



Tyler Hadyniak &lt;tchmaine@gmail.com&gt;

**Beaver Ridge Road abandonment**

20 messages

**Tyler Hadyniak** <tchmaine@gmail.com>  
To: "feathernorth@gmail.com" <feathernorth@gmail.com>


Sat, Sep 9, 2023 at 10:43 AM

Hi Heather,

Again, thanks for coming up today. I have attached the argument and exhibit packet I gave to the Select Board a couple years ago. I think you will see that the legal status of this road is pretty clear based on statutory and secondary sources.

If you have any clarification questions please let me know.

Tyler C. Hadyniak  
207-323-3462  
[tchmaine@gmail.com](mailto:tchmaine@gmail.com)

 **2021 Beaver Ridge Road abandonment request.PDF**  
703K

**Rei Hance** <feathernorth@gmail.com>  
To: Tyler Hadyniak <tchmaine@gmail.com>

Sat, Sep 9, 2023 at 10:44 AM

Thanks! I look forward to checking it out!

[Quoted text hidden]

**Rei Hance** <feathernorth@gmail.com>  
To: Tyler Hadyniak <tchmaine@gmail.com>

Sat, Sep 9, 2023 at 4:14 PM

Was there a vote to rescind the public easement? Do you have more info on that?

On Sat, Sep 9, 2023 at 10:43 AM Tyler Hadyniak <[tchmaine@gmail.com](mailto:tchmaine@gmail.com)> wrote:

[Quoted text hidden]

**Tyler Hadyniak** <tchmaine@gmail.com>  
To: Rei Hance <feathernorth@gmail.com>

Sat, Sep 9, 2023 at 7:46 PM

There was never a vote to rescind the public easement that existed from the Ward house (mailboxes) to the Road Under Beaver Hill (just before Pottle's Driveway). In other words, the current status of the road from the mailboxes to before Pottle's Driveway is still "discontinued to maintenance but open for a public easement."

Hopefully my considerate research here convinces you of the "trifurcated" status of this road.

I see you go by "Rei Hance" here. Do you prefer Rei or Heather?

Tyler C. Hadyniak  
207-323-3462  
[tchmaine@gmail.com](mailto:tchmaine@gmail.com)

[Quoted text hidden]

**Rei Hance** <feathernorth@gmail.com>

To: Tyler Hadyniak &lt;tchmaine@gmail.com&gt;

Sun, Sep 10, 2023 at 10:46 AM

Hi Tyler!

How was the reading? I hope it was a success. I'm sorry to have missed it.

My name change was necessary due to Blair Witch life complications, but with friends and neighbors, I'm still Heather. Thanks for asking.

I really appreciate the broad view your letter provided. What I'm seeing is a vote on clear, broad language regarding the public easement at the time the road was discontinued. Over a hill is all the way up and then all the way down the other side, so that's beyond the Sibley Road gate, forever.

What I'm also seeing is Selectman Mitchell granting rights that aren't his to grant. Is he another of Freedom's selectman who saw the place more as a kingdom? It sounds like it!

There are three separate matters:

1. Discontinuation of maintenance
2. Abandonment status
3. Public easement

Your letter seems to be conflating them, but the current statutes are clear that they're each to be approached specifically.

The easement was voted on in 1956 and never rescinded. Any determinations made about the road after that time rather weirdly left that vote out. It's a pretty essential piece of info! Even if the road is abandoned, all the way over Beaver Hill remains a public way for foot traffic and motor vehicles. "Forever" according to the language the town voted on.

Am I missing something?

I've attached a screenshot with the relevant bits:



TFW LTE

4:00 PM



# Maine Legislature Maine Revised Statutes

## Session Law

## Statutes

## Maine State Constitution

## Information

145, §2 (NEW); PL 2021, c. 145, §3 (AFF).]

B. If the municipal officers or county commissioners vote to retain a public easement in the abandoned town way, all other interests of the municipality or county in the town way, if any, pass to the abutting property owners to the center of the town way and the public easement retained is limited to rights of access by foot or motor vehicle as defined in **Title 29-A, section 101, subsection 42**. [PL 2021, c. 145, §2 (NEW); PL 2021, c. 145, §3

(AFF) . ]

# An easement for public utility facilities necessary to provide or maintain service

[legislature.maine.gov](https://legislature.maine.gov)

[Quoted text hidden]

**Tyler Hadyniak** <tchmaine@gmail.com>  
To: Rei Hance <feathernorth@gmail.com>

Mon, Sep 11, 2023 at 5:24 AM

I think the critical part you are missing -- if I am understanding your email correctly -- is that the vote to discontinue the Beaver Hill Road was not a vote to discontinue the road "over the hill" to wherever that road ended, i.e. its intersection with Sibley Road. Instead, the town actually voted to discontinue the road, but keep a public easement, from "O.B Ward's to discontinued road over Beaver Hill." See Exhibit C (emphasis added). In other words, there was a clearly defined beginning and end to the section of the road subject to the discontinuation vote.

