

BOARD OF APPEALS PUBLIC HEARING

The Town of Vinalhaven Board of Appeals will hold a Public Hearing on Friday, July 23, 2021, at 4:00 PM at the Vinalhaven Town Office to review:

1. Administrative Appeal filed by Claire Jackson and Niall Conlan for a permit issued to Wendy & John Richards at 27 Sailors Way (Map 10 Lot 22).
2. Variance Appeal filed by Lynn N. Greene for a permit issued at 14 Starr Street (Map 22 Lot 104)

Date: July 23, 2021

Time: 4:00 PM

**Place: Town Office – Meeting Room
19 Washington School Road**

VINALHAVEN BOARD OF APPEALS

APPLICATION FOR AN ADMINISTRATIVE APPEAL

Name of Applicant: Claire Jackson & Niall Conlon Phone# 207-401-8242

Mailing Address: P. O Box 265

Town: Vinalhaven State: ME Zip: 04863

Name of Owner: Wendy + John Richards Map: _____ Lot: _____

Date Received: Verbally: 6/18/21
Written: 6/21/21 Fee Paid: \$ 225.00 pd

Note to Appellant: For this form to be processed, you must pay a non refundable ~~\$50.00~~ ^{225.00} filing fee and provide proof of standing (right, title or interest). Return this application, fee and proof of standing to the Town Manager. You will be contacted by the Board of Appeals (BOA) about a date for a site visit as well and a hearing date for your appeal.

Administrative Appeal:

Review of an alleged erroneous decision by the Code Enforcement Officer (CEO) or Planning Board (PB) . It is the applicant's contention that the following error was made in a determination by the Code Enforcement Officer or Planning Board. Please be as clear as possible and cite which specific provisions and sections of the Vinalhaven Land Use Ordinance were not followed or misinterpreted. Attach additional sheets if necessary.

- o Section 16.T - pg 37 #4 "By no means shall exceed a total distance of more than 1/3 the width of the water body" - Ames Cove is only 80ft across.
- o Section 14. pg 18 c. 3- RM3 Permanent change to angle of steps requires planning board approval. This change brings dock closer to our shore.
- o pg 62- definition of dock- They are using dock as barge w/ 8ft hoists at each dock.
- o Riprap rights impacted, 150ft will block access to our 265ft of shore front and our only beach.
- o By positioning directly down the center and then also on an angle change blocks off all usage and navigation of the cove.

I certify the information contained in this application and its supplement is true and correct.

cont →

Claire Jackson
Appellant

6/21/21
Date

- At 100ft out they are within 3ft of the rocks on our shore. When the additional rocks on our shore. When adding the additional 50ft they will not accomplish low tide access.
- Section 16T. pg 37- can be max length of all structure 160ft - exceeds.
- Neighbors were not notified of permanent change.
- We pay waterfront taxes on the 150ft of shore front they are using.
- Blocks existing shore access put in place by Bobby Philbrook
- The structure (deck) is 100% on our property at low tide.
- unreasonably interferes with fishing, enjoyment, existing marine use
- unreasonably interfere w/ ingress and egress of riparian owners
- unreasonably diminishes the availability of services and facilities necessary for commercial marine activities - clamming

Town

TOWN
OF
VINALHAVEN

BUILDING
PERMIT

ISSUED TO: John + Jerry
Richardo FOR: 2 ramps 3x30
2 floats 10x23

PERMIT # CO 21-40 DATE ISSUED: 6-8-2021

CONDITIONS: _____

Laye J. Hunt

Valid only with Planning Board Chairman or CEO signature

POST IN CONSPICUOUS PLACE

APPLICATION FOR BUILDING AND/OR LAND USE PERMIT TO THE PLANNING BOARD OF VINALHAVEN, MAINE

Permit No.: 020 21-40 Page 1

Application is hereby made for a permit to construct, move, add to or change the use of a building or structure, to place a modular or mobile home, or to construct a road. This application includes:

- This application (pages 1 & 2)
Copies of any other applicable permits (e.g. DEP, Army Corps of Engineers)
Plumbing, well, and wastewater disposal permits
\$25.00 - NON - REFUNDABLE APPLICATION FEE

Form with fields for Applicant/Contractor (Gene LAZARO), Property Owner (John + Wendy Richards), Description of property (James Cove), and Details of Requested Change (2 RAMPs, 2 floats, etc.).

I hereby certify that the information provided on this and on the attached pages is true, accurate and complete to the best of my knowledge. I further agree that the Planning Board will approve any changes in the information provided prior to being made at the site.

