

R. CRAIG ROGERS

v.

TOWN OF WEST BATH

Submitted On Briefs December 8, 2004

Decided December 20, 2004

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

MEMORANDUM OF DECISION

R. Craig Rogers appeals from a judgment of the Superior Court (Sagadahoc County, *Crowley, J.*) that (1) affirmed the finding of the West Bath Board of Appeals that Rogers's operation of a trash hauling business was not a legal, pre-existing nonconforming use of his property under the Town's land use ordinance; and (2) found that Rogers had not proven that the Town should be equitably estopped from enforcing its land use ordinance against his use of the property. The record before the Board of Appeals supports its conclusion that Rogers had failed to meet his burden of proof that his trash hauling business constituted a preexisting

nonconforming use under the land use ordinance. *See Town of Orono v. LaPointe*, 1997 ME 185, ¶ 13, 698 A.2d 1059, 1062. The record also supports the court's determination that Rogers had not proven that he is entitled to equitable estoppel against enforcement of the land use ordinance. *See Kittery Retail Ventures, LLC v. Town of Kittery*, 2004 ME 65, ¶ 34, 856 A.2d 1183, 1194.

The entry is:

Judgment affirmed.

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