

CODE OFFICER REPORT

FOR

MONTH OF MAY 2025

PERMITS.

- Land Use Permits issued: 2
- Internal Plumbing Permits issued:
- Septic System Permits issued: 1
- Complaints: 0
- Total Permits Issued: 3
- Site Inspections: 10

INSPECTIONS/PROJECT UPDATES

Pending Applications. There are no pending applications.

894 Head Tide Hill Road. I am continuing to conduct building and plumbing inspections for the new single family dwelling construction. This home will exceed the requirements for MUBEC (Maine Uniform Building and Energy Code).

690 Head Tide Hill Road. I met with Paul Crandall on site. He was inquiring into the process for converting the second floor of the unattached garage into living space. We discussed fire code requirements for egress into the second floor and the need to improve the current stairway to meet the fire codes. He also wanted to know when a road is not a road and his son had plans for putting a road into the backfield. I told him the road designation becomes important when access to 2 or more dwellings is needed or if an institutional or commercial access is needed.

1091 Alna Road. I met with Eric Sanborn, at his request, to discuss a number of issues that he felt were unresolved. I have confirmed, as of this writing, that there is only one camper trailer on the property.

20 North Old Sheepscot Road. I met with the owner of the property who wishes to remove a plus or minus 8 pasture pines that are dead or dying. The pine are located in the Resource Protection District of the Shoreland Zone and by ordinance requires planning board approval. The owner requested a waiver to planning board review and after discussion with the planning board chair I informed the owner a waiver is not possible from the planning board or from me.

655 Egypt Road. This is a new dwelling where the permits were issued prior to my start as the code enforcement officer. The owners requested a final inspection. There are still a few items to correct (mostly plumbing and egress). They will let me know when the corrections are completed so that I can re-inspect.

126 Dock Road. I met with the owner who wishes to re-direct drainage away from their barn since the barn foundation is starting to settle in one corner. I also noted the porch on the resource side of the barn was collapsing and its roof pulling away from its attachments to the barn and dwelling. Since it is primarily an earth-movement activity it will require the earth-work contractor be a DEP certified Erosion and Sedimentation Control Contractor.

110 Hasson Road. The planning board chair and I met with the new owners of Map R3 Lot 50B. They do not plan to develop that portion of the property located within the Resource Protection District of the

CEO MONTHLY REPORT

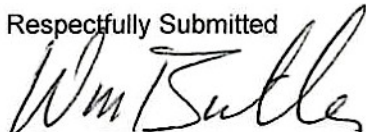
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Shoreland Zone. They do have some future plans for commercial uses down the road. There remains a question whether the creation of this lot is part of an unapproved subdivision lot. Attached is the MMA Legal opinion received on May 30, 2025.

1802 Alna Road. The planning board chair and I met with representatives of the WW&F Railroad to discuss their future expansions of the current rail system. The expansions may require DEP Natural Resource Protection and Site Location of Development permits (usual combined into one water quality certification permit) and Planning Board Approval. CEO approval would be required for any plumbing or construction permits.

Respectfully Submitted



William W. Butler

5/30/25, 9:51 AM

Gmail - RE: Alna - MAP R3 LOT 50-HASSAN ROAD, ALNA, ME



CEO <ceo.alna.me@gmail.com>

RE: Alna - MAP R3 LOT 50-HASSAN ROAD, ALNA, ME

1 message

Legal Services Dept <legal@memun.org>
To: "ceo.alna.me@gmail.com" <ceo.alna.me@gmail.com>

Fri, May 30, 2025 at 9:10 AM

William,

As I know you already know, under the state subdivision law, all contiguous land in the same ownership is considered one "tract or parcel" except that "lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971." See 30-A MRS § 4401(6)(<https://legislature.maine.gov/statutes/30-A/title30-Asec4401.html>). This seems to create a narrow exception to the rule that all contiguous land is one tract.

I don't have enough information to say for certain whether Hassan Road would be a "private road" as that term is used in the subdivision law. However, it likely would be considered a road, depending on its history.

First, if Hassan Road was created after 9/22/71 by a landowner owning both sides of the road, it would not count as a road that splits the lot.

Second, assuming the road was created before 1971, generally, a discontinued town, county or state road would become a private road after discontinuance. If it was discontinued after 1965, there would also be a public easement remaining in the road unless the warrant article discontinuing the road expressly rejected a public easement. If a public easement remains in this road, it would most certainly be considered a road that would split the parcel. Even if no public easement remains, I think a purely private road would be considered a road splitting a parcel under the definition above. There isn't any definition in the law as to what a "private road" entails, but unless the road has completely disappeared and is no longer used, I think it would be difficult to argue that an existing private road that is used and perhaps mentioned in deeds – albeit discontinued – is not a "private road" under the statute above.

If you want to pursue the matter further, you could have the town's attorney look into the history of the road further and could also seek a second opinion from him/her as attorneys might interpret this particular provision differently.

I hope this is helpful. Please let me know if you have any questions.

Susanne F. Pilgrim, Staff Attorney

MMA Legal Services Department

Maine Municipal Association

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legal@memun.org

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5/30/25, 9:51 AM

Gmail - RE: Alna - MAP R3 LOT 50-HASSAN ROAD, ALNA, ME

MA 04330

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RE: Alna - MAP R3 LOT 50-HASSAN ROAD, ALNA, ME

From: CEO <ceo.alna.me@gmail.com>
Sent: Tuesday, May 27, 2025 8:00 AM
To: Legal Services Dept <legal@memun.org>
Cc: PBchairalna <pbchairalna@gmail.com>
Subject: Alna - MAP R3 LOT 50-HASSAN ROAD, ALNA, ME

Hello-

Map R3, Lot 50 was purchased in 2018 and divided into three lots (50, 50A, 50B) without subdivision approval. One of the lots is on the opposite side of Hassan Road from the other two lots. Our research has shown Hassan Road was public many years ago but was discontinued with ownership of the road going to the abutters. One of the purchasers of the lots is arguing that the road, while private, is still a road and since one lot is on the opposite side of the road the requirement for subdivision approval is not necessary.

Is a discontinued public road still a road even though the land beneath the road is now owned by abutting landowners? I could not find anything in the law or our ordinance to address discontinued roads.

Thank you for your time.

Sincerely,

William Butler
Town of Alna CEO

Suzanne F. Pugh, Staff Attorney

MMA Legal Services Department

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