

**AN OPEN LETTER TO REPORTER ED MURPHY REQUESTING CORRECTION OF PARTS OF HIS AUGUST 3, 2009 ARTICLE. THE FULL TEXT OF THE ARTICLE IS AT THE END OF THIS DOCUMENT ALONG WITH THE GRAPHICS MENTIONED.**

Dear Mr. Murphy,

The Pine Point group asked if I would write to you to ask for a clarification or correction regarding the August 3, 2009 article in the Press Herald. I am one of the 8 Association representatives. The clarifications are below in UPPER case to distinguish them from the text in the article.

Members of the public have been frequently credited with giving misinformation, but it has been our goal to be very factual and objective to support our views. So we seek to clarify this media report. We understand articles are edited and therefore can inadvertently be inaccurate. Should the Press Herald report further on this important Scarborough issue, we ask you to consider these points. I offer MY opinion at the conclusion.

Some graphics are attached to further clarify the points made below. More information is available at [www.pinepointbeach.com](http://www.pinepointbeach.com).

Thank you for your consideration.

Enjoy your weekend.

Sue Perrino  
Member, Pine Point Residents Association

THE ARTICLE

**Land swap foes press their case at Pine Point**

Residents plan to use a Town Council rule to resurrect the matter at the Aug. 19 council meeting.

**THE ASSOCIATION MEMBERS ARE NOT FOES OF A LAND SWAP. WE SUPPORT AN EVEN LAND SWAP, NOT A DISPROPORTIONATE ONE. THE PLAN THE COUNCIL APPROVED SWAPS A 49.5 FOOT WIDE PUBLIC STREET WITH A 21 FOOT WIDE PARKING STRIP (Source: Deed Book 4969, Page 313, etc., dated June 17th, 1981 regarding the 21.0 dimension; the Town uses 22.5 feet). AN EVEN EXCHANGE OF LAND IS FAIR AND WOULD PRESERVE THE PUBLIC ROAD RATHER THAN CLOSE IT.**

*By EDWARD D. MURPHY, Staff Writer August 3, 2009*

SCARBOROUGH — Pine Point residents who oppose a land swap between the town and a local motel aren't giving up, even though the Town Council has approved the deal.

**THE RESIDENTS ARE NOT OPPOSED TO A LAND SWAP AS STATED ABOVE. AN EVEN EXCHANGE OF LAND WOULD BE A BENEFIT TO THE MOTEL AND THE TOWN, BE FAIR AND EQUITABLE, AND PRESERVE THE HISTORICAL ROAD. THE MOTEL OWNERS UNDERSTANDABLY WANT MORE THAN AN EVEN SWAP BUT THAT IS NOT ONLY UNFAIR BUT MAY BE ILLEGAL UNDER THE LAW. YOU MAY WISH TO RESEARCH THE LEGALITIES INVOLVED WHEN MUNICIPALITIES ESSENTIALLY "GIFT" PUBLIC PROPERTY OR ASSETS.**

The council approved the swap with the Lighthouse Inn last month, but residents, led by a neighborhood association, plan to use a council rule to bring up the matter again at the Aug. 19 council meeting. Then, if they can get one of the four councilors who approved the deal to go along with reconsideration, they'll seek another vote or a delay on the swap. John Thurlow, a member of the neighborhood group, said the council needs to consider the historic nature of Depot Street, which will be relocated and redesigned if the swap goes through.

**THE STREET WILL NOT BE RELOCATED. THIS IS A VERY BASIC AND INDISPUTABLE FACT. IT WILL BE CLOSED AND DEEDED TO THE MOTEL. ALL THE 49.5 FOOT WIDE END OF THE PINE POINT RD. RIGHT TO THE DUNE-BEACH AREA WILL BECOME PRIVATE PROPERTY OF THE MOTEL. THE TOWN WILL RECEIVE, "IN EXCHANGE," THE 21 FOOT WIDE PARKING STRIP.**

**ROADS BY TODAY'S STANDARDS ARE 50-FEET WIDE RIGHTS-OF-WAY BY TOWN ORDINANCE WITH 24 FEET OF PAVEMENT. SO NO ROAD, AS IT IS DEFINED BY ORDINANCE, IS PART OF THIS PLAN. IF THE STREET WERE INDEED RELOCATED (MOVED SOUTHERLY AND THE PARKING STRIP MOVED (RELOCATED) TO WHERE IT BELONGS – IN FRONT OF THE MOTEL) THEN THERE WOULD BE LITTLE DEBATE.**

Right now, the motel has a strip of land across Depot Street from the building, where guests park. The council has agreed to give the motel the street, which would allow guests to park directly in front of the units where they're staying.

