

CLAUDE P. BOLDUC et al.

v.

TOWN OF BEDDINGTON

Submitted on Briefs July 19, 2007

Decided August 9, 2007

Revised September 9, 2007

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

#### MEMORANDUM OF DECISION

Claude P. Bolduc and Louise M. Chamberland appeal from a judgment entered in the Superior Court (Washington County, *Mead, J.*) affirming a decision of the Town of Beddington Board of Appeals, which denied Bolduc's and Chamberland's request for a variance. Bolduc and Chamberland contend that the Board of Appeals erred in determining that, pursuant to 30-A M.R.S. § 4353(4) (2006), they did not meet the criteria constituting an undue hardship and therefore were not exempt from a one-hundred-foot shoreland zoning setback requirement.

Contrary to Bolduc's and Chamberland's contentions, substantial evidence in the record supports the Board's finding that their land could yield a reasonable

return without a variance. *See Wyer v. Bd. of Env'tl. Prot.*, 2000 ME 45, ¶ 1, 747 A.2d 192, 193 (“the court properly considered the uses of the property for parking, picnics, barbecues and other recreational uses as beneficial uses available...despite the restrictive regulation); *Twiggy v. Town of Kennebunk*, 662 A.2d 914, 919 (Me. 1995) (in which a property owner’s recreational use of the property was relevant to the reasonable return analysis).

We further determine that the Superior Court did not err in concluding that there was insufficient evidence of bias. *See Hannum v. Bd. of Env'tl. Prot.*, 2006 ME 51, ¶ 26, 898 A.2d 392, 402.

The entry is:

Judgment affirmed.

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