

Selectpersons Overview

Objective

In connection with the October meeting of the Road Committee, both Town Manager Louise Simmons and Selectpersons' Liaison Brian Holman, asked the Committee to expedite a study of the legal basis for Fayette's roads. The current Administration has serious doubts about what roads they are responsible for. Some citizens suggest that the Town should be maintaining certain roads and aren't. Others say that the Town is maintaining roads it doesn't own. The Road Committee agreed to determine the legal basis for Fayette's roads.

Methodology

Under the leadership of two members of the committee who are particularly skilled in legal research on roads, this plan was developed:

At the county level,

1. Contact the Department of Transportation (DOT) Department of Rights of Way (ROW) and obtain a computer list of the county road numbers of the roads within the boundaries of Fayette. At the same time ask for a list of discontinuances.
2. Visit the Map Room of the Department of ROW and, for each road number, request a layout, match the layout to the master layout map, verify that the layout was within the boundaries of Fayette. Discontinuances don't have layouts but refer to roads previously laid out.
3. For Fayette roads, request a photocopy of the layout, and pencil in the current road name and any other pertinent research data on the copy. It is a good idea to date and initial the added data to distinguish it from the original DOT researcher's data. Repeat this step until all road numbers on the Fayette list are done.
4. Go the Registry of Deeds for each county referenced by the road numbers, and obtain a photocopy of the County Commissioners' Record of the petition for the road and the County Commissioners' action.
5. Because the Registry of Deeds historic records terminate as of a specific date, visit the Office of the County Commissioners and get copies of the more recent Commissioners records.

At the town level,

1. At the Maine State Library, read all town report warrants looking for road acceptances, discontinuance's, closings, and constructions.
2. At the Town Office, for each warrant article reference, find and copy the Town Meeting Minutes recording of the action on the warrant article. Create a town meeting minute's record number similar to the county commissioner's minutes record number. Record that number on the copy.
3. In many cases the language of the road discontinuance referred to houses by owners' names. Some old maps show house locations and owners names (e.g. Kennebec County Atlas of 1879, Fayette map; see cover of Vol. 3). To identify the referenced road, use the grantee indices appropriate to the date of the reference and search backward to find the owner's deed. Then search the title backward until you find a house and owner on one of the old maps. Alternatively search the title forward to find out who owns the house or land today. Try the backward search first because it finds cellar holes.

Data Collection

For each photocopy layout, make a transparency. The data for each county road layout then consists of the copy of the county commissioners' record, the copy of the layout, and the transparency of the layout. To organize the data, presentation style loose-leaf binders work best for us. Scale copies of the ROW master layout map fit conveniently in the front cover of the volumes for County Commissioners' minutes.

1. Assemble the copies into loose-leaf binders. For each road record, the copy is placed in a tabbed sheet protector facing forward and the layout facing back. A transparency of the layout is placed in a sheet protector and placed immediately following the layout. That way the transparency of the layout can be removed and use with the cover map to locate the physical road and learn the current name of the road just as is done in the Rights of Way map room.
2. Then we use Office '97 Word to make the printed tabs, to create a table of contents, and to make cover inserts for each presentation style loose-leafed notebook. The Fayette material fills three notebooks.
3. Enter the research data, as it is collected, on a variety of maps:
 - A Xerox copy of the Department of Rights of Way Fayette map which matched the scale of the layout drawings.

- The latest tax map of Fayette.
- The latest map from the computer center serving the DOT Local Roads Center, which shows the maintained road data supplied by Fayette from which Maine State road subsidies are computed.

Results

Twenty-six roads have no legal complications:

Asa Hutchinson	Crimmel	North Wayne
Baldwin Hill	East of Tilton Pond	Main (Route 17)
Bamford Hill	East	Sandy River
Bog	Echo Lake	South
Campground	Fayette Corner	Tobin Farm
Charles Hamm	Fayette Ridge	Twelve Corners
Chesterville Ridge	Gail	West
Clifford Hill	North	Young
Clyde Wells	Palmer	

For ten residential roads the only legal complication is that there is no record of original ownership but no action appears to be required. These roads can be claimed by prescriptive ordinance (outside edge of ditch to outside edge of ditch) when needed:

Butter Factory	Limberlost	Russell
Gile	Morris Springer	Tom Seary
Jed Davis	Norton	
Knox Hill	Phillip Davis	

For four collector roads, there is no record of original ownership. These roads may need to be widened or straightened in the future, or drainage may need to be improved as part of normal maintenance. For these roads Fayette should negotiate a right of way:

Baldwin Hill Cut	Richmond Mill
Part of Jackman's Mill	Watson Heights

Five roads have been discontinued improperly or should have been discontinued and were not. These situations are procedural, no-controversial, and can be made legal through the town warrant process:

Ed Rose	N of Rt. 17 east to TL	South Road extension
Fulsom	N to Chesterville	

Four roads have significant legal problems that should be fixed through the town warrant process:

1. **Bamford Pond Road.** There is no record of original ownership, and it has been closed by warrants. The Town should negotiate the right-of-way with owners and open the south end to Ben Crites' place with a warrant.
2. **Lovejoy Shores Road.** Fayette accepted the piece from Rt. 17 to the causeway in a special town meeting December 1966. The road beyond the causeway has been maintained (recently payed) by the Town. The Town should negotiate with lot owners within the development to acquire the right-of-way and accept the rest of the road with a warrant article.
3. **Maple Lane (aka Old North Wayne Road).** The piece from Chester Hewett's house to Clyde Well's (now George Joseph's) house was discontinued in the 1974 town meeting, with the ROW reverting to the abutting property owner and not being relegated to a private way. The cemetery is no longer accessible to citizens or town equipment. The Town should negotiate for a right-of-way from Clyde Wells's house to the cemetery and open the road with a warrant article.
4. **Oak Hill Road.** The road is closed from the old Taliaferro house to the new Taliaferro house. The Town should open that piece of road with a warrant article.

