

TOWN OF ISLAND FALLS

v.

SCOTT F. WHITTAKER

Submitted on Briefs October 24, 2005

Decided December 2, 2005

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

MEMORANDUM OF DECISION

Scott F. Whittaker appeals from a judgment entered in the Superior Court (Aroostook County, *Hunter, J.*) following a nonjury trial, in which the court found that he violated 38 M.R.S.A. § 439-A(6) (2001) and Island Falls, Me., Shoreland Zoning Ordinance § 16B (June 26, 1992). Contrary to Whittaker's contention, he was not denied his right to a trial by jury because he never requested a jury trial. *See* M.R. Civ. P. 38. Furthermore, the Superior Court's finding that Whittaker's property is located within the Resource Protection District is supported by

competent evidence in the record and is not, therefore, clearly erroneous. *See White v. Fleet Bank of Me.*, 2005 ME 72, ¶ 11, 875 A.2d 680, 683.

The entry is:

Judgment affirmed.

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