

Talking Points

- The land swap issue has energized a great many people from all over town.
- There has been a petition presented and validated by the Town Clerk with 370 residents and taxpayers names on it
- There have been over 50 speeches made to the Council during its last three meetings urging delay, careful study, public involvement
- There have been 27 letters to the various editors in the past month promoting similar messages. More did not get published.
- Many people have expressed appreciation for comments made by Councilors Roy, Sullivan, Rancourt and D'Andrea expressing a need for more details and time.
- The vote was as close as one can get. A Reconsideration rule is in place for good reasons and is very appropriate to do.
- A great deal of new legal and historical information has come to light which makes reconsideration very important.
- There have been claims of misinformation coming from the Town, motel lawyer, and members of the public. The facts need to be determined and this is a complex issue.
- The town has had the town attorney, engineer, and planning director at recent meetings. The owners of the motel uncharacteristically decided to have their lawyer speak for them and have remained silent. The citizens have no such resources to rely on.
- Unlike ordinances, which can be changed, this Council action would be irreversible if finalized. The Town must to err on the side of caution.
- The Chairman wants a reconsideration vote on the Wind Turbine Ordinance which passed the same night by 5-1 (Wood opposed). Certainly a 4-3 vote on closing a public road to the beach is appropriate for reconsideration
- Town officials state frequently that they are not eliminating beach access. Who said they were? If that were true, the enormous reaction this plan has received would be multiplied considerably. The point has been that the plan will CLOSE the end of a public road to the beach and GIVE more land away to a private party than the town receives.
- This is not a fair or equal exchange. Using the Town engineer's plan, the Town now owns 64% of the developed land in question (excluding the dunes and beach). The Motel owns 36%. This exchange reverses that proportion. See the plan and calculations on the website www.pinepointbeach.com.
- The Motel will be receiving an additional 6,700 square feet of public land in this exchange. That is two times larger than the parcel the developer of the Beachwalk conveyed to the Town

nearby. If the town swapped land one-for-one rather than giving away this additional land, the town could triple the size of that parcel at the shore.

- The additional 6700 SF of land the town is literally giving away is about 1/8 of an acre. That is simple math. If you look at the motel's current tax assessment, they are paying a rate of \$2.2 million per acre for land only. A free 1/8 acre at the shore therefore would be assessed, or valued at \$342,000.00. The actual value would be much higher.
- The Town Manager stated July 15th that the value is based on what "someone is willing to pay." Well, if a town is going to dispose of property, shouldn't it put the land out to bid? Any EXCESS land beyond a 1:1 swap has value and the Town has not determined what "someone is willing to pay" for this shorefront property.
- We hear the phrases "improve safety, enhance beach access, make it look nicer," and other platitudes. Those goals have been the people's goals for years as they have fought to reclaim that road from being used privately. This is a question of degree – if we keep all of our public land and only swap an equal amount, think about how MUCH MORE improvements to safety, access and appearance would be possible.
- The plan calls for "deed restrictions." For example, a four foot limit of fences, walls, etc. to protect public view corridors. This is not a reasonable argument since vehicles are higher than four feet and when the motel's parking lot is moved toward the center of Depot Street, the beautiful, open, stunning vista of the dunes, ocean and islands will be obliterated. That's common sense. If a 4 foot wall or fence is put up, as it likely will, then those public views will be lost year-round, not just during the season. A group of citizens simulated the new parking lot one afternoon by lining up several cars and taking a photo from the street. The views are clearly impacted.
- Enforcement of the deed restrictions into the future remains a major unanswered question. The Council was unclear about this on July 15th
- The condotel agreement made between the Town and Trumans requires the building to be shut down for six months. (See mainelandrecords.com for their condo declarations). This land exchange does not take into account the factor of time. The public uses that road year-round. No road will exist under this plan.
- The Fire Chief went on record recommending a fire lane be included in any design that is considered for this area. Where would that fire lane would go when the town swaps a 50 foot-wide public road for a 21 foot wide private parking lot
- The attorney for the motel owners stated July 15th that the deed restrictions imposed by the Town would not allow the owners to redevelop the building. The Town Manager wrote in a July 15th (9:57 a.m.) e-mail (available at Town Hall) "... the Truman's need the Town to improve the functioning of the current non-conforming use and certainly to maximize re-development opportunities." This contradiction needs to be clarified.
- The motel has been trying to sell its rooms as condos for two years without success. They removed the condos for sale sign the day after the July 15th vote and the listing was removed

from its website and the Multiple Listing Services. Taken off market. They will not reveal their plans to the Town as part of the negotiations.

- The public is told the motel must go through the Planning Board process for approval of its new parking configuration. This is a reverse process; the owners would naturally want the Board to determine its findings before they finalized the deal like most developers. What if the Board only approved 10 parallel parking spots? The point is the parking standards in the ordinance are clear, as their attorney said July 15th. The argument that they have to endure this process is very weak.
- The discontinuance of the road is false. It states that the municipality has not maintained it for 30 consecutive years. Fishermen have testified they used that road right to the shore for collecting gear after storms and harvesting sea clams. There are cement pads on top of the beach sand for vehicles. There is a sign "Authorized Vehicles Only" and emergency vehicles, beach cleaning equipment, and law enforcement vehicles have used that portion of the road.
- Councilor Babine implied the Town has done other discontinuances which have benefited landowners. He did not elaborate and tell the full story. Both discontinuances of Avenues 5 and 6, which end at the river, have public easements. There were only two homes on Avenue 7 nine years ago when town manager Carl Betterley arranged a 35-foot discontinuance for maintenance purposes. Avenue 7 ended at Stella Googins homestead (it never went to the river) which she had just sold to her great grand-nephew. It was an attempt to discredit three long-time families from Pine Point who abut these three discontinued roads. Some much for the concern for decorum.
- Councilor Babine stated at two meetings the citizens can always overrule this by referendum. The Town Manager said the same thing in a media report. They were wrong. The Town Charter prohibits a voter initiative to overturn this action. That alone is one reason to stop this plan.
- The Town Manager happened to find \$30,000 to do the project and informed us two days after the July 15th vote. The money will come from a savings on the road reconstruction project nearby. See his e-mail.

For More, see letter from the Save Old Depot Street Association lawyer they have provided.