Draft: The Legal Basis for Fayette's Roads

Objective

In connection with the October meeting of the Road Committee, both Town Manager Louise Simmons and Selectpersons' Liaison Brian Holman, asked the Committee to expedite a study of the legal basis for Fayette's roads. The current Administration has serious doubts about what roads they are responsible for. Some citizens suggest that the Town should be maintaining certain roads and aren't. Others say that the Town is maintaining roads it doesn't own. The Road Committee agreed to determine the legal basis for Fayette's roads.

History

Colonial Period

The first roads preceded the incorporation of the town of Fayette in 1795. A little history helps us to understand how to unravel the legal basis for our roads. That history leads us to the Plymouth Company and the Sterling Plantation. We have the Plymouth Company to thank for being a catalyst in colonizing Maine. For instance they are responsible for first surveying the central Maine wilderness and building two buildings still standing today: Fort Western and the Lincoln County courthouse in Dresden.

Plymouth Company and the Kennebec Purchase

King James the First of England gave a Letter Patent to the "Council established at Plymouth in the County of Devon": exclusive legal title to much of what is now New England. In 1629 the Council deeded to William Bradford a piece of land later known as the Plymouth Patent, or the Kennebec Purchase. Bradford sold it in 1661 to the Colony of New Plymouth, which then sold it to a group called the Plymouth Company. Cushnoc (or Fort Henry), the company's trading post is now the site of Augusta.

The Kennebec Purchase reached fifteen miles east and fifteen miles west of the Kennebec River. It extended north to a surveyor's range line which today is the north line of both Readfield and Augusta and south to a parallel range line through Topsham, Woolwich, and Pemiquid Point. That tract of land, 30 miles E-W and forty miles N-S, contained about three-quarters of a million acres. Its western boundary split off the eastern corner of Fayette of today at the southwest corner of Mount Vernon. A committee of principles in Plymouth Company (John Hancock, James Bowdoin, James Pitt, Benjamin Hallowell, and Sylvester Gardiner) gave plots of land, typically 200 acres, to individuals or groups who agreed to settle on the land and develop the land's resources.

All the lakes in Fayette, Mount Vernon and Wayne drain one into another and the waterway so formed was locally called Thirty Mile River. The differences in water level of the lakes was the source of power for the four major industries in early settlements: sawmills, mills to grind grain (gristmills), mills to dye and weave flax and wool (fulling mills), and tanneries to make leather. In particular, the area embraced by the east and west branches of Echo Lake (then Crotched Pond) and the east and west branches of Lovejoy Pond (then Lane's Pond) was a popular area for settlers. The 1790 census found 57 people there.

Sterling Plantation

In contrast to a business undertaking like Plymouth Company, a plantation was a group of people who wanted to form a self-governing town within a larger political structure as soon as such was possible. They built roads and schools, taxing themselves to pay for their expense and voluntarily contributing their share of higher-level government expense.

Massachusetts Colony claimed jurisdiction over the "Province of Maine". Province of Maine had five counties: York, Cumberland, Hancock, Washington, and Lincoln - county seat for our Fayette region. In the 1790 census Lincoln was the most heavily populated with about 30,000 people in 55 towns and plantations.

There was a committee, appointed by the Massachusetts General Court, whose purpose was to convey title for unappropriated land in Lincoln County. In 1785 that committee issued a deed to three people for Sterling Plantation. It was a triangle of land, 7000 acres, the east side of which lined up with the western boundary of the Kennebec Purchase (the eastern part of Fayette) and the western point of which was in the middle of what is today Jay. A survey subdivided the land into lots. Terms of the deed granted to each of the few

families already settled on the land a half a lot, equal to 100 acres. In the 1790 census the population of Sterling Plantation was 166.

Fayette and its Roads

Massachusetts's statutes gave the responsibility for layout, alteration, closing to maintenance, and discontinuing roads to the county commissioners. The costs of building and maintaining the roads were born locally. Once a town was incorporated, the statutes gave the local government responsibility for roads that lay within town boundaries, i.e. town ways. The county commissioners were still responsible for roads crossing town boundaries, i.e. county roads. With the incorporation of Fayette in 1795, the selectpersons assumed responsibility for layout and discontinuance of roads that did not cross Fayette boundaries.

The procedure to create a county road was as follows.

1. A group of citizens, local government if the area was incorporated as a town, submitted a petition to the county commissioners.
2. The county commissioners verified the signatures and residency status of each petitioner.
3. If the petition was legal, the commissioners scheduled a review of the road "report", a surveyor's layout of the road, at a local tavern. The meeting was well publicized and public comment was solicited through bulletin boards and newspapers.
4. If the meeting results were favorable, payments to landowners ("damages") were assessed for the private lands taken for the county road ("the right of way"). The road approval was scheduled for the next regular session of the county commissioners, and the proposal was again posted for public comment.
5. At the regular session final approval for the road was entered into the commissioners minutes as a public record. Landowners were given a year to remove the timber and clear the stumps.

The process of approval took one or two years. Building the road was frequently a longer process, and sometimes the road was found to be unnecessary.

The procedure for a town way was simpler.

1. Local government officials (selectpersons in Fayette) did the layout of the road and approved it. Sometimes an article was placed in the warrant for a special town meeting or the next annual meeting, but not always. In fact research indicates that sometimes roads just happened.
2. The road recommendation was acted upon at the town meeting in those cases where the selectpersons used the town meeting article approach to involve citizens.

A refinement of these procedures has to do with "private way" versus "public way". Those considering the road petition asked themselves who benefited from the road. If the answer was that it was many citizens, the road was deemed a "public way"; but if only a few benefited, then the judgement was made that it was a "private way", and "damages", construction costs, and future maintenance costs became the responsibility of the few who benefited. One example is that of someone who became a tavern owner and needed access to his house from a nearby main road across neighbors' properties.

An interesting exception to these procedures was that a citizen or a group could go directly to the county commissioners if the local government was not responsive to a request for a town way. Similarly, selectpersons could go directly to the county commissioners if the recommended action in a town meeting was denied.