I also state that I am either the owner of the property described above, or that I have been authorized by the owner of the property to act on the owner's behalf (authorization attached if not signed by property owner).

Date: June 8, 2021 Signature of Applicant or Property Owner: Gene A. Lazaro

**APPLICATION FOR BUILDING AND/OR LAND USE PERMIT
TO THE PLANNING BOARD OF VINALHAVEN, MAINE**

Permit No.: 67-40 Page 2

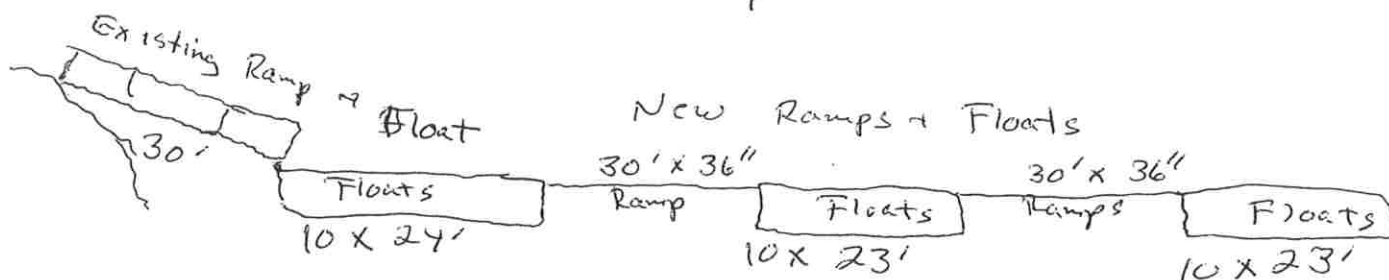
Provide a sketch showing the following information (either below or on a separate piece of paper):

- Sketch of property boundaries
- Location of proposed work
- Dimensions of proposed work
- Shortest distance between proposed work and:
 - Right of way
 - Side property lines
 - Nearest Well
 - High water line or wetland
 - Rear property line
 - Sewage disposal system