**TO CLARIFY, THE CARS WILL NOT BE PARKED DIRECTLY IN FRONT OF THE UNITS BASED ON THE MOTEL ATTORNEY'S STATEMENTS AT THE JULY 15<sup>TH</sup> HEARING YOU ATTENDED, AND AS EVIDENCED BY THE ATTACHED PLAN CREATED THE TOWN ENGINEER, A PLAN WHICH WAS RECENTLY OBTAINED. THERE WILL BE A MANEUVERING LANE IN FRONT OF THE UNITS. THE CARS WILL BE PARKED ON THE SOUTHERLY SIDE OF WHAT IS NOW THE PUBLIC STREET. THIS IS IMPORTANT BECAUSE MOVING THE MOTEL'S PARKING THERE WILL SIGNIFICANTLY IMPACT THE PUBLIC VIEWS OF THE OCEAN WHICH THE DEED RESTRICTIONS MR. HALL PROMOTED WERE SUPPOSED TO PRESERVE. SEE GRAPHICS ATTACHED SHOWING THE SIMULATED PARKING EVENT HELD RECENTLY TO DEMONSTRATE THE LOSS OF PUBLIC VISTAS. WE'VE ALREADY HEARD SOME PEOPLE WERE UPSET BY THIS EXERCISE, BUT IT WAS DONE IN SIX MINUTES ON WHAT IS STILL A PUBLIC STREET WITH NO DISRUPTION TO MOTEL GUESTS OR THE PUBLIC, AND THE EVENT WAS RECORDED IN ANTICIPATION OF THE REACTION. WE HAVE LEARNED THAT THE MOTEL OWNERS SENT E-MAIL TO THE COUNCIL ABOUT THIS LEGITIMATE EFFORT IN WHICH THEY USED A VERY DISPARAGING REMARK, AND ONE TOWN COUNCIL MEMBER IS REPORTED TO HAVE STATED IN THE EXCHANGE OF MESSAGES THAT THE CITIZENS SHOULD HAVE BEEN "ARRESTED." YOU MAY WANT TO OBTAIN THESE MESSAGES FOR FUTURE REPORTING. THIS SIMULATION WAS NOT ONLY APPROPRIATE BUT SHOULD HAVE BEEN DONE BY THE TOWN TO SUPPORT THEIR CLAIM.**

**FURTHERMORE, THE MOTEL IS A SEASONAL OPERATION. IT MUST BE CLOSED 6 MONTHS EVERY YEAR BY AGREEMENT WITH THE TOWN (SEE [www.mainelandrecords.com](http://www.mainelandrecords.com) FOR THE AMENDED CONDO DECLARATIONS). IF CARS WERE PARKED "DIRECTLY IN FRONT OF THE UNITS" (AS WE PROMOTE AS PART OF AN EVEN EXCHANGE) THE CARS WOULD ENTER THE PUBLIC STREET JUST AS THEY ALWAYS HAVE, AND MANEUVER ON THE PUBLIC ROAD, AS THEY ALWAYS HAVE, JUST FROM THE OTHER SIDE. CERTAINLY A BUFFER OF A FEW FEET BETWEEN THE STRUCTURE AND STALLS WOULD ADD SAFETY.**

**A LOOK AT COMMERCIAL BUILDINGS, SUCH AS THE EXAMPLE IN THE ATTACHED PHOTO OF THE HOSPICE FACILITY IN SCARBOROUGH IS EVIDENCE THAT PARKING IN FRONT OF A STRUCTURE IS PERMITTED. THE MOTEL COULD BE GIVEN A FEW FEET FOR A BUFFER IN EXCHANGE FOR THE LOSS OF A FEW PARKING SPOTS NEAR CLAUDIA LANE AS WE HAVE PROPOSED.**

In return, the town gets the strip of land the motel used for parking, which abuts other town-owned land.

AN EVEN EXCHANGE OF LAND ACCOMPLISHES THE SAME THING. THE RESIDENTS GROUP LOBBIED HARD TO GET THAT "OTHER TOWN-OWNED LAND" AND WANT TO SEE IT CONSOLIDATED WITH THE ROAD. THAT HAS BEEN OUR GOAL, NOT THE TOWN'S UNTIL RECENTLY. THE TOWN PLAYED NO ROLE IN TRYING TO ACQUIRE LAND THERE BEFORE THE RESIDENTS PURSUED IT WITH THE DEVELOPER. THE DIFFERENCE IS THE RESIDENTS ARE POISED TO WAIT UNTIL THE MOTEL OWNERS ACCEPT A FAIR DEAL SUCH AS THE ONE IN 2005 THEY REJECTED AFTER REACHING AGREEMENT. THE TOWN HAS SIGNIFICANT LEVERAGE TO NEGOTIATE, BUT IS NOT USING IT AS ANY BUSINESS WOULD IN NEGOTIATIONS. INSTEAD, THIS PLAN REMOVES ITS LEVERAGE BY CLOSING THE ROAD AND GIVING THE MOTEL 6700 SF OF ADDITIONAL LAND FOR FREE. INTERESTINGLY, THE TOWN-OWNED PARCEL YOU REFER TO IS ONLY 3400 SF, SO THE COUNCIL WILL HAVE GIVEN THE MOTEL A PIECE OF LAND TWICE AS LARGE AS THE ONE OBTAINED BY THE BEACHWALK DEVELOPER. THAT'S IRONIC.

The town wants to redesign the road to set up a turnaround area where residents can drop off beach-goers, who will then walk from the street to the beach through the dunes.

