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# Council chairman: Pine Point condos a 'lose-lose' result

By Peggy Roberts (published: April 03, 2008)

SCARBOROUGH – The Town Council chairman apologized to the Pine Point Residents Group Wednesday evening for the council's failure "to come to a better result" in a local motel owners' decision to convert to condominiums.

Calling it a "lose-lose" situation for the town, Chairman Jeff Messer said, "The end result wasn't what anyone was looking for."

The town issued a 100-page report earlier this week in response to 67 questions it received from representatives of the Pine Point group after they learned Nick and Peter Truman, owners of the Lighthouse Inn, would be allowed to convert the 22 rooms to condos.

Town Manager Ron Owens summarized the report during the meeting. Prepared by Owens, other staff members and the town's attorney, it examines the chain of events that led to the decision and establishes the legality of the conversion.

The residents group first became involved nearly three years ago, when it initially opposed the Trumans' plan to convert the nonconforming motel into six condominiums. The plan included an agreement to give a strip of land to the town. The Trumans withdrew their design when the parties were close to an agreement.

In 2007, the town considered a zoning amendment that would have established a change to individual ownership without significant restrictions in nonconforming hotels and motels as a change of use, requiring an appeals process. The term "nonconforming" means the property does not meet the area's zoning requirements.

Councilors struggled with the language and intent of the proposed amendment, eventually electing to table it because it was so "convoluted," according to Messer.

When the Trumans filed their condo declaration last year, the town warned them it could be considered a change of use because its bylaws stated it could be open year-round.

But this winter, after meeting with Owens, Messer and Chris Vaniotis, the town's attorney, the Trumans amended their declaration to restrict the units to seasonal use, which negated the town's only legal objection to the condo conversion.

About half a dozen residents respectfully addressed the council during public comments Wednesday.

"I would urge you to be absolutely sure this is the way you want to go," said Jack Callahan of King Street. "I just don't want you to give up on this. Be sure that you're right; be sure the legal minds are the best you can find "

Some of the group's concerns were of owners subletting the units or entertaining too many guests, the inability of the town to evict disruptive owners and the possibility of owners installing electrical kitchen equipment in an old structure.

Councilors thanked the public for speaking but appeared to be resigned to the legality of the conversion.

"I think this report represents a great deal of staff and legal time to answer the questions," Councilor Sylvia Most said. "I didn't find a smoking gun or find evidence that things were done improperly; I concluded that what has happened is legal and is within the rights of what the owners could do."

Although Councilor Carol Rancourt said she believes the owners are within

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their rights, she called for a routine inspection of the premises every quarter.

Messer said the report was completed at "considerable legal expense" and was "as thorough a report as (he'd) ever seen," but added it was important to answer the group's questions.

Avenue 3 resident Judy Shirk summed up the feeling of the group during public comments.

"We feel so strongly about this because it is really about the character of Pine Point," she said.

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