Sharon is Caretaker

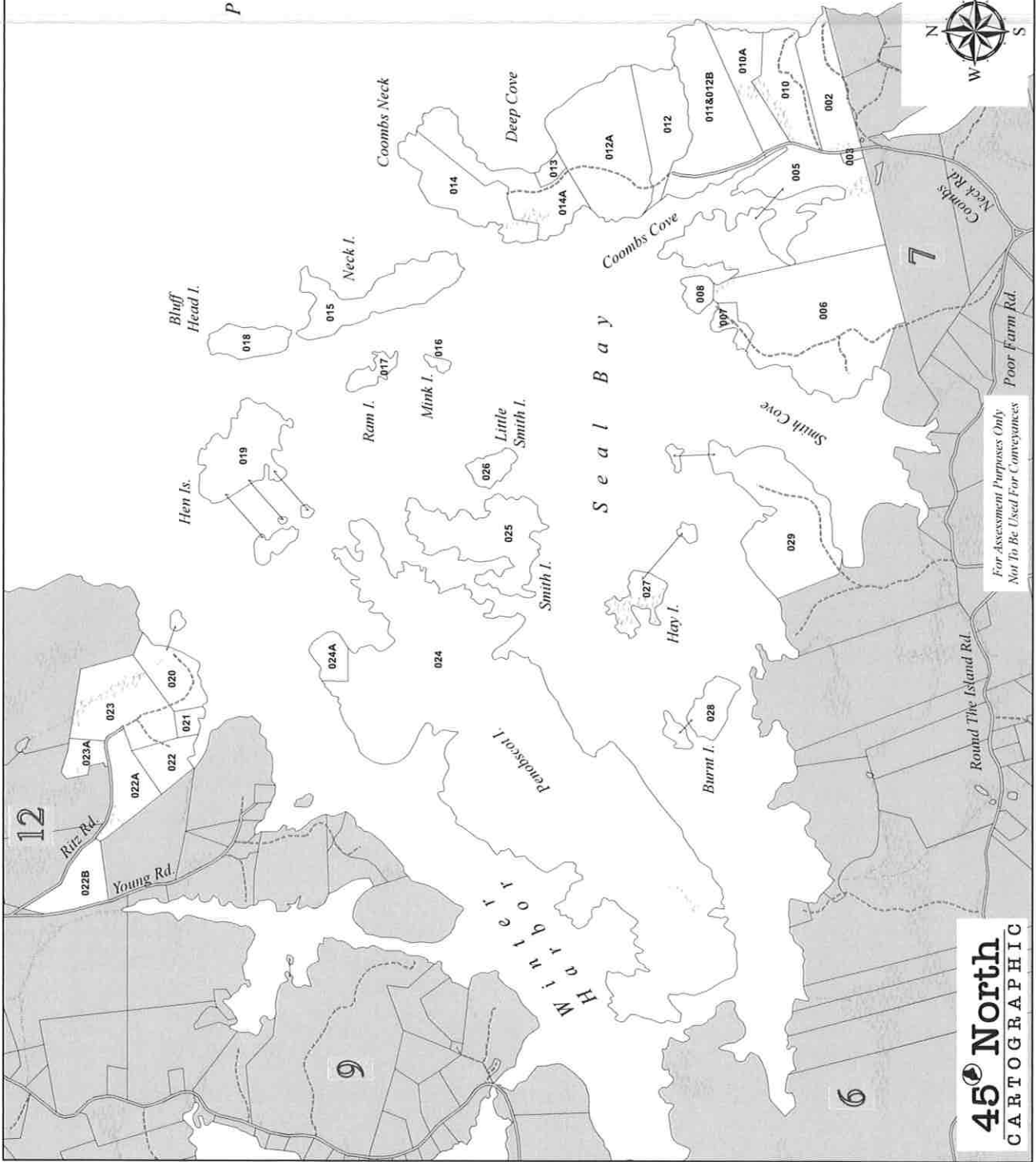
John + Wendy Richards

860-460-9738



Action by Planning Board/CEO:	
Date Application Received: <u>6-8-2021</u>	Date Action Taken: <u>6/8/2021</u>
Date \$25.00 Non-Refundable Application Fee Paid: <u>6-8-2021</u>	Application is Approved <input checked="" type="checkbox"/> Application is Denied <input type="checkbox"/>
Amount of Permit Fee: <u>108.00</u>	<u>133.00</u>
Date Permit Fee Paid: <u>6/8/21</u>	
Conditions/Explanation: <u>pa \$133.00 6/8/21 # 4089</u>	
NOTE: PERMITS ARE NOT VALID UNTIL ALL FEES HAVE BEEN PAID AND ALL PERMITS ARE SUBJECT TO APPEAL FOR A PERIOD OF 35 DAYS AFTER ISSUANCE	

*E a s t
P e n o b s c o t
B a y*



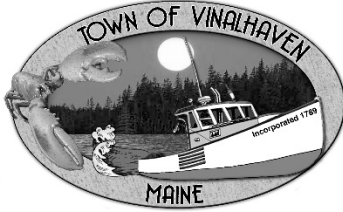
10

Property Map
TOWN OF VINALHAVEN
APRIL 1, 2014
1" = 1200' @ 11x17



For Assessment Purposes Only
Not To Be Used For Conveyances

45° North
CARTOGRAPHIC



Town of Vinalhaven

19 Washington School Rd

Vinalhaven, Maine 04863

Phone - 207-863-2042

Fax - 207-863-4393

townmanager@townofvinalhaven.org

Board of Appeals

Site Visit

Monday, July 12, 2021

5PM @ 27 Sailor's Way

The purpose of this site visit is to view the permitted structures that have been built to-date to inform the Board of Appeals hearing process. The hearing will take place at a date to be determined.

Property Owner: John and Wendy Richards

Location: Ames Cove Rd

Map 10/Lot 22

Appeal Details:

Applicant: Claire Jackson and Niall Conlan

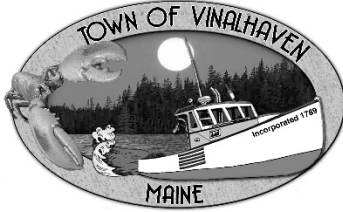
Permit #: CEO 21-40

Date: 6/8/2021

Permit Details: 2 – 3'x30' Seasonal Ramps, 2 – 10'x23' Seasonal Floats

Specific Provisions:

- Section 16.T Length of structure is longer than 1/3 width of the water body.
 - Impedes the use of and navigation in the cove.
- Section 16.T Structures exceed max length allowed.
- Section 14.C.3 Modified permanent structure without a permit.
- Riparian rights impacted/limits access to abutter's marine infrastructure.



