

WARRANT FOR A SPECIAL TOWN MEETING  
OF THE  
TOWN OF OGUNQUIT

TUESDAY, MAY 8, 2001

TO: ANDREW D. THERIAULT, Chief of Police in the Town of Ogunquit, County  
of York and State of Maine,

GREETINGS:

In the name of the State of Maine, you are hereby requested to notify and warn the  
Inhabitants of the Town of Ogunquit, qualified by law to vote in Town affairs, to meet  
in the Dunaway Community Center, in said Town on Tuesday, the eighth day of May,  
2001 at seven o'clock in the evening to vote on Articles 1 through 3.

**ARTICLE 1:** To elect a Moderator to preside over said Meeting.

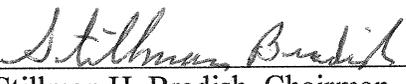
**ARTICLE 2:** Shall the Town vote to authorize the Board of Selectmen to grant a  
permanent access easement to Harriet C. Smith across a portion of the  
Lower Parking Lot?

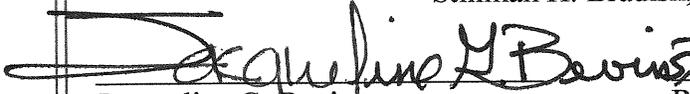
NOTE: The Board of Selectmen have reviewed the proposed easement  
and recommend approval.

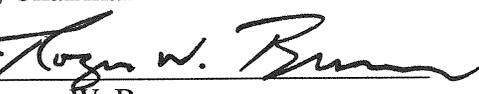
**ARTICLE 3:** Shall the Town vote to authorize the Board of Selectmen to reallocate a  
portion, not to exceed \$10,000, of the \$30,000 appropriation identified in  
Article 46 of the Warrant approved by the Town at the Annual Town  
Meeting held on April 5, 1999 to fund the cost of renovations and related  
office set-up expenses at the old Information Bureau with the remaining  
\$20,000 to fund the cost of renovations to the Town Offices in the  
Dunaway Center.

The Board of Selectmen hereby gives Notice that the Meeting will be held at seven  
O'clock in the evening of said day. Given under our hands this twenty-fourth day of  
April 2001, A.D. in Ogunquit, Maine.

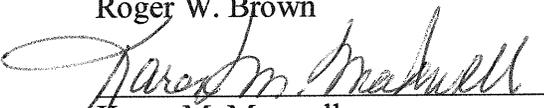
TOWN OF OGUNQUIT  
BOARD OF SELECTMEN

  
Stillman H. Bradish, Chairman

  
Jacqueline G. Bevins

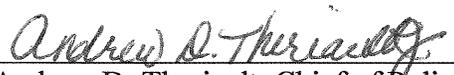
  
Roger W. Brown

  
Philip G. Clark

  
Karen M. Maxwell

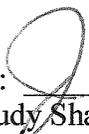
In the Town of Ogunquit, County of York and State of Maine. ss.

Pursuant to Warrant to me as directed, I have notified and warned the Inhabitants of  
the Town of Ogunquit herein named to meet at the time and place for the purpose  
herein stated by posting upon the twenty-fourth day of April A.D., a copy of the  
within Warrant at the Dunaway Community Center, Village Food Market, and the  
Ogunquit Post Office, those being three (3) conspicuous and public places in said  
Town.

  
Andrew D. Theriault, Chief of Police  
TOWN OF OGUNQUIT

ATTEST:

A TRUE COPY:

  
Judy Shaw-Kagiliery, Town Clerk

MUNICIPAL QUIT CLAIM DEED  
(EASEMENT DEED)

THE INHABITANTS OF THE TOWN OF OGUNQUIT,

Maine, a body corporate and politic, located at Ogunquit, County of York and State of Maine, without consideration paid, grant to

HARRIET C. SMITH

whose mailing address is 124 Bradford on the Common, Huntington Drive, Kennebunk, Maine 04043,

An easement to a certain lot or parcel of land located on River Road, in Ogunquit, County of York and State of Maine, described as follows:

The right to use as access, appurtenant to land of the Grantee, the Lower Parking Lot, so-called, situated off River Road, in said Ogunquit. The Grantee may pass and repass on foot or by vehicle from the River Road entrance of said Lower Parking Lot to the Grantee's driveway, located approximately 100 feet from the entrance.