Modern Times

This century the process has become more complicated. We now have three classes of roads:

1. State roads. These are roads maintained summer and winter by the Maine Department of Transportation (DOT). For example, Route 17 was made a state road in 1906 when the county commissioners approved a petition from our selectpersons that the road met the statutory requirements.
2. State Aid roads. Fayette provides winter maintenance (plowing), but the DOT does the rest. The classification of the road was also determined through petition by the selectpersons to the county commissioners.
3. Town ways. Fayette provides all maintenance. In recent years land developers filed plans with the county or with the planning board after the establishment of one in Fayette, but the responsibility for roads was still with local town government. The selectpersons are responsible.

What happened to county roads? In 1975, a revision of the Maine statutes turned the county roads over to the towns, eliminating a layer of government as far as roads are concerned.

Methodology

Under the leadership of two members of the committee who are particularly skilled in legal research on roads, this plan was developed:

At the county level,

1. Contact the Department of Transportation (DOT) Department of Rights of Way (ROW) and obtain a computer list of the county road numbers of the roads within the boundaries of Fayette. At the same time ask for a list of discontinuances.
2. Visit the Map Room of the Department of ROW and, for each road number, request a layout, match the layout to the master layout map, verify that the layout was within the boundaries of Fayette. Discontinuances don't have layouts but refer to roads previously laid out.
3. For Fayette roads, request a photocopy of the layout, and pencil in the current road name and any other pertinent research data on the copy. It is a good idea to date and initial the added data to distinguish it from the original DOT researcher's data. Repeat this step until all road numbers on the Fayette list are done.
4. Go the Registry of Deeds for each county referenced by the road numbers, and obtain a photocopy of the County Commissioners' Record of the petition for the road and the County Commissioners' action.
5. Because the Registry of Deeds historic records terminate as of a specific date, visit the Office of the County Commissioners and get copies of the more recent Commissioners records.

At the town level,

1. At the Maine State Library, read all town report warrants looking for road acceptances, discontinuance's, closings, and constructions.
2. At the Town Office, for each warrant article reference, find and copy the Town Meeting Minutes recording of the action on the warrant article. Create a town meeting minute's record number similar to the county commissioner's minutes record number. Record that number on the copy.
3. In many cases the language of the road discontinuance referred to houses by owners' names. Some old maps show house locations and owners names (e.g. Kennebec County Atlas of 1879, Fayette map; see cover of Vol. 3). To identify the referenced road, use the grantee indices appropriate to the date of the reference and search backward to find the owner's deed. Then search the title backward until you find a house and owner on one of the old maps. Alternatively search the title forward to find out who owns the house or land today. Try the backward search first because it finds cellar holes.

Data Collection

For each photocopy layout, make a transparency. The data for each county road layout then consists of the copy of the county commissioners' record, the copy of the layout, and the transparency of the layout. To organize the data, presentation style loose-leaf binders work best for us. Scale copies of the ROW master layout map fit conveniently in the front cover of the volumes for county commissioners minutes.

1. Assemble the copies into loose-leaf binders. We found the Avery Protect 'n Tab Tabbed Sheet Protectors (available at Staples, \$1.00 each, to be suitable) to be convenient. It is important to choose a product that doesn't stick to Xerox copies. For each road record, the copy is placed in a tabbed sheet protector facing forward and the layout facing back. A transparency of the layout is placed in a sheet protector and placed immediately following the layout. That way the transparency of the layout can be removed and use with the cover map to locate the physical road and learn the current name of the road just as is done in the Rights of Way map room.
2. Then we use Office '97 Word to make the printed tabs, to create a table of contents, and to make cover inserts for each presentation style loose-leafed notebook. The Fayette material fills three notebooks.
3. Enter the research data, as it is collected, on a variety of maps:
 - A Xerox copy of the Department of Rights of Way Fayette map which matched the scale of the layout drawings.
 - The latest tax map of Fayette.
 - The latest map from the computer center serving the DOT Local Roads Center, which shows the maintained road data supplied by Fayette from which Maine State road subsidies are computed.

Fayette's Roads – A Chronology

The Building Years, 1789-1846, Volume 1.

From 1789 through 1802 settlers in the area which would later become Fayette petitioned the county, then Lincoln County, for a major system of public roads:

1. In 1789, a road (08 02 025) east from Fords Mills at the dam on Thirty Mile River (near the Fayette General Store) to Craigs Mills in the Northeastern part of Winthrop (now Readfield), presently **part of Route 17**.
2. In 1791, two roads (08 02 030), one west from Fords Mills to the Androscoggin River: what is presently **part of Route 17, Oak Hill Road**, and then **Bamford Hill Road** to the Livermore Falls town line; and the other north-south: presently **Young Road** from the Wayne town line to Oak Hill Road, west a short distance on the new road to the west, then north: presently a piece of **Baldwin Hill Road** to the south half of **Asa Hutchinson Road** and then north to **Chesterville**.
3. Also in 1791 (08 02 046), **South Road** from the Wayne town line to Baldwin Hill Road, then a road east of **Tilton Pond** to today's **East Road** north to Chesterville.
4. In 1793 (08 02 106), the **Old North Wayne Road**.
5. In 1797 (08 02 196), the **south half of Asa Hutchinson Road, Fayette Ridge Road, and West Road**; also from Asa Hutchinson Road, **Fulsom Road** through **Moose Hill Road**.
6. Also in 1797 (08 02 197), **Baldwin Hill Road** north, **part of Underwood Road (Route 17)**, and **North Road**.
7. In 1801, their first petition in the newly established Kennebec County: **Clifford Hill Road (06 01 108)** east to East Road.
8. In 1802, **Sandy River Road (06 01 171)**.

There was no road activity for twenty years . . . then **North Road (06 05 016)** from Wayne to Chesterville in 1822. Ten years elapsed. Then in 1832 the **central part of Route 17 (06 06 308)**, Tilton Pond to Oak Hill Rd, was established. In 1835 the **western part of Route 17 (06 07 010)**, the Livermore town line to Pine Tree Corner was added. The next major activities occurred in 1841, **Mosher Pond Road** and **Campground Road (06 07 447)**, and in 1846, **Echo Lake Road (06 08 311)**.

