

1. PAPER ROADS Community Forum

Documents: [PIC PAPER ROADS Q AND A 03232016.PDF](#)

Peaks Island Council
PAPER ROADS Community Forum
March 23, 2016

Start of Meeting: 6:30 PM

Peaks Island Council, Paper Roads Subcommittee Members Attending:

- Timmi Sellers, Kathleen W. Hayward, Timothy Wyant, Tim Murphy

Introduction to the issues:

Sellers began the forum by sharing that approximately 400 paper roads have been identified to exist within the City of Portland, with approximately 25% (approximately 100) of those existing on Peaks Island. A subcommittee was formed under the zoning committee to review and research this issue. We have been reviewing information and researching this for about the past year. The following is a working position that will be submitted to the Peaks Island Council, and if accepted will then be presented to the Portland City Council for consideration:

“The subcommittee’s position is to recommend to the PIC zoning committee that the City accept all publicly owned paper roads, paper beach paths and paper paths and paper paths (excepting, of course, paper roads on PILP protected lands. Individual cases should be pursued with legal help to the proper City office.”

- Everyone is advised to keep in mind that the subcommittee and Peaks Island Council are only able to make a recommendation, and unable to enact or make the final decision.
- There will be another forum held on this topic this summer, possibly August, to include seasonal residents and share any new information.
- The deadline for the City Council to take action with regard to paper roads is September 28, 2017.
- Anyone wishing to work directly with City Hall on questions or issues is asked to contact Mike Murray, Assistant to the City Manager.
- There is a multi-department group working to address the paper roads from a city-wide perspective, including review and consideration of the 1997 statewide process and relevance to the 2017 deadline.

Murphy provided some background:

- The paper roads exist due to a variety of reasons over the years including zoning changes by the city, street location and name changes, expanding utilities services to name a few.
- There is information many different locations, much of it in deeds referring to page numbers of other documents. Our subcommittee has researched as much as we can up to this point, and have tried to consolidate and share it here.
- The subcommittee is reviewing anything that was not labeled vacate in the 1997 process.
- The history of paper streets goes way back, even on the island. Subdivisions have always been required to provide access. One example of that Willow Street actually was one 15-foot wide street and a 20-foot wide street. Houses on one side were on Willow, the other side was A Street.

- In the 1920s utilities started expanding including water, telephone, electricity, and plans were submitted and various new streets were put in. In 1942, the army coming changed the streets again.
- In 1987 there was a charge to review the streets, and they would need 10 years for the review process. In 1997 a week prior to the deadline, the legislature gave a 20-year extension to have the paper roads finalized.
- Other area island and municipalities have completed their review and process for paper roads, including Long Island, Westbrook and South Portland to name a few.
- We wanted to make sure the community on Peaks was educated before the City comes out.

Slide Presentation:

Wyant presented slides of some of the maps and documents that have been researched and discovered. He has created a website to make this information available in a central location. The website is a work in progress. Wyant encourages everyone to visit the site, review, submit feedback and ask questions.

Website resources:

- Website for information related to Peaks Island paper roads:
 - <http://pi-paper-roads.deciph.com/>
 - or
 - Conduct a Google search for “Peaks Island Paper Roads”
- Slides that were shown can be found at <http://pi-paper-roads.deciph.com/wp-content/uploads/2016/03/meeting-slides.pdf>

The highlights of the information Wyant presented are as follows:

- The information in the slides included plats going back as far as 1911, aerial photos and maps.
- From 1997 City of Portland Memorandum: “What is a paper road? Under State law, the City must determine before September 29, 1997 whether it wishes to extend existing public rights in paper streets located within the City. A paper street is one that was dedicated to public use by being shown on a subdivision plan that is recorded in the Registry of Deeds but has not been accepted as a City Street by the Council.
- The city filed the required list with the Registry of Deeds, identifying 435 paper streets in 142 subdivisions within the City of Portland.
 - For Peaks, the list named 102 paper streets in 29 subdivisions.
 - Of these, 5 were vacated, and 3 partially vacated. Vacated means we as a city give up any rights to any part of that street and no public access remains.
 - The City has the right to accept the paper roads as a city street, at which point the city is responsible to take over maintenance as with other city streets.
- There are numerous considerations for consideration with paper streets:
 - Abutter’s rights
 - Public access to public amenities (utilities)
 - Some paper roads are paved, others are gravel, and some are a grassy path through the woods
 - Some paper streets may run right through a home, through a private yard, or even under water
 - Some are deemed undesignated roads which means technically it is not a city street (Tolman Rd is an example). Undesignated roads are not part of the paper roads review

process, therefore these are not under review at this time. (the map being reviewed at this time is available on the website provided)

- Examples from Evergreen Landing are on the list of paper roads, but are really abutter's rights paths which are private and for homeowners to use to get to their properties. If something like this came up for consideration, the suggestion would be to vacate in order to preserve private rights and avoid public access.
- The subcommittee is not trying to change what people have, but rather make sure everyone is informed of what is public. Anything that is not labeled as 'Vacate' from 1997 is being reviewed.
- The law states that 60 years must pass until you are safe from being deemed out of compliance if you have built on a paper or unaccepted street.
- Other specific examples were mentioned including Centennial Beach, and No Name Road. Residents are encouraged to become informed, and review original or oldest available deeds. There have been lawsuits related to access rights, due to lack of documentation.
- If you have questions about your property or are unsure, the best way to determine what exists is to have a survey completed. A survey can be quite costly as an individual, but getting a group together can help reduce the cost.

