

Bond Case Briefs

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ZONING & PLANNING - MAINE

Hill v. Town of Wells

Supreme Judicial Court of Maine - July 13, 2021 - A.3d - 2021 WL 2932349 - 2021 ME 38

Property owner sought judicial review of the decision of town's zoning board of appeals (ZBA) denying his request for setback variances.

The Superior Court rejected ZBA's denial of the variances. Abutting landowner, as intervenor, appealed.

The Supreme Judicial Court held that:

- In considering whether the essential character of the locality within which property owner sought a setback variance would be altered if variance was granted, "locality" included a wildlife sanctuary and the abutting undeveloped Refuge and wetlands, and
- Property owner failed to show that his proposed residence with the variances would conform to the "essential character of the locality," and would not degrade the significant value of surrounding environmental resources, thus, supporting denial of owner's variance request.