,225	333	1,434
4	308	1,326	368	1,583
<u>York/Kittery/S. Berwick HMFA</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	223	961	246	1,058
1	223	961	251	1,079
2	295	1,267	333	1,433
3	370	1,593	419	1,802
4	532	2,288	592	2,545

APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households *Without Electric Hot Water*:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.90	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households *With Electrically Heated Hot Water*:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E - HEATING FUEL

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

FOR MUNICIPAL USE ONLY

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

Funeral Maximums

Burial Maximums

The maximum amount of general assistance granted for the purpose of burial is \$1,475. Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be \$1,025. Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

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August 29, 2019

**VIA REGULAR & CERTIFIED MAIL, RETURN
RECEIPT REQUESTED # 7017 1070 0000 5371 6106**

Casey Prentice
Chebeague Island Inn
61 South Road
Chebeague Island, Maine 04017

Re: Town of Chebeague Island Invoice for Fire Watch Detail

Dear Mr. Prentice:

I am writing to follow up on the Town of Chebeague Island's June 4, 2018 Invoice for Fire Watch Detail, as well as my prior letters to you on this same topic. It is my understanding that you have questioned the Town's authority to require that the fire watch be provided by trained firefighters until the Fire Chief determined that your staff had been properly trained to provide the fire watch services, as well as your obligation to reimburse the Town for the amount of costs incurred for those services.

The Town's authority arises out of the NFPA 1. Section 13.1.10 of that code states that "[i]n the event of a failure of a fire protection system or an excessive number of accidental activations, the AHJ shall be permitted to require an *approved* fire watch until the system is repaired" (emphasis added). "AHJ" stands for "authority having jurisdiction," which in this case is the Fire Chief. Section A.13.7.1.4.4 goes on to state that a fire watch "should at least involve some special action beyond normal staffing, such as assigning an additional security guard(s) to walk the areas affected. Such individuals should be specially trained in fire prevention and in occupant and fire department notification techniques, and they should understand the particular fire safety situation for public education purposes." More importantly, this section states that when a sprinkler system is inoperative, "[c]ontinued occupancy of the building . . . can be tolerated only if a fire watch acceptable to the authority having jurisdiction is provided" (emphasis added).

~ Over 60 Years of Service ~

Section 1.7.15, entitled "Standby Fire Personnel" states that:

The AHJ shall have the authority to require standby personnel or an approved fire watch when potentially hazardous conditions or a reduction in a life safety feature exist . . . The owner, agent, or lessee shall employ one or more qualified persons, as required and approved, to be on duty . . . The term *qualified person* is defined by the AHJ. Depending on the circumstances, qualified persons might be building personnel, security personnel, or fire fighters. The number of qualified persons is also left to the AHJ's determination.

The cited provisions of NFPA 1 make the following issues clear:

1. A fire watch was required for the operation of the Inn until the necessary repairs to the sprinkler system were finalized and the system was operational.
2. The Fire Chief had the authority to require the use of firefighters until Inn staff was properly trained to take over the required fire watch. The determination of whether a person was "qualified" under the provisions of NFPA was solely within the Fire Chief's authority.
3. The Inn was responsible for employing the persons staffing the fire watch as required and approved by the Fire Chief. The fact that the Fire Chief arranged for this coverage to assist you does not change this obligation.
4. If the fire watch had not been established as required by the Fire Chief, the Inn would not have been allowed under the provisions of the NFPA to operate until the repairs were completed and the sprinkler system was again operational.

In spite of the clear requirements of the NFPA 1 that the Inn (a) provide a fire watch and (b) cover the costs of the fire watch, you continue to refuse to pay the Town for the costs that it incurred solely for the benefit of the Inn. As discussed in my prior letters, you were well aware that the Town expected you to reimburse it for the costs of the fire watch. Just as importantly, you knew that the Town would not have allowed the Inn to be open from May 19, 2018 to June 1, 2018 in the absence of a properly qualified fire watch. You chose to open and operate during that period. The Town worked with you and covered the initial costs of the fire watch and clearly stated to you that it expected to be reimbursed. If you did not want to reimburse the Town, you could have closed the Inn until your staff was trained to serve as the required fire watch or until the sprinkler system was satisfactorily repaired.