You are perceptive to note that Selectman Mitchell ("Red" Mitchell, who was a selectman in this town for literally fifty years and did run it like a kingdom), might be seen to be granting rights which are not his to grant. However, I see his various letters to my grandparents and parents as clarifying the effect of the 1956 town vote -- and what exactly is the road "over" Beaver Hill versus the road "under" Beaver Hill -- and not necessarily granting rights that are not his to grant.

I know you understand the geography here, but I attach for reference a Google Earth map showing the three delineated parts of the road.

**Tyler C. Hadyniak**  
207-323-3462  
[tchmaine@gmail.com](mailto:tchmaine@gmail.com)

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**Beaver Ridge Road.jpg**  
903K

**Rei Hance** <feathernorth@gmail.com>  
To: Tyler Hadyniak <tchmaine@gmail.com>

Mon, Sep 11, 2023 at 8:07 PM

Hey Tyler!

I went down to the town office to find the exact language that was voted on in the 1956 town report. The easement was decided to remain open from William Clark's residence, down to Lendell Penney's farm. Luckily, Steve's land is part of William Clark's old property, so I've included the Bennett's deed (bad screenshots, sorry) for reference. I have Lendell Penney's deed too--it's harder to track, but you can see the southwesterly direction indicated shows it follows the ridge.

William Clark's holdings were vaster than what the Bennett's bought in 1980, but it's clear the "forever" easement goes to at least Sibley road.



12/14/24, 8:24 AM

Gmail - Beaver Ridge Road abandonment

So the existing public easement, open to foot traffic and motor vehicles, goes "over Beaver Hill" which would preclude blocking it.

I hope this clears things up! If the screenshots are too illegible, it's all on the Registrar of Deeds website and the report is in the town office, obvs.

## TOWN OF FREEDOM

41

the Town for the street lighting service contracted for under the Company's applicable rate schedule during any previous twelve months' period expiring on the anniversary date of the contract, and (b) to authorize the Selectmen or the Town Manager to execute and deliver to Central Maine Power Company said street lighting contract.

Art. 29. To see what action, if any, the Town will take about the Town Dump.

Art. 30. To see what sum, if any, the Town will raise and appropriate for the care of the Town Dump.

Art. 31. To see what sum, if any, the town will appropriate and raise for interest on notes.  
Recommended \$300.00

Art. 32. To see if the voters are in favor of the Assessors raising the valuations of Real Estate property 50% for the purpose of lowering the rate of taxation per dollar of valuation.

Art. 33. To see what sum, if any the town will appropriate and raise for Freedom Volunteer Fire Department current expenses.

Art. 34. To see what sum, if any, the town will raise and appropriate for Mothers' Aid.

Art. 35. To see if the Town will vote to discontinue the following road as town ways now and forever but opened as public ways.  
(a) From Wm. Clark's residence on Beaver Hill, Southwest to Barn on so-called Lendell Penney farm.

Art. 36. To see if the Town will vote to carry compensation insurance, or some other insurance on Town Employees.



searchresults.com/news/SearchResultsMP.aspx

Search Results

A total of 6 documents were found

Viewing List: Search Results

Print View Selected All To My Docs Selected To My Docs

Previous Next First Last Go to Page: 1 You are viewing page 1 of 1

View*	My Doc	Select	Party	Opposite Party	Type	Book-Page	Date	Topic	Act/Document
View*	My Doc	<input type="checkbox"/>	1 CLARK WILLIAM M	FREEDOM TOWN OF	DEED	720-580	02/07/1975	FREEDOM	DATE: 01/00/1975
View*	My Doc	<input type="checkbox"/>	1 CLARK WILLIAM M	CLARK GEORGE	DEED	745-464	08/15/1977	FREEDOM	
View*	My Doc	<input type="checkbox"/>	2 CLARK WILLIAM M	CLARK GEORGE	DEED	745-466	08/15/1977	FREEDOM	
View*	My Doc	<input type="checkbox"/>	1 CLARK WILLIAM M	BENNETT JUDITH A	DEED	784-657	12/23/1980	FREEDOM	
View*	My Doc	<input type="checkbox"/>	1 CLARK WILLIAM M	FREEDOM TOWN OF	DEED	880-136	07/29/1985	FREEDOM	FREEDOM 1979/1000
View*	My Doc	<input type="checkbox"/>	CLARK MURIEL M EST		DEED	1065-256	11/10/1958	FREEDOM	FREEDOM

