

TOWN OF CLINTON

v.

CHARLES S. McINTYRE

Submitted on Briefs February 10, 2010

Decided February 25, 2010

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

MEMORANDUM OF DECISION

Charles S. McIntyre appeals from the judgment of the District Court (Waterville, *Dow, J.*) in the Town of Clinton's land use violation action pursuant to M.R. Civ. P. 80K. The court found that McIntyre's property in Clinton was being maintained in violation of the prohibitions on unpermitted automobile graveyards and junkyards stated in 30-A M.R.S. § 3753 (2009) and sections 4(F) and (H) of the Town of Clinton Land Use Ordinance. Based on its findings, the court imposed civil penalties and granted injunctive relief. McIntyre contends that there was insufficient evidence to support the findings, and that the Town and the Town's attorney were biased against him and used improper evidence to obtain the finding of violations of the prohibitions on automobile graveyards and junkyards specified in state law and town ordinance.

On appeal from fact-findings of the trial court, we are obligated to review the record, and inferences that may be drawn from the record, in the light most favorable to the trial court's judgment to determine if the findings are supported by competent evidence. *Pratt v. Spaulding*, 2003 ME 56, ¶ 10, 822 A.2d 1183, 1186. It is up to the trial court, not this Court, to determine what witnesses to believe and not believe and what significance to attach to each item of evidence. *Jenkins, Inc. v. Walsh Bros., Inc.*, 2002 ME 168, ¶ 7, 810 A.2d 929, 933. Here, the evidence in the transcript of the trial, viewed in accordance with our standard of review, fully

supports the findings and conclusions reached by the trial court. Further, review of the record does not disclose any errors of law or any impropriety in the trial court's decision-making that could justify vacating its judgment.

The entry is:

Judgment affirmed.

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**Charles S. McIntyre, pro se:**

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**The Town of Clinton did not file a brief.**

Waterville District Court docket number CV-2007-274  
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