Question and Answer Session:

Question: What if the water or power companies do not have any right of way to the actual power or water lines? (On a road that is on the list of paper streets) 1 property, 22 lots with a water line that runs through. The power and water companies do not have a right of way according to survey and lawyer, but they continue to access it.

Answer: It was determined this was likely a private issue, and was discussed further outside of the larger group.

Question: The 1997 document in Registry of Deeds says Vacate or Continue, what does that mean?

Answer: Continue means 'on hold for the next 20 years' and is now included in the review for 2017. Vacate means we as a city give up any rights to any part of that street and no public access remains.

Question: What is the difference between unaccepted and undesignated on the map example?

Answer: Undesignated is not a city street and not a paper road. Unaccepted is a paper road.

Question: Will undesignated roads be dealt with and how?

Answer: This is a question for the city to consider, but not likely part of the current paper road process.

Question: Were you able to identify any roads that may have been left off the list?

Answer: We have the list from 1997, and are working from that. We know the roads that were accepted at that time.

Question: What will the basic recommendation be to the City...to keep the roads?

Answer: Yes. The working position of the subcommittee was displayed once again. "The subcommittee's position is to recommend to the PIC zoning committee that the City accept all publicly owned paper roads, paper beach paths and paper paths and paper paths (excepting, of course, paper roads on PILP protected lands. Individual cases should be pursued with legal help to the proper City office."

Question: Why would we as a community want to give up rights to any of the roads that we currently have access to?

Answer: The subcommittee's position is to recommend to the PIC Zoning committee that the City accept all publicly owned paper roads, paper beach paths and paper paths.

Question: What City office do you work with if you have a question or issue?

Answer: All inquiries at this time should be directed to Mike Murray, Assistant to the City Manager, City of Portland.

Question: If the city accepts the road, does that ensure public access to that road?

Answer: Yes. With acceptance, we are guaranteeing the continuance of access that we enjoy now.

Question: What is a paper path vs. a right of way?

Answer: A paper Street something approved by Registry of Deeds that was stamped in the City Registry. Right of ways have the same type of access but are usually personal or privately owned. Paper path or private path: For example, A road or path may have been deeded or included on people's deeds. Snake Alley was mentioned as a possible example. Mr. Zemanak did provide the City of Portland with a conservation easement for his portion of Snake Alley between Elizabeth Street and the school (Volume 08763, Page 90). Further research will be conducted to review individual property owner's deeds to determine what rights are documented.

Question: It sounds great to say preserve all the rights, but if the city accepts and some resident says they want it paved, will the city be obligated to pave?

Answer: No. There is a city standard for a gravel or dirt road.

Question: How about a road that is paved, but is not up to city standards? I want to make sure acceptance of these paper roads does not bring unintended consequences.

Answer: Unsure of that situation at this point. The streets that have been accepted are supposed to be to City standards already, paved or not.

Question: Does the decision to vacate or accept have to be made next year? Can they go with another continue as they did in 1997?

Answer: Currently the legislature does not want to go with another extension, and the legislature is the only entity that can make a continuation occur.

Question: If I'm going down Brackett toward the transfer station, and I turn right and go a short distance to enter the transfer station. Why is only one side of that road paved and maintained?

Answer: That location is believed to be part of an easement from the city. It was also mentioned that perhaps PILP negotiated that only half the road could be paved, as they wish to not have any paved roads or paths adjoining to PILP land.

Question: What happened to Mariner Court?

Answer: It does appear on the list. It has been written in the deeds that people with properties abutting had the rights to use that road. They also gave the city permission to make that a public road. Mariner Court is one of those roads that goes from front to back starting at Centennial Beach and runs all the way to Spar Cove.

Question: These paper roads that are waiting to be accepted or vacated, the public does not have legal access to it until the city does something with it?

Answer: It is usable to get from point A to B, traffic, pedestrians...but not for squatting, or building.

Everyone is reminded and encouraged to:

- review the information that Wyant has on the website (URLs are listed above) and submit any feedback or questions,
- attend the next forum, likely to be scheduled for some time in August
- Mike Murray, Assistant to the City Manager is the point of contact for working directly with City Hall on this issue

Meeting Adjourned at 8:00 PM