Town of Vinalhaven

19 Washington School Rd

Vinalhaven, Maine 04863

Phone - 207-863-2042

Fax - 207-863-4393

townmanager@townofvinalhaven.org

Board of Appeals

Site Visit

Minutes

Monday, July 12, 2021

5PM @ 27 Sailor's Way

Call to Order at 5:00 PM

Attendance:

BOA Members Bruce Cohen, Bill Alcorn, Peter Gasperini
Andrew Dorr, Town Manager, Geno Lazaro, Niall Conlan, Claire Jackson, Wendy and
John Richards, Jim Conlan

The purpose of this site visit is to view the permitted structures that have been built to-date to inform the Board of Appeals hearing process. The hearing will be scheduled at a later time, perhaps clarified before adjournment today.

Clarification that low-tide is scheduled for 6:17 PM, those in attendance were viewing the cove approximately one-hour before low-tide.

Bill asked for clarification from the property owners as to where the boundary of the Richard's property generally ran. Wendy clarified that it began at a pin at the stream that enters the head of the cove then follows the stream up behind the house to the north of the house and crosses the drive, through the field, to a pin on the shore where the group was standing. Reference the Conlan survey, shared and collected for the record, for further clarification on shared boundary.

Wendy and John believe that the property opposite the cove, from where the group was standing, was the Young's Farm property.

Pete asked for clarification that the structures in the water were only part of what was permitted. The permit and intention is to continue with one more gangway and float which would be approximately 50 more feet.

Pete also clarified that further along the cove there were two other access points and wondered whose they were. Niall shared that one was his and the other was the Menecker's, adjacent landowners.

Niall shared a set of areal images showing approximate property lines, which were collected for the record.

Bill asked if there were widths measured for the cove and Wendy said she observed 150' at one point while Niall measured 85' at another. Andy offered to measure, on areal maps, at least 3 locations along the cove to get an average width.

Wendy wanted to know if Maine law states who owns to the low tide. Andy offered to get clarification from MMA attorney.

John stated that the permit allowed them to build 160', which was the maximum allowed by Vinalhaven's LUO, but knew that there would not be boat access at all tides, even low-tide.

- Niall stated that he believed that the overall length of the structure is beyond the allowed length in the LUO, as noted in the appeal.
- Pete asked for clarification on the length of each ramp and float. Geno stated that there were two existing floats, one of which had to be rebuilt, which would be in addition to the 3rd float and ramp. Lengths of the floats are 24', 23', and 23' and the ramps are 30' each. At least one ramp has wheels instead of shackles which has some overhang on the float reducing the length by 2-4'. There are also a few "wedges" that help pivot or angle the structure to avoid rocks/ledge or help extend the structure to the highest water access at lower tides.

Wendy has asked if it was okay to build or if there was a difference in changes to the orientation/angle of the structures if the Town already approved the permit. Andy reiterated that, in part, is why there is an appeal and why there was a site visit to better understand what is in place.

Niall showed the group his shore access points, both existing at the time of purchase in 2018. Niall mentioned his deed acknowledged his ownership of the flats and Wendy wanted clarification on the statement and deed language.

Bill reiterated the need to measure the cove width to understand what length of structures may be built. Measurements should be between the head of the cove and the end of Niall's property with 2-3 distances measured.

Wendy asked about the Army Corps of Engineer's request for info and stated that they are reviewing the application for structures. Andy stated that the request was beyond the scope of the appeal. A letter from the CEO regarding violations on the Richard's

property prompted the request for ACoE input. Wendy is hoping to hear back from them soon.

The group discussed their availability for a public hearing within the next week. All agreed to tentatively schedule a hearing date for Friday July 23rd at 5 pm.

Motion by Bill to adjourn at 5:42. Second by Pete. Vote 3-0.

I 102

2 162.11

3 187.46

Ames Cove Google

Write a description for your map.

Legend



Google Earth

200 ft



24 24 48 25

Richards_Ames Cove



7/19/2021, 8:10:34 AM

1 63.3'

2 131.1'

3 148.8'

Received - 7/19/21
1-4

VINALHAVEN BOARD OF APPEALS

APPLICATION FOR A VARIANCE APPEAL

Name of Applicant: Lynn N. Greene Phone# 207-318-3554

Mailing Address: 14 Starr St.

Town: Vinalhaven State: ME Zip: 04863

Name of Owner: same Map: 22 Lot: 194

Date Received: 07/16/2021 Fee Paid: \$ 225 - PD

Note to Appellant: For this form to be processed, you must pay a non-refundable \$225.00 filing fee and provide proof of standing (right, title, or interest). Return this application, fee, and proof of standing to the Town Manager. You will be contacted by the Board of Appeals (BOA) about a date for a site visit and a hearing date for your appeal.