Previous Next First Last Go to Page: 1 You are viewing page 1 of 1

Search Executed: 09/11/2023 04:01:02 PM

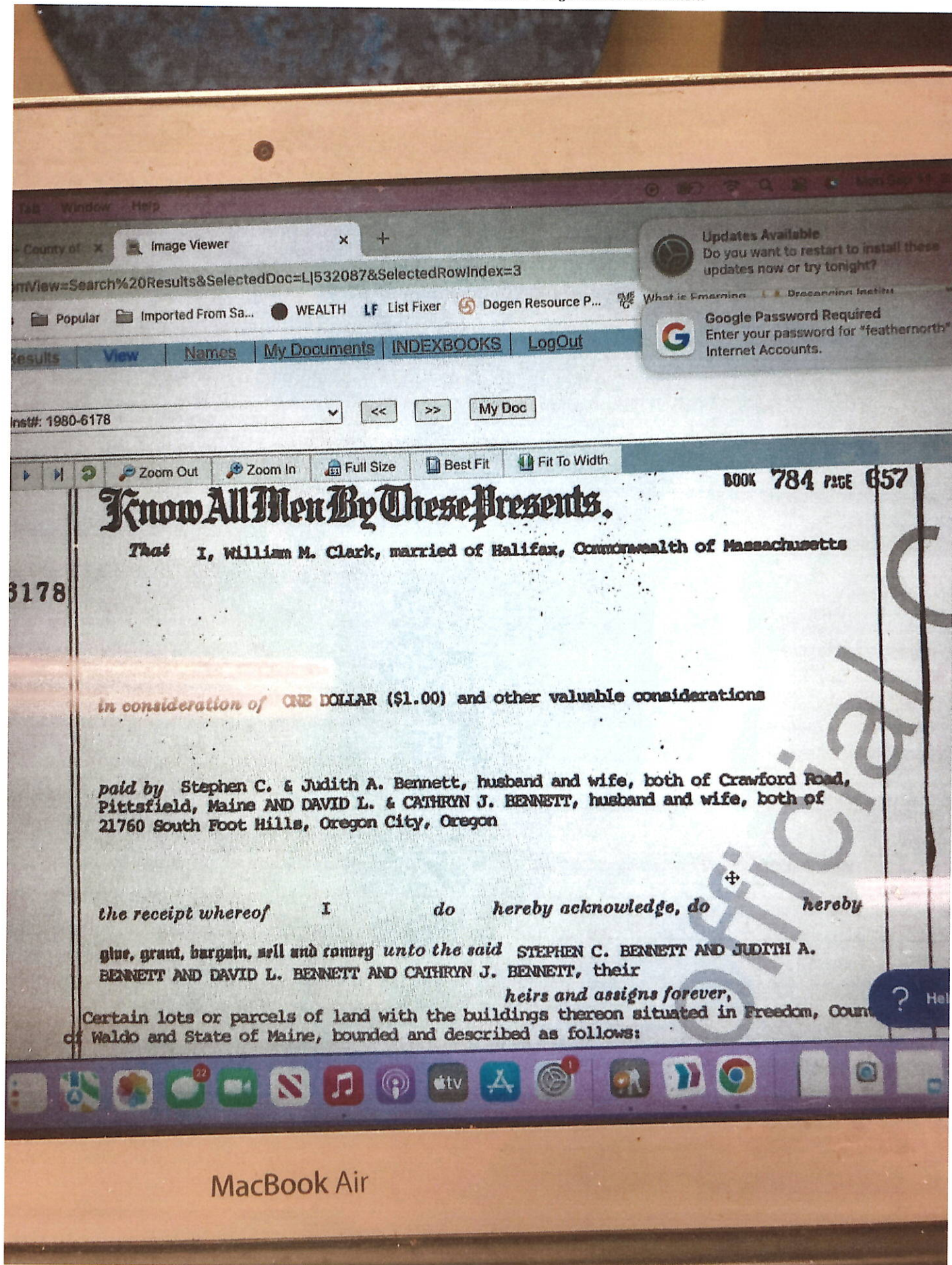
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Selection Criteria:

