

STEVEN Y. ZETTERBERG

v.

TOWN OF YORK

Submitted on Briefs August 16, 2011  
Decided September 1, 2011

Panel: SAUFLEY, C.J., and ALEXANDER, SILVER, MEAD, GORMAN, and  
JABAR, JJ.

MEMORANDUM OF DECISION

Steven Y. Zetterberg appeals from the judgment of the Superior Court (York County, *Fritzsche, J.*) affirming the York Board of Appeals' decision which, in turn, had affirmed the York Code Enforcement Officer's denial of a building permit that Zetterberg sought to construct a single-family home. The court based its judgment on res judicata, noting that the same issue had previously been litigated by the same parties resulting in a Superior Court decision in May 2010. The court noted, separately, that on the merits, it would affirm the decision.

The record in this case indicates that there was a prior adjudication of the same issues by the same parties that resulted in a final order in the Superior Court that is res judicata, barring relitigation of the merits of this matter. *See Portland Water Dist. v. Town of Standish*, 2008 ME 23, ¶ 7, 940 A.2d 1097.

The entry is:

Judgment affirmed.

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York County Superior Court docket number AP-10-33  
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