AGAIN, THERE WILL BE NO MORE ROAD. THE REDESIGN WOULD BE OF THE 21 WIDE FOOT STRIP. IT HAS BEEN THE RESIDENTS WHO HAVE PUSHED FOR A SAFE TURNAROUND FOR YEARS ON THIS STREET, NOT THE TOWN. THE TOWN HAS SUPPORTED THE BARRICADES. THE 2005 STUDY LOOKED AT FOUR ENGINEER DESIGNS BUT THAT WENT NOWHERE WHEN THE MOTEL OWNERS PULLED OUT AFTER 8 MONTHS OF NEGOTIATIONS AND STUDY. THERE ARE MANY OTHER POSSIBILITIES FOR DESIGNS IF AN EVEN EXCHANGE IS DONE, MUCH FEWER IF THE MOTEL GETS ADDITIONAL LAND UNDER THIS PLAN. IT SOUNDS VERY NOBLE FOR THE TOWN TO WANT TO SET UP A TURNAROUND AREA, BUT THE TOWN HAS MADE NO EFFORT FOR YEARS TO DO SO UNTIL NOW. AGAIN THE RESIDENTS HAVE A LONG HISTORY OF WORKING TO GET THAT VERY THING. INSTEAD THE TOWN ALLOWED THE ROAD TO BE BARRICADED FOR YEARS. TO SUGGEST THE TOWN IS MOTIVATED TO CLOSE THE ROAD TO SET UP A TURNAROUND IS DISINGENUOUS GIVEN THIS HISTORY.

Thurlow said the road has been in use since colonial times, when English ships dropped anchor just offshore and picked up pine masts. That's one reason some residents oppose relocating and redesigning it, he said.

THAT HISTORY SHOULD HAVE BEEN ATTRIBUTED TO THE HISTORIAN REFERRED TO YOU AS HE HAS THE SOURCE MATERIAL. THE RESIDENTS HAVE STATED IT'S HISTORIC AND IT CLEARLY IS, BUT ARE NOT OPPOSED TO RELOCATING IT SOUTHERLY WITH AN EVEN EXCHANGE PLAN. RESIDENTS HAVE PROMOTED REDESIGNING IT AND THE ASSOCIATION'S WEBSITE HAS COPIES OF MANY DESIGNS FROM THE TOWN'S 2005 COMMITTEE TO NOW. THE HISTORY OF THIS ARE CERTAINLY MUST BE CONSIDERED, BUT THERE ARE CLEARLY MANY MORE REASONS OFFERED AGAINST CLOSING THE ROAD (AGAIN, THE FACTUAL ERROR IN THE ARTICLE IS THE USE OF THE WORD 'RELOCATING.' IT IS NOT BEING RELOCATED.

He also said some councilors (HE SAID THE CHAIRPERSON) mischaracterized the petition that opponents presented with the names of 372 people asking the council to reject or delay the swap. A few councilors (NO, JUST THE CHAIRPERSON) noted that many of those signing weren't voters in town, but Thurlow said the majority were either voters or landowners (THIS FACT WAS DISCLAIMED BY ME WHEN I PRESENTED THE PETITION, AND AGAIN AT THE END OF THE MEETING TO CORRECT THE CHAIRMAN). Thurlow said he and other opponents have been trying to persuade Councilor Richard J. Sullivan to reconsider his vote. Sullivan initially indicated he opposed the swap, but ended up voting in favor. Thurlow said Sullivan's been noncommittal in conversations with the neighborhood association. Attempts to reach Sullivan for comment Friday were unsuccessful. Nick Truman, one of the two brothers who own the motel, said opponents have a right to keep up the fight, but admitted the process is getting tiresome. Negotiations between the brothers and the town have been stop-and-go for years.

THERE WAS ONLY ONE OTHER LAND EXCHANGE PROPOSAL FOUR AND A HALF YEARS AGO AND IT WAS FOR AN EVEN SWAP. THE ISSUE HAS BEEN DORMANT SINCE. THIS IS A FACT.

THE ASSOCIATION WOULD LIKE COUNCILOR SULLIVAN TO RECONSIDER BECAUSE HE MADE EXCELLENT POINTS ON JULY 15<sup>TH</sup> AND HE WAS CLEAR HE WAS GOING TO VOTE AGAINST IT, THEN VOTED FOR IT. BUT THE FACT IS, GIVEN THE PROCESS, THE FACTS, NEW INFORMATION WHICH HAS COME OUT, MORE TIME FOR STUDY TO AVOID THE POSSIBILITY OF LEGAL CHALLENGES RUMORED, ALL FOUR COUNCILORS WHO VOTED IN THE AFFIRMATIVE WOULD BE MAKING A PRUDENT DECISION TO RECONSIDER.

AS TO THE PETITION, RESIDENTS WERE CURIOUS HOW THE CHAIRMAN COULD HAVE DISCREDITED IT DURING THE JULY 15<sup>TH</sup> HEARING BY CITING SPECIFIC STATISTICS ON HOW MANY SIGNERS WERE "VOTERS" WHEN THE DOCUMENT HAD JUST BEEN PRESENTED THAT NIGHT. THE ANSWER TO THAT WOULD BE INTERESTING REPORTING. THE FACT IS A TYPED VERSION OF THE PETITION WAS SENT PRIVATELY TO GROUP MEMBERS TO CHECK ACCURACY OF SPELLING AND ADDRESSES THE DAY BEFORE THE HEARING. SOMEONE WHO RECEIVED THAT EMAIL FORWARDED IT TO OTHERS UNTIL IT MADE ITS WAY TO THE EMAIL IN BOX OF A WELL-KNOWN LOCAL ATTORNEY WHO, FOR SOME REASON, FORWARDED IT TO THE TOWN MANAGER AT NOON ON THE DAY OF THE HEARING, JULY 15<sup>TH</sup>. THE TOWN MANAGER FORWARDED IT TO THE TOWN CLERK WHO MUST HAVE BEEN ASKED TO TO REVIEW ALL 400 NAMES AGAINST THE VOTER DATABASES THAT VERY AFTERNOON IN ORDER TO PROVIDE THE CHAIRMAN WITH HIS DATA FOR THAT EVENING. THOSE EMAILS ARE PUBLIC RECORDS AND OUGHT TO BE LOOKED OVER.

