

ELIZABETH MILLS

v.

TOWN OF BAR HARBOR et al.

Submitted on Briefs October 19, 2022  
Decided October 27, 2022

Panel: STANFILL, C.J., and MEAD, JABAR, HORTON, CONNORS, and  
LAWRENCE, JJ.

## MEMORANDUM OF DECISION

Elizabeth Mills, as Trustee of the Collier Family Trust, appeals from a judgment of the Business and Consumer Docket (*Duddy, J.*) affirming the Town of Bar Harbor Planning Board's decision approving BHAPTS, LLC's application to renovate and construct seven multi-family dwellings on their property adjacent to Mills. Mills argues the Planning Board erred in approving the multifamily units within the Village Residential District and that the Board improperly weighed the undue adverse effects of the project on her property.

Contrary to Elizabeth's contentions, the Planning Board did not err in determining that the project is residential in nature and fits within the Village Residential District's allowable use.<sup>1</sup> See Bar Harbor, Me., Land Use Ordinance §§ 125-20, 125-109 (2022); *Town of Eddington v. Maine*, 2017 ME 225, ¶ 14,

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<sup>1</sup> We review the underlying administrative decision directly when the Superior Court acts as an intermediate appellate court. 29 *McKown, LLC v. Town of Boothbay Harbor*, 2022 ME 38, ¶ 4, 277 A.3d 364. We remind counsel that per M.R. App. P. 8(2)(B) a copy of the ordinance that establishes the administrative appellate authority must be included in the Appendix.

174 A.3d 321, *Peregrine Developers, LLC v. Town of Orono*, 2004 ME 95, ¶ 15, 854 A.2d 216. Further, the Board did not abuse its discretion when it determined that the project would not have an undue adverse effect on Elizabeth's property. See Bar Harbor, Me., Land Use Ordinance § 125-67 (2022); *Beal v. Town of Stockton Springs*, 2017 ME 6, ¶ 13, 153 A.3d 768.

The entry is:

Judgment affirmed.

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Arthur J. Greif, Esq., Bar Harbor, for appellant Elizabeth Mills

Patrick W. Lyons, Esq., and P. Andrew Hamilton, Esq., Eaton Peabody, Ellsworth,  
for appellee BHAPTS, LLC

Business and Consumer Docket docket numbers APP-2021-05 and APP-2021-10  
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