

ADMINISTRATIVE APPEAL

Findings of Fact: The appellants are A. William and Nancy Risteen, 39 Maple Street, York Beach, Maine. The property in question is owned by A. William and Nancy Risteen located at 39 Maple Street, York Beach, Maine. **REF:** Map 31, Lot 72. The lot is in the Res-7 Zone.

Copies of: application for Administrative Appeal dated August 29, 2017, letter from A. William Risteen to the Board of Appeals dated August 29, 2017, well permit application dated July 18, 2017, draft information for water main extension for 39 Maple Street drawn by Todd Hill of York Water District, letter of denial dated August 3, 2017, GIS map showing 39 Maple Street, warranty deed from John L. Ciolo and Frances Ciolo to A. William Risteen, Jr. and Nancy S. Risteen dated December 1998, York Water District estimate dated July 29, 2013 are all made part of the record.

The appellants request an Administrative Appeal in regards to a decision by the Town of York Code Enforcement Office issued August 3, 2017 concerning Well Ordinance Criteria. The appeal was filed on September 1, 2017 and was therefore timely filed. The appellants have standing as owners of the property.

The relevant section of the well ordinance is § 2.5.3.

The appeal was heard on October 11, 2017. A video recording of the meeting was made as part of the official record.

Relevant facts are: 1) The appellants are the owners of a seasonal home at 39 Maple Street, York, Maine. 2) The property is served by the York Water District for 6 months of the year, then the water is shut off for the winter. 3) The appellants usually occupy this home for 6 months and now wish to extend their stay to 9 months. 4) The appellants investigated having public water available for the three additional months. 5) In 2013 the York Water District quoted over \$52,000 to extend the water line from the street connection to the property line. There would be an additional cost to connect the water line to the house. 6) The appellants obtained estimates for installing a well which range from \$7,000-10,000 and applied for a well permit. 7) The appellants were told that the permit application was denied because the year round water supply must be extended greater than 400 ft. 8) Subject property is only 290 ft. from the year-round water supply. 9) The appellants asked the Board to grant their appeal based on the financial hardship of extending the year-round public water supply to their home.

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Motion by Mr. Manougian, seconded by Mr. Mottola, to deny the Administrative Appeal of A. William Risteen and Nancy Risteen, as the Code Officer did not err in issuing the denial of the well permit per her interpretation of § 2.5.3 of the well ordinance.

VOTE: Passed 5-0 (Mr. Manougian, Mr. Carr, Mr. Mottola, Mr. Lascelles and Mr. Swant FOR)

Opposed: None

Judgment on Findings of Fact: Approved: 4-0-1

Approved: October 25, 2017 (**In favor:** Ms. Manougian, Mr. Motolla, Mr. Swant. Mr. Carr;

Opposed: None; **Abstained:** Mr. Lascelles)

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