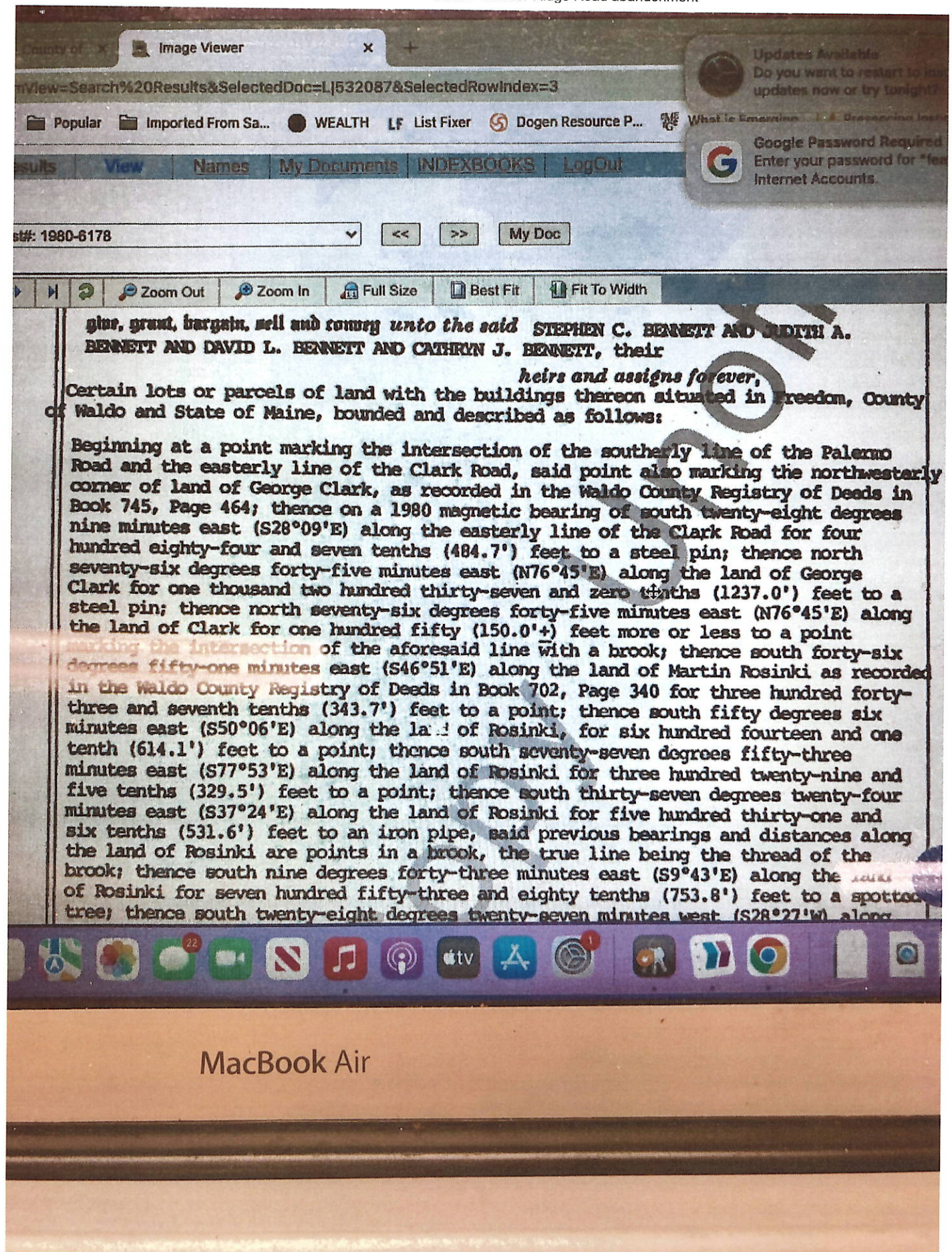
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OR Party or EE Party	LIKE	CLARK*, WILLIAM*
Document Group	Equals	RP
Document Type	Equals	DEED
Topic	Equals	FRE