The Town has been more than patient in attempting to work with you in a cooperative fashion to recover the costs that it incurred in establishing an appropriate fire watch for the Inn so that you could remain in operations. If you do not pay the amount due within 15 days of the date of this letter, the Town will proceed with legal action to compel you to reimburse it for the costs of the fire watch.

Memorandum

To: The Board of Selectmen, Chebeague Island
From: Herb Maine, Selectman
Cc: Marjorie Stratton, Town Administrator
Re: Economic Planning
Date: 09/19/2019

As you know I asked John Wilson to review the initial draft of an economic plan for the island. Given his participation in our last meeting, his knowledge and experience in both the workings of the Town of Chebeague Island and his background as economist I thought his comments early in the process could be helpful.

On 9/9/2019 he emailed me the following comments, which I refer to the Board for our 9/25/2019 meeting. There is no clear answer to how we should approach this topic for our community, but I maintain it's an important discussion to have as we contemplate some large capital projects.

I have also contacted Craig Olson of the Island Institute and suggested the Board might be ready to talk to the Island Institute about economic planning.

Please review John's comments and be prepared to discuss next steps including the possibility and schedule of workshop with the Island Institute staff.

If you'd like so further reading you can find the 52 page report that Harpswell did in 2013 here:
<https://digitalcommons.library.umaine.edu/towndocs/387/>

From: John Wilson <occams81@gmail.com>
Sent: Monday, September 9, 2019 10:21 AM
To: Herb Maine <herb@chebeague.net>
Subject: Re: Economic Plan

Some comments re the "Chebeague Island Economic Plan" ...

First, I would call it a "Strategic Plan: Chebeague Island Economy", or something to that effect. Words like "investment" or "development" or "growth" are too politically charged, often too loaded with peoples' agendas, to be the main titled focus even though all three concepts are usually integral components of any economic plan.

Second, I'd want to figure out why we'd even bother developing a strategic plan... economies, if you're a believer in free markets, have a life of their own and form, grow, and adapt according to natural economic forces. In reality, however, our national, state, and (even) Chebeague Island economies are influenced, often strongly, by public involvement (e.g., regulation, taxation, spending) and the very fact of that involvement requires that government develop a strategy to guide the level and direction of its economic influences.

Strategy does not exist in a vacuum, but rather must flow from some overarching purpose... **Goals**. But lofty goals coupled with thoughtful strategies are meaningless without **Implementation**. So, an extremely simplified general format for a strategic economic plan might be ordered like this (bulleted sub-items are merely possible examples):

- 1) Economic Goals
 - Raise household incomes
 - Expand employment opportunities
 - Increase the diversity & resiliency of the economy
 - Grow total island economic output
- 2) Strategies to Achieve Goals
 - Promote new business development
 - Support/expand existing businesses
 - Encourage population growth/diversity
- 3) Implementation Actions and Policies
 - Infrastructure investments
 - Rule & regulation modification
 - Taxation policy
 - Advocacy & promotion

To get to the point of putting pen to paper on the above-described plan, it's necessary to first assess where we are... to compile a full **Inventory** describing the economy and its components. This should include demographic data (population, age distribution, household size, homeownership, education & training, income levels) and employment/business data (workforce participation, sectoral employment, island businesses, off-island employment). This point-in-time description should be put in perspective by an analysis of change over time and whatever logical inferences can be made from trends as to what the future may hold. It would also be important to compare the island's demographic and economic data to not only other islands, but also to state and national profiles for perspective.

(This data-intensive first step could be performed by, e.g., an island fellow or USM grad student using basic Census data and island interviews and/or surveys).