Variance Appeal:

A. Nature of Variance – Describe generally the nature of the variance:

2' set back on 3 sides (see letter)

In addition, a sketch of the property must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographical peculiarities of the lot in question.

B. Justification for Variance-In order for a variance to be granted, the applicant must demonstrate to the BOA that the strict application of the terms of the zoning ordinance would cause undue hardship or that the purpose of the Variance is to make the property accessible to a person with a disability who is living on the property. There are four criteria which must be met before the BOA can find that a hardship exists. Please explain how your situation meets each of the criteria numbered 1-4. If you are seeking a Disability Variance, skip questions 1-4 and complete question 5 only.

I certify the information contained in this application and its supplement is true and correct.

Appellant: Lynn N. Greene Date: 07/16/2021

07/01/2021

3-4

I am requesting a variance for 14 Starr Street Map 22 Lot 104. I was granted a permit to build a 22' 8" X 42' house on said lot on 04/22/2021. On 05/27/2021 all workers were on site to measure. Dale Conway came out with his plan of the boundary lines. At that point I was told by Fay Grant that I could not continue with anything until I had a survey. I did and still do not understand why I was not allowed to finish the measuring as six workers came up for nothing. I obtained a surveyor and within 8 days he was on site measuring. He provided a professional plot plan and a letter with explanations which I gave a copy to the town. I was finally able to measure on 06/24/2021 putting me 4 weeks behind schedule. I am too close by 8" on Dale Conways side and 1' on Gladys Hutchinsons side. I am requesting a 2' variance on the 45' side, a 2' on the 69' side and a 2' on the front of the property. This would make the set backs 8', 8', 18' 6" and 8' .