"It's like beating a dead horse," Truman said. "If the council wants to take it up again, that's their right, but we've been at this for quite a while. It's been a number of years." Truman said that if the swap goes through, "people are going to look back and wonder what all the fuss was about." But, he added, "at this point, we're just like exhausted."

THIS SERIES OF QUOTATIONS DESERVES SOME COMMENT. THERE IS A PATTERN TO THE MOTEL OWNERS' DECISIONS OVER THE YEARS WHICH POINT TO RESPONSIBILITY ON THEIR PART FOR THESE CIRCUMSTANCES. HERE ARE SOME FACTS AND COMMENTS REGARDING THEIR ACTIONS OVER THE YEARS.

- THEY SOLD THEIR MOTEL OFFICE AND A FEW UNITS ACROSS KING STREET IN 1996 WHICH ARE NOW OWNED BY THE SAND DOLLAR INN. SEE DEED 12595/245. THAT MOTEL OFFICE WAS USED FOR THE COMPLEX THEY NOW OWN – WHAT IS LEFT OF THE MOTEL BEFORE THEY SOLD OFF THOSE ACROSS KING STREET.
- THEY ASKED THE BOARD FOR APPROVAL TO BUILD AN OFFICE ON THEIR 1/3 ACRE LOT NEXT TO THE LARGE MOTEL STRUCTURE - BECAUSE THEIR OFFICE WAS IN THE BUILDING ACROSS THE STREET THEY SOLD. THE BOARD AGREED BUT A CONDITION WAS PLACED THERE WOULD BE NO LIVING QUARTERS. RESIDENTS COULD NOT UNDERSTAND WHY ANOTHER BUILDING WOULD BE ALLOWED ON THE 1/3 ACRE PARCEL GIVEN THE SIZE OF THE MOTEL STRUCTURE AND THE SERIOUS NON-CONFORMITY, BUT IT WAS ALLOWED.
- THEY LATER LISTED THE MOTEL FOR SALE AND ADVERTISED LIVING QUARTERS IN THE OFFICE. DOCUMENTS ARE AVAILABLE AS EVIDENCE OF THIS FACT.
- THE NEW OFFICE HAS BEEN USED AS A DWELLING FOR YEARS AND IS OCCUPIED TODAY. PETER TRUMAN DISCLOSED THIS PUBLICLY. CODE ENFORCEMENT HAS INVESTIGATED IT.
- THEY CONSTRUCTED A PERMANENT STONE WALL STRUCTURE, WITHOUT A REQUIRED DEP PERMIT, A FEW FEET INTO THE TOWN RIGHT OF WAY AT A DANGEROUS CURVE. ADDITIONALLY THEY INSTALLED AN IMPERVIOUS SURFACE, UNDERGROUND LIGHTING AND LANDSCAPING WITHIN THE LARGE STONE WALL. THIS

IS NOT A TYPICAL ENCROACHMENT COMMONLY FOUND IN THE PUBLIC RIGHTS OF WAY. IT'S A STRUCTURE. IT SURROUNDED THE PUBLIC STREET SIGN FOR YEARS. SEE ATTACHED GRAPHIC. THE TOWN HAS REFUSED TO REQUIRE THIS BE RECTIFIED. SEVERAL SURVEYS, INCLUDING THEIR OWN, SHOW THIS ENCROACHMENT.