Clearly, an analysis of the inventory (past, present, & future, if trends hold) should help, especially as guided by the town's 2011 Comprehensive Plan, in formulating the **Goals** of the economic plan. Next step would be to go sector by sector (Herb Maine's suggested marine fisheries, civic entities, public services, private enterprise, & public utilities categories should do nicely) to generate specific **Strategies** within each sector. Descriptions of each sector should fall directly out of the inventory. I would expand/refine the "challenges" each sector faces with the traditional if somewhat clichéd SWOT analysis, listing the strengths, weaknesses, opportunities, and threats that characterize each sector. Combining all these elements should point directly to **Implementation actions**. An overly simplified, fictitious example:

One of Chebeague's economic **goals** might be to increase island *employment opportunities*. A private enterprise sector employment opportunity is perceived in the possibility of a start-up business producing wood fiber-based home insulation. A *strength* is the ready supply in the island's woodlands of excess dead & downed trees (a potential fire hazard as well) for fiber. A *weakness* is that logging extraction equipment is too costly for a start-up business to purchase and own. As part of the **strategy** to support new business and employment, the Town might decide on an **implementation action** of purchasing a skidder for the Public Services Department to get logs out

of the woods, thereby making them more easily (economically) available for manufacture into insulation.

A decision of this nature would of course entail all the rigor & public discussion that should naturally surround the costs and benefits of such an action, as well as debate over the proper role of government in its relationship with private enterprise. But the logical step-wise approach of knowing what exists, establishing goals, formulating specific strategies, and implementing them using the tools at hand after reviewing the relative advantages and disadvantages of doing so provides a planned path to avoid the confusion and potential pitfalls of ad hoc, reactive decisions and a greater likelihood of achieving goals for the island's economy.

From: Joe Chamberlin <joechamberlin@comcast.net>
Sent: Thursday, September 19, 2019 10:32 AM
To: townadmin@townofchebeagueisland.org
Cc: Ted Chamberlin <tcham930@gmail.com>; Uncle John Chamberlin <john.e.chamberlin@gmail.com>
Subject: Request for discontinuance by abandonment

Dear Selectmen of the Town of Chebeague Island

I am contacting you as one of the owners of the property at 4 Artist Pt. Rd., Chebeague Island, Maine. At the time of his passing in December 2016, my father, J. Lockwood Chamberlin, owned 1/3rd of this property. After his passing, my father's share of the property was divided equally among his three children - Joe, John and Ted. In August 2017, my brother Ted and I purchased the remaining 2/3 of this property from our cousins. Our purchase was based on the attached property survey, which was conducted in 2011.

The survey indicates that the property at 4 Artist Pt road is 1.37 acres in size; this matches the acreage listed on our FY2019 real estate tax bill from the Town of Chebeague Island. I submitted the attached survey to the Town of Chebeague Island in September 2015 for consideration during its review of a setback variance request from Alexandra Zaugg-Swafford for construction of a shed at 5 Ben Webber Rd. The town approved a permit for the shed in 2016 and Ms. Zaugg-Swafford erected a two story garage in the fall of 2017. The garage is located approximately 15 feet from the northern boundary of our property based on the attached survey.

The attached survey shows that the east end of Capps road transits the northwest section of the property at 4 Artist Pt Rd. between the intersection of Capps Rd. with Artist Point Rd. and the opening in the rock wall at the northeast boundary of our property. This section of Capps Road has served as a driveway to the residence at 63 Capps Rd. for as long as I can remember, and possibly since its construction.