Respectfully

Lynn N. Greene

FILE # 21-126 CLIENT Greene TOWN VH

SHEET #

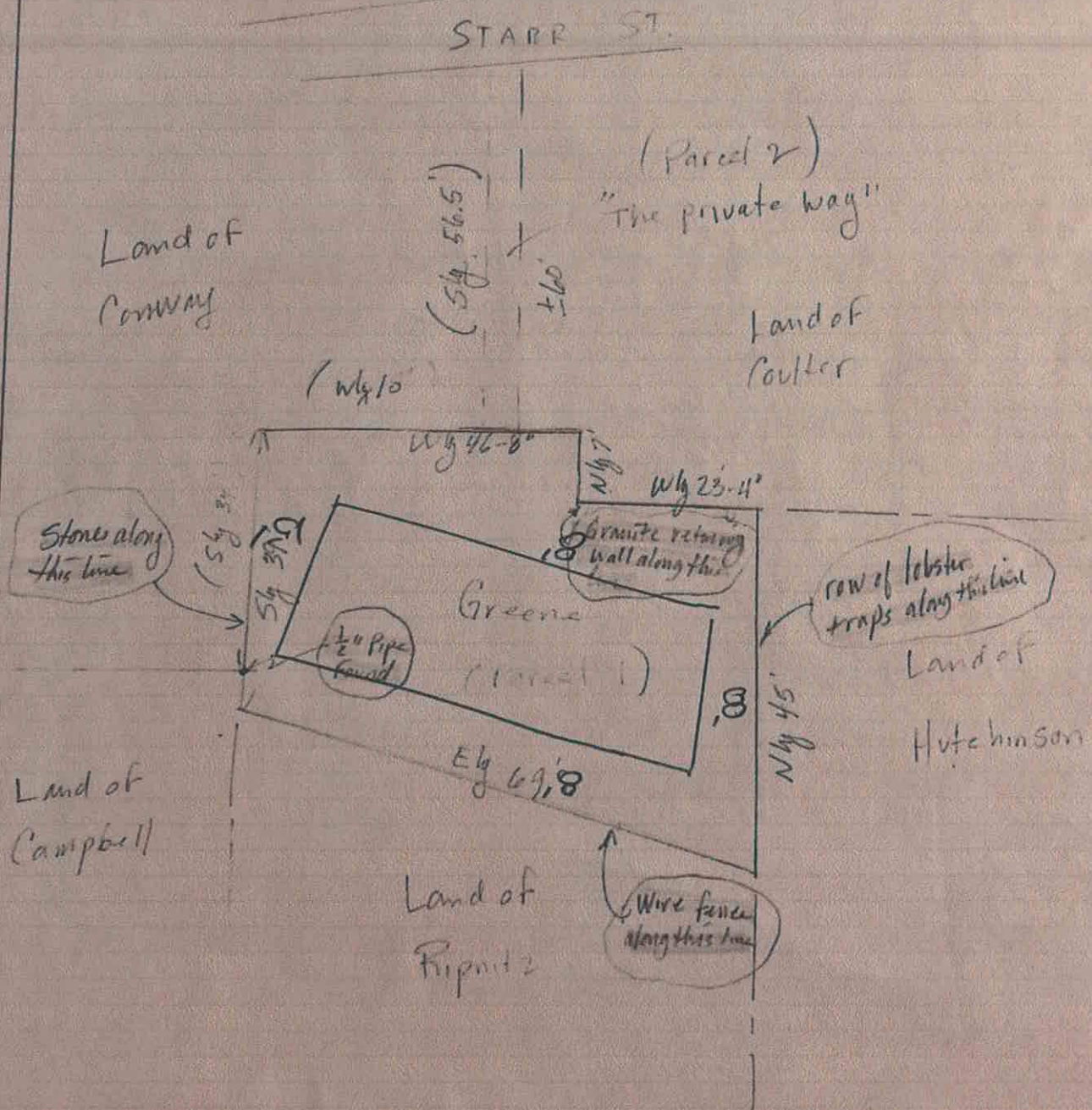
TAX MAP/LOT # 22/104

DEED SKETCH

DEED BOOK/PAGE
5689-190

GRANTOR/GRANTEE
Oxton → Greene

DATE SIGNED
DATE RECORDED
2/24/2021



DEED REFERENCES:

INGRAHAM LAND SURVEYOR

Town

**TOWN
OF
VINALHAVEN
BUILDING
PERMIT**

ISSUED TO: *Lynn Green* FOR: *House*
22-104 *22'8" x 42*

PERMIT #: *PB 21-13* DATE ISSUED: *4-22-2021*

CONDITIONS: _____

Lynn Green

Valid only with Planning Board Chairman or CEO signature

POST IN CONSPICUOUS PLACE

**APPLICATION FOR BUILDING AND/OR LAND USE PERMIT
TO THE PLANNING BOARD OF VINALHAVEN, MAINE**

Permit No.: **PB 21-13** Page 1

Application is hereby made for a permit to construct, move, add to or change the use of a building or structure, to place a modular or mobile home, or to construct a road. This application includes:

- This application (pages 1 & 2)
- Copies of any other applicable permits (e.g. DEP, Army Corps of Engineers)
- Plumbing, well, and wastewater disposal permits
- \$25.00 - NON - REFUNDABLE APPLICATION FEE

Applicant/Contractor:		Address & Telephone Number:	
Property Owner: Lynn N. Greene		Address & Telephone Number: 14 STARR ST Vinalhaven, ME 04863 207-318-3554	
Description of property:			
Location of Property: 14 STARR ST Vinalhaven, ME		Tax Map: 22 Lot: 104	
Zoning District: RC overlay district		Flood Hazard Zone (Yes/No):	
In Approved Subdivision:		Shoreland Zone (Yes/No):	
Lot Size: .10 acre		Sq. Ft. covered by existing structures:	
Frontage on Road/Traveled Way:		Frontage on Water:	
Details of Requested Change: (ONE PERMIT PER IMPROVEMENT)			
Type of Improvement: <input type="checkbox"/> Road or Driveway construction <input checked="" type="checkbox"/> New building or structure <input type="checkbox"/> Addition to existing structure <input type="checkbox"/> Moving an existing structure <input type="checkbox"/> Placing a mobile/modular home <input type="checkbox"/> Deck or Porch <input type="checkbox"/> Pier, wharf, ramp or float <input type="checkbox"/> Excavation, filling or mineral exploration <input type="checkbox"/> Other: describe below		Proposed Use (complete where applicable): <input checked="" type="checkbox"/> Single family <input type="checkbox"/> Multi-family: # of units: <input type="checkbox"/> Lodging facility: # of units: <input type="checkbox"/> Accessory structure (garage, studio, workshop etc.) <input type="checkbox"/> Bunkhouse, guesthouse, sleeping cabin etc. <input type="checkbox"/> Home occupation (Business): describe below <input type="checkbox"/> Change of Use: describe below <input type="checkbox"/> Other: describe below	
22' 8" 42 952 sq. ft.			
Structure Size: W 22' 8" L 42' H		# Bedrooms: 2	# Floors: 1
Distance from:		Sewage Disposal System:	Wetland:
Traveled Way: 60'		High Water Line:	Nearest Well:
Side Property Line:		Rear Property Line:	Front Property Line:
Type of water supply:		Existing: <input checked="" type="checkbox"/>	Proposed: <input type="checkbox"/>
Type of Sewage Disposal:		<input checked="" type="checkbox"/>	Permit No.:

I hereby certify that the information provided on this and on the attached pages is true, accurate and complete to the best of my knowledge. I further agree that the Planning Board will approve any changes in the information provided prior to being made at the site.

