



15 Village Green Ln, P.O.B. 1757, Naples, ME 04055 (207) 693-6364
townofnaples.org

MEMO

To: Planning Board
CC: Ben Smith, Kate Matthews, Jen Leeman
Fr: John Hawley
Dt: September 22, 2021
Re: King Hill Estates Subdivision Amendment Application

Greetings,

At your October 5th meeting, you will be looking at an application from the Town of Naples for approval for an after-the-fact subdivision amendment. This email intends to offer an opportunity to answer any questions in advance of the meeting that any planning board members may have.

In 1998, the Town took possession of a tax acquired parcel in the previously approved King Hill Estates subdivision. This subdivision was approved by the Naples Planning Board in September of 1986 and recorded at the Cumberland County Registry of Deeds.

At a Select Board meeting on May 18, 1998, the Board approved the sale of this tax acquired parcel, identified as Lot 2 on the attached graphic, but further noted on Town of Naples Tax Maps as Map R02 Lot 42-2, (1997).

In a letter from then Town Manager, Pamela Corrigan, to the abutters, the land to be split and sold by the Town were identified as Lots A, B, and C. Lot A was offered to abutters Roy and Linda Pelletier, Lot B was presented to abutter Keith Bernstein and Lot C to abutters Roberta and Harleigh Clukey. They all took advantage of the offer and purchased, reflective in the Tax Release Deeds dated May 18, 1998.

The Clukey Family has been trying to sell their parcel (Map R2, Lot 42-2) for several years but has been unsuccessful with any closing attempt as title companies have refused to provide title insurance for the sale.

When the Town Select Board opted to sell the properties to the abutters, which they had clear authority to do so under the State of Maine foreclosure laws, they neglected to obtain an approved subdivision amendment allowing the split from its Planning Board. The amendment process could have been done at the abutter's expense at the time of the division but was undetected. As you know, an unrecorded subdivision amendment is not a legal amendment, therefore making the properties uninsurable to title companies. This was a simple oversight by the Selectboard as selling a tax acquired property that is not within a subdivision can be sold with a tax release deed. Most title companies will insure the transfer of simple lots. That is not the case in this situation.

At a recent Select Board meeting, the matter was brought before them. They recognized and accepted the responsibility as the Town's error and voted to have the land split by the previous Board drafted for the Planning Board to consider approving what has been in place for the past 23 years. There are no proposed changes to any existing conditions. This is only an amendment to recognize what was previously done, allowing current property owners to obtain insurance when selling the parcels.

Due to this being an after-the-fact amendment, the split did not create any non-conforming conditions and would have likely been approved had the amendment been applied for at that time. This letter also serves as the request to waive any additional submission requirements.

Attached you will find a graphic showing the property owners and conditions before the split, a graphic showing how the parcel was offered to the abutters, and the current day ownership of that area. I have also included a copy of the draft plan that you will receive when the meeting packets are distributed.

Please feel free to contact me directly with any questions by stopping by the office, calling me at 693-6364x106, or emailing me at jhawley@townofnaples.org.



Lot #	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
1	1,234,567	1,234,567	1,234,567
2	1,234,567	1,234,567	1,234,567
3	1,234,567	1,234,567	1,234,567
4	1,234,567	1,234,567	1,234,567
5	1,234,567	1,234,567	1,234,567
6	1,234,567	1,234,567	1,234,567
7	1,234,567	1,234,567	1,234,567
8	1,234,567	1,234,567	1,234,567
9	1,234,567	1,234,567	1,234,567
10	1,234,567	1,234,567	1,234,567

Lot Owners in January 1998

**Town of Naples
Map 42 Lot 2**

**Roy & Linda Pelletier
Map R2 Lot 42-3A**

**Harleigh & Roberta Clukey
Map R2 Lot 42-3**

**Keith Bernstein
Map R2 Lot 42-1**

- 1) Double 2.0 ft level
- 2) 2.0 ft to 2.5 ft level
- 3) 2.5 ft to 3.0 ft level
- 4) 3.0 ft to 3.5 ft level

