

Bond Case Briefs

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ZONING - MAINE

Hartwell v. Town of Ogunquit

Supreme Judicial Court of Maine - May 5, 2015 - A.3d - 2015 ME 51

Abutting landowners sought judicial review of town planning board's site plan review and design review approval of property owner's application to convert his garage into a lobster pound. The Superior Court vacated the approval, and property owner appealed.

The Supreme Judicial Court of Maine held that:

- Town planning board lacked the authority to ignore the plain language of zoning ordinance by waiving any design review submission standards in its approval of property owner's application for approval to convert his garage into a lobster pound, and
- Town planning board's failure to make sufficient and clear findings of fact with regard to the scope of property owner's proposed use of converted garage, and whether certain uses would convert a permissible retail lobster pound into a prohibited restaurant, necessitated remand for the board to make such findings.