

LD 1724 "Resolve, Authorizing the Baxter State Park Authority to Convey Certain Land in Cumberland County" - Written Testimony

Dear Members of the Agriculture, Conservation and Forestry Legislative Committee:

Section 1 of the Legislative Document No.1724 states "....authorize Baxter State Park to convey by quitclaim deed **without covenants**, a parcel of land.....known as the Austin Cary Lot ...located on that property."

There are covenants which currently run with all the lands on Long Reach Lane and pertain to all owners, including the 2 Baxter State Park properties being addressed in LD 1724. There are specific legal covenants which exist regarding ingress and egress and cost sharing of all road expenses from its eastern boundary beginning at Route 24 to its end, about 1-1/4 miles. These covenants must be adhered to by whatever entity or agency assumes ownership of this land. Both Baxter State Park's Director, Kevin Adams, and Nava Tabak have been apprised of these covenants multiple times. We, the private owners of the land from the westerly boundary of the Austin Cary Lot, all abide by these same covenants which are in all the deeds since the first transfer of any lands on Long Reach Lane **dating back to 1961**.

The Austin Cary lots, deeded to Baxter State Park in **the two parcels, contain the same legal covenants which should be required in any future disposition of the Austin Cary Lot to anyone**. All these covenants run for 99 years from the date of the Baxter State Park (BSP) deeds, and includes cost-sharing of all road expenses. The e-mail sent to BSP's Director, Kevin Adams, dated November 18, 2024, reiterates this and is also copied below.

This e-mail sets forth the Legal Covenants and Conditions from the 1961 deeds as well as the agreements between BSP and Long Reach Road Association (LRRRA) since October 8, 2008. Those conditions include voluntarily abiding by Maine State Law 23 MRSA Chapter 3101 Private Ways as our operating procedures. The legislation includes assessment of costs for all private road maintenance and repair costs to be apportioned and shared equally by all property owners and users who benefit from use of the roadway as well as providing for collection of unpaid assessments.

In summary, as Long Reach Road Association private property owners, we ask that Section 1 of L.D. 1724 be amended to delete the words "without covenants" and to include the covenants and conditions described above. Section 2 probably would need possible amendment to be sure that the receiving entity

knows that there are ongoing costs involved in accepting deeds from Baxter State Park.

It is my recommendation that this legislation ought not pass at this time. This will allow time to correctly set forth all the covenants necessary to make this sale legal.

I hope this will be helpful. Please let me know if there are questions or other information I can provide.. I have a long-standing institutional memory and records since my husband, Dr. Manu Chatterjee, was one of the original owners in 1961 as well his friend and neighbor, Gardner Gould.

Thank you for all your good efforts.

Katherine Chatterjee
President, Long Reach Lane Road Assn.

November 18, 2024 E-mail from Katherine Chatterjee, President, Long Reach Lane Road Association to Kevin Adams, Director, Baxter State Park

From: Katherine Chatterjee <khchatterj222@yahoo.com>

Sent: Monday, November 18, 2024 3:29 PM

To: Adam, Kevin <Kevin.Adam@maine.gov>

Cc: Scott Cowger <scottcowger1@gmail.com>; Nancy Freeman <nlfree@comcast.net>; Lyn Howe <howelyn@gmail.com>; James Lowery <jameslowery@q.com>; NAVA.TABAK <NAVA.TABAK@BAXTERSTATEPARK.ORG>; Katherine Chatterjee <khchatterj222@yahoo.com>; Christopher Betjemann <fullcircledesign@hotmail.com>

Subject: Re: LRRRA Minutes, Followup and FEMA Contract Assessment, email motion for action re co-treasurers

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Director Kevin Adams.

This response is being addressed to you officially as the Director of Baxter State Park. We, Long Reach Road Association, would appreciate your help and involvement in resolving this ongoing problem which has been brought up several times by Nava and others before her.

As suggested several times to Nava in past emails and on the phone, the agreement in 2008 correspondence should be in BSP and/or BSPA files as well as files re a meeting with LRRRA and BSP officials including Paul Stern, legal counsel for BSPA; Jensen Bissell, BSP Director; Carol Redelsheimer, then Resource Manager; and others which took place in my living room at Long Reach. That meeting and BSP's resulting agreement should be in your combined files as this letter came from BSP's offices.

It should be noted that this decision in 2008 set the cost-sharing precedent that all BSP directors and LRRRA have followed since then. It also set the precedent for BSP's designation of a BSP member and their participation in Long Reach Road Association as it conducts its business in accordance with Maine State Law 23 MRSA Chapter 3101.

However, the most important and controlling legal conditions are described in the deeds for all the land which constitutes the private land owners and land which is now the Austin Cary Lot. A summary of these legal factors follows:

LEGAL COVENANTS AND CONDITIONS FROM 1961 DEEDS AND AGREEMENTS WITH BSPA AND LRRRA SINCE OCTOBER 8, 2008

Deeds from H. Lester Haws and Lois Lee Haws to the Goulds and the Chatterjees on May 16, 1961 conveying all the property accessible by Long Reach Road stipulate **that deeds to all properties convey only deeded rights of way and that further “The grantors and Grantees agree that the cost of maintaining that portion of the road from Route 24 to the easterly boundary of the land hereby conveyed should be borne one-third by the Goulds, one-third by the Chatterjees and one-third by the Grantors.”**

Baxter State Park and all private land owners were and remain legally bound not only by the original deeds above, but also by the covenants in the deeds conveying the land to the Maine Forest Authority from Virginia Hamilton Bailey and Patricia Hamilton Bousfield. These sisters were, I believe, close relatives of one of the current owners from the original land purchase. James Lowrey's deed includes these legal covenants as should Baxter State Park's deeds.

Baxter State Park then joined LRRRA in 2008 and designated a member to the Long Reach Road Association. Thereafter, BSP and all property-owner members have abided by LRRRA's operating procedures under the Maine law cited in 23 MRSA Chapter 3101 Private Ways including assessments, equally shared payments of owners and users who are benefitted by the road, and **collection of unpaid assessments.**

All Long Reach Lane property currently owned is part of the land originally conveyed to the **Chatterjees**, 1 parcel now owned by Katherine Chatterjee and 1 parcel owned by Scott Cowger; **Goulds**, 1 parcel owned by Freeman and 1 parcel owned by Howe; and **others**, 1 parcel now owned by James Lowery and 1 parcel owned by Baxter State Park) for a total of six (6) parcels/shares. Another user, Christopher Betjemann, has been added making 7 participants sharing all costs equally.

Long Reach Road was built in the early 1960's by private funds from the Chatterjees and Goulds to access their properties for residential purposes. It was not built as a logging or forestry road. It was constructed by Ron Webber & Sons of Harpswell who still maintain the road as required.

Hopefully, when you and your staff have had a chance to review and consider all these documents, we may be able to record our agreements again accepting their legal stature to ensure that these issues do not keep recurring in the future as ownership or staff may change and historical memory no longer exists.

We look forward to maintaining a cooperative working relationship with BSPA.

Katherine Chatterjee
President of LRRRA