It appears that Foord's Mill was the driving force, first, needing roads toward Readfield (Craig's Mill) and Augusta and, second, roads west toward the Androscoggin River, south to Wayne, and north to Chesterville. The map on the back cover of Volume 1 shows the road structure by 1846, 57 years of road activity. The result of the first 13 years is shown in pink – an impressive starter network of roads!

Population peaked in 1850 at 1085 (History of Fayette by Joseph H. Underwood, p. 66). Thereafter population shifts favored the cities.

The Improvement Years, 1848-1970, Volume 2.

R. B. Dunn and 12 others (13 total . . . bad number) successfully petitioned for a road from Livermore Falls across the southwest corner of Fayette to Packard's Tavern in East Winthrop: **Bog Road**. Perhaps there was a mill (Richmond Mill?) on the outlet of Hales Pond. In any case, the roads alterations and discontinuances consumed a lot of the County Commissioners' time in both Kennebec County and Lincoln County the next four years (1848-1851): 06 10 038, 09 03 204, 06 10 146, 06 10 170 D, 09 03 321 D, 06 10 256 D, and 09 03 531 D. This road was a troubled road!

Pike Road (06 10 101) connected Bog Road southeast to Wayne. **Old North Wayne Road** was altered in 1849 (06 10 122) and replaced in 1851 with the present **North Wayne Road (06 10 200)**. Since Bog Road was such a success, why not **New Bog Road (Fayette Corner Road, 06 14 006)** in 1858. The status quo lasted sixteen years until **Jackman's Mill Road (06 14 372)** in 1874. Most of **Old North Wayne Road** was finally discontinued in 1888 (06 15 188 D). In 1889 (06 15 214) and 1891 (06 15 253 D) **Twelve Corners** was improved. **Echo Lake Road** was moved to suit the owners of Camp Vega in 1939 (06 19 155). Lastly **Route 17** was modified in 1970 (06 19 226 D).

Most notable in this period are:

1. the **1935 discontinuances (06 19 060 D)** affecting **South Road, Morris Springer Road, North Road, and Clifford Road**; and
2. the **1945 closings (06 19 271 C)** impacting **Ed Rose Road, Oak Hill Road, South Road, Soper Road, Fulsom Road, West Road, road east of Tilton Pond, and Young Road**.

These two petitions – the issues they address and those they don't address are a major reason this research has been undertaken.

Town Roads, Volume 3.

The north end of North Wayne Road was moved to its present location in 1921 (05 067) and 1922 (05 082). Butter Factory Road was discontinued partly in 1922 (05 135) and completely in 1973 (16 204). A road from Asa Hutchinson west through the Tobin farm to Jed Davis Road was discontinued in 1929.

Major changes in the town ways occurred in 1947 and 1973.

1. The 1947 discontinuances (retaining the rights of way) involved Gile Road, Philip Davis Road, Bamford Pond Road, Old North Wayne Road (Maple Lane), and the construction of Charles Ham Road. In 1955 the construction of new Clyde Wells Road and discontinuance of the old completed changes resulting from the closing of Old North Wayne Road.
2. The 1973 discontinuances were for the middle of Jed Davis Road, the north end of Bamford Pond Road, the west end of Tom Seary Road, the north end of Limberlost Road, and the south end of Norton Road.

In 1974 Old North Wayne Road was discontinued west of Hewitt's house a second time, this time giving up the right of way. The north end of Gile Road was discontinued in 1976. Gail Road was accepted as a town way in 1977. Gile Road was accepted south to Whittemore's driveway in 1978. In 1982 Gile Road was extended to Oak Hill Road, and Oak Hill Road was discontinued from Kent's Cemetary to Gile Road, for all practical purposes extending Gile Road to Betty Burhoe's house.

Regional Time Sequence Studies

In some situations it helps to develop a chronology for a group of roads. Sometimes it provides insight into the meaning of the data. In the three situations that follow, that is the case.

Old North Wayne Rd, North Wayne Rd, Clyde Wells Rd, and Charles Ham Rd

Old North Wayne Road was established as a county road, 08 02 106, in 1793. In 1849 a petition to move the Wayne end down close to the shore of Echo Lake with 06 10 122. It was rejected because the damages were excessive. North Wayne Road was established as a much shorter and flatter road with 06 10 200, in 1851. The piece of Old North Wayne from North Pond Road to an intersection just north of the Fayette town line" was discontinued in 1888 with 06 15 188 D. The town was still stuck with maintaining two parallel roads. At the 1947 Town Meeting (pg. 161 of the minutes), the Town passed Articles 18-19 to discontinue the Gov. Wills Road (Old North Wayne) from Chester Hewett's to Clyde Wells .7 miles but retain the right of way and build a connecting road from the North Wayne Road to Charles Ham's .2 miles. They also built a road from North Wayne Road to Clyde Wells' house and then offered, at the 1955 Town Meeting, Article 21 to accept the road and Article 22 to discontinue the old section of the road from North Wayne Road to the residence of Clyde Wells. Both articles passed (pg. 450, minutes of the Town Meeting). In the 1974 Town Meeting, article 54 was passed to discontinue without right-of-way the Old North Wayne Road from the Chester Hewett house to the Clyde Wells house.

Roads in the Southwest Corner

South Road was established as a county road, 08 02 046, in 1790. The south end below Richmond Mill Road (South Road ext.) was located near where it is today. In 1797 the South Road ext. was straightened (08 02 197). In 1835 an almost parallel road to the east was established soon called Pike Road. In 1840 the straightened piece of 08 02 197 was discontinued (06 07 378 D) south to the town line. In 1848 a road from North Wayne to the intersection of Young Road and Hale Brook east to intersect South Road was approved (06 10 038), soon called Pond Road. The west end crossing the town line is today's Bog Road. Also in 1848 Pike Road was moved and rearranged to meet Bog Road at its original intersection with South Road. In 1851 Pond Road (Bog Road) was discontinued from the original intersection with South Road east to Richmond Road (06 10 256 D). That piece of Pond Road east of Young Road south east to the town line, part of Ed Rose Road, was discontinued twice. The first time was in 1935 (06 19 060 D) all the way to the town line. The second time in 1945 (06 19 271 C) discontinued (private way w/gates&bars) the south end .2 miles to the town line leaving a stub off the Young - Richmond Mill intersection.