APPROVED TOWN OF NAPLES
CLAIMING BOARD DEMAND

[Signatures]

Subject to the Conditions
Approved under the Town Code



I certify that this survey was done in the absence
of any objections to the local government officials
for a period of thirty days - condition 2

Date of Map Submitted to
Surveyor, (Date) 1/19/98
at (Address) 10000
File No. 11000

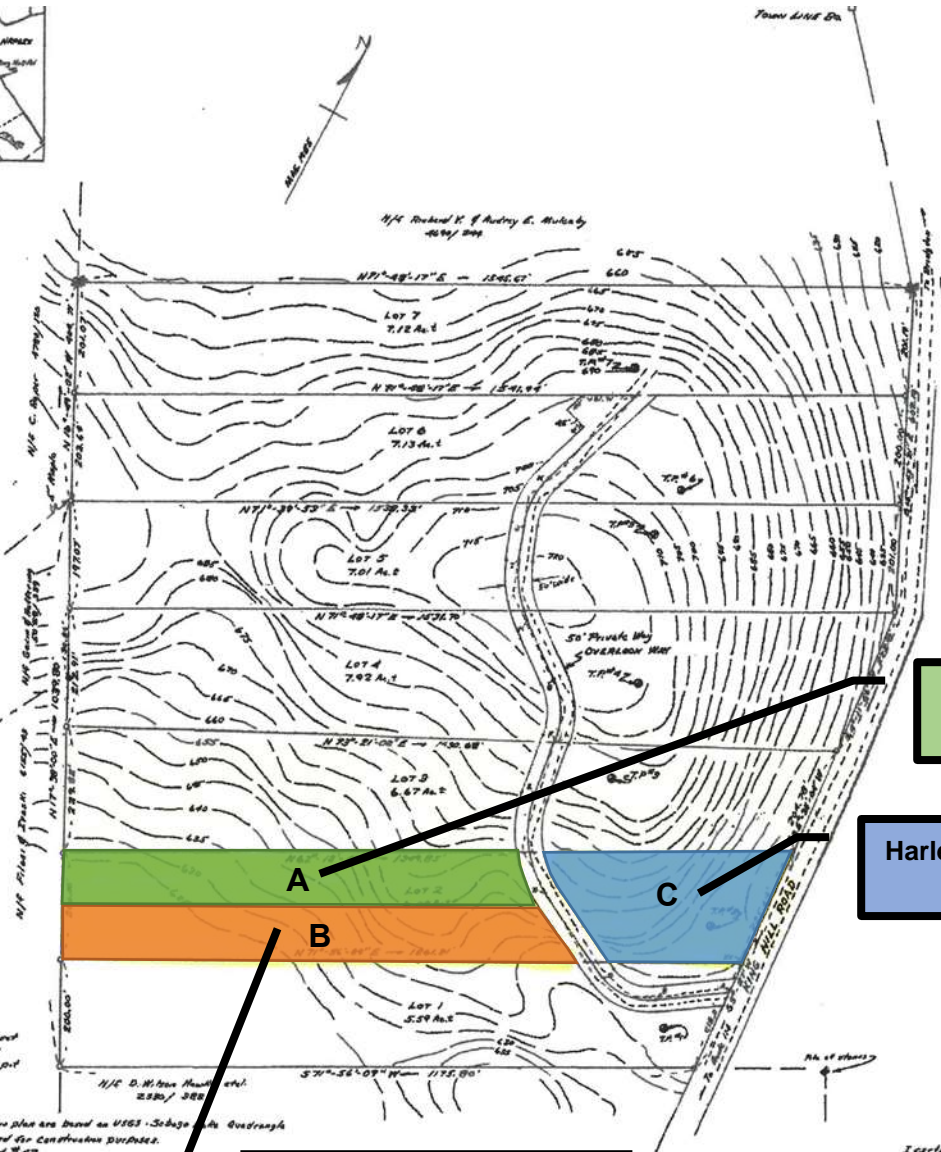
SUBDIVISION PLAN			
MAP OF NAPLES, FLORIDA			
Prepared by Robert H. DeBorja, L.S.			
"KING HILL ESTATES"			
Map No. 11000			
DATE	NO. OF	DATE	DATE
1/19/98	11000	1/19/98	1/19/98