The Grantee's use of this access is limited or affected by a number of conditions. First, the Grantee's access through the Town's property is in common with the Town's use of it for parking and other municipal purposes. The Grantee's access is not exclusive and may be affected by normal use of the parking lot during the summer season. The Town retains the right to designate the means of access so as to minimize disruption of municipal activity. The Grantee may plow the access during winter months since the Town does not maintain a cleared lane.

This grant is made pursuant to vote of municipal body.

IN WITNESS WHEREOF, the said INHABITANTS OF THE TOWN OF OGUNQUIT have caused this instrument to be sealed with its corporate seal and signed in its corporate name by JACQUELINE BEVINS, ROGER W. BROWN, PHILIP G. CLARK, KAREN M. MAXWELL, and STILLMAN BRADISH its Selectmen thereunto duly authorized, this 8th day of the month of May, 2001.

Inhabitants of the Town of Ogunquit

Randy S. Conant  
WITNESS

*to all*

WITNESS

WITNESS

WITNESS

WITNESS

Jacqueline Bevins  
JACQUELINE BEVINS

Roger W. Brown  
ROGER W. BROWN

Philip G. Clark  
PHILIP G. CLARK

Karen M. Maxwell  
KAREN M. MAXWELL

Stillman Bradish  
STILLMAN BRADISH

STATE OF MAINE, YORK, ss.

May 8, 2001

Then personally appeared the above named JACQUELINE BEVINS, ROGER W. BROWN, PHILIP G. CLARK, KAREN M. MAXWELL, and STILLMAN BRADISH, and acknowledged the foregoing instrument to be their free act and deed in their said capacity as Selectmen and the free act and deed of said body corporate.

Before me, Judy Shaw-Kagiliery  
Notary Public/Attorney at Law  
Print name: Judy Shaw-Kagiliery

ATTEST  
A TRUE COPY:

Judy Shaw-Kagiliery  
Judy Shaw-Kagiliery  
Town Clerk

Dated: May 8, 2001

April 17, 2001

Mr. Bruce Locke  
Ogunquit Board of Selectmen  
Dunaway Center  
Ogunquit, ME 03907

Dear Bruce:

I am writing to request immediate consideration by the board of Selectmen of the non-permanent right-of-way easement across the lower parking lot on River Road into Harriet Smith's property. The property has been for sale since last August and we now finally have a buyer. In the last week, we have learned that the right-of-way through the parking lot that was granted by the board of Selectmen in 1965 to Mother and George was only a temporary right-of-way, and cannot be transferred to a new owner.

As you already know, the parking lot was sold to the town at a bargain price by Mother and George in 1956. At the time, they didn't realize they would eventually build a house next to Dunelawn, and they didn't reserve a right-of-way through the parking lot. George was ill from 1985 until he died in 1986, or I am sure that he would have tried to make a more permanent arrangement.

After suffering a stroke in March 2000, Mother now resides at Huntington Common in Kennebunk. We need to sell her house in order to provide for her financial needs at Huntington. We have until May 11<sup>th</sup> to resolve this problem, or we will lose this buyer. Therefore, we request that the selectmen meet as quickly as possible to consider a remedy. If a special town meeting is required to resolve it, we have very little time for that before May 11<sup>th</sup>.

A further complication to the problem is that with the newest shore land zoning restrictions, a new driveway with a curb break off of River Road – which was a possible alternative in 1985 – is no longer feasible because of the 20% coverage regulation. Without a permanent right-of-way through the parking lot, the property will be landlocked and unsaleable.