Gile Rd, Morris Springer Rd, and Oak Hill Rd

In 1790, Oak Hill Road was established as a county road, 08 02 030, extending from Ford's Mills west to the Androscoggin River - now part of Route 17, Oak Hill Road, and Bamford Hill Road. Although there is no

known record of layout of either Gile Road or Morris Springer Road (aka Mike Reeve's Road), both appear on the 1879 map of Fayette. In 1935, 06 19 060 D discontinued from the Aylward (or Jones) house to Underwood Road (Route 17). In 1945, 06 19 271 C, discontinued a .8 mile piece of Oak Hill Road from the three corners west of the house of H. Choate to the house of Isaac Bushie (now the Burhoe house). 1947 town meeting articles 14 and 15 and 07 161 discontinued (w/ROW) the north end of Gile Road (or Morris Springer Road) .6 miles from Jim Jones' house to Route 17 and the south end .5 miles to Oak Hill Rd. In 1974, 06 20 296 D, a piece of Oak Hill Road from immediately west of the Taliaferro residence westerly to the eastern point of the 1945 discontinuance. Taliaferro built a house west of the point of discontinuance and claimed the road was still open to his house. 1976 town meeting article 48 requesting discontinuance of a piece of Gile Road from a point .2 miles south of the Sanderson Corner Rd and continuing 650' south from the Gile's house to Willard Whitmore's house was denied, 17 99. In 1978, article 44 and 17 214 accepted as a Town Way from Gile's house south 1500' to Whittemore's driveway. 1982 special town meeting article 2 and 18 255 laid out a town way from Whittemore's driveway to Oak Hill Rd. Article 3 discontinued (w/ROW by default) the road from Kent Cemetery to Gile Rd (aka Burhoe Rd).

Results

Twenty-six roads have no legal complications:

Asa Hutchinson	Crimmel	North Wayne
Baldwin Hill	East of Tilton Pond	Main (Route 17)
Bamford Hill	East	Sandy River
Bog	Echo Lake	South
Campground	Fayette Corner	Tobin Farm
Charles Hamm	Fayette Ridge	Twelve Corners
Chesterville Ridge	Gail	West
Clifford Hill	North	Young
Clyde Wells	Palmer	

For ten residential roads the only legal complication is that there is no record of original ownership but no action appears to be required. These roads can be claimed by prescriptive ordinance (outside edge of ditch to outside edge of ditch) when needed:

Butter Factory	Limberlost	Russell
Gile	Morris Springer	Tom Seary
Jed Davis	Norton	
Knox Hill	Phillip Davis	

For four collector roads, there is no record of original ownership. These roads may need to be widened or straightened in the future, or drainage may need to be improved as part of normal maintenance. For these roads Fayette should negotiate a right of way:

Baldwin Hill Cut	Richmond Mill
Part of Jackman's Mill	Watson Heights

Five roads have been discontinued improperly or should have been discontinued and were not. These situations are procedural, no-controversial, and can be made legal through the town warrant process:

Ed Rose	N of Rt. 17 east to TL	South Road extension
Fulsom	N to Chesterville	

Four roads have significant legal problems that should be fixed through the town warrant process:

1. **Bamford Pond Road.** There is no record of original ownership, and it has been closed by warrants. The Town should negotiate the right-of-way with owners and open the south end to Ben Crites' place with a warrant.
2. **Lovejoy Shores Road.** Fayette accepted the piece from Rt. 17 to the causeway in a special town meeting December 1966. The road beyond the causeway has been maintained (recently paved) by the Town. The Town should negotiate with lot owners within the development to acquire the right-of-way and accept the rest of the road with a warrant article.

3. **Maple Lane (aka Old North Wayne Road).** The piece from Chester Hewett's house to Clyde Well's (now George Joseph's) house was discontinued in the 1974 town meeting, with the ROW reverting to the abutting property owner and not being relegated to a private way. The cemetery is no longer accessible to citizens or town equipment. The Town should negotiate for a right-of-way from Clyde Wells's house to the cemetery and open the road with a warrant article.
4. **Oak Hill Road.** The road is closed from the old Taliaferro house to the new Taliaferro house. The Town should open that piece of road with a warrant article.

Future Research

Our research has focused on

1. Annual Meeting Reports, 1888 through 1982, available in the State Library in Augusta,
 2. County records available in the Registries of Deeds of Lincoln, Oxford, and Kennebec counties,
 3. State records located in the Department of Transportation building in Augusta, and
 4. We have read the Town records from 1888 on to obtain the results of the votes on the warrant articles.
- It is possible that a careful reading of the minutes of the town meetings from 1795 to 1885 would uncover details of local road layouts, i.e. record of original ownership. We have not done that because of the difficulty of obtaining access to our town records.

