

THOMAS S. GREENLAW

v.

TOWN OF CUMBERLAND

Submitted on Briefs August 11, 2009

Decided August 25, 2009

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

MEMORANDUM OF DECISION

Thomas S. Greenlaw appeals from the judgment of the Superior Court (Cumberland County, *Delahanty, J.*) entered pursuant to M.R. Civ. P. 80B affirming the decision of the Cumberland Town Council that denied Greenlaw's application for renewal of his automobile graveyard and junkyard permit. *See* 30-A M.R.S. § 3753 (2008). Greenlaw contends that the court and the Town Council did not adequately consider his evidence, that he was treated unfairly, and that his attorney, who represented him in the Superior Court but not in this appeal, was too friendly with the attorney representing the Town. When, as here, the Superior Court, acting pursuant to M.R. Civ. P. 80B, has served as an intermediate appellate court, we review directly the operative decision of the municipal agency, in this case the Cumberland Town Council. *See Mills v. Town of Eliot*, 2008 ME 134, ¶¶ 13-16, 955 A.2d 258, 263-64. The municipal decision is reviewed for abuse of discretion, errors of law, or findings not supported by substantial evidence in the record. *Wyman v. Town of Phippsburg*, 2009 ME 77, ¶ 8, --- A.2d ---, ---. Our review of the record here indicates that there is sufficient evidence in the record to support the decision of the Town Council, recognizing that it is for the Town Council to decide the believability and significance of the evidence presented to it, as long as there is competent evidence in the record to support the decision. *See Fitanides v. City of Saco*, 2004 ME 32, ¶ 23, 843 A.2d 8, 15. There

is sufficient, competent evidence to support the Town Council decision in this case.

The entry is:

Judgment affirmed.

Thomas S. Greenlaw, pro se:

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The Town of Cumberland did not file a brief.