- THEY INSTALLED BARRICADES EVERY SEASON WHEN THAT WAS A PUBLIC WORKS DEPARTMENT FUNCTION, AND THE TIMING OF THE INSTALLATION WAS AT THEIR CHOOSING. A CLAIM WAS MADE BY THEIR ATTORNEY IN A 2006 LETTER THAT AN ORDINANCE ALLOWED THESE BARRICADES, BUT NO SUCH ORDINANCE WAS EVER ADOPTED AND NO RECORD OF IT EXISTS. SEE GRAPHIC.
- THEY NEGOTIATED A LAND EXCHANGE WITH THE TOWN IN 2005 WHICH ASKED THE TOWN TO ACCEPT A DEED TO A SMALL PIECE OF THEIR LAND WHICH PUT THEIR PROPERTY IN THE SENSITIVE SHORELAND ZONE. IF THE TOWN HAD DONE THIS, THE MOTEL OWNERS WOULD POTENTIALLY BE ALLOWED TO ADD THE THIRD STORY TO THE MOTEL WHICH THEY PROPOSED TO DO AS PART OF THEIR CONDO CONVERSION PLAN in 2005. THEY OFFERED NOTHING IN RETURN FOR BEING UNBURDENED OF THIS TINY TRIANGLE OF LAND EVEN THOUGH IT HAD TREMENDOUS VALUE TO THEM. THEY EVEN HAD A DEED PREPARED FOR IT WHICH APPEARED ON A COUNCIL AGENDA. IT WAS NOT ACCEPTED. THE PRECEDENT THIS WOULD HAVE SET FOR ANY DEVELOPER TO ASK THE TOWN TO TAKE AWAY LAND THAT WAS IN A SENSITIVE ZONE WOULD HAVE BEEN FRIGHTENING.
- THEY PARTICIPATED IN A TOWN COUNCIL COMMITTEE WHICH MET FOR 8 MONTHS IN 2005 TO WORK OUT THE DETAILS OF THE LAND EXCHANGE AND DESIGN OF THE STREET, AND THE COMMITTEE LOOKED AT SEVERAL ENGINEERS' PLANS. THE MOTEL OWNERS CHANGED THEIR MINDS AFTER 8 MONTHS OF WORK AND STATED THEY NEEDED MORE UNITS THAN THE FIVE AGREED TO MONTHS BEFORE. THE COMMITTEE WAS TERMINATED BY THE TOWN MANAGER. NO RECORDS OF THE MEETINGS WERE KEPT. A GREAT DEAL OF TIME WAS WASTED.
- THEIR FAMILY SOLD THE LARGE PARCEL ACROSS THE STREET TO THE DEVELOPER OF THE BEACHWALK, BUT THEY MAINTAINED AN EASEMENT OVER A PORTION OF IT. RECORDS OF WHICH APPEAR IN THE REGISTRY.
- IN 2007 THEY TRIED TO CONVERT TO 22 CONDOS RATHER THAN THE 5 THEY PLANNED IN 2005. THE TOWN CODE ENFORCEMENT OFFICER SAID NO TO THE CONVERSION BECAUSE IT WAS A "CHANGE OF USE" REQUIRING ZONING BOARD APPROVAL. THEY CONVERTED ANYWAY BY FILING DECLARATIONS IN THE REGISTRY. THE TOWN THEN HAD TO FILE A NOTICE IN THE REGISTRY TO WARN POTENTIAL PURCHASERS. THE LAWYERS FOR THE MOTEL AND TOWN THEN NEGOTIATED RESTRICTIONS, SUCH AS THE SIX MONTH OCCUPANCY LIMIT EACH YEAR AND NO KITCHENS AND THE CONVERSION WAS PERMITTED.
- DURING THE TOWN COUNCIL DEBATES OVER AN ORDINANCE TO REGULATE CONDOTELS DURING THIS TIME, ONE OF THE OWNERS THREATENED TO SUE THE TOWN IF IT PREVENTED THEIR CONVERSION. COUNCILORS BABINE AND SYLVIA MOST MADE IT CLEAR THEY WERE NOT PERSUADED BY THE THREAT OF LITIGATION. THE TAPE OF THE MEETING IS THE PUBLIC RECORD.
- THEY MARKETING THEIR CONDO UNITS FOR TWO YEARS WITH NO SALES. THE LISTINGS AND WITHDRAWALS CAN BE OBTAINED BY ANY BROKER OR APPRAISER. BROKERS CONSULTED FELT THEY WERE PRICED SO HIGH SO AS NOT TO SELL FOR SOME REASON. IT HAS BEEN ALLEDGED THEY HAD NO INTENTION OF SELLING THEM AS THEY HAD OTHER PLANS IN THE WORKS. PERHAPS THEY COULD BE ASKED. SEE GRAPHIC OF THE UNITS AND PRICING. 324 SF UNITS \$239,000 – \$279,000 WITH VIEW OF THE STOCKADE FENCE AND LARGE HOMES AT THE BEACHWALK.

- THEY INSTALLED A STOCKADE FENCE WHICH OBSTRUCTED PUBLIC VIEWS OF THE OCEAN CLAIMING PUBLICLY IT WAS DUE TO ROAD CONSTRUCTION OCCURING NEXT TO THEIR PARKING STRIP AT THE BEACHWALK - ON LAND THEIR FAMILY SOLD TO THE DEVELOPER. THE FENCE DID NOT COME DOWN AFTER THE CONSTRUCTION WAS DONE AND ROAD WAS PAVED. IT REMAINS.
- THEY HAVE HAD OVER 40 TAX LIENS ON FILE WITH THE TOWN FOR FAILURE TO PAY TAXES ON TIME OVER THE PAST 20 YEARS. THESE ARE EVENTUALLY DISCHARGED BUT REQUIRE THE TOWN TO FILE LEGAL DOCUMENTS AND ASSESS FEES. RECORDS CAN BE OBTAINED AT TOWN HALL OR THROUGH THE REGISTRY AT [WWW.MAINELANDRECORDS.COM](http://WWW.MAINELANDRECORDS.COM).
- THEY ERECTED A BLOCK WALL NEXT TO THE SAND DUNES TO THE LEFT OF THE PUBLIC BEACH TRAIL, MADE OF CEMENT BLOCKS AND PAINTED WHITE. THIS IS ALSO ON TOWN PROPERTY.

THESE MATTERS ARE ALL RELEVANT TO THE RECENT NEGOTIATIONS SINCE RESOLVING MANY OF THEM OUGHT TO BE PART OF THAT. BUT DESPITE THE EFFORT TO BRING THESE TO THE TOWN'S ATTENTION, THEY ARE IGNORED. AND THE RESIDENTS ARE ACCUSED OF HARRASSMENT OR FUELING A FEUD WHEN THEY ARE MENTIONED.

