

TOWN OF LINCOLNVILLE

v.

RICHARD ROSENBERG

Submitted On Briefs June 4, 2009
Decided June 30, 2009

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

MEMORANDUM OF DECISION

Richard Rosenberg appeals from a judgment in favor of the Town of Lincolnville entered in the District Court (Belfast, *Hjelm, J.*) on the Town's complaint alleging various land use violations on Rosenberg's property. Contrary to Rosenberg's contention, when viewing the record in the light most favorable to the Town, as the prevailing party, there is sufficient evidence to support the trial court's findings both that Rosenberg installed an oil tank in violation of shoreland ordinance provisions, and that he completed construction inside and outside the building without a necessary permit. *See* Lincolnville, Me., Land Use Ordinance §§ 12(C)(1)(c), 21(B) (June 16, 1998); *In re Cyr*, 2005 ME 61, ¶ 16, 873 A.2d 355, 360-61 ("Our inquiry in a challenge to the sufficiency of the evidence in a civil matter is whether by any reasonable view of the evidence, including inferences to be drawn therefrom, taken in the light most favorable to the prevailing party, the judgment can be sustained.") (quotation marks and alteration omitted). In addition, the court committed no error of law or fact in interpreting the provisions of the Town's Land Use Ordinance, or in concluding that the Town filed its action within the applicable statute of limitations. *See* 14 M.R.S. § 752 (2008); Lincolnville, Me., Land Use Ordinance § 21(B) (June 16, 1998); *Efstathiou v. Aspinquid, Inc.*, 2008 A.2d 145, ¶ 14, 956 A.2d 110, 116 ("Whether a claim is barred by the statute of limitations is a question of law."); *Gensheimer v. Town of Phippsburg*, 2005 ME 22, ¶ 16, 868 A.2d 161, 166 ("The interpretation of a local ordinance is a question of law, and we review that determination de novo.").

The entry is:

Judgment affirmed. Matter remanded to the District Court for an award of attorney fees on appeal in accordance with 30-A M.R.S. § 4452(3)(D) (2008).

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