

DANIEL BERNIER

v.

TOWN OF LITCHFIELD

Submitted on Briefs October 6, 2004

Decided October 20, 2004

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,
CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

Daniel Bernier appeals from a judgment entered in the Superior Court (Kennebec County, *Studstrup, J.*) affirming a decision of the Town of Litchfield's Zoning Board of Appeals denying his request for a hardship variance. Contrary to Bernier's claims, the record contains substantial evidence supporting the Board's findings that Bernier failed to satisfy his burden of proof. *See Sibley v. Town of Wells*, 462 A.2d 27, 30 (Me. 1983) (noting that the burden is on a variance applicant to prove that he or she meets all of the statutory requirements). In addition, because Bernier did not raise his constitutional challenge before the Superior Court, we decline to review it. *See Farley v. Town of Washburn*, 1997

ME 218, ¶ 5, 704 A.2d 347, 349 (declining to review an issue in a Rule 80B appeal because the issue had not been raised before the Superior Court).

The entry is:

Judgment affirmed.

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