

STATE OF MAINE
SOMERSET, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO AP-08-003
WRP - 5/14/2008

SYDNEY LORANDEAU,

Plaintiff,

v.

TOWN OF CARATUNK,

Defendant.

ORDER

Plaintiff brings this appeal pursuant to M.R.Civ.P 80B. In his brief he asks the court to vacate the Town's order pertaining to property he own in Caratunk.

On August 22, 2007, the Town of Caratunk, by written order, determined that a building owned by the plaintiff was dangerous or a nuisance because it was structurally unsafe, unstable, constituted a fire hazard, was unsanitary, was unsuitable for use or occupancy, and constituted a hazard to health or safety. The Town ordered the plaintiff to file by October 1, 2007, a letter of intention stating his decision to repair/rebuild or demolish. If no such commitment were received by that date, the building was required to be demolished and removed. The order also stated that if there was abatement, it was to be completed within 92 days. On January 24, 2008, the Town issued another order dealing with the same structure. In this order, the Town gave the plaintiff until April 1, 2008 to provide the town with a letter of commitment from a qualified contractor with plans to either repair, rebuild, or demolish the building. The order also provided that if he did not comply, the Town would start proceedings on August 1, 2008 to demolish the building. If the there were compliance, there had to be substantial completion of the project by July 1, 2008.

In his appeal brief the plaintiff raises issues concerning whether the structure was abandoned, whether he had adequate time to prepare for the initial hearing,

whether the description of the deficiencies was accurate, whether he had received adequate clarification from the Town concerning certain aspects of the initial order, whether the order was specific enough in describing necessary corrections, and whether an un-named selectboard member had a conflict of interest. In the final paragraph of the brief, he asks the court to provide for communication from the town to the plaintiff so that an understanding of the necessary work could be achieved.


Upon reviewing the plaintiff's brief, the court concludes that the action he is appealing is actually the August 17, 2007 order, not the January 24, 2008 order that in essence gave him additional time to comply with the first order adding only a requirement that the commitment letter come from a qualified contractor, a refinement of the first order. It is the second order, however, that precipitated the filing of this appeal.

Based on the foregoing, the court dismisses the plaintiff's appeal because it was not timely filed. The governmental action that the plaintiff wants reviewed is actually the August 17, 2007 order, not the January 24, 2008 order. Because M. R. Civ. P. 80B requires that the appeal be filed within 30 days after any notice of action of which review is sought, this appeal, filed on February 14, 2008 is not timely.

Appeal Dismissed.

The clerk is directed to incorporate this Order into the docket by reference.

Dated: May 14, 2008



WILLIAM ANDERSON
JUSTICE, SUPERIOR COURT

Date Filed 02/14/08

Somerset
County

Docket No. AP-08-003

Action 80B Appeal - Governmental Actions

**This case is specially assigned to:
Hon. William R. Anderson**

Sydney Lorandean
PO Box 425
Newport NH 03773
Tel: #(603) 863-3864

vs.

Town of Caratunk
Office of Selectmen
PO Box 180
Caratunk ME 04925; 672-3030

Plaintiff's Attorney	Defendant's Attorney Warren Shay, Esq. P O Box 467 Skowhegan, ME 04976
Date of Entry	<p>02/15/08 Letter considered as a complaint for review of Governmental Action with decision from Town of Caratunk, response from Mr. Lorandean to decision, and \$150.00 filing fee all received and filed 02/14/08.</p> <p>Notice and Briefing Schedule forwarded to both parties.</p> <p>02/21/08 Entry of Appearance for Town of Caratunk filed by Atty. Shay.</p> <p>03/25/08 Plaintiff, Sydney Lorandean's, brief received and filed 03/21/08.</p> <p>04/11/08 Brief of Appellee received and filed 04/11/08.</p> <p>04/29/08 Plaintiff's reply brief received and filed 04/22/08.</p> <p>05/20/08 Order filed. SEE ORDER FOR FURTHER DETAILS. Based on the foregoing, the court dismisses the plaintiff's appeal because it was not timely filed. The governmental action that the plaintiff wants reviewed is actually the August 17, 2007 order, not the January 24, 2008 order. Because M.R.Civ.P. 80B requires that the appeal be filed within 30 days after any notice of action of which review is sought, this appeal, filed on February 14, 2008 is not timely. Appeal Dismissed. The clerk is directed to incorporate this Order into the docket by reference. Dated: 05/14/08 /s/ William R. Anderson, JSC. cc: all parties.</p>