I also state that I am either the owner of the property described above, or that I have been authorized by the owner of the property to act on the owner's behalf (authorization attached if not signed by property owner).

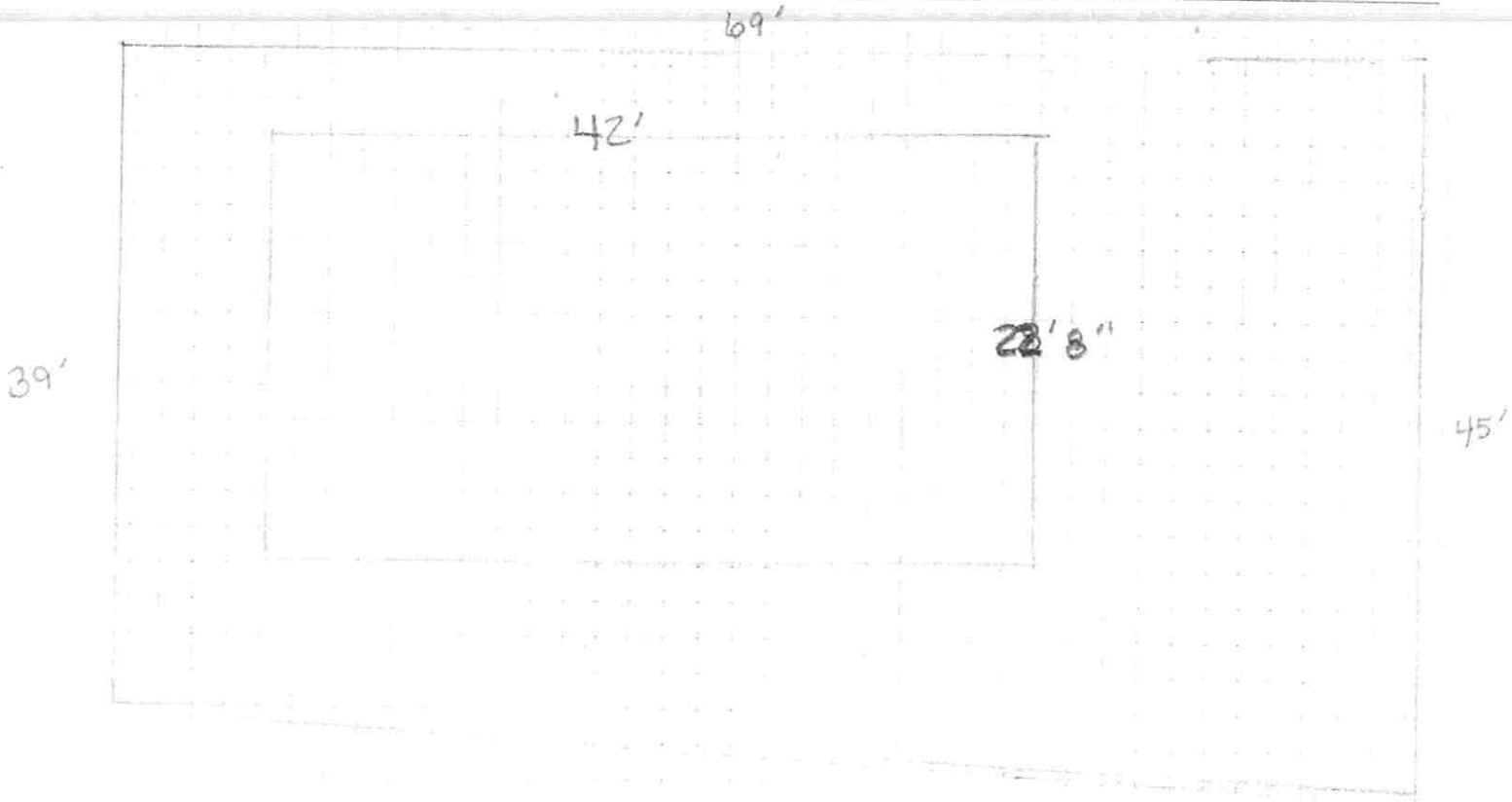
Date: 03/28/2021	Signature of Applicant or Property Owner: Lynn N. Greene
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**APPLICATION FOR BUILDING AND/OR LAND USE PERMIT
TO THE PLANNING BOARD OF VINALHAVEN, MAINE**

