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Duffy v. Town of Berwick

Supreme Judicial Court of Maine - December 5, 2013 - A.3d - 2013 ME 105

Landowners whose property abutted that of an automobile recycler sought review of planning board decision approving conditional use permit to install and operate a metal shredder for vehicles. The Superior Court vacated. Recycler appealed and landowners cross-appealed.

The Supreme Judicial Court of Maine held that:

- Planning coordinator's e-mail to attorney for applicant did not taint decision by planning board to approve the permit;
- Board's finding that application met the ordinance standards was supported by the record; and
- Record supported board's determination that metal shredder would meet the 60-decibel standard as measured at the neighboring property.

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