

**REPORT OF THE
MT HUNGER SHORE
SECESSION COMMITTEE**

**A Presentation for the
Proposed Act of Secession and Annexation
To
The Gray Town Council**

February 7, 2017

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1. Introduction and Summary

This report is submitted to the Town of Gray in compliance with M.R.S.A Title 30-A, Part 2, Subpart 2, Chapter 113 – CONSOLIDATION, SECESSION AND ANNEXATION, Sect. 2171 & 2172.

As dictated by the above named statute, this report will discuss the problems in the secession territory that led to the secession initiative, possible solutions to such problems, and tax related impact to the secession territory, the Town of Gray and the Town of Windham.

The description of the Mt Hunger Shore secession territory (***hereinafter referred to as the Territory***) is a 4/10 mile long dirt road section of Mt Hunger Shore Road. The Mt Hunger Shore Road begins in Windham, and in its entirety is 2 miles long. The final 4/10 of a mile (2112 feet) is located in Gray. The territory is approximately 194 acres. It is a dead end, and bordered by Little Sebago Lake, the Town of Raymond and the Town of Windham. The ONLY vehicular access to the Territory is through the Town of Windham. Direct vehicular access is not possible from Raymond or the Town of Gray, access is available by water on Little Sebago Lake at the Public Boat Launch, also located in Windham.

This report will discuss the unique needs of the residents in the Territory, and the difficulties encountered by all property owners in the Territory. It is in no way a disparagement of any of the current Town officials or employees. All involved have been very cooperative with answering questions and research.

2. The Committee Representatives

The following are the Mt Hunger Shore Road Secession Committee Representatives;

- Sheila Morrison 352 Mt Hunger Shore Road
- Daniel Bouchard 340 Mt Hunger Shore Road
- Rachel Thurlow 336 Mt Hunger Shore Road
- Robert Gravel 355 Mt Hunger Shore Road
- Elisabeth Gravel 355 Mt Hunger Shore Road

All members of the Committee are year round residents of Mt Hunger Shore Road, registered voters and reside in the Territory throughout the year.

The exploratory committee shall be charged with the responsibilities of creating a map delineating the physical boundaries of the secession territory, circulating a petition for secession, setting forth the resident population and non-resident population, listing at least five people who will serve as representatives of the secession territory and submitting the legally sufficient petition to the municipal officers of The Town of Gray to request a public hearing. It shall also be the responsibility of the committee to gather all pertinent fiscal and operational information necessary for residents to make an informed decision relative to the delivery of services by their newly annexed Town of Windham government.

3. History of Mt Hunger Shore Secession Territory

In December 1735, a group of 60 men from the Massachusetts Bay Colony approached the General Court in Boston, petitioning for the right to form a township on free land. The request was for an area of land 6 miles square “from the rear of North Yarmouth and or adjoining the Township of New Marblehead (now Windham).” The purpose of making “grants” of land to men, who agreed to establish permanent settlements, was to encourage expansion. The lands in the northern reaches of then Massachusetts were not settled, and it was hoped that settlements would utilize the natural resources of the area, and provide protection and lay claim to territories that were in dispute with the French, and local Native American Indian tribes. The grants were typically given to men petitioning the court, who had served in the Indian wars, and others who wished to take advantage of “free” land. These men were called the proprietors.

Conditions were placed when the “grant” was issued; taking into consideration the time to build and establish a community able to sustain itself would take. An interruption of a few years due to increased conflicts, particularly the French and Indian War. The area was originally known as New Boston, and eventually was named the Town of Gray on June 19, 1778.

The grant, now called Gray, was owned by the proprietors, but settled by hard working folks interested in making a new life. The land area of Gray is 30,490 acres of which 2,458 is comprised of inland waters. The inland waters include Little Sebago Lake, Dry Pond (now Crystal Lake), Goose Pond (now Forest Lake), Notched Pond and various small ponds.

Early records and recollections of the territory area are few. It is believed that records for about the first 100 years of the Town of Gray had been either lost or destroyed by fire. The earliest maps show the territory area to be owned by a man named Joshua Henshaw.

