

CPSP LLC et al.

v.

GENERAL GROWTH PROPERTIES et al.

Submitted On Briefs December 12, 2008

Decided January 13, 2009

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

MEMORANDUM OF DECISION

CPSP LLC and Cornerbrook LLC (collectively, CPSP) appeal from a judgment entered in the Superior Court (Cumberland County, *Warren, J.*) affirming, pursuant to M.R. Civ. P. 80B, the decision of the City of South Portland Board of Appeals approving the shared parking application of developer General Growth Properties (GGP). Contrary to CPSP's contention, the Board committed no error, much less obvious error, in determining that GGP has standing to pursue land use approval as to the subject property. *See Norris Family Assocs., LLC v. Town of Phippsburg*, 2005 ME 102, ¶ 11, 879 A.2d 1007, 1012; *New England Whitewater Ctr., Inc. v. Dep't of Inland Fisheries & Wildlife*, 550 A.2d 56, 58 (Me. 1988); *New England Herald Dev. Group v. Town of Falmouth*, 521 A.2d 693, 695 (Me. 1987). In addition, the Board clearly possessed the requisite jurisdiction and authority to issue the shared parking approval. *See South Portland, Me., Code of Ordinances § 27-160(j)* (Feb. 1, 2007); *Sanborn v. Town of Sebago*, 2007 ME 60, ¶ 6, 924 A.2d 1061, 1063.

The entry is:

Judgment affirmed.

**Attorneys for CPSP LLC and
Cornerbrook LLC:**

David P. Silk, Esq.
Susan Rockefeller, Esq.
Curtis Thaxter Stevens Broder & Micoleau LLC
One Canal Plaza, Suite 1000
PO Box 7320
Portland, Maine 04112-7320

**Attorneys for General Growth Properties, Inc.
and GGP-Maine Mall, LLC:**

Christopher L. Vaniotis, Esq.
Joan M. Fortin, Esq.
Bernstein, Shur, Sawyer & Nelson
100 Middle Street
PO Box 9729
Portland, Maine 04104-5029