

From: [Bethia Feeney](#)
To: [Caswell, Lynne](#)
Subject: Testimony for discontinued roads with public easements
Date: Thursday, September 16, 2021 9:24:11 AM

This message originates from outside the Maine Legislature.

Please let me know if you need anything else from us.

This testimony is submitted by Ben and Bethia Feeney of Freedom, Maine.

We currently live on a discontinued road with public use retained. Our privately maintained section is approximately a half mile. The discontinued road previously extended through the woods to the town line and connected with another cross road but was abandoned long ago and is no longer passable by vehicle.

We utilize our own equipment (tractors, excavator, skid steer) to keep this road in excellent condition year round, and have gravel hauled in as needed to remedy the ongoing wear and tear. We estimate that our annual cost is between \$2-3k, depending on damage sustained by misuse of the road. Between ourselves and our neighbor that shares this burden we spend roughly 150 hours of time annually to complete this work. We have a neighbor who is unwell and must be accessible at all times for an ambulance should the need arise.

When you live this far off the beaten path, uninvited people who end up here and can't even pass through to another destination are not often visiting for a good reason. We have seen our share of people parked for various illegal activities, or simply "mudding", rutting it up, and otherwise spoiling our hard work.

Of the options proposed by this law change we lean towards the ask that the town work with us to remove the public use and ensure easements are granted between each of the residents. We have a document drawn up for this ready for our lawyer once the opportunity arises, however it has been a very bumpy road to date with our selectman fighting tooth and nail for this public easement "right". Other town maintained gravel roads are not done so to our standard so having them provide upkeep to keep it "passable" would not be an acceptable solution.

Our current situation has been very upsetting to us and our neighbors. Recently, an alarming event occurred where a non-resident looking to utilize the impassable section of road became violent with Ben and another neighbor. He was cutting trees to widen an existing logging road (not even the correct old road location) on parts of our land and when asked to stop became agitated and threatening. A restraining order had to be put in place to protect ourselves and our property. When trying to work with authorities, we were told we had to "let them do what they wanted" and press charges later, leaving us to spend money for legal assistance to prove they were not authorized to pass in that location.

We pay nearly \$2k in taxes annually with our neighbors paying similar amounts without receiving

any of the benefits someone on a public road would obtain. We feel alienated by our select board trying to work through simple steps such as applying signage to minimize unintended traffic.

The way the law stands today does not protect our land owners. We are so excited and grateful that this conversation is happening and hope that our testimony can help give it the momentum it deserves.

Thank you!