LOCATION MAP
Scale 1" = 100'

- 8 - Double I.R. curb
- 0 - " " I.R. to do out
- " " Stone wall
- ⊙ - " " Safe Test pit

Note
 1) Contours shown on the plan are based on UFGS - Schaga with Quadrangle and should not be used for construction purposes.
 2) The Map R2 Lot #42
 3) Take/Arrange to be divided 47.53 Acres



PROVIDE THE CORNER DATA - TO BE USED

Lot 1 Corner K to B	S 52° 22' 14" W	35.04'
A to B	S 62° 57' 01" W	136.72'
B to C Curve Right	Radius = 200.00'	Length = 108.26'
C to D	N 82° 32' 00" W	179.79'
D to E Curve Right	Radius = 204.00'	Length = 106.00'
E to F	N 0° 00' 00" W	117.70'
F to G Curve Left	Radius = 150.00'	Length = 106.20'
G to H	N 42° 20' 42" W	112.96'
H to I Curve Right	Radius = 175.00'	Length = 116.20'
I to J	N 10° 00' 00" W	62.70'
J to K Curve Right	Radius = 143.00'	Length = 96.20'
K to End	N 28° 10' 00" E	229.20'

Town Parcel Sold to Three Abutters - May 1998

**Roy & Linda Pelletier
Map R2 Lot 42-3A**

**Harleigh & Roberta Clukey
Map R2 Lot 42-3**

**Keith Bernstein
Map R2 Lot 42-1**

APPROVED TOWN OF NAPLES
 PLANNING BOARD
 Dated: 9/5/86
 [Signatures]

Subject to Real Commission
 Approval under the Town Road



I certify that this survey conforms to the Maine Board of Registration for Land Surveyors Standing For A Standard Boundary Survey - Condition 1

State of Maine, Cumberland Co.
 Registry of Deeds
 Registered 9/19/86
 at 10:00 a.m. and recorded in
 Plan Book 1467 Page 9
 King Hill Estates

SUBDIVISION PLAN
 OF
 LAND IN NAPLES, MAINE
 FOR
 Richard W. & Deborah L. Huxley
 "KING HILL ESTATES"

Dated Reference: 20/05/86

SCALE	JOB NO.	DATE	DRAWN BY
1" = 100'	04-40	MM 85	J





PROPOSED NEW LOTS/OWNER DATA - 07 2016

Lot A	Corner 22 to B	S 62° 57' 01" W	136.72'
B to C	Curve Right	Radius = 200.89'	Length = 108.86'
C to D		N 82° 32' 00" W	179.79'
D to E	Curve Right	Radius = 204.05'	Length = 106.00'
E to F		N 0° 00' 00" W	117.70'
F to G	Curve Left	Radius = 150.00'	Length = 108.80'
G to H		N 42° 20' 42" W	117.96'
H to I	Curve Right	Radius = 197.80'	Length = 116.80'
I to J		N 10° 00' 00" W	62.90'
J to K	Curve Right	Radius = 143.80'	Length = 96.30'
K to End		N 88° 10' 00" E	229.80'