MacBook Air

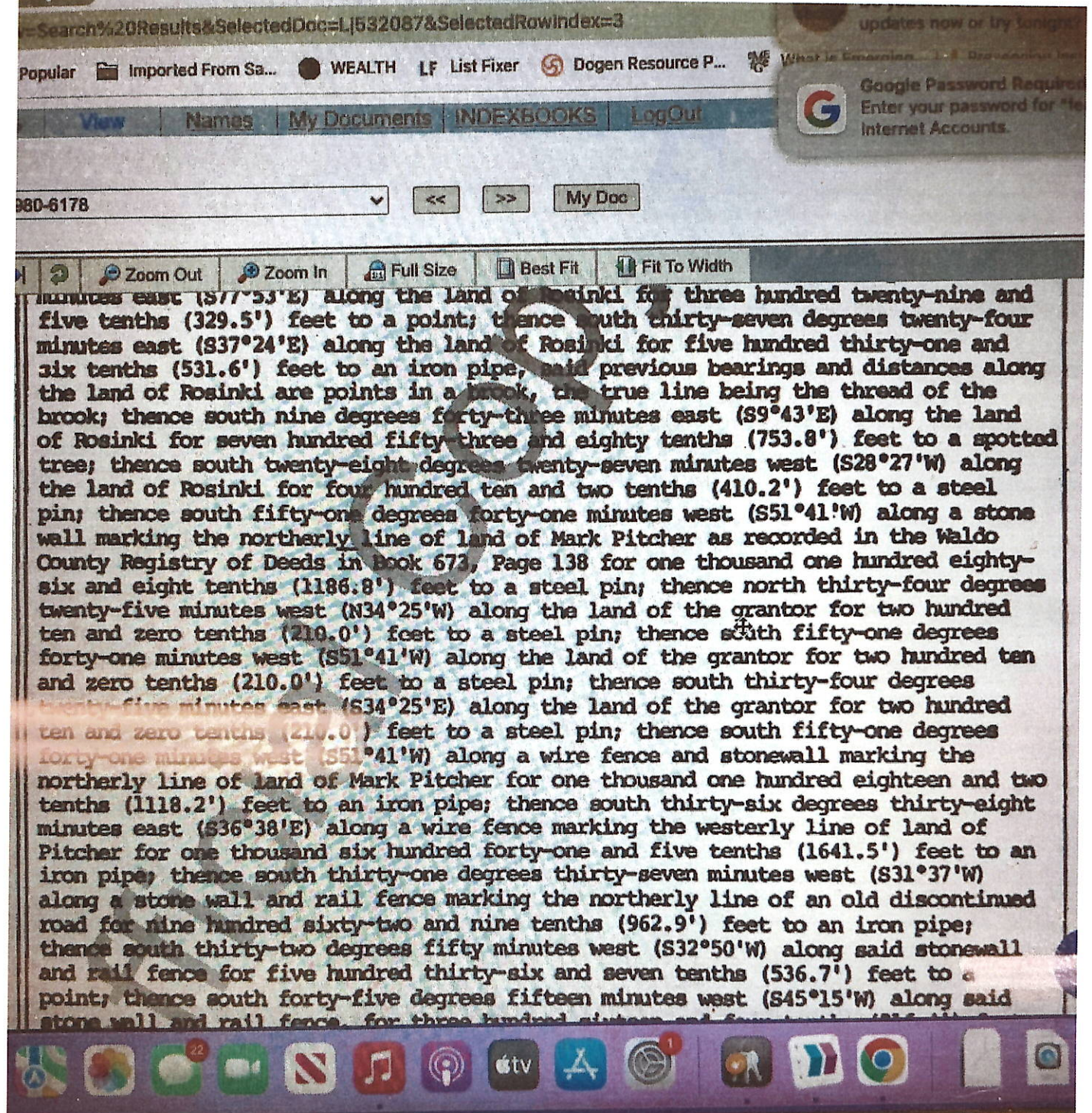






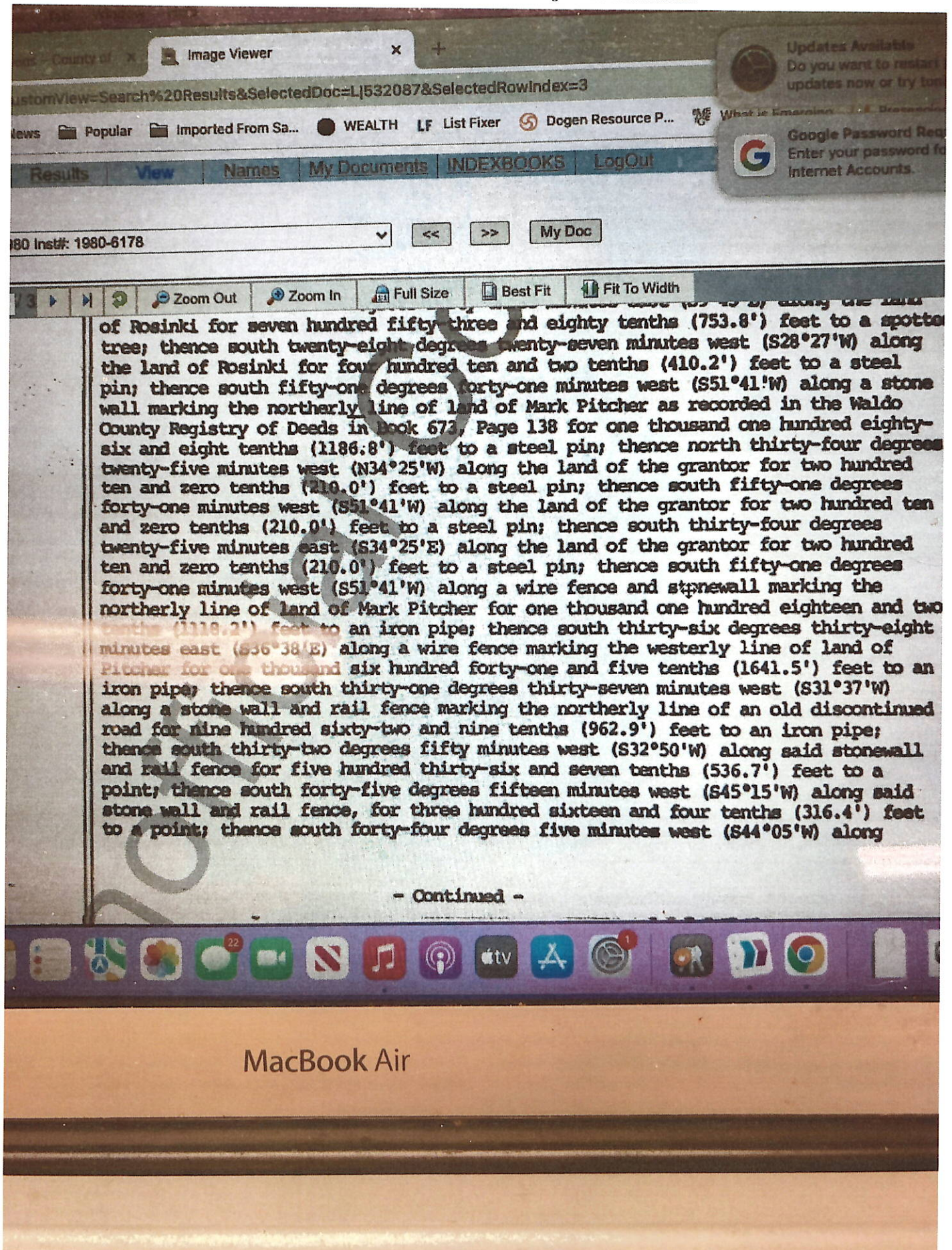






MacBook Air





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**Tyler Hadyniak** <tchmaine@gmail.com>  
To: Rei Hance <feathernorth@gmail.com>

Tue, Sep 12, 2023 at 12:47 PM

Heather -- it is a wonderful breath of fresh air to have someone do their own research instead of blinding shouting into the void "No, Hadyniak and Bennett family, you are wrong and the road is not abandoned."

That said, I believe that town article you cite concerns Bennett Lane, not any portion of the old Beaver Hill Road. I have an 1853 map of Freedom hanging in my study that I will consult when I get home. I know we are talking about a 1956 town article, but sometimes those articles were written based on names affixed to properties back in the 1800s.

Note that Dave Bennett is a party to the deeds for which you provide screenshots. Dave and his second wife, Maryanne, currently live on Bennett Lane. I just texted Maryanne to ask her if any portion of her land was, at one point, owed by a Lendell Penney.

I want to seek that clarification and then if I am wrong and the town article you cite does NOT pertain to Bennett Lane, then I would like to forward this email thread to Steve, because he may have some