

Town of Orland, Maine  
Planning Board  
Minutes August 4, 2014

1. Attendance

MacBrayne called the meeting to order at 7:00PM.

Board Members Present: MacBrayne, Giosia, Wood, Johnson, Cook (Alt.), Orcutt (Alt.)

Board Members Absent: Bishop (resigned by phone, letter to follow.)

Members of Public present: Gerry Guse (CEO), Norman and Pam Letarte, David Grant, Diego Castro, Mrs. Castro, Richard Wright.

2. Minutes of July 7, 2014 meeting

Wood moved to accept /approve minutes as presented. Giosia seconded. Vote: 5 yes, 0 no, Bishop abstained.

3. Communications and Chair Comments

A. MacBrayne updated board on conversation with John Jones regarding opening and reuse of Acadia Market.

B. MacBrayne had a discussion with Sam Esty regarding possible division of Map 8, Lot 25 in Wedge Heights subdivision. Lot may not be large enough or have enough shore frontage. No application has been received.

C. MacBrayne had various contacts with Amy Visentin, attorney for Aaron Bussey and Bill Devoe, Town Attorney covenant restrictions attached to the "Cottages Sub-division."

4. Old Business

None.

5. New Business

A. Diego Castro: Determine whether commercial development is allowed on The Cottages Subdivision, Lot #1.

MacBrayne further explained that he had been in contact with attorney for Aaron Bussey Bussey has entered into a purchase/sales contract with owner Diego Castro. Bussey now claims the Town will not allow commercial development on that lot and is suing Castor to get his money back. Bussey's claim seems to be based on speculative conversations he had with MacBrayne and former CEO Mike Falvey, which conversations took place outside the Planning Board venue.

Castro repeatedly asked the Board to write a letter stating that Lot #1 can be slod as a commercial property based on item #12 in the subdivision covenants and restrictions. He said he was involved with the development of the subdivision and that Lot #1 has been advertised as a commercial

property for 6 years or more. He said Lot #1 was always intended to have some commercial use or development. Castro gained title to the property when he signed his interest in the subdivision over to Keith Anthony.

There was much back and forth discussion about what was said to Bussey and what weight it carries with regard to the actual development possibilities on Lot #1.

Johnson, in explaining the Planning Board process, informed Castro that speculative conversations by individuals outside the Planning Board meetings carry no weight or validity, nor do they represent an official position of the Planning Board or the Town of Orland. Such conversations certainly do not change what is set forth in the subdivision covenants and restrictions. He said the only decision that has any validity must be made by a vote of a properly seated Planning Board at a regular Planning Board meeting, and must be based on a completed application. Johnson repeated what was stated several times during discussion of this matter: No application of any kind has been received by the Planning Board, so there has been no official deliberation of the commercial potential of Lot #1. As far as the Town of Orland is concerned the Cottages Subdivision is a legally existing subdivision and all of the Covenants & Restriction attached thereto stand as written.

Castro asked if Johnson's explanation and comments could be written in a letter. It was generally agreed that it would be more proper to provide Castro with a copy of the minutes of this meeting when they have been approved.

David Grant asked if Castro could get an advanced copy of the minutes. Johnson will check with Maine Municipal Assn. Legal services to see if releasing a "draft" copy would be advised.

After further discussion along the same lines, Johnson made the following motion:

Motion: Move that in the absence of a site plan review application the Planning Board take no action and make no determination on or as to the allowed uses on The Cottages Subdivision Lot #1.

Second: MacBrayne. Vote: 5 yes, 0 No. Motion carried.

B. John Jones- Re: Acadia Market.

John Jones did not appear before the board.

C. Richard Wright (Unscheduled item.)

Wright was seeking advice on renovating and expanding a non-conforming building on Map 40, Lot 14 on Violettes Way. After a short round of discussions he was referred to the CEO.

#### 6. Other Business

A. Johnson briefly discussed the possible format of an application form and process under the revised and newly adopted Site Plan Review Ordinance.

#### 7. CEO Report

None. Guse was not aware of the meeting or how reports have been presented to the Board. Members suggested the format used by Mike Falvey.

8. Public Questions/Comments

None

9. Next Meeting

*Tuesday*, September 2 , 2014.

10. Adjourn

Unanimous vote. 8:15 PM