

Bond Case Briefs

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ZONING & PLANNING - MAINE

Fissmer v. Town of Cape Elizabeth

Supreme Judicial Court of Maine - September 19, 2017 - A.3d - 2017 WL 4126940 - 2017 ME 195

Abutting property owner appealed from a decision of town's zoning board of appeals, which determined code enforcement officer had properly issued a building permit.

The Superior Court affirmed the zoning board's decision, and abutting property owner appealed.

The Supreme Judicial Court of Maine held that provision of zoning ordinance that provided no building permit shall be issued until legally binding arrangements for long-term maintenance of a private road were in place had to be applied to the entirety of the road from its intersection with a public way to at least the location of the proposed structure, and not just to the section of the road abutting the permit applicant's property.