

ALBERT ALTHENN

v.

TOWN OF CHINA

Submitted on Briefs September 30, 2009

Decided October 15, 2009

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

Albert Althenn appeals from a judgment entered in the Superior Court (Kennebec County, *Jabar J.*) affirming a decision of the Town of China Board of Appeals. The Board of Appeals had in turn upheld the Town Planning Board's decision to consider and approve a subdivision plan and grant a waiver of a recently enacted road ordinance to Althenn's abutting neighbor. Contrary to Althenn's contentions, there is sufficient evidence in the record to support the Board's decision to grant the waiver. *See Lakeside at Pleasant Mountain Condo. Ass'n v. Town of Bridgton*, 2009 ME 64, ¶ 11, 974 A.2d 893, 896. Although the Planning Board did not issue written findings of fact, Althenn's argument to us on this point was not raised before the Superior Court, and therefore was not preserved for appeal. *See Conrad v. Swan*, 2008 ME 2, ¶ 16, 940 A.2d 1070, 1076. Althenn's remaining arguments are without merit.

The entry is:

Judgment affirmed.

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