

## Shoe drops for possible Pine Point land swap

By Michael Kelley  
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**The Town Council is weighing the benefits of a proposed land swap with Kathy and Jim Wellehan, who own property at 61 King St., which abuts the town parking lot for Pine Point Beach. The swap would allow the Wellehans to renovate their summer home and allow the town to potentially get additional property on the tax rolls. (Michael Kelley photo)**

In 2009, the town of Scarborough executed a land swap with the owners of the Lighthouse Inn, much to the dismay of many in town.

Now, more than five years later, the council is debating another land swap at Pine Point. The Town Council met in workshop fashion with Jim and Kathy Wellehan, who own a long strip of land at 61 King St. that abuts Hurd Park, the public parking facility for Pine Point Beach.

The Wellehan property is bordered by Hurd Park on the north and a town-owned right-of-way to the south. Both properties are approximately 50 feet wide and extend to the high water mark on the beach.

The town property, Town Manager Tom Hall said, serves as a “natural extension of Avenue 4.” It is unlikely a road would ever be built there.

“I don’t see any public value in building the road out,” said Hall.

The proposal, still in the preliminary stages, would be to reconfigure the lots so the Wellehans would own the top half of the two sites and the town, the bottom half. The council did not vote on the swap, but did reach a consensus that it was a proposal worth looking at.

“It seemed logical to Jim that reconfiguring the town property and their property could result in two or three legally created lots that would be to the benefit of the town and the Wellehans,” said Melissa Murphy, the attorney with Perkins Thompson, a Portland-based law firm, who is helping the Wellehans with the potential land swap.

The swap would allow the Wellehans to rehabilitate their home, something that cannot be done by right, because it only has 50 feet of frontage and is considered a nonconfirming lot. To do work, the Wellehans would need to get special permission from the Zoning Board of Appeals. The land swap would negate that requirement.



**Kathy and Jim Wellehan have proposed swapping a section of their property with a section of abutting town-owned land in an effort to create a conforming lot and make improvements to their home. The Wellehan family has owned the property since 1940. (Michael Kelley photo)**

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"They can keep what they have, but to make any changes they have to comply with today's standards," Murphy said.

The Wellehan family has owned the property since 1940, but the home on the site, which Kathy Wellehan said is only used as a summer cottage because it lacks insulation, has fallen into disrepair due to the parking lot being constructed next door. The town purchased 63 King St., where Hurd Park is, in 1978, tore down the existing building on the site in 1979 and opened it as a public parking lot shortly after.

"In the process of leveling the lot and excavating the land adjacent to my folks' house, the project destabilized our cement block foundation, which sagged and cracked," Jim Wellehan wrote in a Nov. 25 letter to the council. "The chimney top also fell off and had to be capped. Eventually the town put up a retaining wall to prevent our destabilized house from collapsing into the parking lot. However the retaining wall did not prevent our garage and front yard from flooding every rainfall. The parking lot changed the topography of the surrounding land, resulting in our front yard and the land a bit further in front becoming the collection spot for runoff."

Nevertheless, Jim Wellehan, whose father founded Lamey-Wellehan shoe stores, said his family has enjoyed the property for annual weeklong family reunions in the summer.

Town Councilor Shawn Babine wondered what the town's ultimate goal with the property across from Avenue 4 is. Town Manager Tom Hall said there is no longrange plan, but it serves as an access point to the beach as a "fair amount of foot traffic" uses it to get to the beach.

Council Chairman Jessica Holbrook said she is "open to the concept" of a land swap with the Wellehans, but remains concerned about what could be built next to the town parking lot if the swap goes through. The swap would potentially allow Dunefield Lane to be extended and two additional houses to be built.

Town Councilor William Donovan said if the swap is executed, he would like to ultimately see the town sell its reconfigured lot, which would be buildable, unlike how it exists today.

"Sell it and take the \$500,000 to \$1 million and put it in a fund that would benefit our beaches," he said.

Before the town does that, Town Councilor Peter Hayes said he would like to see the