information both of us are missing. He and I, and the rest of our respective families, have a sincerely held legal belief that a portion of the road is abandoned, but I am also more than willing to be proven wrong.

Tyler C. Hadyniak  
207-323-3462  
tchmaine@gmail.com

[Quoted text hidden]

**Tyler Hadyniak** <tchmaine@gmail.com>  
To: Rei Hance <feathernorth@gmail.com>

Tue, Sep 12, 2023 at 1:14 PM

Heather -- I texted Steve the same question (if any part of Dave and Maryanne's property, or Steve's property, ever had a farm known as the "Lendell Penney Farm," and he responded to me by saying "Yes across from Dave's house." So I believe the town article you circled definitively deals with what is now known as Bennett Lane, not any portion of the old Beaver Hill Road.

Tyler C. Hadyniak  
207-323-3462  
tchmaine@gmail.com

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**Rei Hance** <feathernorth@gmail.com>  
To: Tyler Hadyniak <tchmaine@gmail.com>

Tue, Sep 12, 2023 at 2:42 PM

Hi Tyler,

I don't think you're wrong to give it a shot. Why not? As I told you on Sunday, I understand the proud Philly/Jersey tradition of a putting a lawn chair in front of your row house to keep your parking spot. It's a whole thing. With your Gram being from Jersey (I think that's the case?)--it totally makes sense.