Letter to Bruce Locke  
Page Two

We do not want to lose the buyer that is now under contract, which is why we are requesting immediate consideration of the problem. We hope the Selectmen will be willing to place this on an early agenda, and that you will help us find a solution. If the Selectmen are willing to consider this issue, please advise us what steps we need to take in preparation.

I'm sorry to burden you with the urgency of our problem, but I had no idea we would be facing this issue. Thank you for your consideration, and for any assistance you can provide.

Sincerely,



Susan D. Meffert  
99 Lindsay Road  
York, ME 03909  
(207) 363-6995

cc: board of Selectmen  
Jay Young, Esq., LeBlanc and Young

F. CORRESPONDENCE

1. Article 74 - Anticipated Revenues

Discussion was held on Article 74 being reworked by a citizen's group and presented on the floor of the Annual Town Meeting. The members of this citizens' group were Selectman Young, Selectman Tucceri, Budget Committee Member Robert O'Brien, Kevin O'Neil, Howard Littlefield, and Brad Sterl. Chairman Miller said that there were some items voted on that were never in the original warrant. As a result, Article 74 would have to be voted on again at a Special Town Meeting. A separate article should also be proposed relative to the Beach Fund Interest Money. Chairman Miller continued that the Budget Committee and Board of Selectmen should try to agree on the amount of anticipated revenues.

Mr. Kevin O'Neil advised the Board that his vote on all articles relative to the budget were influenced by Article 74; and if Article 74 was ruled null and void, then all the other budget articles should be null and void. He requested that a written legal opinion be obtained as to whether or not the articles voted on after Article 74 should also be presented at a Special Town Meeting.

After further discussion, the Board agreed to obtain a written legal opinion on the validity of all budget items voted on after Article 74.

2. George and Harriet Smith - Re: Curb Cut

Chairman Miller read a letter that he had written to George and Harriet Smith authorizing them to make a curb cut into the lower beach parking lot as a means of ingress and egress for their residence. This easement is not transferable to anyone and can be rescinded at any time. No parking is allowed on the town's property by the Smiths; and their access may be affected by the beach traffic. Permission to plow the access was also given. (See attached letter.)

Motion by Selectman Young to approve the letter as read.  
Seconded by Selectman Tucceri.

Vote: 5-0 In favor.

Mr. & Mrs. George F. Smith  
River Road  
Ogunquit, Maine 03907

Re: Use Authorization

Dear Mr. and Mrs. Smith:

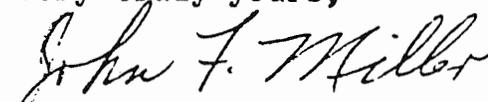
In the past, you and your family have made a number of contributions to this Town, especially in the granting of land for the Lower Parking Lot. The Board of Selectmen acknowledges the importance of this action. Therefore, the Board gave serious consideration to your request for use of the Lower Parking Lot as access to the new home which you are constructing just north and adjacent to the lot entrance. On Tuesday, February 19, 1985, the Board voted to permit this use subject to several conditions and understandings which are contained in this letter.

You may have access directly to and from River Road and your driveway for you, your vehicles, guests and their vehicles, and service personnel and their vehicles. There shall be no parking on Town property. We have directed the Town Manager to keep your entrance free of parked vehicles. Your access may at times be affected by the expected annual onslaught of summer parking. During the winter, you have permission to plow and maintain suitable access to your premises.

This authorization is not permission to make a curb cut, which would be applicable on River Road. It is not an easement, which would require a Town Meeting vote and proper execution as would a deed. It shall not extend to any recipients by way of transfer or anyone, if any, who would inherit from either or both of you. It is merely permission, which may be rescinded by action of the Board of Selectmen

We anticipate and hope that your residence at this new home may last for many years to come.

Very truly yours,

  
John F. Miller, Chairman  
Board of Selectmen

cc. J. McMahon