

BARBARA LAPHAM

v.

MAINE LAND USE REGULATION COMMISSION

Submitted on Briefs June 4, 2009

Decided June 11, 2009

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, and GORMAN, JJ.

#### MEMORANDUM OF DECISION

Barbara Lapham appeals from a judgment entered in the Superior Court (Washington County, *Cuddy, J.*) affirming a decision of the Land Use Regulation Commission (LURC) which granted Marion Transfer Station's (MTS) petition (referred to as ZP703) to rezone land in Washington County for commercial-industrial use.

Contrary to Lapham's contentions: (1) LURC did not abuse its discretion in denying her request to reopen the record, *see* 4 C.M.R. 04 061 005-8 § 5.18(3) (2000); *see, e.g., Hale-Rice v. Me. State Retirement Sys.*, 1997 ME 64, ¶ 12, 691 A.2d 1232, 1236; (2) LURC's actions did not violate the requirements of substantive or procedural due process and equal protection of the laws, *see Brann v. State*, 424 A.2d 699, 703 (Me. 1981) (burden on complaining party to show constitutional violation); *see also County of Sacramento v. Lewis*, 523 U.S. 833, 845-47 (1998) (substantive due process); *DaimlerCrysler Corp. v. Exec. Dir., Me. Revenue Serv.*, 2007 ME 62, ¶ 26, 922 A.2d 465, 473 (procedural due process); *Seven Islands Land Co. v. Me. Land Use Regulation Comm'n*, 450 A.2d 475, 483 (Me. 1982) (substantive due process); (3) LURC's decision to grant ZP703 was supported by substantial evidence, *see* 12 M.R.S. § 685-A(8-A) (2008); *Rangeley Crossroads Coalition v. Land Use Regulation Comm'n*, 2008 ME 115, ¶ 10, 955 A.2d 223, 227; and (4) LURC did not err in its application of its

“adjacency principle,” *see Rangeley Crossroads*, 2008 ME 115, ¶ 10, 955 A.2d at 227.<sup>1</sup>

The entry is:

Judgment affirmed.

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<sup>1</sup> Also, to the extent that Lapham argues this point on appeal, we conclude that the court did not err in failing to hold oral argument prior to entering judgment in favor of LURC. *See Lindemann v. Comm’n on Gov’t Ethics & Election Practices*, 2008 ME 187, ¶¶ 23-26, 961 A.2d 538, 545-46.