

ERIC SLOATMAN

v.

TOWN OF OWLS HEAD

Submitted on Briefs November 25, 2003
Decided January 5, 2004

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

MEMORANDUM OF DECISION

Eric Sloatman appeals from a judgment entered in the Superior Court (Knox County, *Gorman, J.*) dismissing his M.R. Civ. P. 80B appeal as untimely. Because Sloatman did not file this Rule 80B appeal within forty-five days from the date that the Board voted on his requested variance,¹ *see* M.R. Civ. P. 80B(b); 30-A M.R.S.A. § 2691(3)(G) (1996), the Superior Court did not err when it dismissed his complaint as untimely without considering the substantive merits of Sloatman's appeal. *See* M.R. Civ. P. 12(h)(3); *City of Lewiston v. Me. State Employees Ass'n*, 638 A.2d 739, 742 (Me. 1994).

The entry is:

¹ Sloatman filed a separate earlier 80B appeal from the same decision.

Judgment affirmed.

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