

KATHLEEN KURLANSKI et al.

v.

TOWN OF FALMOUTH et al.

Submitted on Briefs February 26, 2013

Decided February 28, 2013

Panel: ALEXANDER, LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Kathleen and Zbigniew Kurlanski appeal from the judgment of the Superior Court (Cumberland County, *Cole, J.*) affirming the decision of the Town of Falmouth Zoning Board of Appeals (ZBA) that the Portland Yacht Club's use of a lot for overflow parking was a lawful preexisting nonconforming use. Contrary to the Club's contention, the ZBA had subject matter jurisdiction over the case. *See Adams v. Town of Brunswick*, 2010 ME 7, ¶¶ 7, 10, 987 A.2d 503. Contrary to the Kurlanskis' contention, there was substantial evidence in the record to support the ZBA's determination that the use of the lot for overflow parking for eight events each year was a lawful preexisting nonconforming use. *See Keith v. Saco River Corridor Comm'n*, 464 A.2d 150, 155 (Me. 1983). The Kurlanskis' other claims do not warrant further discussion.

The entry is:

Judgment affirmed.

On the briefs:

Peter M. McGee, Esq., South Portland, and Kristina M. Kurlanski, Esq.,
Ranger Copeland & Massey, P.A., Brunswick, for appellants Kathleen and
Zbigniew Kurlanski

Aaron P. Burns, Esq., Pearce & Dow, LLC, Portland, for appellee Town of
Falmouth

David A. Lourie, Esq., Portland, for appellee Portland Yacht Club

Cumberland County Superior Court docket number AP-10-44
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