

JOHN DESARIO

v.

TOWN OF YORK

Submitted on Briefs April 2, 2001  
Decided April 6, 2001

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,  
ALEXANDER, and CALKINS, JJ.

#### MEMORANDUM OF DECISION

John Desario appeals from a judgment entered in the Superior Court (York County, *Fritzsche, J.*) affirming the decision of the York Zoning Board of Appeals denying his request for permission to maintain two separate residences on his property in violation of the applicable zoning ordinance. Contrary to Desario's assertions, the evidence in the record does not compel a conclusion contrary to the Board's findings that Desario failed to inform the Town of his intended use for the first residence, and that Desario conducted a substantial portion of the work on the second residence after having received notice that two residences could not be maintained on his property. *See Forbes v. Town of Southwest Harbor*, 2001 ME 9, ¶ 6, 763 A.2d 1183, 1186. Accordingly, the court did not err in concluding that the doctrines of equitable and promissory estoppel do not prevent the Town from denying Desario's request to allow residential use of the two structures. *See Turbat Creek Pres., LLC v. Town of Kennebunkport*, 2000 ME 109,

¶ 17, 753 A.2d 489, 493; *Tarbuck v. Jaeckel*, 2000 ME 105, ¶ 18, 752 A.2d 176, 181; *Town of Union v. Strong*, 681 A.2d 14, 19 (Me. 1996).

The entry is:

Judgment affirmed.

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