

SUPREME JUDICIAL COURT OF MAINE

Stewart v. Town of Sedgwick

797 A.2d 27 (Me. 2002) · Decided May 16, 2002

SUMMARY

The Maine Supreme Judicial Court affirmed a judgment upholding the Sedgwick Board of Appeals' approval of a permit for a dock, ramp, and float on Eggemoggin Reach. The court held that the proposed dock satisfied the Shoreland Zoning Ordinance's requirements concerning interference with beach areas, size, and consistency with the area's conditions and character. It also held that the ordinance's general purposes did not impose separate substantive permitting standards beyond the specific requirements in the ordinance.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Calkins, J.; Saufley, C.J.; Clifford, J.; Dana, J.; Alexander, J.; Levy, J.
JURISDICTION	Maine
DECIDED	May 16, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a Superior Court judgment affirming a municipal Board of Appeals decision approving a dock permit; the Supreme Judicial Court reviewed the operative municipal decision.
STANDARD OF REVIEW	The court reviews the operative municipal decision for abuse of discretion, error of law, or findings unsupported by substantial evidence in the record. Interpretation of a zoning ordinance is reviewed de novo.
PRECEDENTIAL VALUE	Published precedential decision of the Supreme Judicial Court of Maine.
PARTIES	Gordon W. Stewart v. Town of Sedgwick, Gardiner Schneider, Leslie Schneider

TOPICS

- zoning
- administrative law
- judicial review of agency action
- statutory interpretation
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Shoreland Zoning Ordinance prohibited construction of a dock on a natural beach or instead required a finding that the particular dock would not interfere with the beach.
2. Whether the ordinance's requirement that a dock be no larger than necessary required the applicants to prove an absolute need for a dock.
3. Whether substantial evidence supported the Board of Appeals' finding that the dock's size was consistent with the conditions, use, and character of the area.
4. Whether the ordinance's general-purpose provision independently required the applicants to prove that the dock conformed to each general purpose of the Shoreland Zoning Ordinance.

HOLDINGS

1. The ordinance did not categorically ban docks on beaches; it required a finding that the particular dock would not interfere with an existing developed or natural beach area.
2. The ordinance required the dock to be no larger than necessary for the intended activity; it did not require permit applicants to prove an absolute need for a dock as opposed to need related to the size of the proposed facility.
3. The Board's finding that the proposed dock's size was consistent with the conditions, use, and character of the area was supported by substantial evidence.
4. Applicants were not required to demonstrate that a proposed project independently adhered to each general purpose stated in the Shoreland Zoning Ordinance. The general purposes informed interpretation of the ordinance's specific requirements but did not themselves provide separate qualitative permitting standards.

KEY QUOTATIONS

"We review the Board's decision "for an abuse of discretion, error of law, or findings unsupported by substantial evidence in the record."" (§ 6)

"Section 15(C)(2), however, does not ban docks on beaches; it requires that there be a finding that the dock not interfere with the beach." (§ 7)

"Applicants for permits, however, are not required to demonstrate that their projects adhere to each of the general purposes." (§ 12)

"We conclude that the Board's decision that the Schneiders are entitled to the permit to build the dock is supported by substantial evidence, is not contrary to law, and does not constitute an abuse of discretion." (§ 13)

FACTUAL BACKGROUND

The Schneiders sought permission to construct a permanent wooden dock on epoxy-coated steel piles, together with a ramp and a seasonal sixteen-by-twenty-four-foot float, on their property along Eggemoggin Reach. The proposed dock would extend to the low-water mark and would be six feet high at the high-water mark. Stewart, a neighboring property owner, argued that the dock would interfere with a natural beach, was inconsistent with the conditions and character of the area, and could not be permitted absent proof that the Schneiders needed a dock.

PROCEDURAL HISTORY

The Sedgwick Planning Board granted the Schneiders a permit to construct a dock, ramp, and float. Stewart appealed to the Board of Appeals, and after an earlier appeal in which the Supreme Judicial Court vacated the judgment because the Board had not conducted the required de novo review, the Board held a de novo hearing and again approved the permit. The Superior Court affirmed, and Stewart appealed.

DISPOSITION

affirmed

CASES CITED

- Stewart v. Town of Sedgwick, 2000 ME 157, ¶¶ 6-7, 15, 757 A.2d 773, 775-76, 778
- Springborn v. Town of Falmouth, 2001 ME 57, ¶ 8, 769 A.2d 852, 855
- Lentine v. Town of St. George, 599 A.2d 76, 79-80 (Me. 1991)
- Kosalka v. Town of Georgetown, 2000 ME 106, ¶ 17, 752 A.2d 183, 187