

JOHN MAIUCCORO et al.

v.

TOWN OF KENNEBUNKPORT

Submitted on Briefs May 17, 2007  
Decided June 19, 2007

Panel: SAUFLEY, C.J., and CLIFFORD, CALKINS, LEVY, SILVER, and  
MEAD, JJ.

#### MEMORANDUM OF DECISION

John and Cathi Ann Maiuccoro appeal from a judgment entered in the Superior Court (York County, *Fritzsche, J.*) affirming a decision of the Kennebunkport Planning Board that denied the Maiuccoros a permit to build a driveway. Contrary to the Maiuccoros' contentions, the Board did not err in determining that the construction of the proposed driveway is a prohibited land use within the meaning of the Kennebunkport Land Use Ordinance. *See* Kennebunkport, Me., Land Use Ordinance § 5.5 (Mar. 6, 1972); *York Ins. of Me., Inc. v. Superintendent of Ins.*, 2004 ME 45, ¶ 13, 845 A.2d 1155, 1159. We also find no merit in the Maiuccoros' contentions that the ordinance unconstitutionally

delegates legislative authority to the Board, *see Cope v. Town of Brunswick*, 464 A.2d 223, 225 (Me. 1983); that the Board's denial of their application was the result of bias, *see Gorham v. Town of Cape Elizabeth*, 625 A.2d 898, 902-03 (Me. 1993); or that the Board's construction of the ordinance leads to an absurd result, *see Lippman v. Town of Lincolnville*, 1999 ME 149, ¶ 5, 739 A.2d 842, 843.

The entry is:

Judgment affirmed.

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