Current Lot Owners – September 2021

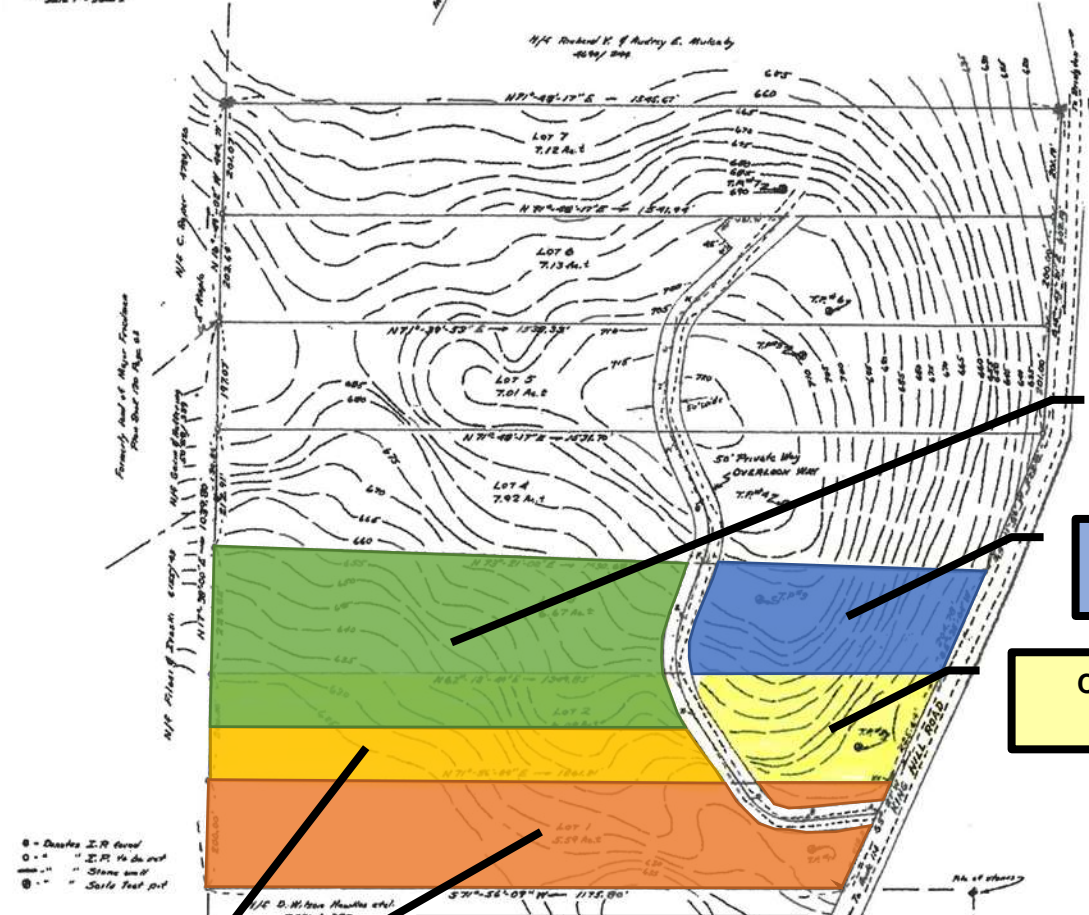
**Mari Barrett
Map R2 Lot 42-3A**

**Brian Sullivan
Map R2 Lot 42-3**

**Clukey Family Trust
Map R2 Lot 42-2**

**Keith Bernstein
Map R2 Lot 42-1**

**Keith Bernstein
Map R2 Lot 42-2A**



- 8 - Double I.R. corner
- 0 - " " I.R. to do out
- " " Stone wall
- ⊙ - " " Safe Test pit

- Note
- 1) Contours shown on this plan are based on USGS - Sebago Lake Quadrangle and should not be used for construction purposes.
 - 2) This Map R2 Lot 42-2
 - 3) Total acreage to be divided 42.53 Acres

APPROVED TOWN OF NAPLES
PLANNING BOARD
Date: 9/5/21
9/5/21

Subject to Real Commission
Approval under the Town Road



I certify that this survey conforms to the Maine Board of Registration for Land Surveyors Standing For A Standard Boundary Survey - Condition 1

State of Maine, Cumberland Co.
Registry of Deeds
Recorded: 9/10/21
at 10:55 AM. Registered in
Plan Book 1467, Page 9
Map 1467-9-9

