

Items for Council Consideration / Discussion for October 2, 2017 Workshop

<u>Street Name</u>	<u>Questions</u>	<u>Answers</u>
Algonquin Extension Constructed section of Surfside	Ownership of street	Ocean View Association owns land under Algonquin Extension and constructed Surfside Avenue Ocean View Association deeds conveying land in the streets in 1989 and 1991 Town has incipiently dedicated rights
Not in scope of analysis performed by Sebago Tech. **	What would acceptance mean?	Town would be responsible for maintenance and upkeep of the road
	Can a paper street be a private road? Question placed to Attorney Parkinson, this is his response	It is indeed possible that a private road could also be a paper street. The key to understanding this is the distinction between <b>private rights</b> from <b>public rights</b> . Private rights may arise in part by the grant of an easement in a deed—or to lot owners owning within a subdivision over roads shown on a recorded plan. These shared private rights of passage create a private road—possibly with its own association—unlike a driveway. As you know, paper streets are streets incipiently dedicated to the town for future use following  Simply stated, a private road and paper street can legally coexist.
Surfside Avenue paper street Atlantic Place paper street	What are the implications to other landowners if others hold deed to potion of paper street?	Parkinson letter of 7/19/17. Any party who wishes to assert a legal interest in the paper street must record a proper notice in the registry of deeds and mail notice to all current owners and mortgagees of record. They then have 180 days to file a suit outlining objections. Recommends that private parties seek legal counsel to determine how the Town decision may affect them.
	Is the paper street a Town asset?	The Town has the right to accept a paper street through a formal action. The Town does not own the fee title, but a right of way.
	What are the Town's rights after extension?	The Town maintains its rights to accept or vacate its interest for 20 years.
	Between 1911 and 1997 has the Town demonstrated any interest or intent? If not what are the implications?	Parkinson letter of 9/13/17 (II) The Town is not required to have shown intent, but has via extension of interest in 1997 and 2016, and Atty. Parkinson holds the Court has determined a Town's ability to accept a paper street continues.
	If the Town were to accept are there limitations as to what the Town may do with the land?	Parkinson letter of 9/13/17 (III) The Town may use the paper street as a walking path. Other activities are more limited. Conversation with Atty. Parkinson indicated acceptance for other reasons than access are not as clearly defined.
	What are the options other than trails?	Extension of Town's rights may preserve open space and scenic and unique property. Possible wildlife habitat, while preserving Town's interest.
	Is Surfside identified as a trail now?	It is identified as a conceptual trail, with the Greenbelt Plan stating the potential trails map should not be used as a walking trails map. The map shows the location as conceptual but not the exact location of a future potential trail.
Lighthouse Point Road	What is the Conservation Committee's recommendation?	Extend the rights of the Town. The Conservation Committee does not consider the Lighthouse Point paper street a suitable location for a trail at this time. Should ownership change, or official public access become available on the adjoining property, a trail connection should be reconsidered at that time.
	Is Lighthouse Point paper street on the Greenbelt map? Potential trails map in Greenbelt plan?	No No
	What are the dominant concerns identified?	Parking and traffic in the neighborhood are identified as serious concerns. Issues such as trespassing, u-turns in driveways, on street parking on narrow streets
	Is there a potential for limiting parking?	Limit parking to one side of the street. Which side would be best? Surf Road currently has parking limited to one side. Limit on street parking by time and date as an option. It can be done, Kettle Cove has this now.
	What has the neighborhood input been?	Mostly, if not unanimous opposition to any trail creation on the paper street Have voiced numerous concerns
	Coast Guard property status?	Owned by US Government. Any future use is speculative and hypothetical. No stated information on abandoning use.
	What does this paper street access?	Provides access to Coast Guard land. Currently not a coastal access point.
	What is this parcel?	A paper street section approximately 107 feet long by 40 feet wide.