

TOWN OF LEBANON

v.

RONALD R. WRIGHT

Submitted on Briefs February 10, 2010

Decided February 25, 2010

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

MEMORANDUM OF DECISION

Ronald R. Wright appeals from the judgment of the District Court (Springvale, *Cantara, J.*) in a M.R. Civ. P. 80K proceeding, adjudicating him to have violated the Town of Lebanon Shoreland Zoning Ordinance by cutting a large number of trees within 100 feet of the water. In its judgment, the court imposed a civil penalty, awarded the Town its attorney fees, and ordered a reforestation plan. On appeal, Wright contends that the trees cut posed a safety hazard to his property; the trial was biased against him because of the Town's budget constraints; the Town gave him inadequate information regarding his obligations under the ordinance; the ordinance was too vague to be properly understood; after the judgment, he should have been allowed to remove the case for a jury trial; and the volume of the evidence was in his favor.

On appeal, we review the evidence in the light most favorable to the trial court's judgment to determine if the trial court's findings are supported by competent evidence. *See Acadia Ins. Co. v. Keiser Indus., Inc.*, 2002 ME 57, ¶ 14, 793 A.2d 495, 498. Here, even though there was conflicting evidence, the court could properly credit the evidence presented by the Town and reach its conclusion that the Shoreland Zoning Ordinance had been violated. *See Jenkins, Inc. v. Walsh Bros., Inc.*, 2002 ME 168, ¶ 7, 810 A.2d 929, 933. Further, on this record, there is no indication that Wright made any timely request for removal for a jury trial

before the case was heard. *See City of Biddeford v. Holland*, 2005 ME 121, ¶ 14, 886 A.2d 1281, 1286. Accordingly, any claim for a right to trial by jury was not preserved. Review of the Ordinance demonstrates that it is sufficiently specific, that people can understand its meaning and impact, and is not void for vagueness.

The entry is:

Judgment affirmed.

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