



**City of
Belfast**

PB Hearing <public@cityofbelfast.org>

A personal letter and advisory to the Belfast City Council, city officials and the Belfast Planning Board from Jeffrey Mabee & Judith Grace

7 messages

Jeffrey Mabee <jrmabee@gmail.com>

Mon, Jun 24, 2019 at 10:36 PM

To: public@cityofbelfast.org

Cc: bkelly11@bluestreakme.com, cityclerk@cityofbelfast.org, mayor@cityofbelfast.org, Ward1councilor@cityofbelfast.org, Ward2councilor@cityofbelfast.org, Ward3councilor@cityofbelfast.org, Ward4councilor@cityofbelfast.org, Ward5councilor@cityofbelfast.org, citymanager@cityofbelfast.org

To members of the Belfast City Council, city officials and the Belfast Planning Board:

Please be advised that Nordic Aquafarms is attempting to cross our intertidal land without our permission. We own all of the intertidal land from the mouth of the Little River to the Morgan-Helmets line. Our right to this property was confirmed by a quiet title action in which a final Superior Court judgment was entered in June of 1970. Pursuant to that judgment, our intertidal rights include all of the intertidal land in front of the lot owned by Richard and Janet Eckrote.

All of the deeds for the Eckrote lot going back to 1946 confirm that their waterside boundary is "along high-water mark of Penobscot Bay." Despite all of these deeds, surveys done by Nordic in 2018, and the prior judgment, Nordic is trying to claim that the Eckrotes own the intertidal land on which the Eckrotes' lot fronts and seek to put their pipelines on this land. Nordic is attempting to base this claim on an improperly drafted deed by Kenneth Lindell and Lee Woodward from October 2012 that included a description of the waterside boundary as "along said Bay", but even the August 31, 2012 survey by Good Deeds, incorporated into the legal description in this October 2012 deed shows the Eckrotes' waterside boundary is "along high water". Lawyers cannot change language to convey land.

To protect our intertidal land we have placed it under the protection of a Conservation Easement, preserving it in its natural condition. See, Waldo County Registry of Deeds, Book 4367, Book 273. Upstream Watch is named as the Holder of this

conservation easement. NAF has no right to use this environmentally sensitive estuary land as they propose in their application.

NAF is also crossing the upland property of the Eckrotes which has a 1946 covenant on it that limits the use of this lot to "residential use only" and prohibits any "for profit business" from being conducted there, which includes placing industrial pipelines for NAF. As assigns of Harriet L. Hartley, through transfer of her land to us, we have the right to enforce this covenant and have told the Eckrotes that we do not agree to their use of this property for anything but residential use.

It would be unfortunate for everyone to make a large expenditure of time and resources as the truth of our claims are without question, and NAF will have to find another way to the sea. Although the matter of our boundaries was settled in court in 1970 it appears as if we will be wasting the courts' time and energy to settle it again. All pertinent deeds, superior court decisions and covenants will be sent to you by our counsel. Should you care to look at this information you will find more than adequate proof that this is a corporate taking.

We have lived in Belfast or nearby for almost 40 years. We have been property owners, taxpayers, and good citizens. We love this city, but we are disappointed by the way we and our property have been treated by City officials and NAF. Not once has any official or elected representative of the City of Belfast spoken to us about the impact of this proposed project on our land, or even seemed to give a second thought about the taking of our property and giving our rights away to strangers. It is not what we have ever expected from our city representatives.

Sincerely,

Jeffrey R. Mabee

Judith B. Grace

290 Northport Ave

Belfast, ME. 04915

PB Hearing <public@cityofbelfast.org>
To: Jeffrey Mabee <jrmabee@gmail.com>

Tue, Jun 25, 2019 at 9:48 AM

Dear Mr. Mabee & Ms. Grace:

I acknowledge the receipt of your email. Your email will be included in the official permit record and it will be provided to the Belfast Planning Board as part of the public comment on the permit application.

Wayne Marshall
[Quoted text hidden]

Joseph Slocum <citymanager@cityofbelfast.org>

Tue, Jun 25, 2019 at 1:55
PM

To: Jeffrey Mabee <jrmabee@gmail.com>
Cc: wayne marshall <public@cityofbelfast.org>, "William S. Kelly" <bkelly11@bluestreakme.com>, Amy Flood <cityclerk@cityofbelfast.org>, Samantha Paradis <mayor@cityofbelfast.org>, Mary Mortier <Ward1councilor@cityofbelfast.org>, ward2councilor <Ward2councilor@cityofbelfast.org>, Eric Sanders <Ward3councilor@cityofbelfast.org>, ward4councilor <Ward4councilor@cityofbelfast.org>, Paul Dean <Ward5councilor@cityofbelfast.org>

Dear Jeffrey,

We acknowledge receipt of your letter. The letter will be presented to the Planning Board. The Board will be considering RTI issues as part of its review of the permit, and that the City is not engaging with any parties at this point on issues such as RT.

Thank you,

Joe
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