In 1957, Howard S. Knight inherited a large number of parcels from his uncle Burleigh Knight. Subsequently, he subdivided the area and filed a plan with the Cumberland County Registry of deeds in 1959 for the Knights Shores on Little Sebago Subdivision recorded in Plan Book 00052 Page 56. The 20 lots in this “cottage lot development” were sold as seasonal lots starting in 1959. Mr. Knight

subsequently sold his interest in the rest of his inherited land on Mt Hunger Shore Road in 1964 to Robert H. Meyer. Construction of year round residences commenced in approximately 1990. Prior to 1990, all parcels in the territory were either the aforementioned “cottage lots, or wooded undeveloped parcels.

The location of the Territory is in the southwestern most corner of the Town of Gray.

4. VITAL STATISTICS

On the 4/10 of a mile of Mt Hunger Shore Road that is in the Town of Gray, are approximately 50 taxable properties. 11 of these are year round residential households, and 39 are non-residential properties. The non-residential properties consist of a mixture of seasonal camps, wooded undeveloped lots, and unsold vacant residential lots in an approved subdivision. Of the residents in the territory, two are school age children, who currently attend Gray New Gloucester Schools. They are transported to the Gray New Gloucester School system by their mother, who is an employee in that school district.

There are 14 registered voters in the territory, as of November 2016.

The year round residences in 2000 numbered 6, as of November 2016 there are 11, with the availability for 9 more residences for sale and construction within the approved subdivision known as Garrison Woods.

Mt Hunger Shore Road is a private road, governed by an association. The Association is responsible for the maintenance and necessary repairs. The Association is charged with keeping the road up to predetermined standards established by the two Towns that it traverses, in order for fire and rescue vehicles to readily access homes.

5. Problems leading to Secession

On February 23, 2009, a fire destroyed a home at 352 Mt. Hunger Shore Road. The Fire Chief of Windham informed the Board of Directors of the Mt. Hunger Shore Road Association, that he was unable to adequately fight this fire for a number of reasons. First and foremost was the access to the house in flames due to poorly plowed road conditions on the Gray end of Mt. Hunger Shore Road. The Town of Gray was performing the snow removal for the Gray end of the road, after a long, protracted effort by the part of the year round residents to get this service from the Town. A subcontractor would drive to the 4/10 of a mile to plow, only after the Town of Windham plowed the first 1 mile and 6/10ths. The subcontractors nearest point to the territory was 9 miles away. The sub-contractor used a pickup truck, not unlike a Ford F150, to plow and sand. Consequently, the road was not able to be plowed sufficiently for fire trucks, due to the small size of the plow.

The possibility of an event such as this was discussed with the Town manager in 2003; his response to road residents was that he would send in snowmobiles in the event of an emergency. As a result of the Town managers remarks, secession from Gray had actually been discussed and given cursory consideration in the early 2000s. The fire was a fortuitous event for the year round residents. The new Town Manager, agreed to work with the Town of Windham in order to have proper plowing services for the entire length of Mt. Hunger Shore Road. The residents are very thankful for this arrangement. It is quite unfortunate that a property destroying fire was the catalyst for this agreement. We are thankful that no one perished in the fire, and the homeowner was a single man, no family with children was displaced.

In June 2012, an attempted breaking and entering in the night time occurred at a home in the territory. An intoxicated man with a large dog, and known to have firearms arrived a home at 12:30 A.M. The man was shouting threats and attempting to get into the home. The residents called 911, and explained the situation and fear for their safety. Cumberland county dispatch informed the resident that Windham police could not come down to the home because the home was located in Gray. They would summon the Cumberland County Sheriffs. After approximately an hour of terrorizing the residents, the perpetrator eventually left, and was apprehended by Windham Police near his

home on the Windham end of the road. The Cumberland County Sherriff arrived at approximately 2:45 A.M. It is fortunate that the Sherriff arrived to take a complaint, not investigate a much more serious scene. 4/10 of a mile is only 2112 feet; it defies logic that residents in the territory should have to be subject to risk and harm, because they must wait for a sheriff to come from an area that is not nearby (apparently the deputy stated that he had to come from Pownal.), while an available police force is 2112 feet away!