Appendices

Glossary

1. **County Commissioners.** Three gentlemen who governed a county, e.g. Lincoln, Kennebec, or Oxford counties.
2. **County road or way.** County Commissioners had the sole right to establish, close, or discontinue a road until 1976 when that right was transferred to town governments by State of Maine statute. Citizens petitioned the Commissioners for a road. The Commissioners appointed a committee to lay out the road and suggest appropriate damages to be paid to landowners whose land would be taken for the right-of-way. They scheduled a public meeting (usually in a tavern...how have we lost that custom?) at which they approved or disapproved the road. All county roads were transferred to town governments by state statute in 1976.
3. **Close.** A town or county could approve a citizens' petition for the discontinuance of maintenance of a road while maintaining the right-of-way.
4. **Discontinue.** A town or county could approve a citizens' petition for the discontinuance of maintenance of a road, splitting the right-of-way along the centerline, and returning the land to the abutting owners..
5. **Gates and bars.** This term applied to a closed or discontinued road, "with gates and bars", denied passage to try to limit liability while retaining the right-of-way.
6. **Layout.** The detailed plan for a road appearing in County Commissioners' records as a list of compass bearings and distances from a starting reference point. Example: from Fayette Corners Road opposite Giles' barn, 32 degrees east of north and 26 rods to Smith Brook, 70 degrees east of north and 40 rods to the big oak tree etc.
7. **Local road or way.** After the incorporation of a town, the town government had the same responsibilities as County Commissioners for roads within its town boundaries. All county roads were transferred to town governments by state statute in 1976.
8. **Private road or way.** When the town or county governing body approved a petition for a road, it made a judgement as to who benefited, private individuals or the public at large, and assigned responsibility for costs accordingly. An example of a county road whose costs were born by an individual was a tavern owner who successfully led a petition to cross his neighbor's land to get his patrons easily to and from the main road.
9. **Right-of-way.** Two meanings: 1) the ribbon of land on which the road is built, e.g. 3 rods wide or 4 rods wide, and 2) the right of passage for a person over land owned by another.
10. **Rod.** An English unit of measure equal to 16 ½ feet.
11. **Town road or way.** Same as local road or way.

Road Histories

Road	Description	Prob-lem
Ed Rose	Approved in 1848, 06 10, 038. In 1935, 06 19 060 D discontinued (w/no ROW) a piece of road extending from the Wayne town line to the junction of the road which passes the residence of Charles Rose. The DOT researcher identified the discontinuance to be part of 08 02 197, locating the Rose house on the layout map (see Vol 1 or 2 front cover), but that house is the Ed Rose house. Our title search found the Charles Rose house to be the T B Swift house at Richmond Mill (see Vol 3 front cover). Therefore we believe the discontinuance to be for Ed Rose Rd east of Young Rd. In 1945, 06 19 271 C discontinued (private way w/gates&bars) the south end, .2 miles to the Wayne Town Line, leaving a stub off the Young/Richmond Hill intersection. Where does the stub end? A loose end. Discontinue it with a warrant article.	* * * * *
Fulsom	Approved 1797, 08 02 196. North section (.7 miles) discontinued (private way w/gates&bars) in 1945, 06 19 271 C, from Fayette Ridge to house of L A Mason near Twelve Corners (.2 miles from Campground Rd). Of its one mile length, .1 miles must be open at the Fayette Ridge end. Discontinue it with a warrant article.	* * * * *
N of Rt 17 E to TL	Approved 1844, 06 08 187, and no record of discontinuance. Discontinue it with a warrant article.	* * * * *
N to Chesterville	Approved 1791, 08 02 030, and no record of discontinuance. Discontinue it with a warrant article.	* * * * *
South Rd ext	Approved 1791, 08 02 046. Approved a move of the south end 1797, 08 02 197. Approved a new road in 1835, 06 07 027, by Benjamin Pike and others - hence Pike Rd. Discontinued part of 08 02 197 in 1840 from Benjamin Pike house (P F Pike house on Bog Rd, see Vol 3 front cover) south to Bear Brook Rd, 06 07 378 D. Approved another move in 1848, 06 10 101, moving the south end of Pike Rd east and connecting to Bog Rd. In 1945, 06 19 271 C discontinued (private way w/gates&bars) "On Road L C 2-46-1(08 02 046) . . . lower end of South Rd to Road F11, .2 mi.". Because of the wording "On Road F11 - South end of Ed Rose road..." also on page 271, we infer that F11 is the old Pond Rd of 06 10 038, also Bog Rd. Then we infer that the discontinued piece of road, "lower end of South Rd to F11, .2 mi." is part of 08 02 197 from South Rd south to Bog Rd, a 1797 move of 08 02 046. But discontinue (w/no ROW) with a warrant article.	* * * * *
SW corner	Clips SW corner of Fayette. Approved 1832, 06 06 290. Discuss with Wayne discontinuing it with warrants in both towns.	* * * * *
Bamford Pond	Aka Bamford Rd. No record of original ownership. 1946 town meeting article 13 to discontinue (w/ROW) did not pass, 07 125. 1947 article 17 passed, 07 16, with same wording as in 1946: south end to Ed. Rose's road .7 miles. 1973 town meeting article 53 and 16 204 discontinued (w/ROW, Title 23 Subchapter 3004) from Kent Cemetery to Ben Crites' house. Fayette has been maintaining this road for years. The town should negotiate the ROW with owners and open the road to Ben Crites' place with a warrant article.	* * * * *

