

CHARLES L. NARDI

v.

TOWN OF KENNEBUNKPORT

Submitted on Briefs December 11, 2007
Decided January 10, 2008

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, LEVY, MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

Charles Nardi appeals from a judgment entered in the Superior Court (York County, *Brennan, J.*) affirming a decision of the Kennebunkport Planning Board granting the site plan application of Mary Kae LaRose and Marc Montagner. Despite Nardi's contentions: (1) the relocation of the LaRose/Montagner residence does not constitute an impermissible expansion of a non-conforming use of the parcel, *see* Kennebunkport, Me. Land Use Ordinance § 8.2 (June 14, 2005); (2) the decision of the Superior Court in the earlier litigation between Nardi and the Town regarding the same parcel, but a different proposed structure, has no res judicata or

collateral estoppel effect on the issues in this case, *see Nardi v. Town of Kennebunkport*, YORSC-AP-00-001 (Me. Super. Ct., Yor. Cty., February 8, 2001) (Brennan, J.); *Machias Sav. Bank v. Ramsdell*, 1997 ME 20, ¶ 11, 689 A.2d 595, 599; and (3) sufficient evidence existed for the Board to have concluded that the LaRose/Montagner application met all of the necessary site plan review standards. *See Bragdon v. Town of Vassalboro*, 2001 ME 137, ¶ 4, 780 A.2d 299, 301; *Forbes v. Town of Southwest Harbor*, 2001 ME 9, ¶ 6, 763 A.2d 1183, 1186.

The entry is:

Judgment affirmed.

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