



Town of China

571 Lakeview Drive; China, Maine 04358
(207) 445-2014 info@chinamaine.org

NOTICE OF ADMINISTRATIVE APPEAL DECISION

To: Brent Chesley
PO Box 6241
China Village, ME 04926

Date: August 27, 2020

This is to inform you that the China Board of Appeals acted on your application for an administrative appeal at a meeting on August 27, 2020 and made the following findings and conclusion:

Findings of fact

1. The applicant is Brent Chesley, who filed an application for an administrative appeal on June 4, 2020.
2. The applicant is the owner of property located at 83rd Fire Road 9 China, Maine, further identified in China tax Map 52 Lot 19 with deed listed as Book 7931 Page 0142.
3. The applicant proposes to construct a granite faced, steel sheet plate retaining wall 34 feet long, including granite stairs, extending into the lake.
4. The applicant is appealing a written determination by the China Code Enforcement Officer denying his April 29, 2020 application, dated May 6, 2020, for the proposed retaining wall and stairs.
5. A public hearing was held, in person, on August 27, 2020.
6. Relevant sections of the Ordinance included, but are not limited to, section 4 (20) and section 5 (N).
7. The application includes stamped drawings which clearly show the retaining wall and stairs. The structure extends under the lakebed, beyond the normal high-water mark, into the lake.



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Conclusion of Law

Based on the above stated facts and provisions of the ordinance, the Board of Appeals concludes: the ordinance, clearly states, in sections 4 (20) & 5 (N), that structures including retaining walls and stairs that extend into the lake over, or below, the normal high-water mark require a Planning Board permit.

Decision

Based on the above findings and conclusion the Board of Appeals makes the following determination:

The Code Enforcement Officer was correct in determining that a Planning Board permit is required for this structure. Due to these facts & conclusion the Board voted to deny the appeal as filed. Appeal of this decision is to Superior Court within the appropriate deadline.



Spencer Aitel, Chairman

cc Planning Board
Code Enforcement Officer
Municipal Officers
David Pierson ESQ.