

January 20, 2009

Members of the Town Council

Tom Hall, Town Manager

Members of the Pine Point Study Committee

The Scarborough Leader article (attached) of January 15, 2009 misrepresented the Pine Point Residents Association's written position regarding the Pine Point Study Committee plan presented to the Council January 7th. The press statement the Association issued when approached by the reporter appears at the end. We want all parties to know our concerns were directly related to the plan for the town parcel which occurred after the committee finished its work, and the absence of detail in the road improvement plan.

We formally request a public hearing or other forum in the coming months so members of the community can comment on the plan. There is a great deal of interest. In the meantime we need clarification on the plan itself and the new landscape plan developed by Terry DeWan that was also presented to the Council.

As to Town Engineer Wendel's sketch plan for the road, we request that this visual be labeled so the various elements of the design are clear. When this sketch is shown to residents we immediately receive questions about what the markings mean. For example, the plan now includes what appear to be 10 foot travel lanes down Depot Street. Our clear understanding was there were to be no markings or curbing down Depot St. Furthermore, we cannot determine from the plan where sidewalks are compared to painted lines or "Cape Cod curbing". The "change in the profile" of the road remains a mystery. It is difficult to explain to others what this plan calls for without appropriate detail.

After the DeWan landscaping plan for the town property was presented to the Council, we obtained a copy of it the next day because it was not shown to the public during the presentation. In all candor, we were very surprised to learn it was commissioned. We immediately noted that the town-owned parcel, which our Association believes must be fully accessible to the public, will be essentially inaccessible. The plan presented and accepted by the Council shows sea rose bushes fully barricading the parcel's only access right-of-way, and calls for completely planting the area with dune grass which will give the appearance that this parcel is an extension of the frontal dune system. If this land evolves as proposed the DEP would certainly intervene should the Town later choose to remove and replace dune grass with

other material. So the belief that this precious land will be available for “the future” must be questioned. Mr. Wiggin, in his role as developer of the Beachwalk, indicated that his subdivision plantings also block the right-of-way to the town property and stated during the committee meetings that “you can’t access it.”

The cover letter from Mr. DeWan’s firm indicates that this plan “discourages” use of the property which was absolutely not the intention of the committee and certainly not the desire of the Pine Point Residents Association. We don’t believe the Council wants that either. We acknowledge it is the intention of the Beachwalk Association to discourage its use, but the Beachwalk developer benefitted from relief afforded by Section VII of the Zoning Ordinance when it conveyed this parcel and knew this land could be used by the municipality for recreational purposes.

We must ask why, after over 20 hours of meetings, a landscape architect was retained to produce a detailed plan for the town land after the committee ended its work. It was the Town Council which charged the committee with the task of making recommendations for this land. Chairman Wood and other members of the Council made it clear when the committee was authorized last spring that the Council wanted to ensure this land was clearly identified so a situation such as the Black Point Park controversy would not be repeated. The DeWan plan would clearly prevent public access and enjoyment and potentially create the unintended consequence of creating a sensitive habitat where none exists now. It has been stated the soil conditions require this planting scheme, but only 50 feet away are the Beachwalk subdivision lots which have manicured lawns and spectacular landscaping. If it is truly Dewan’s intention to complement the Beachwalk theme, then filling this parcel with dune grass and barricading access to it does not meet that criteria.

Mr. Wiggin, representing the Beachwalk Association owners during the committee process, strenuously objected to the use of this parcel. When the Committee disagreed, he threatened legal action based on a still-undisclosed legal agreement negotiated after the Town defaulted on its obligation to secure a performance guarantee for the infrastructure at Beachwalk. The town erred in this, but the investors at the Beachwalk clearly did not exercise their own due diligence to ensure funds for their private road were secure before they each spent an average \$600,000 for unbuildable lots. This has no relevance, in our view, to what becomes of the town parcel which was conveyed to benefit the developer as much as the Town. We have requested the legal agreement Mr. Wiggin threatened to enforce be made public so it could be determined how it impacts the use of this parcel. If indeed it does, then the Council should have been informed before charging the committee with a task it could not possibly perform.

Thank you for taking the time to read our explanation and concerns. We look forward to the Council’s reply and our request for a public forum.

The Pine Point Residents Association Representatives,

Contact: pine-point-beach@maine.rr.com

STATEMENT ISSUED TO THE PRESS

The Pine Point Residents Association has been asked to comment on the report of the Pine Point Study Committee.

The Pine Point Study Committee report was presented January 7, 2009 to the Town Council by the facilitator hired by the Town. This committee met from September to December to generate a set of recommendations for road improvements at the end of the Pine Point Rd., and a proposal for the town-acquired land abutting the Beachwalk subdivision.

The Pine Point Association has not adopted a position on the final recommendations. The report was only made public the afternoon of the January 7th Council meeting. Members of the neighborhood are just now learning the details. Furthermore, the Town Manager indicated last night that he directed his staff to generate additional designs (in the form of a "visual") for the Town parcel (emphasis added) which, he stated, "was not endorsed by the committee." We have not seen this new design and it was not broadcast on the local access channel during last evening's meeting. We are concerned that this work was not presented to, nor endorsed, by the committee which met for over 20 hours. The access, use and appearance of this precious community property were among the most controversial topics during the study. The Association will take a position once it members have all of the information.

It was also reported that the project is estimated to cost \$170,000.00. We will be requesting a more detailed cost analysis, including the contribution required of the developer of the Beachwalk subdivision, and information concerning a grant the Town Manager indicated he will be applying for.

Finally, given the fact that the members of the Pine Point Association and other residents (many of whom are seasonal) have little or no details of these plans at this time, we will be asking the Town Council to invite the neighborhood and community to a public forum where citizens can ask questions and make their views known prior to this project being referred to the finance committee for funding.

Changes to this small but important section of Pine Point are of tremendous interest to the Association and residents. Virtually all who live and visit this neighborhood will be impacted by the changes

recommended. Now that the committee has completed its work, it is time for the community to understand the plans and be given opportunities to express their views to our elected officials.

January 8, 2009

Pine Point Residents Association Representatives

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Harold Hutchinson, Judy Shirk, Elaine Richer, Jack Callahan, John Thurlow, Sue Perrino, Judy Mushial

Disclaimer

The "Pine Point Residents Association" is an informal group of citizens who gather to deliberate local issues and present Position Statements to government officials. We only represent our members' collective positions. The Pine Point Ladies Auxiliary, Friends of Pine Point, Pillsbury Shores Association, and the various local established homeowners associations are different organizations. The Group also maintains a confidential e-mail list to share information with members and non-members who request mailings. We do not release the addresses of members on this list unless requested or authorized to do so by our members. Anyone who wants to be removed from this list can reply and request so in the subject line.