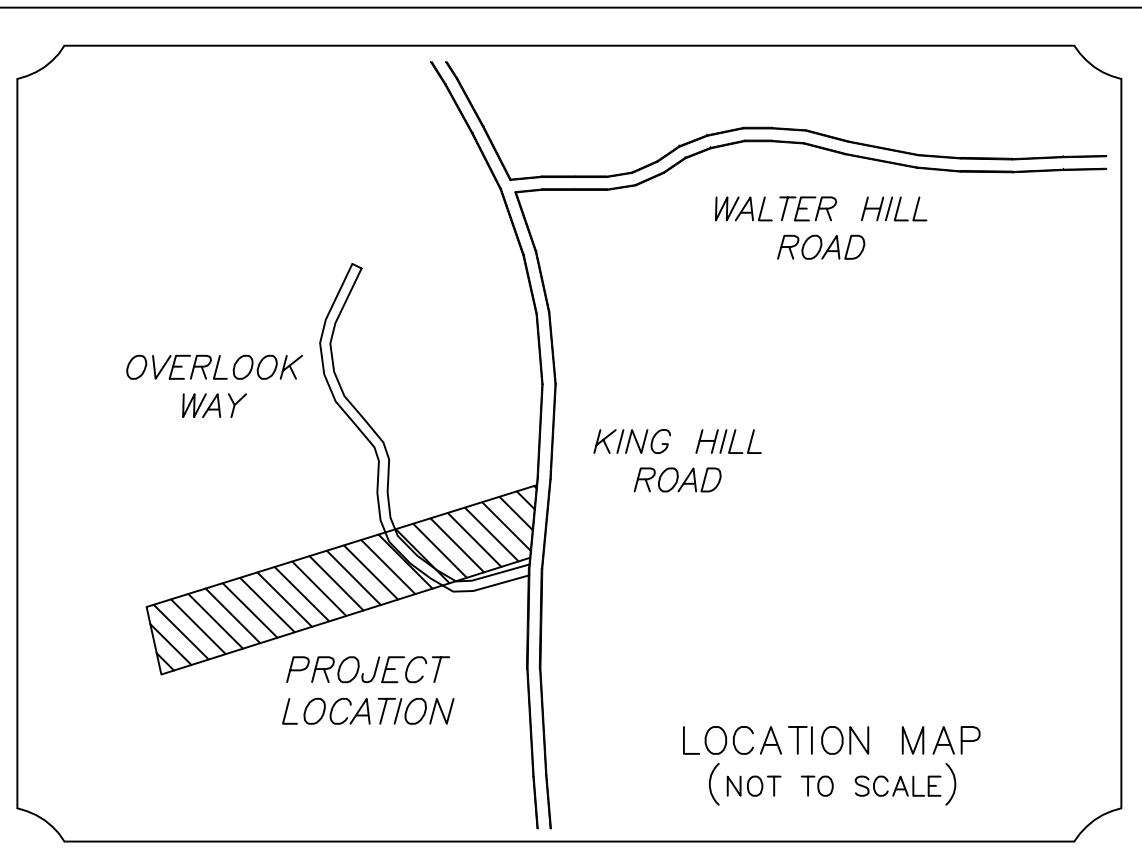
SUBDIVISION PLAN
OF
LAND IN NAPLES, MAINE
FOR
Richard W. & Deborah L. Maize
"KING HILL ESTATES"

