

# **Bond Case Briefs**

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## **ZONING & PLANNING - MAINE**

### **Blanchard v. Town of Bar Harbor**

**Supreme Judicial Court of Maine - December 19, 2019 - A.3d - 2019 WL 6904133 - 2019 ME 168**

Shorefront property owners brought action challenging town's zoning ordinance amendment, creating new shoreland maritime activities district that allowed cruise ships to use and construction of businesses at ferry terminal property adjacent to their properties.

The Business and Consumer Court entered judgment in town's favor. Owners appealed.

The Supreme Judicial Court held that:

- Plaintiffs lacked standing, and
- Action was not ripe for review.

Property owners whose properties had views overlooking the waters adjacent to the town's ferry terminal property failed to demonstrate a particularized injury for standing to seek remedial relief for town's enactment of amendment to land use ordinance creating new shoreland maritime activities district, which, among other things, allowed substantially larger cruise ships to use the ferry terminal property, where owners alleged that they owned and used residentially improved properties with direct views over the waters adjacent to the ferry terminal property, but the record contained no evidence demonstrating any tangible effect on property owners' views.

Property owners' action seeking declaratory judgment that town's zoning ordinance amendment, creating new shoreland maritime activities district, which among other things, allowed construction of a hotel, bank, restaurant, and multi-family dwelling at ferry terminal property over which owners' properties had shorefront views, was not ripe for review, where record was devoid of any suggestion that town had addressed or approved any application for a permit for construction or development at the ferry terminal property, and because no building or development permits had been sought, owners' injury was purely speculative.