The only reason I dug into it yesterday was because you said you would support the use of eminent domain by LS Power here. It feels out of integrity to me for you to hold that position while barricading a public way. We should all have the full enjoyment of our private property and public ways as we see fit. I'd like to see this town keep its name in practice, not just a symbolically.

I'm attaching the section of the 2015 Gazetteer that was still the being sold when I moved to Maine in 2018. It was the one I consulted when I bought my land. Trails at the end of the road were an important feature to me, and they're clearly marked here.



The Article I sent you is the one that you referred to in your 2021 letter to the select board. The screenshot of the 1956 Report is what the town actually voted on regarding the discontinuation of maintenance on Beaver Hill (now Ridge) Rd. You misquoted the properties involved. Though the old deeds are wily at best, Steve's deed provides anchor for "William Clark's residence on Beaver Hill." The article then clearly states a southeasterly direction for the rest of the easement.

There were several Penney's-- stretching over to Penney Rd in Montville. I didn't have a lot of time to give this yesterday, but I can dive back in on the Penney deeds when I have more time (lol--but wood!).

Regardless of a clear Lendell Penney deed (and "so-called" suggests that that land may have changed hands before 1956) the language is clear on the "now and forever" public way. "From Wm. Clark's residence on Beaver Hill southwest to Barn on so-called Lendell Penney farm." The barn may not exist, but a southwest road from the top of Beaver Hill discontinued to maintenance sure does!

I'm in the process of seeking out a 1956 tax map, or at least talking to someone who has seen one. I don't know why no one else has researched this?! It took me 90 mins yesterday. The rain gave me a nice break from the woodpile! I love this stuff, so it's fun for me anyway. Like a puzzle.

Even if the road is abandoned, the public easement is a separate issue. Clearly those issues required a separate determination then as well as now, which is why the article language distinguishes the discontinuation of maintenance (still different from abandoned status) from the easement. The easement is clearly and broadly preserved in perpetuity according to the 1956 vote and has never been revoked by a town vote.

How many people are going to use it beside me? Probably not a lot. I don't want to feel like a trespasser when I go up there. I want to be a good neighbor. The inconvenience for you to have that public way be open, now and forever, as the town determined, would be small, but the principle is--in my opinion--far-reaching. If this minor incurrence feels onerous to you, imagine how your neighbors who will have their land seized by LS Power are feeling.

I hope this makes sense. No hard feelings, just all the facts I can find.





[Quoted text hidden]



Rei Hance <feathernorth@gmail.com>  
To: Tyler Hadyniak <tchmaine@gmail.com>

Tue, Sep 12, 2023 at 2:48 PM

\*southwesterly direction--sorry, I'm doing too many things at once!

[Quoted text hidden]

Tyler Hadyniak <tchmaine@gmail.com>  
To: Rei Hance <feathernorth@gmail.com>

Wed, Sep 13, 2023 at 7:22 AM

Heather -- I have been thinking about how to respond further, but I think we are just going to have to agree to disagree on the legal status of Beaver Ridge Road. We apparently have quite diverging viewpoints on the legal status of being "abandoned" versus "discontinued." I don't agree with your construction of "now and forever," and still think you are referencing a deed and road that has nothing to do with the old Beaver Hill Road.

As to the hypocrisy of me putting a barrier at the entrance to the "Grass Road," I guess we will also have to agree to disagree. I was not happy with my parents' insistence on putting a barrier there -- I think it looks unnatural amongst the trees -- but I concurred with the decision because of how often we would have hunters in the fall; snowmobiles disturbing the peace and quiet; and ATVs which would cause deep ruts in the road. These barriers, and the signs attached with our name and contact information, are the only way we could somehow convey that common decency suggests someone ask for permission to use private property, even if they think they have a right to use it. Our aversion to having unknown strangers walking along our property is not a point of view rooted in any cultural remnants of being "flatlanders," but out of a desire to enjoy the serenity of our private property.

However, when asked for permission to access that road, my parents and I have always freely given it (e.g. a friend of mine who wanted to hunt; Joey and MacKenzie down the road from you; guests of Halcyon Ridge). I have also always maintained that the landowners down the road, like the Prices, have free access to their land. All I have ever asked is for notice, so I am not left wondering whose parked truck is at the top of my driveway.

Over the past couple months I have often thought about how I would feel if the proposed transmission line came down the grass road. I sincerely believe that after researching the benefits to the grid and New England on the whole, I wouldn't be happy with a proposed line going right by my house, but I would make the best of it and consider the greater good being served. I think the only way I truly would be hypocritical in this regard is if I said "Hell No!" to a hypothetical transmission line going along my property.

