

JUDITH MORTON et al.

v.

TOWN OF RANGELEY et al.

Argued February 6, 2019

Decided March 7, 2019

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, GORMAN, JABAR, HJELM, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

In this appeal from the interpretation of the Rangeley Town Code brought by M&H Logging, LLC, pursuant to M.R. Civ. P. 80B, we affirm the judgment of the Superior Court (Franklin County, *Mullen, J.*) in favor of Judith Morton, Harold Schaetzle III, and Douglas Bryans, owners of land abutting the site of M&H Logging's proposed use. The court vacated an appellate decision of the Town of Rangeley Zoning Board of Appeals in which the ZBA vacated the Rangeley code enforcement officer's determination that M&H Logging's application to the Planning Board could not proceed. The CEO determined that M&H's proposed concrete plant, to be placed in the Town's commercial zone, constituted a prohibited heavy industrial use, not a light industrial use that could be approved as a conditional use. See Town Code, Rangeley, Me., §§ 38.4.6, 38.9.2.36 (June 12, 2014). Viewing the unambiguous terms of the Town Code in context and giving them "their common and generally accepted meaning," we discern no error of law in the code enforcement officer's interpretation of the Code. *Friends of Cong. Square Park v. City of Portland*, 2014 ME 63, ¶¶ 7, 9, 91 A.3d 601 (quotation marks omitted); see Town Code §§ 38.8.3.2, 38.9.2.36. Thus, we affirm the Superior Court's judgment.

The entry is:

Judgment affirmed.

Gavin G. McCarthy, Esq. (orally), and Catherine R. Connors, Esq., Pierce Atwood LLP, Portland, for appellant M&H Logging, LLC

David A. Lourie, Esq. (orally), Cape Elizabeth, for appellees Judith Morton, Harold Schaetzle III, and Douglas Bryans

Franklin County Superior Court docket number AP-2017-05
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