

477 SHORE ROAD LLC

v.

TOWN OF OGUNQUIT et al.

Argued November 2, 2022
Decided May 23, 2023

Panel: STANFILL, C.J., and MEAD, JABAR, HORTON, CONNORS, and
LAWRENCE, JJ.

MEMORANDUM OF DECISION

477 Shore Road LLC appeals from a judgment of the Superior Court (York County, *Mulhern, J.*) entered pursuant to M.R. Civ. P. 80B affirming the decision of the Ogunquit Board of Appeals to apply the good cause exception in its Ordinance to hear the merits of an otherwise untimely administrative appeal filed by Richard Tominsky, which appeal sought to overturn the code enforcement officer's issuance of building permits to the LLC. *See* Ogunquit, Me., Zoning Ordinance § 225-5.3.A (Apr. 1, 2009). Because the LLC ultimately obtained a determination from the Board that the building permits are valid, it lacks standing to now challenge the Board's granting of the good cause exception. *See Witham Fam. Ltd. P'ship v. Town of Bar Harbor*, 2011 ME 104, ¶¶ 7, 15-16, 30 A.3d 811; *Brooks v. Town of N. Berwick*, 1998 ME 146, ¶ 10, 712 A.2d 1050; *see also Tominsky v. Town of Ogunquit*, 2023 ME 30, ¶¶ 16-20, -- A.3d ---.

The entry is:

Judgment vacated. Remanded to the Superior Court with instructions to dismiss the matter.

Matthew J. Williams, Esq. (orally), Hodsdon & Ayer, Kennebunk, for appellant
477 Shore Road LLC

Mary E. Costigan, Esq., and Zachary B. Brandwein, Esq. (orally), Bernstein Shur,
Portland, for appellee Town of Ogunquit

William A. Hahn, Esq. (orally), Hahn & Matkov, Boston, Massachusetts, for
appellee Richard Tominsky