

STETSON HOUSE, LLC, et al.

v.

TOWN OF NEWCASTLE et al.

Argued November 30, 2006
Decided December 19, 2006

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

MEMORANDUM OF DECISION

Stetson House, LLC, and Old Shipyard, LLC, (Stetson) appeal from a judgment entered in the Superior Court (Lincoln County, *Mills, J.*) affirming the Newcastle Planning Board's approval of Newcastle Shores, Inc.'s site plan and subdivision application to construct a condominium complex and marina. Contrary to Stetson's many claims of error, we conclude that the Planning Board's findings allow meaningful judicial review, *see Gensheimer v. Town of Phippsburg*, 2005 ME 22, ¶ 25, 868 A.2d 161, 168, are supported by the record, *see Fitanides v. City of Saco*, 2004 ME 32, ¶ 23, 843 A.2d 8, 15, and reflect proper application and interpretation of the local land use ordinance and State law, *see Jordan v. City of*

Ellsworth, 2003 ME 82, ¶¶ 8-9, 828 A.2d 768, 771. Further, Stetson was given ample opportunity to present evidence, challenge evidence favorable to Newcastle Shores, and argue its many points of concern to the Planning Board. Accordingly, Stetson has failed to demonstrate that the Planning Board denied it due process. *See Pelkey v. City of Presque Isle*, 577 A.2d 341, 343 (Me. 1990). Stetson has also failed to demonstrate that the Planning Board was biased or that its hearing and deliberative processes were fundamentally unfair. *See Gorham v. Town of Cape Elizabeth*, 625 A.2d 898, 902 (Me. 1993); *Mutton Hill Estates, Inc. v. Town of Oakland*, 468 A.2d 989, 992 (Me. 1983).

The entry is:

Judgment affirmed.

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