ANY PERSON WHO REVIEWS THIS RECORD CAN SPECULATE WHAT THE MOTEL OWNERS PLAN TO DO OR THE STRATEGY THEY DEvised TO ARRIVE AT THIS POINT. BUT THESE SERIES OF EVENTS OVER THE YEARS ALL CONVERGE TO THIS POINT IN TIME WHERE THE TOWN IS ABOUT TO CLOSE THE ROAD AND GIVE THE OWNERS A FREE 6700 SF CHUNK OF PUBLIC PROPERTY. AND THE APALLING FACT IS THE DECISION MAKERS DO NOT EVEN KNOW OR REMEMBER THIS IMPORTANT HISTORY. IT WOULD BE INTERESTING TO READ THE TEXT FROM A SIGN THEY INSTALLED ON TOP OF THE AUDUBON KIOSK THAT IS ON THE BEACH TRAIL AT THE END OF DEPOT STREET. A CITIZEN SAW THIS SIGN, PUT THERE IN 2005, CALLED "THROUMOULOSES' LAST STAND," AND WROTE DOWN THE TEXT. IT REMAINED FOR A LONG TIME. THERE IS A PHOTO OF IT SOMEWHERE. THROUMOULOS IS TRUMAN'S NAME. NOTICE THE PHRASE "USING CLEVER AND IMAGINATIVE TACTICS..." THAT TELLS IT ALL.

IF THIS LAND DEAL IS FINALIZED, IT WILL BE QUITE A REWARD FOR YEARS OF DECISIONS MADE BY THE OWNERS OF THE MOTEL AND A CLEVER AND IMAGINATIVE TACTIC.

THANK YOU FOR TAKING THE TIME TO READ THIS.

ATTACHMENTS

SEE BELOW

### Plan Before Town Council

Land to Motel	19,831	<b>60% Motel</b>
Land to Town	13,044	<b>40% Town</b>
<b>Total</b>	<b>32,875</b>	<b>100%</b>

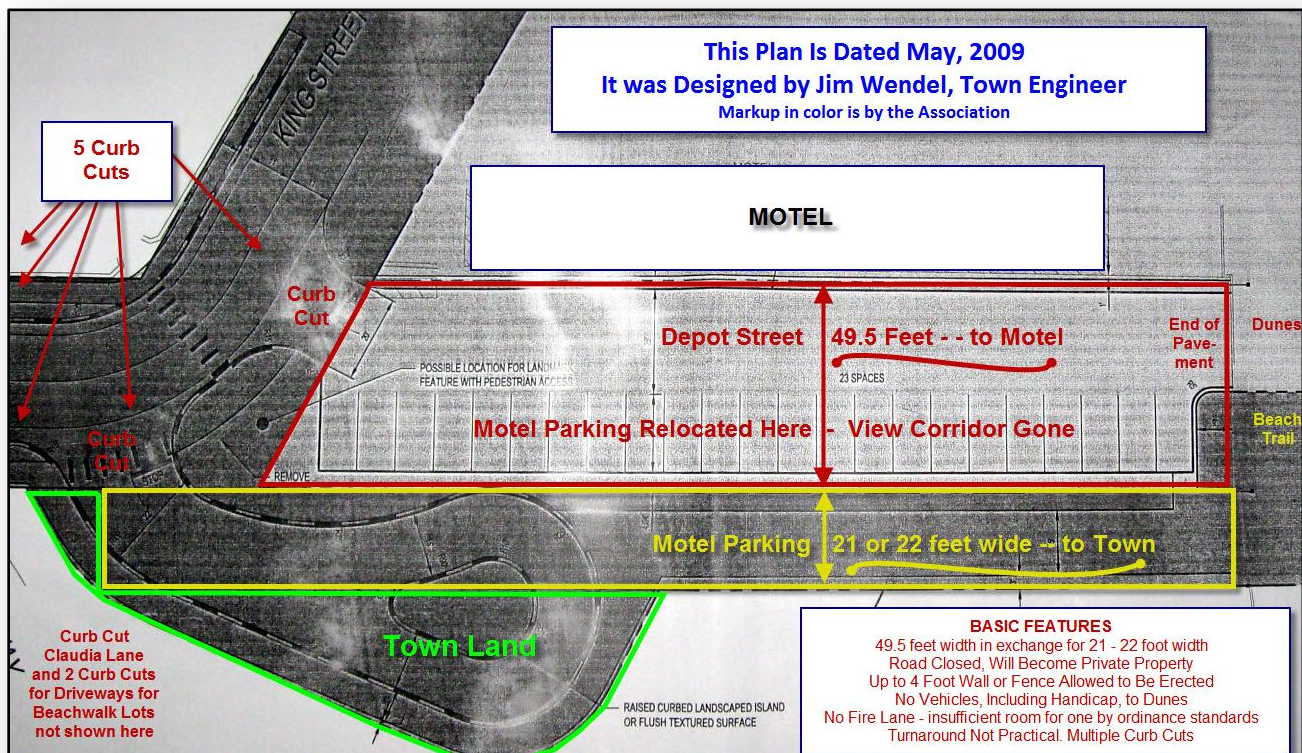
### Plan Before Town Council (Without Dunes and Beach)

Land to Motel (Paved Portion of Depot Street) 49.5 wide by 205 feet	10,148	<b>63% Motel</b>
Land to Town (Entire Motel Parking Strip) 270' x 22.5'	6,075	<b>37% Town</b>
<b>Total</b>	<b>16,223</b>	<b>100%</b>

### Current Configuration (Developed Portions Only - no dunes or beach)

Parking Strip 22.5 wide by 270 feet	6,075	<b>37% Motel</b>
Depot Street 205' x 49.5	10,148	<b>63% Town</b>
<b>Total</b>	<b>16,223</b>	<b>100%</b>





