

## **Update on the Lake Anasagunticook Dam July 1, 2008**

The State's case against the dam owner is progressing through Oxford Co. Superior Court. Mr. Fortier's attorney, Mitchell Flick, and the Assistant Attorney General, Phyllis Gardiner had a settlement conference on June 23<sup>rd</sup> and Mr. Fortier has been encouraged to try to work with the Town of Canton to negotiate a settlement on the ownership of the dam. If there is no success in the regard, the Town of Canton will move forward as quickly as possible to take, by eminent domain, the two properties that abut and include the dam. The State's case remains to be heard by a judge and concerns and have been discussing possible settlement of the case.

With the assistance of Canton's attorney, Jack Conway, the Town has hired Dan Dwyer of Dwyer Associates from Augusta to give an appraisal of the dam and the two lots (U2-lots 37 and 41) connected by the dam. Although Canton tried to purchase all three of Mr. Fortier's lots for \$60,000, the eminent domain taking is restricted to the two directly connected to the dam. Mr. Dwyer has been collecting information from MEMA, the AAG, the Canton Town office, core group members and the Oxford County Registry of Deeds. He is also interested in the Canton Water District use of the impounded lake and water quality data. The assessed value of these two properties by the Town is \$25,620. Mr. Dwyer visited the property on June 24<sup>th</sup> and the completed appraisal is expected early in July.

Once the appraisal is completed and the price that the Town will pay the dam owner for the property is established. The board of selectmen must file with the town clerk a condemnation order stating the amount of damages determined by the municipal officers to be just compensation for the property to be taken. They must also send a copy of this order to the owner by registered mail, return receipt requested. A town meeting must then be held for voter approval of the condemnation order and the amount of damages to be paid. A check in the amount of damages is given to Mr. Fortier, the condemnation order is recorded at the Registry of Deeds and title to the property passes to the Town of Canton. The property could revert to the town by mid to late July. The only appeal available to Mr. Fortier would be the amount paid. The State Claims Board or the superior court in turn, can uphold the damages as determined by the town or increase those damages based on the evidence.

A temporary easement from Whitney Brookside has received verbal approval from the Board of Trustees to construct a temporary dam on Whitney Brook connecting their property with the Canton Water District. Once an easement deed is signed and Canton owns the dam and the right to dam the brook and raise water levels in the lake, a temporary sand bag dam will be installed to allow repairs to begin. We expect MEMA to issue a new dam safety order to the Town, stating required action/s and schedules for compliance. State officials have said that the Town should expect no more than 18 -24 months to either repair or remove the dam.

Preliminary engineering design schemes call for removal of the current dam with the exception of the left embankment (Rt. 140 side), which must be repaired. Reconstruction of the dam will support a crest gate spillway dam, which would permit the lowering of water levels when needed but otherwise holds water levels as constant as the weather allows. With a temporary dam in place, preparations around the bridge abutments could begin this fall and major reconstruction could follow in spring 2009 pending obtaining grant funding to do the construction.

Canton voters have appropriated \$22,000 and Hartford \$20,000 for acquisition of the dam property and attaining a permanent solution. The lake association's dam fund currently totals \$3,877.96 and the Town of Canton Dam Fund has received private donations of \$5,025 to support a permanent solution to dam safety and secure water levels. Community block grants will be applied for in January 2009 for repair and reconstruction of the dam. Fundraising efforts are underway with three raffles scheduled for drawings in

August (Super Dam Raffle of 6 fabulous items on the 10<sup>th</sup> and 4 Red Sox tickets vs. Blue Jays on the 16<sup>th</sup>) and October (calendar pool). Donations are being accepted to the Town of Canton Dam Fund (9 Staples Hill Rd., Canton, ME 04221) and the Lake Anasagunticook Assn. Dam Fund (23 Pinehaven Dr., Hartford, ME 04220). Raffle tickets are available at both Canton and Hartford Town offices and from core group and lake assn. board members. Volunteers and anyone with fundraising ideas should contact Polly Bussiere (597-2762) [raybussiere@hotmail.com](mailto:raybussiere@hotmail.com). or Judy Hamilton (597-2604) [mafinch@megalink.net](mailto:mafinch@megalink.net).

Submitted by,  
Judy Hamilton  
Core Group for a Permanent Solution

Note added July 10, 2008 – Canton Selectmen received a lengthy report and appraisal from Dan Dwyer. With documentation and research, the appraised value of the two properties and the dam is “zero”. Attorneys are still working on a possible settlement. Canton Select Board is moving forward with eminent domain proceedings on Friday, July 18<sup>th</sup>, if the dam owner refuses to settle.