

K & J REALTY TRUST

v.

TOWN OF SEBAGO et al.

Submitted on Briefs June 26, 2013

Decided July 2, 2013

Panel: SAUFLEY, C.J., and ALEXANDER, SILVER, MEAD, GORMAN, and
JABAR, JJ.

MEMORANDUM OF DECISION

John E. Swanson, as power of attorney for Jonathan Blount, the trustee for K & J Realty Trust (the Trust), appeals from a judgment of the Superior Court (Cumberland County, *Warren, J.*) affirming a decision of the Sebago Zoning Board of Appeals, which in turn affirmed a decision of the Town of Sebago Planning Board. Contrary to Swanson's contention, the Planning Board did not err in finding that it did not substantively review the Trust's site plan review application, and therefore that the Trust's application was not pending pursuant to 1 M.R.S. § 302 (2012) when the Town adopted a new land use ordinance on May 25, 2010. *See D'Alessandro v. Town of Harpswell*, 2012 ME 89, ¶ 5, 48 A.3d 786 (stating the standard of review); *Walsh v. Town of Orono*, 585 A.2d 829, 831-32 (Me. 1991); *Waste Disposal Inc. v. Town of Porter*, 563 A.2d 779, 781-82 (Me. 1989).

The entry is:

Judgment affirmed.

On the briefs:

Scott D. Anderson, Esq., Verrill Dana, Portland, for appellant K & J Realty Trust

David M. Kallin, Esq., and Amy K. Tchao, Esq., Drummond Woodsum, Portland, for appellee Town of Sebago

Cumberland County Superior Court docket number AP-2012-14
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