Date of Reference: 09/05/21

SHOW & TAYLOR ASSOCIATES
INCORPORATED

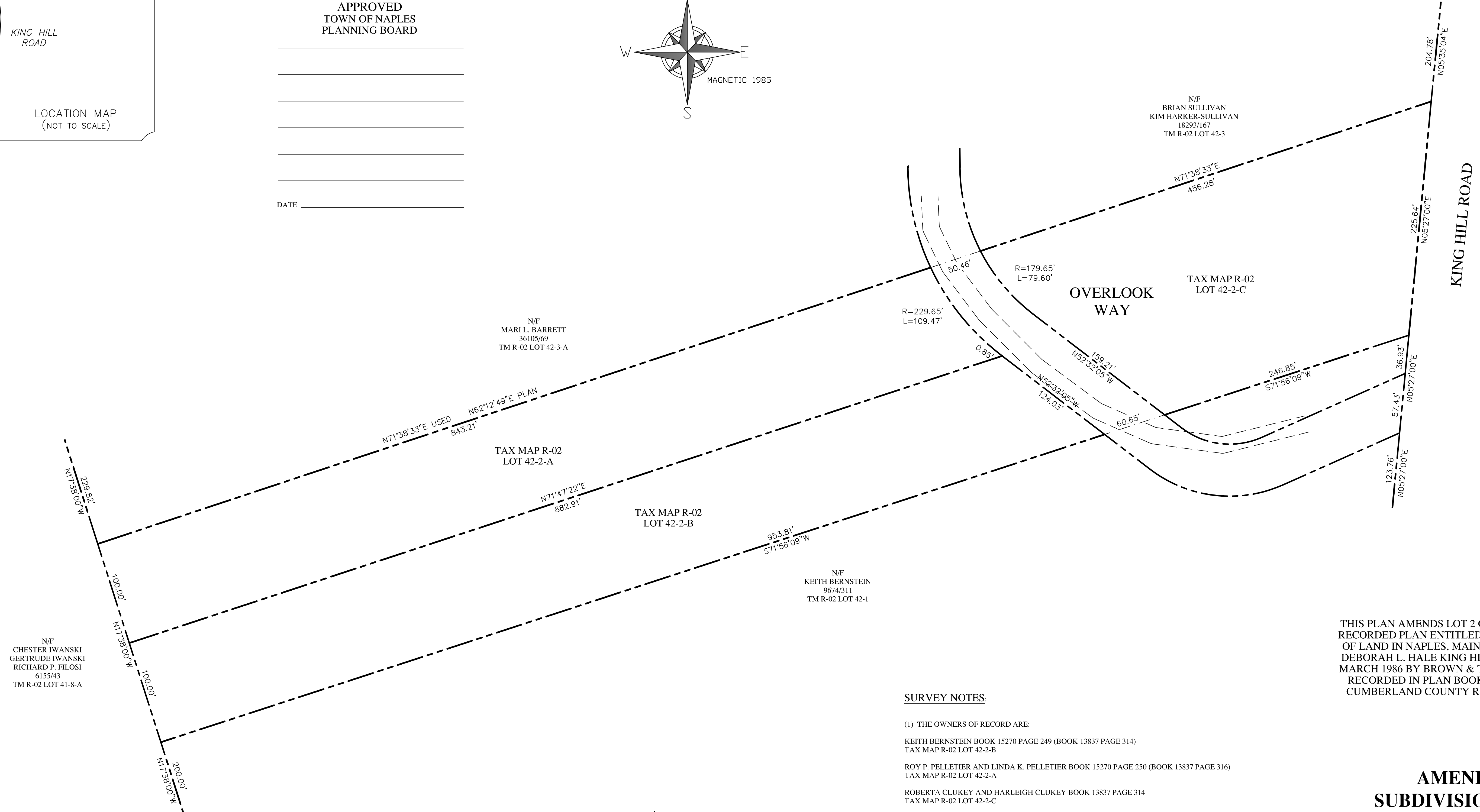
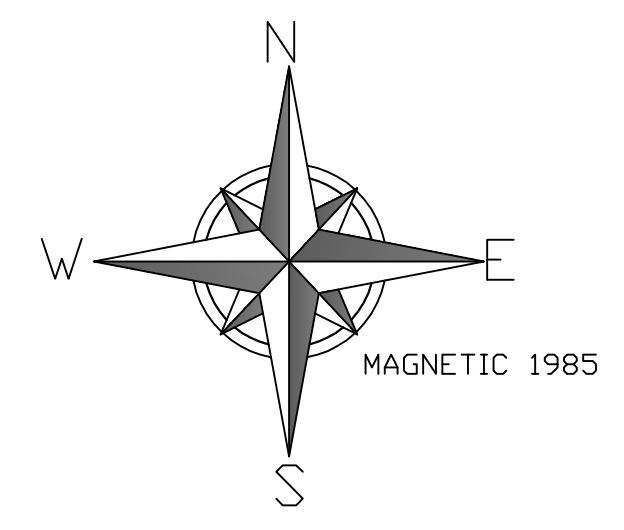
SCALE	JOB NO.	DATE	SHEET NO.
1"=100'	04-00	MM 05	1