In October 2018, I was surprised and distressed to learn from Donna Damon that based on historical records in the town office, the entire length of Capps Rd. up to the entrance to 63 Capps Rd. (Merchant residence) **and** 20 feet of land on either side of the centerline of the road has been owned by the town since 1897! I contacted our surveyor, John Schwanda, and he told me that he was first made aware of the historical record of town ownership of Capps Rd. by Alexandra Zaugg-Swafford in the spring of 2018. He also told me that the historical record of town ownership meant that our property boundary was no longer on the **Zaugg-Swafford** side of Capps driveway as indicated in the attached survey, but instead 20 ft from the centerline of Capps Rd on the **Chamberlin** side of Capps driveway. This property boundary change represented a significant loss of setback for our residence, which was especially concerning to my brother Ted and I given our recent purchase of the cottage.

Mr. Schwanda told me that based on the information at his disposal at the time he conducted our 2011 survey, he concluded that Capps Rd. was privately owned. In an email he sent me last fall, Mr. Schwanda stated that his conclusion is based on the following facts:

There were several things that led me to think this was not a town road:

- 1. The tax map does not show a road between your lot and the lot of Zaugg.*
- 2. The tax map shows solid lines for about the first third of Capps Road, coming off South Road, then dashed lines over a lot for about a third in the middle and then solid lines for about the last third, but stopping at your lot. I have never seen dashed lines for a town road and solid lines are often used for private roads.*
- 3. Your deed does not mention the road, even though apparently the road was created before your lot.*
- 4. The Zaugg deed does not mention the road. The original deed was created before the road, but there have been several deeds since.*
- 5. The Capps deed does not mention a road but does include a right of way to South Road. That was accurate until the road was established by the town. The deeds for the Capps lot have remained the same, when in fact the right of way was no longer needed, or probably even existed, after the road was established.*
- 6. On the ground the road at your lot looks like a drive to Capps, since neither you nor Zuagg had been using it for access to the lots.*

If any of these things were different, I like to think that I would have been tipped off that there might be a town road and would therefore have made inquiry to the town.

Mr. Schwanda's presumption that Capps Rd. is private is reflected in text on Capps Rd. in the attached survey.

Two weeks ago I visited with Marjorie Stratton and discussed the situation. I had assumed that the section of Capps Rd. that transited our property was not publicly owned because it has not been actively maintained (grading, plowing) by the Town of Chebeague. By contrast the town has actively maintained Capps Rd. between South Rd. and its intersection with Artist Pt Rd.

During my visit, Marjorie provided me a copy of regulations regarding municipal disposal of roads that are no longer maintained by the municipality. These regulations state that if a road has not been maintained at public expense for more than 30 years it is presumed abandoned and through a discontinuation process, the town could return the road and the adjoining 20 feet of property on either side of the centerline to abutting property owners if provided with evidence of abandonment.

Based on my experience and conversations with neighbors, the section of Capps Rd. transiting our property from the intersection with Artist Pt. Rd. to 63 Capps Rd. has not been maintained using public funds for over 30 years (and possibly never), and has instead functioned as a private driveway. As a result, I request that the Town of Chebeague declare this section of

Capps Road abandoned and return the road (driveway) and 20 feet of land on either side of this section of road to the abutting landowners based on the attached survey.

