

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING & PLANNING - MAINE

Day v. Town of Hiram

Supreme Judicial Court of Maine - February 4, 2025 - A.3d - 2025 WL 379702 - 2025 ME 8

Landowner appealed from decision of town planning board granting neighbors a conditional use permit to construct a microbrewery on property in residential district.

The Superior Court affirmed. Landowner appealed.

The Supreme Judicial Court held that planning board misconstrued and failed to consider zoning factor of “the need of a particular location for the proposed use.”

Town planning board’s consideration of permit applicants’ need to construct microbrewery on their property in residential district misconstrued and did not satisfy zoning ordinance requirement to consider the factor of “the need of a particular location for the proposed use,” when granting conditional use permit, thus requiring vacatur of judgment affirming board’s decision granting permit to applicants, and remand to the board for further consideration; board erroneously focused on permit applicants’ need, but statement of purposes for residential district made clear that the factor referred instead to the community’s need for businesses that promoted economic wellbeing in a manner compatible with residential uses.