

RIVERWATCH, LLC

v.

CITY OF AUBURN

Submitted on Briefs January 28, 2010

Decided February 4, 2010

Panel: ALEXANDER, LEVY, SILVER, MEAD, and JABAR, JJ.

#### MEMORANDUM OF DECISION

Riverwatch, LLC appeals from the judgment of the Superior Court (Androscoggin County, *Wheeler, J.*) on its M.R. Civ. P. 80B petition for review of government action affirming the decisions of the City of Auburn Planning Board. Riverwatch contends that: (1) the Board did not have the authority to waive dimensional requirements; and (2) the Board did not comply with proper procedure before considering an amendment to an already-approved subdivision plan. Contrary to the assertions of Riverwatch, the Board did have the authority to waive a dimensional requirement because the waiver was authorized by ordinance and was not the granting of a variance. 30-A M.R.S. § 4353(4-C) (2009); *Wyman v. Town of Phippsburg*, 2009 ME 77, ¶ 13, 976 A.2d 985, 989. No error is demonstrated in the review process to consider the plan amendments and hear Riverwatch's objections.

The entry is:

Judgment affirmed.

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