

Bond Case Briefs

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Friends of Lamoine v. Town of Lamoine

Supreme Judicial Court of Maine - May 19, 2020 - A.3d - 2020 WL 2537351 - 2020 ME 70

Objectors brought action challenging town board of appeals' reversal of town planning board's denial of gravel pit operator's application for permit, under site plan review ordinance, to allow expansion of existing gravel extraction operations.

The Business and Consumer Court vacated board of appeals' decision, after which the Court amended judgment in part, 2019 WL 2814499, and denied motion for reconsideration, 2019 WL 3761969. Operator appealed.

The Supreme Judicial Court held that:

- As a matter of first impression, the time for objectors to appeal was governed by statute covering land use decisions of bodies other than boards of appeal;
- Operative municipal decision for purposes of judicial review on the merits was planning board's decision;
- Planning board's initial decision and not its decision on remand from board of appeals was decision for merits review; and
- Substantial evidence supported planning board's finding that operator failed to demonstrate lack of adverse impact upon groundwater.