## THE QUESTION OF VALUE: Plan Before Town Council

Land to Motel	60%	19,831	SF
Land to Town	40%	13,044	SF
Net Additional Land to Motel		6,787	SF
Acre Is at 43,560 SF Increase in Acreage to Motel		0.16	Acre
Current Assessed Value of Motel Land per Acre		\$ 2,200,000.00	
Value of Net Additional Land to Motel		<b>\$ 342,777.78</b>	
(based on tax assessment only - actual value higher)			





## Calculations of Land Swap: Using Plan Presented to the Town Council

Source: Town Engineer Plan

### Plan Before Town Council (Includes the Dunes and Beach Beyond Pavement)

	Square Footages	Percentage of Land
Land to Motel	19,831	60% Motel
Land to Town	13,044	40% Town
Total	32,875	100%

### Plan Before Town Council (Excluding the Dunes and Beach - Paved Portion Only)

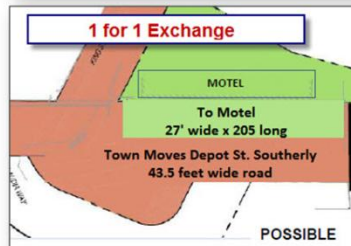
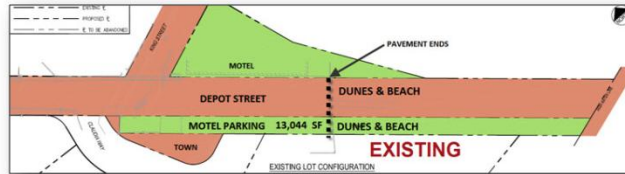
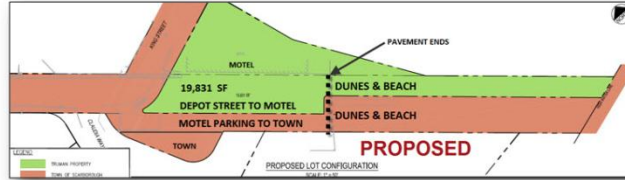
Land to Motel (The Paved Portion of Depot Street)	10,148	64% Motel
Land to Town (Entire Motel Parking Strip)	5,670	36% Town
270' x 21.0' (the deed reads 21.0 feet, not 22.5')		
Total	15,818	100%

### The Way It Is NOW (Paved Portions Only - no dunes or beach)

Parking Strip		
21 wide by 270 feet	5,670	36% Motel
Depot Street		
205' x 49.5	10,148	64% Town
Total	15,818	100%

### Citizens Alternative Plan - Maintain Ratio of Ownership (1 for 1 Exchange)

Land to Motel (Move Parking Strip 21.0' x 205' and add extra 6' x 205' for lost motel parking spaces)	5,535	35% Motel
27 wide by 205 feet		
Land to Town (49.5' Depot Street Moved Southerly, Reduced 6' x 205')	8,918	
205' x 43.5		
Sacrificed Motel Parking Spaces to Town 65' x 21'	1,365	65% Town
10,283		
Total	15,818	100%



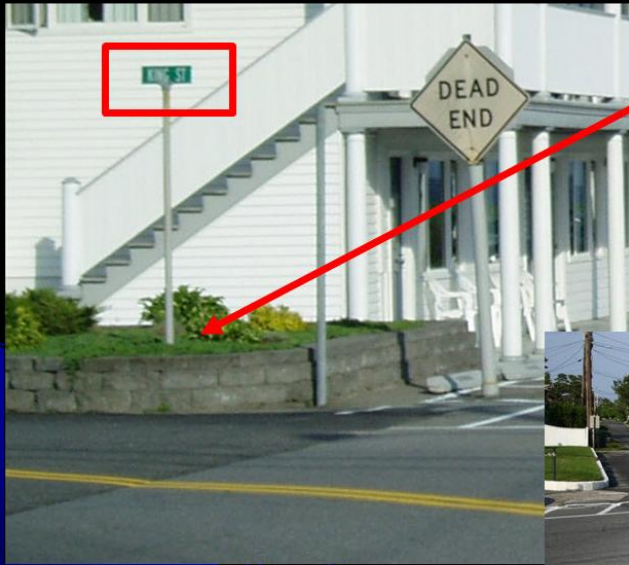
### THE QUESTION OF VALUE: Plan Before Town Council

Land to Motel	19,831	SF
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Acre Is at 43,560 SF Increase in Acreage to Motel	0.16	Acre
Current Assessed Value of Motel Land per Acre	\$ 2,200,000.00	
Value of Net Additional Land to Motel	\$ 342,777.78	
(based on tax assessment only - actual value higher)		





## Public Road Sign



This street sign was removed as part of this project from its location within the motel's stone wall.

The stone wall encroachment concerned neighbors because it is about 10 feet on to the public way at a dangerous curve.



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# April 20, 2005

Deed prepared and placed on the Council agenda to convey small triangle of Motel land in the Shoreland Zone.

## MINUTES

SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – APRIL 20, 2005  
REGULAR MEETING – 7:30 P.M.

**Item 1. Call to Order.** Chairman Messer called the regular meeting of the Scarborough Town Council to order at 7:33 p.m.

**Item 2. Pledge of Allegiance.**

**Item 3. Roll Call.** Roll was called by Yolande P. Justice, Town Clerk. Ronald W. Owens, Town Manager, was also present.

