
From: Jodie Curtis <jodie.curtis1@gmail.com>

Sent: Sunday, November 27, 2022 11:56 AM

To the Chair, Vice Chair and Members of the Planning Board-

Tomorrow morning I will be joining you for a site walk on the ROW that surrounds my property 6 Happy Ave. I realize I am sending this email off in the 11th hour and you may not see it till after the site walk- but wanted to present some questions to be considered during and after the walk.

I have been watching and attending as many of the planning board meetings as I can to stay abreast of what is being presented to change the ROW to a private road. I appreciate all the work you do - truly, and I am learning as I watch and get involved.

A little background on my concerns for approving the proposal made by Mr. Cullen. Obviously my property will have the greatest impact to any changes to the ROW. I am mainly concerned with the change in the water table and wild habitat to this area and want to make sure everything was built and constructed correctly before the town approves and takes over any responsibility for a new private road.

About me: I am faced with a difficult situation in the basement of my home - there has been recent (past 7-10 years) a huge displacement of water from the wetlands in our neighborhood to my property. As I have mentioned in previous emails to you and the town planner - my house, built 73 years ago and had a finished basement that housed a recreational area which included a pool table, tiki bar and full sound system - with flooring and drywall. All of this was destroyed a few years ago when an alteration happened to the wetlands that run behind my property from the Maine Fish and Game property. I have been living with a very disruptive situation, which includes a sump pump that runs constantly during a normal weather year. I have an elaborate french drain system that cost over 18K to install. I have experienced the system failing and flooding of approx 4-6 inches when we lose power or the pump burns out (which has happened 3 times in the 6 years I have owned the property.)

When I bought my property in 2017 - the ROW behind my house was more of a path than a road. It was slightly elevated. I actually walked along the path with Mr + Mrs Cullen right after I bought my home - it looked like something that had not been used for many years and I would see folks walk along the path which was covered in grass - it was not a clear road to drive on. It was smaller and there were a few small culverts under the road. There was obviously dated and aged fabric that was put along to retain soil but it had long since been wearing away. The Cullens told me of their plan to fix up the ROW.

When I walked with Mr & Mrs Cullen- they explained that they had built a small home at the end of the ROW and were deeded the right to enter and exit on Roseberry Lane, which he built and developed as well. Mr Cullen said he was building a family house for his niece near his property and had bought the ROW that ran along my property to Roseberry Lane and had traded some property that was wet and undevelopable behind his home to the MF&G club for a right of way that extended from Martin Rd to the ROW to run a sewer.

Very shortly after I moved in, construction began on the road and the condo he was building. He soon dug a line for the sewer to extend off of Martin Road to his new home. He offered to tie me in for \$10,000.00, but I did not have the money at the time to add to the expense of my new home. He said he would cap it off if I changed my mind in the future.

Unfortunately most of the work happened after normal business hours on weekends and nights with trucks coming in and out of the ROW all summer in 2017 - it was loud and disruptive on weekends.

Now for my current concerns about creating a private road on the ROW are-

1. Will there be an increase in vehicle access on the private town road?
2. The current culverts create a flow of water from the wetlands on the northside of my property onto and underground onto my property - are they creating more water loss from the MF&G club land? How can we mitigate these situations so I do not incur more water damage and flooding?
3. The water that enters the wooded part of my property has created damage to the trees on my property as well as across the ROW on MF+Gclub property - how can we prevent more of this? (you will be able to see the die off of trees as you walk the area) Will the town be responsible for any damages that occur once they have deemed it a private road?
4. Where will snow removal be placed when plowing the road? I do not want it to impact my property or the wetlands on the other side of the ROW.
5. Were all the permits and inspections done correctly to the work done in 2017/2018 so the town does not have to incur costs to remedy a situation that they will now be responsible for? I ask this because I have seen records in Eliot where Mr. Cullen was involved with a situation with a sewer line that failed, Mr Cullen had the town take over his private road (Blueberry Lane) and the Town of Eliot was responsible for the costs to repair and maintain the road. This tells me we should make sure that everything was done correctly to avoid further issues.
6. I have seen discrepancies to information that the planning board has received during meetings vs what our records show - (I will mention more below.) Since I have not been able to participate or speak at any meetings I would like to make sure that all the information is correct.

It was my understanding that the house he was constructing for his niece was a condo because he did not have enough frontage to create a separate lot. It was approved as a condo. I wonder, does approving the ROW to a private town road to provide adequate frontage for a separate lot send the message to other developers of a way of skirting the approval property in the future?

I have also been spending time on the town of Kittery GIS Map to try and figure out timelines and boundaries. There have been discrepancies with where the sewer line was approved to be laid vs where it actually went in. This concerns me.

I also witnessed the surveyor who was hired by Mr. Cullen comment at the last meeting that the "Road" was there for 22 years. And while the ROW was there - there was not a drivable road until 2017 when Mr Cullen developed it. I verified this John Tuttle the head of the MF+G Club and my neighbors The Kraft/Crouse family that have lived at 2 Happy Ave since 1947.

It also looks like Mr Cullen put in the sewer line before he even owned the main part of the ROW according to the records on the GIS. Is this contrary to the permits and what has been voiced in various meetings. According to the vision property card on the GIS Map, Mr. Cullen began working on the ROW and site work in late 2017 but did not own the ROW property until 6/4/2019. Is this record correct? There is no other information for former owners on these records which is a mystery to me. I am attaching screenshots for your convenience and consideration.

One last question, there is an address mentioned that Mr Cullen developed and sold in March of 2022 called Summer Lane that is part of the condo property **Parcel 11-29** which includes **CAMA # 11-29, 11-29-2, 11-29-3, 11-29-4 and 11-29-5**, all condos. I am not sure of where the access points for the Summer Lane properties are, I believe they are off Martin Rd- but I am wondering if they will also be able to gain access to use the Happy Ave Ext Road? I believe it is wetlands and hope there will not be any further development of egris or access. I apologize for not knowing more about this; it is something I will look into deeper.

I want you all to know I appreciate all that you do for us - and I again apologize for sending this email so close to the site walk time - but I own a small business in town - Yarrow on Walker St- and this is my busiest time of year - so I have been burning the midnight oil on keeping my business moving forward and thriving. I love this

community and I only want to see the best for every single section which is why I am writing on a Sunday morning before I head in for another busy day at the shop!

Sincerely-

Jodie

--

Georgina (Jodie) Curtis-Labbe
6 Happy Ave
Kittery, ME 03904
978-590-3374

