

MARK HUDDLESTON

v.

TOWN OF ELIOT

Submitted on Briefs February 3, 2005
Decided February 9, 2005

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

MEMORANDUM OF DECISION

Mark Huddleston appeals from a judgment entered in the Superior Court (York County, *Brennan, J.*) affirming the decision of the Eliot Board of Appeals, which in turn upheld an order of the Code Enforcement Officer finding Huddleston's property in violation of the Town of Eliot's zoning ordinance; namely, operating a business without a conditional use permit; operating a towing business in the suburban zone; operating a parking lot in the suburban zone; and operating an automobile graveyard. Contrary to Huddleston's contentions, the Eliot Board of Appeals did not commit an error of law nor abuse its discretion

when it determined that Huddleston's property was in violation of the ordinance. *See Malonson v. Town of Berwick*, 2004 ME 96, ¶ 5, 853 A.2d 224, 226; *Herrick v. Town of Mechanic Falls*, 673 A.2d 1348, 1349-50 (Me. 1996). The record evidence does not compel a contrary conclusion. *See Herrick*, 673 A.2d at 1349.

The entry is:

Judgment affirmed.

For plaintiff:

Mark Huddleston
99 Bolt Hill Road
Eliot, ME 03903

Attorney for defendant:

Christopher L. Vaniotis, Esq.
Bernstein, Shur, Sawyer & Nelson, P.A.
P O Box 9729
Portland, ME 04104-5029