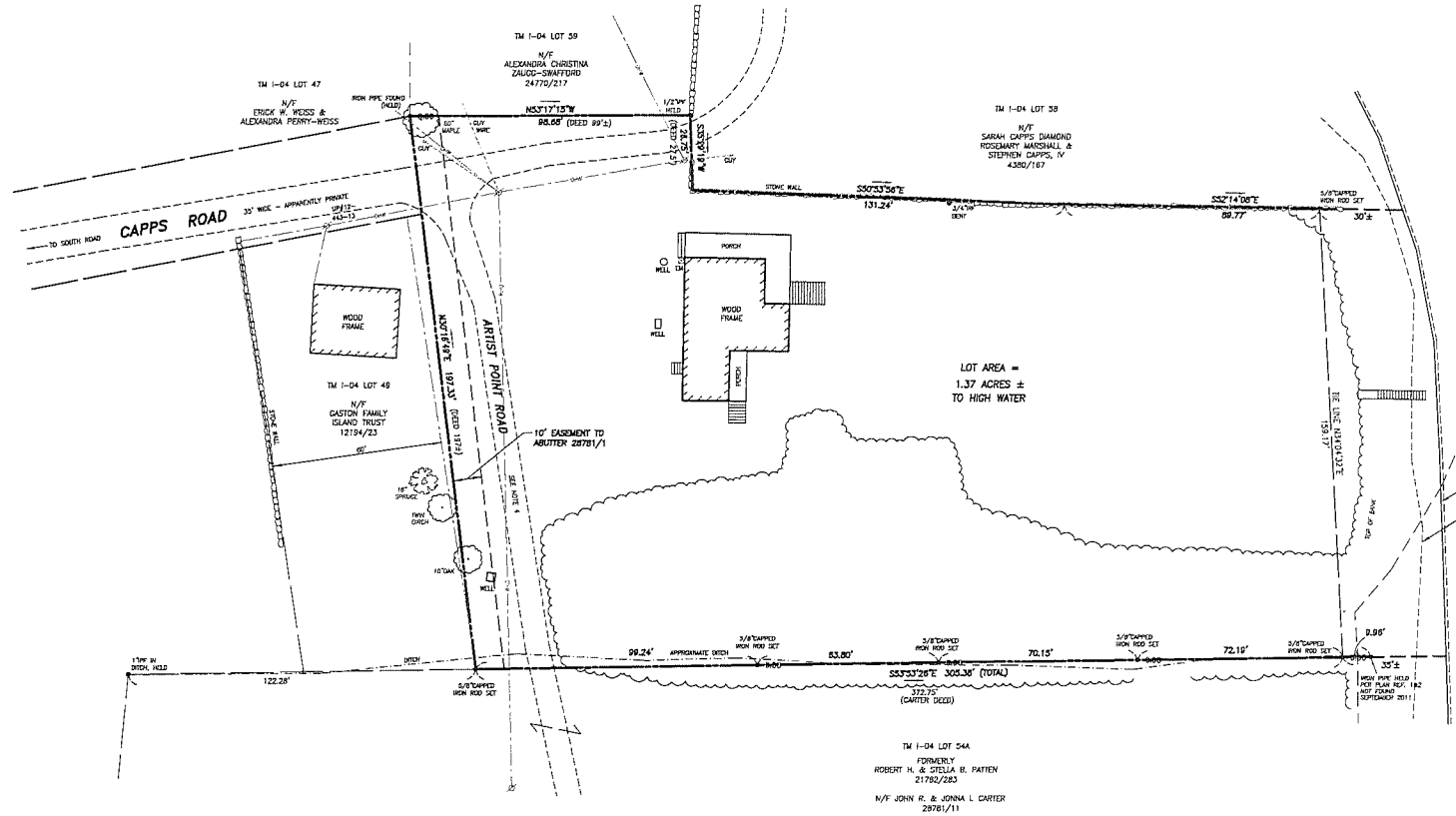
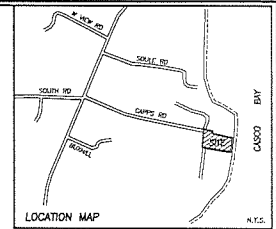
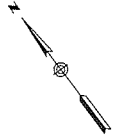
If the Town of Chebeague approves my request, the owner(s) and guests of the property at 63 Capps Rd. would continue to have foot and vehicular access across our property on the driveway extension of Capps Rd. in its current location as has historically been the case. I have good relations with the owners, Rosemary and John Merchant, and want to ensure they have continued legal access to their property on Capps Rd.

Please let me know if you have any questions.

Thank you for your consideration.