APPROVED
TOWN OF NAPLES
PLANNING BOARD

DATE _____



N/F
CHESTER IWANSKI
GERTRUDE IWANSKI
RICHARD P. FILOSI
6155/43
TM R-02 LOT 41-8-A

N/F
MARI L. BARRETT
36105/69
TM R-02 LOT 42-3-A

N/F
KEITH BERNSTEIN
9674/311
TM R-02 LOT 42-1

N/F
BRIAN SULLIVAN
KIM HARKER-SULLIVAN
18293/167
TM R-02 LOT 42-3

THIS PLAN AMENDS LOT 2 ON THE PREVIOUSLY RECORDED PLAN ENTITLED "SUBDIVISION PLAN OF LAND IN NAPLES, MAINE FOR ROLAND W. & DEBORAH L. HALE KING HILL ESTATES" DATED MARCH 1986 BY BROWN & TAYLOR ASSOCIATES RECORDED IN PLAN BOOK 157 PAGE 9 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.

SURVEY NOTES:

- THE OWNERS OF RECORD ARE:
KEITH BERNSTEIN BOOK 15270 PAGE 249 (BOOK 13837 PAGE 314)
TAX MAP R-02 LOT 42-2-B
ROY P. PELLETIER AND LINDA K. PELLETIER BOOK 15270 PAGE 250 (BOOK 13837 PAGE 316)
TAX MAP R-02 LOT 42-2-A
ROBERTA CLUKEY AND HARLEIGH CLUKEY BOOK 13837 PAGE 314
TAX MAP R-02 LOT 42-2-C
- REFERENCE IS MADE TO THE TOWN OF NAPLES ASSESSORS MAP R-02.
- BEARINGS ARE MAGNETIC 1985.
- REFERENCE IS MADE TO THE FOLLOWING TAX LIENS AGAINST VIVIAN J. YATTAW FOR THE PROPERTY SHOWN AS LOT 42-2 ON THE TOWN OF NAPLES ASSESSORS MAP R-02 AS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS:
BOOK 10697 PAGE 130 DATED 5-17-93
BOOK 11515 PAGE 325 DATED 7-5-94
BOOK 11920 PAGE 246 DATED 5-16-95
BOOK 12523 PAGE 94 DATED 5-24-96
BOOK 12950 PAGE 303 DATED 2-19-97
BOOK 13198 PAGE 302 DATED 7-16-97
- BEARINGS ARE MAGNETIC 1985.

CERTIFICATION:

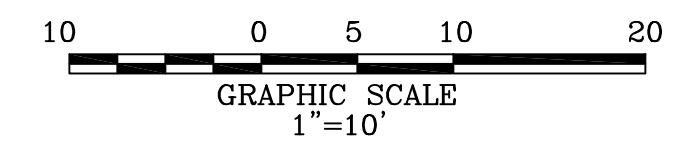
I CERTIFY THAT THIS SURVEY CONFORMS TO THE STANDARDS OF THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS AND IS CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

WILLIAM C. SHIPMAN P.L.S. 2118

PRELIMINARY

PLAN REFERENCES:

"SUBDIVISION PLAN OF LAND IN NAPLES, MAINE FOR ROLAND W. & DEBORAH L. HALE KING HILL ESTATES" DATED MARCH 1986 BY BROWN & TAYLOR ASSOCIATES RECORDED IN PLAN BOOK 157 PAGE 9 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.



**AMENDED
SUBDIVISION PLAN
KING HILL ESTATES**

KING HILL ROAD
NAPLES, MAINE
TOWN OF NAPLES
15 VILLAGE GREEN LANE
NAPLES, MAINE 04055
(CLIENT)

FOR:

OWNERS OF RECORD
KEITH BERNSTEIN
ROY P. PELLETIER AND LINDA K. PELLETIER
ROBERTA CLUKEY AND HARLEIGH CLUKEY

SURVEY BY:

SURVEY, INC.

P.O. BOX 210
WINDHAM, ME 04062
(207) 892-2556
INFO@SURVEYINCORPORATED.COM

DWN:WCS

CHK:DRR

DATE: SEPTEMBER 2021

JOB NO. 21-236