Steve N. Ross	Carol S. Rancourt
Sylvia J. Most, Vice-Chair	Shawn A. Babine
Patrick J. O'Reilly (Absent)	Robert E. Patch
Jeffrey A. Messer, Chair	

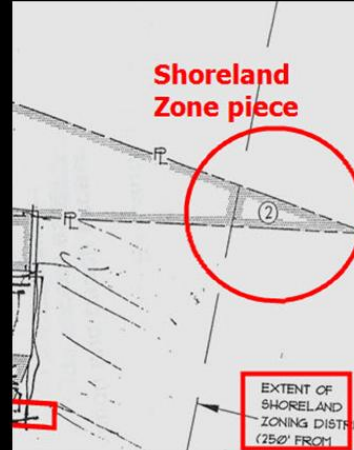
**Item 4. Minutes:** April 6, 2005. Motion by Chairman Messer, seconded by Councillor Babine, to move approval of the minutes of April 6, 2005, Town Council meeting, as written.

Councillor Most noted that the motion to table the renewal of the Nonesuch River Golf Club had not been stated in the minutes.

Vote: 6 yeas.

**Order No. 05-49. Act on the donation of a certain parcel of land situated on the Pine Point Road as described in a Quit Claim Deed from the Truman Family to the inhabitants of the Town of Scarborough.** Motion by Chairman Messer, seconded by Councillor Babine, to table Order No. 05-49, to a time uncertain.

Vote: 6 yeas.



## Lighthouse Inn at Pine Point

378 Pine Point Rd. Scarborough, Me. 04074 1-800-780-3213  
[lighthouseinn@roadrunner.com](mailto:lighthouseinn@roadrunner.com)

### Current Pricing

#22	#21	#20	#19	#18	#17	#16	#15	<div>Pre-Construction Pricing Deduct 15%</div> <div>Future Sales</div>			
\$279,	\$269,	\$269,	\$269,	\$269,							
#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	
\$239,	\$239,	\$239,	\$239,	\$239,							

324 square foot room





#### THROUMOULOSES' LAST STAND

This plaque commemorates the location of the Throumouloses' Last Stand - A historic battle that occurred nearby some time ago in the old village of Pine Point.

The Throumouloses were a proud race of people who arrived on the shores of Scarborough long before most people from away. They lived in peace, bothering no one, live and let live, content to earn a living the old fashioned way through hard work as innkeepers. However, as time passed and the elders died away, a younger generation of the old traditions sought new opportunities. Begrudged, the more recently arrived residents in the area disliked the modern methods of the offspring and began a drawn out campaign against them, repeatedly harrassing and attacking the young Throumouloses.

While the Throumouloses fought a long and valiant struggle, using clever and imaginative tactics, in the end, they were no match from the onslaught from the rich and powerful lobster and clam barons and the hordes of people from away. Sadly, after one final skirmish and battle cry (SKATA NA FAS), the Throumouloses were forced from the ancenstral grounds, an unfortunate end to a once respectful people.

The people of Pine Point owe thanks to the Throumouloses for conserving the area for as long as they did.

SKATA NA FAS! Classic Throumouloses' Battle Cry!

Proudly brought to you by the Pine Point **Pestidents** Group.

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NOTE: SKATA NA FAS! TRANSLATES IN GREEK TO "EAT SH##"  
THIS IS THE EXACT TEXT FROM THE PLAQUE: MISSPELLINGS WERE NOT CHANGED



**Land swap foes press their case at Pine Point**

Residents plan to use a Town Council rule to resurrect the matter at the Aug. 19 council meeting.

*By EDWARD D. MURPHY, Staff Writer August 3, 2009*

SCARBOROUGH — Pine Point residents who oppose a land swap between the town and a local motel aren't giving up, even though the Town Council has approved the deal.

The council approved the swap with the Lighthouse Inn last month, but residents, led by a neighborhood association, plan to use a council rule to bring up the matter again at the Aug. 19 council meeting.

Then, if they can get one of the four councilors who approved the deal to go along with reconsideration, they'll seek another vote or a delay on the swap.

John Thurlow, a member of the neighborhood group, said the council needs to consider the historic nature of Depot Street, which will be relocated and redesigned if the swap goes through.

Right now, the motel has a strip of land across Depot Street from the building, where guests park. The council has agreed to give the motel the street, which would allow guests to park directly in front of the units where they're staying.

In return, the town gets the strip of land the motel used for parking, which abuts other town-owned land. The town wants to redesign the road to set up a turnaround area where residents can drop off beach-goers, who will then walk from the street to the beach through the dunes.

Thurlow said the road has been in use since colonial times, when English ships dropped anchor just offshore and picked up pine masts. That's one reason some residents oppose relocating and redesigning it, he said.

He also said some councilors mischaracterized the petition that opponents presented with the names of 372 people asking the council to reject or delay the swap. A few councilors noted that many of those signing weren't voters in town, but Thurlow said the majority were either voters or landowners.

Thurlow said he and other opponents have been trying to persuade Councilor Richard J. Sullivan to reconsider his vote. Sullivan initially indicated he opposed the swap, but ended up voting in favor. Thurlow said Sullivan's been noncommittal in conversations with the neighborhood association.

Attempts to reach Sullivan for comment Friday were unsuccessful.

Nick Truman, one of the two brothers who own the motel, said opponents have a right to keep up the fight, but admitted the process is getting tiresome. Negotiations between the brothers and the town have been stop-and-go for years.

"It's like beating a dead horse," Truman said. "If the council wants to take it up again, that's their right, but we've been at this for quite a while. It's been a number of years."

Truman said that if the swap goes through, "people are going to look back and wonder what all the fuss was about." But, he added, "at this point, we're just like exhausted."

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