

Bond Case Briefs

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Beal v. Town of Stockton Springs

Supreme Judicial Court of Maine - January 12, 2017 - A.3d - 2017 WL 117293 - 2017 ME 6

Landowner sought review of decision of the town's board of selectman, determining that a structure owned by landowner was a dangerous building or nuisance.

The Superior Court affirmed, and landowner appealed.

The Supreme Judicial Court of Maine held that:

- Landowner did not demonstrate that she was denied due process, and
- Substantial evidence supported board's finding that structure owned by landowner was a dangerous building or nuisance.

Landowner did not demonstrate that she was denied due process or that she was subjected to a decision by a biased decisionmaker when town's board of selectman found that a structure owned by landowner was a dangerous building or nuisance. Although one member of board stated that he thought that house should be condemned, he and another board member also stated several times that there was a process that had to be followed, and at the time that those statements were made, board was anticipating an informal resolution of the matter, and when landowner presented her motion for recusal, the board members, acting in adjudicatory capacity, stated that they had not prejudged case and that their decision would be based upon testimony and evidence presented at the hearings.

Substantial evidence supported town's board of selectman's finding that a structure owned by landowner was a dangerous building or nuisance. Town's code enforcement officer provided detailed testimony about the interior and exterior conditions of the house—including major structural deficiencies, plumbing issues, and fire hazards—and presented photographs to support his observations.