

THOMAS H. SALIBA et al.

v.

TOWN OF FREEPORT et al.

Submitted on Briefs July 18, 2006
Decided September 6, 2006

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

MEMORANDUM OF DECISION

Thomas H. Saliba, Rita S. Saliba, and eighteen other plaintiffs (the Salibas) appeal from a judgment entered in the Superior Court (Cumberland County, *Delahanty, J.*) dismissing their appeal from a decision of the Town of Freeport Zoning Board of Appeals brought pursuant to M.R. Civ. P. 80B for lack of subject matter jurisdiction because the appeal was not timely pursuant to 30-A M.R.S. § 2691(3)(F) (2005). Contrary to the Salibas' contentions, the court did not exceed the scope of its discretion when it concluded that even if it had authority to extend the fifteen-day appeal period set forth in subsection (F) of 30-A M.R.S. § 2691(3),

the Salibas failed to demonstrate “good cause” for the extension as required by 30-A M.R.S. § 2691(3)(G) (2005), because their notice of appeal was not timely pursuant to the requirements of section 2691(3) prior to its revision effective July 30, 2004. *See* P.L. 2003, ch. 635, § 1 (effective July 30, 2004); *see also Forbes v. Town of Southwest Harbor*, 2001 ME 9, ¶¶ 11-12, 763 A.2d 1183, 1187-88.

The entry is:

Judgment affirmed.

Attorneys for plaintiffs:

Roy T. Pierce, Esq.
Matthew B. Gildart, Esq.
Preti Flaherty Beliveau Pachios & Haley, LLP
P.O. Box 9546
Portland, ME 04112-9546

Attorneys for defendants:

Christopher L. Vaniotis, Esq.
Bernstein Shur Sawyer & Nelson, P.A.
P.O. Box 9729
Portland, ME 04104-5029
(for Town of Freeport)

John M. Bannon, Esq.
Murray Plumb & Murray
P.O. Box 9785
Portland, ME 04104-5085
(for M. & K. Wogan)