Road Histories

Lovejoy Shores	<p>Pieces are named Lovejoy Shore Dr and Underwood Dr. Lovejoy Shores Plans #1-3 are filed at the Kennebec County Registry of Deeds (the Map Room) book 26 page 52 12/19/62, 26 59 5/27/63, and 28 21 9/23/63. The maps show an island development beginning at the causeway between the "mainland" and an island. The loop road on the development varies in lot to lot width between 35' and 43'. In Dec. 1966 special town meeting article 2 accepted "the road going from Route 17 to Lovejoy Shores". Since then the town has been maintaining the road in the sense of "prescriptive easement". To clear this matter up, the Lovejoy Shores property owners should deed the development road to the town and the town should accept it with a warrant article at the 1999 town meeting, thus avoiding a lot of unpleasantness.</p>	***
Maple Lane	<p>Aka Old North Wayne. Approved 1793, 08 02 106. 1947 town meeting article 18, 07 161, discontinued (w/ROW) from Chester Hewett's house to Clyde Wells' house .7 miles and approved a road from North Wayne Rd .2 mi. to Charles Ham's. 1974 town meeting article 54 and 16 257 discontinued from Chester Hewett's house to Clyde Wells house .7 miles with the ROW reverting to the abutting property owner and not being relegated to a private way. This was a county road in 1974 unless one argues that after 06 15 188 D it no longer crossed a town line and thus became a town way. If the closing is legal, the cemetery is no longer accessible to citizens or town equipment. Open Gile Rd to the cemetery with a warrant article at the 1999 town meeting. <i>Clyde Wells Rd</i></p>	***
Oak Hill	<p>Approved 1791, 08 02 030, and discontinued (private way w/gates&bars) from three corners west of house of H. Choate to house of Isaac Bushie (now the Burhoe house) .8 miles in 1945, 06 19 271 C. In 1974, 06 20 296 D, discontinued (w/no ROW) immediately west of the Taliaferro residence westerly to the eastern point of the 1945 discontinuance. 1982 special town meeting article 3 and 18 255 discontinued (w/ROW) a piece of Oak Hill Rd road (aka Burhoe Rd) from Kent Cemetery to Gile Rd. Which Taliaferro house? Open the road as far as the second Taliaferro house with a warrant article.</p>	***
Baldwin Hill Cut	<p>No record of original ownership. Negotiate a right of way.</p>	**
Jackman's Mill	<p>Approved 1874, 06 14 372, from East Rd to North Rd. No record of original ownership for the piece from North Rd to Route 17. Negotiate a right of way.</p>	**
Richmond Mill	<p>Aka as Ed. Rose's road. No record of original ownership of the west half ending at South Rd. Negotiate a right of way.</p>	**
Watson Heights	<p>Aka known as Hutchinson Rd. No record of original ownership except for the north piece approved 1790, 08 02 046. Negotiate a right of way.</p>	**
Butter Factory	<p>Aka Batchelder Rd. No record of original ownership. 1925 town meeting article 17 and 05 135 discontinued (w/no ROW) the Butter Factory Rd from Rt 17 to the Richard Lauder house. In 1935, 06 19 060 D discontinued (w/no ROW) a short piece of road at the north west corner of Tilton pond. The 1973 town meeting article 51 and 16 204 discontinued (w/ROW, Title 23 Subchapter 3004)) the Butter Factory Rd from Jackman's Mill Rd across Rt 17 to the Wm. Livermore house at the end of Russell Rd.</p>	*

Road Histories

Gile	No record of original ownership. 1947 town meeting articles 14 and 15 and 07 161 discontinued (w/ROW) the north end from Jim Jones' house to Route 17 and the south end .5 miles to Oak Hill Rd. 1976 town meeting article 48 requesting discontinuance of a piece of road from a point .2 miles south of the Sanderson Corner Rd and continuing 650' south from the Gile's house to Willard Whitmore's house was denied, 17 99. In 1978, article 44 and 17 214 accepted as a Town Way from Gile's house south 1500' to Whitmore's driveway. 1982 special town meeting article 2 and 18 255 laid out a town way from Whitmore's driveway to Oak Hill Rd. Article 3 discontinued (w/ROW by default) the road from Kent Cemetery to Gile Rd (aka Burhoe Rd).	*
Jed Davis	No record of original ownership. Discontinued (w/ROW, Title 23 Subchapter 3004) from the Jed Davis house to the Bouchard house in 1973 town meeting article 52 and 16 204. Now called Fayette Ridge Rd.	*
Knox Hill	No record of original ownership. See Jed Davis Rd.	*
Limberlost	Aka Russell Rd. No record of original ownership. The town meeting in 1973, article 55 and 16 204, discontinued (w/ROW, Title 23 Subchapter 3004) from the Clyde Walton house to the end.	*
Morris Springer	Aka Mike Reeve's Rd. No record of original ownership. In 1935, 06 19 060 D discontinued from the Aylward (or Jones) house to Underwood Rd near the town house. 1947 town meeting articles 14 and 15 and 07 161 discontinued (w/ROW) the north end from Jim Jones' house to Route 17.	*
Norton	Aka Hutchinson Rd. No record of original ownership. Discontinued (w/ROW, Title 23 Subchapter 3004) from the Wm. Pfaffle house to Oak Hill Rd at the 1973 town meeting, article 56 and 16 204.	*
Phillip Davis	Aka Davenport Rd. No record of original ownership. 1947 town meeting article 16 and 07 161 discontinued (w/ROW) the Davenport Rd from Fayette Ridge to the Wm. Livermore house.	*
Russell	No record of original ownership. 1947 town meeting article 16 and 07 161 discontinued (w/ROW) the Davenport Rd from Fayette Ridge to the Wm. Livermore house. 1973 town meeting article 51 and 16 204 discontinued (w/ROW, Title 23 Subchapter 3004) the Butter Factory Rd from Rt 17 to the Wm. Livermore house at the end of Russell Rd.	*
Tom Seary	No record of original ownership. In 1935, 06 19 060 D, petition to discontinue was denied. Discontinued (w/ROW, Title 23 Subchapter 3004) in 1973 town meeting article 54 and 16 204 from Evelyn Knowles, house to the Wayne town line.	*
Asa Hutchinson	Aka Soper Rd. Approved from Baldwin Hill Rd part way to Fayette Ridge (then to Chesterville TL) in 1790, 08 02 030. Extended to Fayette Ridge Rd in 1797, 08 02 196. Discontinued (private way w/gates&bars) the middle section ("of Soper Rd") 1.6 mi. from the house of Ezra Keep on the north to the house of Russell Chase on the south in 1945, 06 19 271 C.	
Baldwin Hill	Approved first in 1791, 08 02 046, and again in 1797, 08 02 19, both times part of longer roads. Discontinued (w/ROW) the extension of Baldwin Hill Rd E of Tilton Pond from Route 17 to Watson Heights Rd in 1945, 06 19 271 C.	
Bamford Hill	Approved in 1791, 08 02 030.	
Bog	Aka Pond Rd. Approved in 1848 as part of 06 10 038. A piece from the original South Rd ext to the present South Rd ext (called Pike Rd then) was added in 1849, 06 10 101. The part of 06 10 038 east of the original South Rd ext to Richmond Mill Rd was discontinued (w/no ROW) in 1851, 06 10 256 D.	
Campground	Approved in 1841, 06 07 447	
Charles Ham	Approved and funded in 1947, town meeting articles 18-19 and 07 161.	
Chesterville Ridge	Aka Mosher Pond Rd. Approved 1841, 06 07 447. State Assisted Road.	

