

Caswell, Lynne

From: Deborah Wynes <deejaywynes1@icloud.com>
Sent: Tuesday, December 3, 2019 3:24 PM
To: Caswell, Lynne
Subject: Subcommittee on Abandoned and Discontinued Roads

This message originates from outside the Maine Legislature.

Dear Ms. Caswell,

My name is Deborah Jagow Wynes and I would like to respectfully request your attention to the problem my husband, Timothy, and I have been experiencing for the past 9 years in the town of Hodgdon, Maine in regards to the Road Closed for Winter Maintenance law, S2953.

We purchased our property of 116 acres which is located on London Road, Hodgdon, Maine, (a town road) closed for winter maintenance in 2002 with the intention of retiring to Maine at a later date and time. However, in 2010 our circumstances changed and we decided to make the move from western NY in 2013. We built a modest log home on our property in 2010. Prior to purchasing this land located .6 miles off a plowed road we met with the town manager, Jim Griffin, who assured us if we built a home valued at \$50,000 or greater and not a "trailer", the town would be willing to open the road for winter maintenance. Needless to say, this has not been the case.

In 2008, when the road came up for review, we respectfully asked the town selectmen if they would consider reviewing the road every 5 years instead of 10 years. Their response was a "NO" and in addition they added a clause to their law stating any road improvements above the cost of \$2,000 would be the responsibility of the property owner. We contacted an attorney from Auburn, Maine and eventually paid several thousand dollars to challenge this illegal clause. The result was the "law" was overturned and the town agreed to review the road every 5 years.

When we moved in 2013 the road was once again up for review and even though we had been paying taxes on our house at the same rate as others in town who receive plowing, the town selectmen recommended at the annual town meeting to keep the road closed and of course the town people voted an overwhelmingly no. The costs the town selectmen presented to the public were extremely inflated and comments were publicly made by the selectmen that it would take "60 houses" on the road to warrant the cost of opening and maintaining it. This is absolute nonsense. The Green Road, which intersects with our road had 2 houses on it at this time and is plowed the entire distance of 2 miles. We had already absorbed the cost of cutting trees on the north side of the road and brought power lines to our house. Our road was once again reviewed in 2018 with the same result.

Since this time, a 2nd home (seasonal) was built before our house this summer so there are now 2 very nice homes on this .6 mile stretch of "closed road." This summer the town also cut the trees on the south side in order to widen the road and this road is scheduled for potential opening in the next 5 years. The rocks and stumps will need to be removed and gravel/fill will have to be brought in. There is no guarantee this will happen but we are hopeful. In the meantime, we plow and/or snow blow the road to keep it open during winter but we are only able to do so by keeping enough room for one vehicle and if another vehicle is coming the other way, someone has to back up the entire distance. It is not exactly a "safe" situation. Neither could an emergency vehicle use this road as it is somewhat uphill and tends to drift so 4 wheel drive is needed.

These are our concerns:

* The winter road closing law S2953 states closing a road will be determined by "population and use of the road" but it is not well defined in the law and the "population and use" is determined by the town selectmen.

* There have been other roads in the town where plowing has been "extended" for houses that have been built by "local and lifetime" residents of the town but there is definitely discrimination against residents who have moved to the area. At one selectmen meeting I was asked how old I was and how much we paid in taxes a year. The point was I probably wouldn't live long enough for the town to collect enough tax money to pay for improvements. I think I was 55 at the time. We've been paying taxes on our home since 2010.

*It is not FAIR that people who build and live on a winter closed town road pay the exact same tax mill rate as those who live on maintained roads yet are denied the town service of plowing and access to emergency services. In effect, we are paying for others to have these services as we receive none of them.

I understand this is not an uncommon problem and the solution also requires a deal of "common sense." There needs to be some clarity as to what constitutes "population and use" as stated in the road closing law. If the town is willing to issue a building permit and expects to collect the same amount of tax as residences on plowed roads the town should also be expected to provide the same services, especially on uncontested town roads.

Just so you know, my husband and I are contributing members of our community. I am a high school special education teacher and my husband is an OTR professional driver. 3 years ago I started a small business at our home and would like to continue investing and making my business grow by building a commercial kitchen and roadside popcorn stand.

My husband and I would be greatly appreciative if you would share our "story" and concerns with the Maine legislative committee tomorrow and in the near future. Maine-the way life should be ... well not exactly.

Sincerely and respectfully,

Deborah Jagow Wynes
126 London Road.
Hodgdon, Maine 04730

cell # 207-521-1339

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Caswell, Lynne

From: elidale@maine.rr.com
Sent: Tuesday, December 3, 2019 3:28 PM
To: Caswell, Lynne
Subject: State and Local Government - Abandoned Roads Subcommittee - submission

This message originates from outside the Maine Legislature.

Dear Lynne Caswell, Please pass these comments along to the Abandoned Roads Subcommittee. Thank you.

Dear Subcommittee Members,

I'd like to offer my testimony regarding discontinued and abandoned roads, specifically addressing the needs of landowners who are not abutters.

Firstly, let me apologize for not knowing the difference between "discontinued" and "abandoned." To me, these are synonyms. And I don't know if the legal status of the road which affects us is "discontinued" or "abandoned." I only know that the town does not take care of it and we have to pay for any needed road improvements.

My husband and I own a woodlot in Clinton. It is backland, behind 80 acres belonging to others. We depend on McCarthy Road – which is in Benton – to get to our camp road across our neighbor's land, a quarter mile beyond the portion of the road which is maintained by Benton. We are concerned that laws regarding protection of property owners may overlook land that does not directly abut the road in question. Ours is not the only piece of backland in Maine. And I assume it is not the only one where the access is through another town.

Currently, we have no protection if Benton chooses to discontinue the road and cede ownership to abutters. The Town doesn't even have to notify us. A road closure by Benton could reduce the value of our 40 acres to zero with the stroke of a pen.

Maine ROADWays has proposed that legislation wording be improved by substituting "affected property" in place of "abutting property" in order to protect all landowners, regardless of their lands' position vis a vis the road or even its presence in the town. I strongly urge you to adopt this proposal which adds strength and clarity to the rights and needs of landowners which are affected by road closures.

Best regards,
Elizabeth (Eli) Dale
40 Salem Street, Portland ME 04102