

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **ZONING & LAND USE - MAINE**

### **Fryeburg Trust v. Town of Fryeburg**

**Supreme Judicial Court of Maine - December 1, 2016 - A.3d - 2016 WL 7010513 - 2016 ME 174**

Adjacent landowner sought review of local board of appeals decision upholding local planning board's approval of neighboring private secondary school's application to use an agricultural land parcel for primarily outdoor teaching purposes and use a residential land parcel for administrative offices.

The Superior Court affirmed in part and vacated in part. All parties appealed.

The Supreme Judicial Court of Maine held that:

- Proposal to use agricultural lot as an outdoor classroom constituted using the lot as a place where courses of study that fit state education requirements were taught, and
- Proposal to use residential lot for school administrative offices concerned a task that was so integral to the functioning of the school that it was indistinguishable from the school.

Private secondary school's proposal to change use of agricultural lot and use it as an outdoor classroom instead constituted using the lot as a place where courses of study that fit state education requirements were taught, as required by local land use ordinance, despite argument that no complete courses would be taught on the lot, much less all mandated courses. School's planned courses for the lot included those in the state-required subjects of physical education and science, and nothing within the text of the ordinance required that all of the courses required by the state or the entirety of those courses be taught on each piece of property or in each building where a secondary school operated.

Private secondary school's proposal to change use of residential lot to use it for school administrative offices instead concerned a task that was so integral to the functioning of the school that it was indistinguishable from the school and, therefore, permissible under local land use ordinance governing uses by secondary schools, despite ordinance's definition of a secondary school as a "place where courses of study are taught"; administrative offices were integral to the functioning of a school.