

B & K REALTY, LLC

v.

TOWN OF OGUNQUIT

Submitted on Briefs July 14, 2005
Decided July 18, 2005

Panel: SAUFLEY, C.J., and DANA, ALEXANDER, CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

B & K Realty, LLC appeals from a judgment entered in the Superior Court (York County, *Fritzsche, J.*) affirming the decision of the Ogunquit Planning Board denying an application to expand Keene's Guest House from eleven rooms to forty-two rooms. Contrary to B & K Realty's contentions, the Planning Board, in a thorough, articulate decision, did not err in concluding that the guest house was neither a hotel nor a motel as those terms are defined in the Ogunquit Zoning Ordinance, *see, e.g. Jordan v. City of Ellsworth*, 2003 ME 82, ¶ 13, 828 A.2d 768, 772; and, thus, the guest house was not a grandfathered use and excepted from the

prohibition against expansion, *see Turbat Creek Pres., LLC v. Town of Kennebunkport*, 2000 ME 109, ¶ 13, 753 A.2d 489, 492.

The entry is:

Judgment affirmed.

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