Not nearly as concerning as public safety issues, but certainly relevant, is the unavailability of services or proximity to them. The Town of Gray has a dump, which is anywhere from 10.5 miles to 16.5 miles away from the territory, depending on the route taken. In order to vote or transact business with the Town of Gray, the residents must commute 21 miles round trip, at the very least. . It can take an hour or more for a resident of the secession territory to load their vehicle, drive to the dump, separate out their recycling and trash at the dump, and drive home. This is precious time many have to take out of their weekends to complete. The Town of Windham provides curb-side trash services along Mt. Hunger Shore Road to the town line of Gray, where the trash truck turns around.

The proximity issue directly impacts the marketability and value of properties in the territory. When homes are listed for sale, quite often they are initially advertised as being in the Town of Windham, in order to generate interest. A resident recently refinanced a home in the territory, only to discover during the process, that the appraiser only used properties in Gray for comparable purposes. Homes that were sold on Mt Hunger Shore Road in Windham were not used. One could drive by a recent sale on Mt Hunger Shore Rd, but the comparable property was across Little Sebago Lake, a 16 mile drive away! The home applying for the refinancing was valued tens of thousands of dollars less than its neighboring house on the same road.

Selling a property in the territory is affected by the above mentioned factors. Families with school age children are unlikely to purchase a property in the territory. The two children residing on Mt. Hunger Shore Rd were born here; their parents had purchased the property prior to their births. In addition to the many miles between the territory and Gray schools, taking part in community and school activities would be difficult. Retirees typically are downsizing, not

purchasing newer homes. Young families contribute to the vitality of a neighborhood and community.

6. Proposal

The Legislature has found that “the citizens of the State in accordance with the Constitution of Maine, Article I, Section 2, have an unalienable and inalienable right to institute government and to alter reform or totally change the same, when their safety and happiness require it.”

It is suggested that the secession committee offer solutions or recommendations to remedy the problems that have contributed to the secession initiative. Unfortunately, the committee is unable to recommend solutions because the problems are a result of geography. It is not practical or cost effective for the Town of Gray to provide services, due only to the location of the territory and the inability to access it in a timely manner.

Therefore, the residents of the Secession Territory will seek approval from the Town of Gray and the authority from the Legislature of the State of Maine to secede from the Town of Gray and the annexation to the Town of Windham, Maine.

7. Initiation of Secession Procedure

Pursuant to M.R.S.A., Title 30-A, Chapter 113, §2171 et seq., the Secession Committee delineated the boundaries of the proposed secession territory and created a map. The Territory, if allowed to secede, would be annexed to the Town of Windham. The petition for secession was drafted, and a majority of the registered voters signed the petition. The petition was delivered to the Town of Gray, and the signatures were certified by the Town of Gray. An informational meeting and delivery of the Proclamation to secede and annexation was delivered to the Town of Windham. A public hearing has been scheduled with the Town of Gray for February 7, 2017.

8. Reason for Secession

Safety in the territory is the overriding reason for the secession effort. The ability to live in peaceful enjoyment, without fear, in one's home is an inherent right. The Town of Gray simply cannot provide the necessary services to achieve this. This is no criticism of the Town of Gray, or the manner in which they manage the town. The territory is physically separated from the Town's center of operations. The Town of Windham is within less than a half mile from the territory. The Town of Windham now provides fire and snow plowing. The mailing address for the residents in the territory is Windham, Maine with mail being delivered out of the Windham Post office. GPS units will not show an address of Mt. Hunger Shore Road in Gray, they show Windham. Confusion about where the exact location of the territory is prevalent. One resident traveled to the Town of Gray to vote in June 2016, the clerk asked for the address, and then informed the voter that there was no Mt. Hunger Shore Road in Gray.

9. Geography of Secession Territory

The secession territory lies within the boundaries of the existing municipality of Gray, Cumberland County, and State of Maine and incorporates a small portion of the land on the west side of Little Sebago Lake currently held by the municipality of Gray. The secession territory as a general rule follows preexisting property lot lines in whole or in part from tax maps 39 and 47.

