

SUPREME JUDICIAL COURT OF MAINE

Fryeburg Trust v. Town of Fryeburg

2016 ME 174 (2016) · No. Oxf-15-530 · Decided December 1, 2016

SUMMARY

The Maine Supreme Judicial Court reviewed challenges to Fryeburg Planning Board approvals allowing Fryeburg Academy to use two parcels for an outdoor classroom and administrative offices. The court held that both uses qualified as a secondary school under the Fryeburg Land Use Ordinance and that the administrative-office use was integral to the school's educational functions. It affirmed the judgment regarding the Land Lot, vacated the judgment regarding the House Lot, and remanded with instructions to affirm the Planning Board's decision.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Gorman, J.; Saufley, C.J.; Alexander, J.; Mead, J.; Jabar, J.; Humphrey, J.
JURISDICTION	Maine
DECIDED	December 1, 2016
DOCKET	Oxf-15-530
DISPOSITION	vacated
PROCEDURAL POSTURE	Appeal and cross-appeal from a judgment of the Oxford County Superior Court reviewing local land-use decisions under M.R. Civ. P. 80B.
STANDARD OF REVIEW	Local land-use decisions are reviewed for error of law, abuse of discretion, or findings unsupported by substantial evidence. Local interpretations of ordinances are reviewed de novo. Whether a proposed use falls within an ordinance definition may involve a mixed question of law and fact; factual determinations by the Planning Board are reviewed for clear error, and substantial deference is afforded to the Board's ultimate characterization of a proposal.
PRECEDENTIAL VALUE	Published Maine Supreme Judicial Court opinion; precedential.
PARTIES	Fryeburg Trust v. Town of Fryeburg, Fryeburg Academy

TOPICS

zoning

ordinances

municipal law

statutory interpretation

appellate procedure

PRACTICE AREAS

municipal law

land use and zoning

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether the Academy's proposed use of the Land Lot for outdoor instruction in subjects including science and physical education qualified as a permitted secondary-school use under the Fryeburg Land Use Ordinance.
2. Whether the Academy's proposed use of the House Lot for admissions and advancement offices and related storage qualified as a secondary-school use under the Fryeburg Land Use Ordinance.
3. What standard of review applies to the Planning Board's interpretation and factual characterization of proposed uses under the ordinance.

HOLDINGS

1. The Land Lot qualified as a secondary-school use because courses, including physical education and science, would be taught there; the ordinance did not require every state-required course, or the entirety of those courses, to be taught on each parcel or in each building where the school operated.
2. The House Lot's proposed use for the Academy's admissions and advancement offices and related storage qualified as a secondary-school use because administrative offices are integral to the functioning of a school.

KEY QUOTATIONS

“As always, we first evaluate the plain meaning of the Ordinance and, if the meaning is clear, “need not look beyond the words themselves.”” (§5)

“Nothing within the text of the Ordinance requires that all of the courses required by the State or the entirety of those courses be taught on each piece of property or in each building where a secondary school operates.” (§9)

“A plain language interpretation should not be confused with a literal interpretation” (§11)

FACTUAL BACKGROUND

Fryeburg Academy, a private secondary school, sought permits to use a former agricultural parcel for outdoor instruction and related storage and a former residential parcel for admissions and advancement offices and related storage. The Fryeburg Planning Board approved both applications after a public hearing, and the Board of Appeals denied the abutting property owner's challenges. The dispute concerned whether both proposed uses qualified as a secondary school use under the Fryeburg Land Use Ordinance.

PROCEDURAL HISTORY

The Fryeburg Planning Board approved the Academy's applications to use one parcel as an outdoor classroom and another parcel for administrative offices. The Board of Appeals denied the Trust's appeals. On Rule 80B review, the Superior Court affirmed the Land Lot approval but vacated the House Lot approval. The Trust appealed the Land Lot ruling, and the Academy and Town cross-appealed the House Lot ruling.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The Superior Court judgment was affirmed as to the Land Lot. The judgment was vacated as to the House Lot, and the case was remanded with instructions to affirm the Planning Board's decision approving the House Lot permit.

CASES CITED

- Aydelott v. City of Portland, 2010 ME 25, ¶ 10, 990 A.2d 1024
- Rossignol v. Me. Pub. Employees' Ret. Sys., 2016 ME 115, ¶ 6, 144 A.3d 1175
- Mills v. Town of Eliot, 2008 ME 134, ¶¶13-16, 955 A.2d 258
- Jordan v. City of Ellsworth, 2003 ME 82, ¶¶8-10, 828 A.2d 768
- Wister v. Town of Mt. Desert, 2009 ME 66, ¶17, 974 A.2d 903
- Dickau v. Vt. Mut. Ins. Co., 2014 ME 158, ¶¶20-21, 107 A.3d 621
- Stewart v. Town of Sedgwick, 2002 ME 81, ¶6, 797 A.2d 27
- George D. Ballard, Builder, Inc. v. City of Westbrook, 502 A.2d 476, 484 (Me. 1985)
- Underwood v. City of Presque Isle, 1998 ME 166, ¶11, 715 A.2d 148
- Goldman v. Town of Lovell, 592 A.2d 165, 168 (Me. 1991)
- Boivin v. Town of Sanford, 588 A.2d 1197, 1200 (Me. 1991)

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