We are supposed to get at least two inches of rain on Saturday. If you need to come up to the house to charge some things due to the lack of sun, please feel free to do so.

Tyler C. Hadyniak  
207-323-3462  
[tchmaine@gmail.com](mailto:tchmaine@gmail.com)

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Tyler Hadyniak <tchmaine@gmail.com>

Wed, Sep 13, 2023 at 7:24 AM

To: Lynn Hady <lynnhady@gmail.com>, Chuck Hadyniak <mainer200@gmail.com>, Catherine Nichols <catherine.nichols16@yahoo.com>

Folks -- consider this frustrating email thread I have had with Heather over the past couple days. It's a pretty meaty email chain so start at the bottom and slowly make your way to my most recent message (sent to Heather just now). Just FYI in case she ever gets on your case about the legal status of this road.

Tyler C. Hadyniak  
207-323-3462  
[tchmaine@gmail.com](mailto:tchmaine@gmail.com)

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Rei Hance <feathernorth@gmail.com>

Wed, Sep 13, 2023 at 7:40 AM

To: Tyler Hadyniak <tchmaine@gmail.com>

Thanks for the invite, it's much appreciated! Two inches is par for the course after this summer 🧊.

It's really not a matter of opinion. The statutes and the article the town voted on are both clear. It's a public way 🧊

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**Lynn Hady** <lynnhady@gmail.com>

Wed, Sep 13, 2023 at 8:46 AM

To: Tyler Hadyniak <tchmaine@gmail.com>

Cc: Chuck Hadyniak <mainer200@gmail.com>, Catherine Nichols <catherine.nichols16@yahoo.com>

Thank you for forwarding/sharing this string, T.

I admire your civility with her and even friendliness. This is so distressing, that she's taking this stance. I don't know that any of us, especially you, needs this additional stress.

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**Rei Hance** <feathernorth@gmail.com>

Wed, Sep 13, 2023 at 1:03 PM

To: Tyler Hadyniak <tchmaine@gmail.com>

One extra thing, it might be in your self interest to have it established as a public way. Looking at the LS Power route, they'd have a straighter line and fewer landowners if they came right over Beaver Ridge instead of along N. Palermo Rd. With no route determined yet, that worries me. And with you having already determined that you would be okay with that, I'm even more worried. I hope you understand.

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**Tyler Hadyniak** <tchmaine@gmail.com>

Wed, Sep 13, 2023 at 1:59 PM

To: Rei Hance <feathernorth@gmail.com>

I don't think there is anything to worry about on that front. Steve's conserved land is like a "shield" from any line running through Beaver Ridge from the north. And I believe the LS Power folks, at the Planning Board meeting, said that they would not deviate from any proposed line in such a way as to impact property owners who were not already given notice that their land would be impacted. But I could be wrong in that recollection.

Tyler C. Hadyniak  
207-323-3462  
[tchmaine@gmail.com](mailto:tchmaine@gmail.com)

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**Rei Hance** <feathernorth@gmail.com>

Wed, Sep 13, 2023 at 2:08 PM

To: Tyler Hadyniak <tchmaine@gmail.com>

It's not really a shield. They can make a remediation deal with MDEP. A lot will depend on how acquisitions go. There would be less eminent domain exercised if they go over beaver ridge than N. Palermo. Going over Beaver Ridge would fit the criteria in your letter: avoiding agriculturally productive land, and protecting the maximum number of property owner's rights. They wouldn't be able to take a public way by eminent domain, but if it's not a public way--no problem.

I'm making some deductive leaps based on what I'm seeing unfold, for sure. Looking at the tax maps and the current proposed routes, I think all of us on the ridge should be entertaining this possibility.

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**Rei Hance** <feathernorth@gmail.com>

Wed, Sep 13, 2023 at 2:10 PM

To: Tyler Hadyniak <tchmaine@gmail.com>



And given the Price/Bennett situation, I wouldn't be surprised in the Price Family Trust might be very willing to grant an easement.

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**Tyler Hadyniak** <tchmaine@gmail.com>  
To: Steve Bennett <sben@fairpoint.net>

Thu, Sep 28, 2023 at 7:43 AM

Tyler C. Hadyniak  
207-323-3462  
[tchmaine@gmail.com](mailto:tchmaine@gmail.com)

----- Forwarded message -----

From: **Rei Hance** <[feathernorth@gmail.com](mailto:feathernorth@gmail.com)>  
Date: Wed, Sep 13, 2023 at 2:11 PM  
Subject: Re: Beaver Ridge Road abandonment  
To: Tyler Hadyniak <[tchmaine@gmail.com](mailto:tchmaine@gmail.com)>

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