

TOWN OF WISCASSET

v.

STARR PINKHAM et al.

Submitted on Briefs January 17, 2002  
Decided January 29, 2002

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER, and  
CALKINS, JJ.

MEMORANDUM OF DECISION

Starr and Albert Pinkham appeal from a judgment of the Superior Court (Lincoln County, *Studstrup, J.*), affirming a judgment of the District Court (Wiscasset, *Field, J.*), holding that the Pinkhams' eighty-five vehicle automobile graveyard constitutes a business. The Wiscasset zoning ordinance requires two acres for a business and one acre for a home. Because the Pinkhams' lot was below the minimum lot size requirement, the District Court found that they were in violation of the local ordinance. The Pinkhams' argue on appeal that their automobile graveyard is not a business and, therefore, they are in compliance with the ordinance. The evidence in the record is sufficient to support the District Court's finding of a business operation and consequent violation of the ordinance. Thus, no clear error is demonstrated to justify vacating the judgment. *See Pongonis v. Pongonis*, 606 A.2d 1055, 1057-58 (Me. 1992).

The entry is:

Judgment affirmed.

Attorney for plaintiff:

Dennis J. Jumper, Esq.  
Snyder & Jumper  
P O Box 909  
Wiscasset, ME 04578-0909

Attorney for defendant:

Gordon E. Stein, Esq.  
Gallagher and Stein  
P O Box 33  
Damariscotta, ME 04543