Best regards,

Joseph (Joe) R. Chamberlin
4 Artist Pt Rd.
joechamberlin@comcast.net



NOTES

- OWNERS OF RECORD: ALEX CHAMBERLIN, ANNE BOYER, THOMAS VANCE CHAMBERLIN AND J. LOCKWOOD CHAMBERLIN, c/o J. LOCKWOOD CHAMBERLIN, 278 MAIN STREET, BRUNSWICK, MAINE CLAMBERLAND COUNTY REGISTRY OF DEEDS BOOK 12573 PAGE 19.
- LOCUS IS SHOWN AS LOT 50 ON THE TOWN OF CHEBEAGUE ISLAND PROPERTY AND I-04.
- BEARINGS ARE MAGNETIC AS BASED ON MARKERS FOUND AS SHOWN ON PLAN REFERENCES.
- SEE BOOK 29781 PAGE 1 FOR ACCESS AND UTILITY EASEMENT TO PATTEN. THE ACTUAL DOWNS AND UTILITIES DO NOT FALL WITHIN THE EASEMENT, WHICH DRIVE AND UTILITIES PRECEDATE THE EASEMENT.
- NO DETERMINATION IS MADE AS TO RIGHTS BEYOND HIGH WATER.
- THE DEED FOR ZAUGS-SWAFFORD CALLS FOR 100 FEET WHILE THE LOCUS DEED CALLS FOR 80 FEET. THE IRON PIPE SHOWN ON THE REFERENCED PLANS AND THE IRON ROD FOUND IN THE STONCHALL WERE HELD.
- THE SIDE LINES OF THE LAND FORMERLY OF PATTEN ARE PARALLEL BY DEED AND PLAN REFERENCE 2 SHOWS THEM WITHIN 0.5 FEET OF BEING PARALLEL. THE SIDELINES OF THE LOCUS ARE DEFINED IN THE DEED AS CONVERGING BY 3° 30'. THE LINES ON THIS PLAN ARE CONVERGING BY ABOUT 2° 30'. A BOUNDARY AGREEMENT WITH CARTER WOULD ELIMINATE ANY QUESTION.

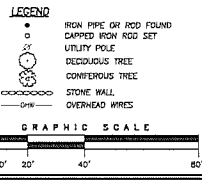
PLAN REFERENCES

- "STANDARD BOUNDARY SURVEY PLAN OF LAND OFF CAPPS ROAD ON CHEBEAGUE ISLAND IN CLAMBERLAND, MAINE FOR: WILLOUGHBY & NANCY SHAWY 11/14/1994 PREPARED BY: DANIEL T.C. LAFONT LAND SURVEYORS"
- "STANDARD BOUNDARY SURVEY PLAN OF LAND OFF CAPPS ROAD ON CHEBEAGUE ISLAND IN CLAMBERLAND, MAINE FOR: ROBERT H. & STELLA B. PATTEN MAY 1993 PREPARED BY: DANIEL T.C. LAFONT LAND SURVEYORS"

CERTIFICATE

OWEN HASKELL, INC. CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF AN ON THE GROUND FIELD SURVEY AND TRAY TO THE DEPT OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LEGISLATURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

DATE: _____ JOHN C. SCHRAMDA, PLS #1252



REV. 1 11/09/11 | REVISE TITLE AND OWNERS

BOUNDARY SURVEY
AT
4 ARTIST'S POINT ROAD, CHEBEAGUE ISLAND, MAINE
MADE FOR OWNERS OF RECORD
**ALEX CHAMBERLIN, ANNE BOYER,
THOMAS VANCE CHAMBERLIN AND
J. LOCKWOOD CHAMBERLIN**

OWEN HASKELL, INC.
390 U.S. ROUTE ONE, PALMOUTH, ME 04105 (207) 774-0424
PROFESSIONAL LAND SURVEYORS

Drawn By: JCS	Date: SEPT. 23, 2011	Job No.: 2011-123 CI
Traced By: JEM	Scale: 1" = 20'	Drawn No.: 1
Checked By: JCS		
Book No.: 1097		