September 16th, 2019

Discussion on Charles Cherington permit applications:

Present: Niall Conlan, Jeanne Bineau-Ames, Banner Moffat, Robb Warren, Brendan Meagher, Bryan Applegate, Faye Grant, Shelby Smith

Also present: Andy Dorr, Peter Codella, Cherington’s Lawyer

Permit Application for new deck on west side of building, off map room/kitchen:

* Planning Board has brought up the point that no structure shall be expanded toward a body of water, which they believe this new deck would be doing
* Lawyer has made the argument that this new deck will be less close to the water than other parts of the building already are
* Andy and Faye have talked with Colin Clarke with the state to confirm that this argument is legitimate and that it is okay to add onto a structure, extending towards the water, as long as there are existing parts of the building that are closer to the water than what the new addition would be.
* This structure is not a typical rectangle, it is more of a U shape so the Board discusses how under the above argument, they cannot just necessarily permit for anyone to “fill in” the cut-out areas of a-typically shaped buildings, as long as what they are adding to the structure is not closer towards the water than any other existing points.
* The Board discusses other scenarios in order to understand this better: what if the application in front of them was for a rectangular building? Would they still be feeling like they cannot permit a deck addition because it would be extending the structure towards the water? Yes.
* Shoreland Zoning Ordinances are brought out to discuss, specifically page 16 that shows a building too close to the water having an addition put on a porch laterally. This ordinance shows that this is okay, as long as the structure does not exceed its 30% expansion.
* The Board does not feel that this SLZ ordinance is showing the same exact scenario as the permit application in front of them. The Board views this new deck as an expansion off the west wall of the existing structure, moving the wall more towards the water. The Board does not view this as a lateral expansion off the map room, which is already closer to the water than other points of the existing structure.
* The lawyer argues that if they can’t add this deck onto the existing structure then they will never be able to meet the 30% expansion of this structure.
* The Board tries to explain to him that the building can be expanded along the sides and along the back of the building, to be able to meet the 30% expansion, as long as it is not being expanded towards the water.

Facts:

* The required minimum setback from the water for a structure is 125’
* This structure is less than the required minimum structure already and with this new deck addition it will be even less conforming to that minimum setback.
* Vinalhaven Land Use Ordinance Section 11. C. Further Limitations. c.
* This structure is a grandfathered non-conforming structure
* The diagram shows a “proposed addition” with three arrows pointing off of it. There should only be two arrows. The extra 19.1’ long section towards the water is not being added.