The secession territory's northeasterly shoreline begins at a point north of Mount Hunger Shore Road in Gray at Latitude 43.879249 and Longitude -70.425595. It then follows the property lines northwest to a point at Latitude 43.881538 and Longitude -70.429823, then northwest in Gray to a point at Latitude 43.880909 and Longitude -70.430374, then southwest in Gray to a point at Latitude 43.882222 and Longitude -70.432911, then northwest in Gray to a point at Latitude 43.880882 and Longitude -70.434255, then southwest in Gray to a point at Latitude 43.881247 and Longitude -70.434975, then northwest in Gray to a point abutting the Town of Windham at Latitude 43.878246 and Longitude -70.438287, then southwest along the Gray/Windham town line to a point at Latitude 43.87329 and Longitude -70.42924. Here the line will continue southeasterly along the Gray/Windham town line into Little Sebago Lake to a

point at Latitude 43.87172 and Longitude -70.42558. It then continues southeast in Little Sebago Lake to a point at Latitude 43.87703 and Longitude -70.42199, connecting in a northeasterly line back to a point at Latitude 43.879249 Longitude -70.425595. All points are subject to future verification by instrument survey. Exterior boundary lines of the secession territory are intended to follow existing boundary lines of the municipalities and interior boundary lines are intended to follow existing property lines as presently delineated on Gray property tax maps 39 and 47 whenever possible. Coordinates and reference points were obtained by Google Earth and Google Mapping satellite services and is offered under “The Open Data Commons, Open Data Base License”. (ODbL)

10. Impact of Taxes

Pursuant to Maine Statute, Title 30-A, Chapter 113, Section 2171 – C (2), the following constitutes the written report to be submitted at the Public Hearing that “....describes the impact of the proposed secession on the property taxes in the municipality as well as in the secession territory.”

The most recent annual report for the Town of Gray, to be found online, was presented in 2015.

The valuation figures for the entire Town quoted in this report are as follows;

	2012	2013	2014
Land	\$302,179,182	\$302,330,387	\$303,029,000
Buildings	\$414,365,207	\$421,372,820	\$427,338,200
Pers Prop	\$11,303,000	\$10,762,300	\$10,927,200
Total	\$727,848,019	\$734,465,507	\$741,294,400

Total assessed value of the territory according to the 2016/2017 Tax Bills including land and buildings is approximately **\$7,303,400.**

Total 2016/2017 billed taxes for the territory, including land and buildings, and Homestead and Veteran exemptions applied is approximately **\$131,866.21**

The Town of Gray's mil rate is currently \$18.05 with the certified assessment ratio at 90%. Revaluation has been ongoing in the Town of Gray since January 2016, and will be completed by June 2017.

The Town of Windham's mil rate is \$15.70 with the certified assessment ratio presently at 100%.

A property valued by the Town of Gray at 250,000.00 would currently have a tax obligation of \$4061.25. The new mil rate has not been released, determining the 100% value is undetermined at this time.

The same property in Windham would have a tax obligation of \$3925.00.

The tax difference is only relevant to the secession area because the area is unable to receive any services from the Town of Gray due to its geographical separation from the Town. The committee is not qualified in tax valuations or matters to render an opinion, other than it appears there is an unfair tax burden on the territory due to no fault of either the Town or the territory residents. If there should be any responsibility borne for the geographical separation, it should be the original proprietors of New Boston in 1735.

11. Conclusion

This report is a preliminary document which was prepared expressly for the Public Hearing. It is intended to satisfy the legal requirements of Maine law, Title 30-A, M.R.S.A Part 2, Subpart 2, Chapter 113 CONSOLIDATION, SECESSION AND ANNEXATION, Sect. 2171-C & 2172. The Committee intends to update this report periodically and append it to the report that is presented to the State Legislature in Augusta. It contains factual information that was known to be true at the time of its writing. All research and analysis was conducted by the Secession Territory Representatives. We are not legislators, attorneys or accountants, and present this report to you with that understanding.

Resources used in preparation of this report include;

Hill, George T., *History, Records, and Recollections of Gray, Maine Volume 1*, Portland, Tower Publishing, 1978. Print.

Town of Gray Maine - [www. graymaine.org](http://www.graymaine.org)

State of Maine – [www. maine.gov](http://www.maine.gov)