

JULIEN C. GIRARD

v.

TOWN OF STEUBEN et al.

Submitted on Briefs March 24, 2003

Decided March 31, 2003

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

MEMORANDUM OF DECISION

Julien C. Girard appeals from the judgment of the Superior Court (Washington County, *Hunter, J.*) affirming the decisions of the Town of Steuben Planning Board and Board of Appeals, each of which dismissed his challenge to the Sunset Bay Subdivision as untimely. Girard contends that he was an abutter to the Sunset Bay Subdivision, but did not receive the required written notice of the subdivision application. *See* 30-A M.R.S.A. § 4403(3)(A) (Supp. 2002). Therefore, Girard urges that his time for filing an appeal set by ordinance should be tolled, pending the time when he learned of the subdivision approval.

The record establishes, without dispute, that while Girard is an abutter to a private road leading to the subdivision, he is not an abutter to the land that was subject to the subdivision application. Therefore, he was not entitled to written notice of the subdivision application, and his attempts to appeal the subdivision approval were filed far outside the time periods allowed within the Town Ordinances for filing such appeals.

The entry is:

Judgment affirmed.

For the appellant:

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