Road Histories

Clifford Hill	Approved in 1801, 06 01 108, and discontinued (w/no ROW) in 1935, 06 19 060 D.
Clyde Wells	Aka George Joseph's Rd. Accepted in 1955, town meeting article 21, 07 450. Article 22 discontinued (w/no ROW) the old section of road from North Wayne Rd to Clyde Wells house. 1947 town meeting article 18, 07 161, discontinued (w/ROW) from Chester Hewett's house to Clyde Wells house .7 miles. 1974 town meeting article 54 and 16 257 discontinued Clyde Wells Rd .7 mi from Clyde Wells house to the Chester Hewett house with the ROW reverting to the abutting property owner and not being relegated to a private way.
Crimmel	Approved 1791, 08 02 046. Discontinued (w/ROW by default) in 1974, 06 20 296 D.
E of Tilton Pond	Approved in 1791, 08 02 046. Discontinued (private way w/gates&bars) 1945, 06 19 271 C, on Road L C 2-46 (08 02 046) .6 mi. from Rt 17 east of Tilton Pond.
East	Approved in 1791, 08 02 046
Echo Lake	Approved in 1846, 06 08 311. Moved around Camp Vega in 1939 special town meeting article 2, 06 104. County approved 1939, 06 19 155.
Fayette Corner	Approved 1858, 06 14 006.
Fayette Ridge	Original Fayette Ridge Rd approved 1797, 08 02 196. See Jed Davis Rd.
Gail	Accepted 1977 town meeting, article 51 and 17 167.
North	Approved 1822, 06 05 016. South of Jackman's Mill to Rt 17 discontinued (w/no ROW) in 1935, 06 19 060 D.
North Wayne	Approved 1851, 06 10 200. Discontinued in 1921 a short piece at Echo Lake Dam, 06 17 272 D, effective when the new road was built. 1922 town meeting article and 05 082 paid \$700 for the new road at Fayette Mills.
Palmer	No record of original ownership.
Route 17	Aka Underwood Rd. Approved in 1789, 08 02 025, east of the dam at Fords Mill. Approved in 1791, 08 02 030, Oak Hill Rd to the dam. Approved in 1797, 08 02 197, Baldwin Hill Rd to North Rd extension. Approved in 1832, 06 06 308, from Tilton Pond (North Rd extension) to Oak Hill Rd. Approved in 1835, 06 07 010, from Batchelder Rd (Butter Factory Rd) to the East Livermore town line. Discontinued (w/no ROW) 1921 a short piece of North Wayne at Echo Lake Dam somehow related to Route 17, 06 17 272 D. In 1935 Town Meeting Article 15 and 06 013 discontinued (w/no ROW) the portion of Underwood Rd going through Jamison's pit (Where is this? A loose end). Relocated in 1970 a portion of Route 17, 06 19 226 D and relocation map SHC File S-6-167. State road.
Sandy River	Approved 1802, 06 01 171. Moved in 1833, 06 06 389.
South	Approved 1791, 08 02 046.
Tobin Farm	No record of original ownership. 1929 town meeting article 30 and 05 215 discontinued (w/no ROW) the road from Asa Hutchinson Rd to the west ridge road.
Twelve Corners	Approved in 1889, 06 15 214, two short connector roads. Discontinued (w/no ROW) in 1891, 06 15 253 D, short pieces of 06 07 447 approved in 1841, 06 07 447.
West	Aka Oscar Young Rd. Approved 1797, 08 02 196. Discontinued (private way w/gates&bars) in 1945, 06 19 271 C, north end of Oscar Young Rd .6 mi. from the Carleton Young house to the Chesterville town line.
Young	Approved 1791, 08 02 030. Discontinued (private way w/gates&bars) in 1945, 06 19 271 C.

LIST OF FAYETTE TOWN ROADS

Reference-Town Meeting Warrant
1973, Article 57: Page 205

- | | |
|----------------------------|--------------------------|
| 1. Moose Hill Road | 22. Bamford Pond |
| 2. Limberlost Road | 23. Fayette Corner |
| 3. Chesterville Ridge Road | 24. Oak Hill Road |
| 5. Campground Road | 26. Morris Springer Road |
| 6. Bamford Hill Road | 27. Gile Road |
| 7. Knox Hill Road | 28. Norton Road |
| 8. Fayette Ridge Road | 29. Sanderson's Corner |
| 9. Asa Hutchinson Road | 30. Echo Lake Road |
| 10. Philip Davis Road | 31. Oak Hill Road |
| 12. West Road | 32. Tom Surry Road |
| 13. Palmer Road | 33. Old North Wayne Road |
| 14. Russell Road | 34. North Wayne Road |
| 15. Pine Tree Corner | 35. Charles Ham Road |
| 16. North Road | 36. Underwood Drive |
| 17. Jackman's Mill Road | 37. Richmond Mill Road |
| 18. East Road | 38. Bog Road |
| 19. Watson Heights Road | 39. Sandy River Road |
| 20. Baldwin Hill Road | 40. Twelve Corners |
| 21. South Road | 41. Lovejoy Shores Drive |
| | 42. Lovejoy Shores |

Record of the 1973 Annual Town Meeting
Page 208, Article 57:

The Town noted to accept the report of the Road sign study committee with thanks, with the following changes:

No. 7 which was listed as Fayette Ridge Road be changed to Knox Hill Road.

No. 25 which was listed as the New Bog Road to be changed to the Fayette Corner Road.

No. 26 which was listed as the Morris Springer Road be reversed with No. 27 which was listed as the Gile Road. The numbers to be visa-versa.

No. 32 to be changed in the spelling from Surry Road to Seary Road.

