

FRED FITANIDES

v.

CITY OF SACO et al.

Submitted on Briefs May 17, 2005

Decided June 13, 2005

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

MEMORANDUM OF DECISION

Fred Fitanides appeals from a judgment of the Superior Court (York County, *Brennan, J.*) issued pursuant to his consolidated M.R. Civ. P. 80B appeals, affirming site plan, conditional use, and subdivision approvals from the City of Saco Planning Board in favor of Paul Deshaies and Properties By the Sea, LLC. Contrary to Fitanides's contentions, the Planning Board did not commit clear error, nor any errors of law, and acted within the bounds of its discretion in waiving dead-end street requirements, in determining the applicable zoning district, in conducting its hearing and issuing its findings, in finding that a proposed private road did not yet have to be offered for City acceptance, or in issuing extensions for

site plan and conditional use approvals. *See Gensheimer v. Town of Phippsburg*, 2005 ME 22, ¶ 7, 868 A.2d 161, 163-64; *Yates v. Town of Southwest Harbor*, 2001 ME 2, ¶ 10, 763 A.2d 1168, 1171. In addition, the Superior Court neither erred nor acted beyond its discretion when, pursuant to M.R. Civ. P. 80B(b), it stayed the running of the construction time limits pending appeal. *See Soc’y of Lloyd’s v. Baker*, 673 A.2d 1336, 1340-41 (Me. 1996).

The entry is:

Judgment affirmed.

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