

## **PLANNING BOARD MEETING MINUTES**

### **March 24, 2011**

**PRESENT:** Christopher Farrell, Daniel Doucette (7:29pm), Doug Shearer, Dudley Jensen, Peter Meier, John Howarth, Clement DelFavero, Donald DuBerger, Louis Gallo,

**ALSO PRESENT:** Jim Mulvey, Paul Gately, Diana Barth, Michael Stusse, Craig Frost, Richard Clifford, Susan James, Charles Harding, Brian McElroy, Corrine Costello, Kevin Bromly, Suzy Brooks and other members of the public.

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Ann Gratis, Recording Secretary

Chairman Farrell called the meeting to order at 7:24 P.M.

Mr. Meier recused himself and left the room.

#### **Ocean Pines:**

Chairman Farrell stated that in executive session, the Board voted to rescind the vote that the special permit isn't valid.

Michael Stusse, Amos Financial: Hebb is in default. Hope the best thing happens.

Craig Frost, Ocean Pines resident, what does this mean?

Chairman Farrell: We don't know the implications going forward. We found the conditions we originally rescinded the special permit for have been fulfilled.

Craig: Our deeds haven't been touched. Yes, it is in a HOA trust but it says to each individual.

Chairman Farrell: it's not up to us to figure out why your deed hasn't changed.

Mr. Howarth: if the property is auctioned and new owners come back with a plan under today's regulations, nobody can assure anything.

Chairman Farrell: we will follow up with town counsel about individual deeds.

Mr. DuBerger stated that development rights might not be the same. Water, economic issues, this does not set the ball back in motion.

Chairman Farrell: it's the building inspector's ruling for any permits going forward.

Susan James, 22 Ocean Pines Dr.: What proof did we have that they complied?

Chairman Farrell: town counsels legal work, the open space has been taken out of tax title and deeded.

Richard Clifford: the open space was transferred to a trust. Hebb retained rights to amend the trust and take the property. It should be in perpetuity.

Mr. Howarth asked what the intention of the bank is.

Michael Stusse: Try to reestablish the subdivision and put it into the hands of a developer in compliance with the special permit and zoning bylaws. Everything has to be looked at. Would have to seek modification of the special permit possibly if anything comes in other than what was originally allowed.

Chairman Farrell: there is a lot of frustration with the Board. Have to wait to see who makes a move.

Mr. Howarth made a MOTION to adjourn. The MOTION was seconded by Mr. Shearer with all in favor.

With no further business before the Board, the meeting was adjourned at 7:53 P.M.

Respectfully submitted,  
Ann T. Gratis