Permit No.: **DB** **21-13** Page 2

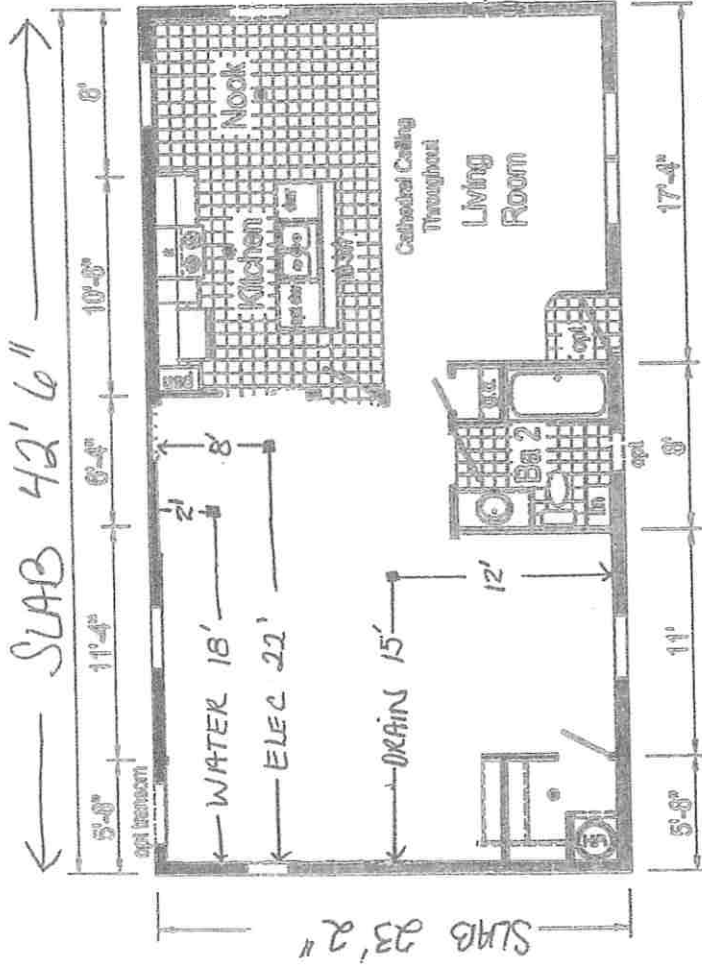
Provide a sketch showing the following information (either below or on a separate piece of paper):

- Sketch of property boundaries
- Location of proposed work
- Dimensions of proposed work
- Shortest distance between proposed work and:
 - Right of way
 - Side property lines
 - Nearest Well
 - High water line or wetland
 - Rear property line
 - Sewage disposal system



Action by Planning Board/CEO:		
Date Application Received: 3-25-2021	Date Action Taken: 4-14-20-20	
	Application is Approved	Application is Denied
Date \$25.00 Non-Refundable Application Fee Paid:	Banner Moffat	
Amount of Permit Fee: \$143.00	Jeanne Duvalle	
Date Permit Fee Paid:		
Conditions/Explanation:		
<p>NOTE: PERMITS ARE NOT VALID UNTIL ALL FEES HAVE BEEN PAID AND ALL PERMITS ARE SUBJECT TO APPEAL FOR A PERIOD OF 35 DAYS AFTER ISSUANCE</p>		

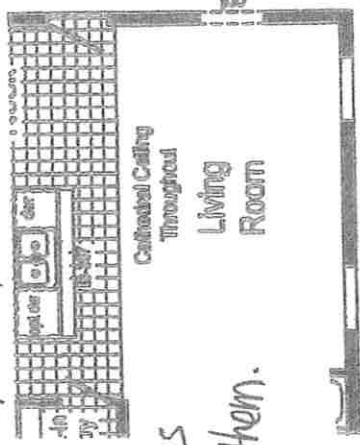
3A2606-E



HITCH
END

o = Std. can light
o = Additional 4" staggered overhead cabinets with opt. flat ceiling

FRONT



Alternate End Entry

Astro Bungalow

We use expansion bolts for tie-downs so don't install anything in slab for them.

Boggs Homes
Toll Free: 800-649-6578
Corner Routes 90 & 131
Warren, Maine 04864

Building No.: 3A2606-E		Page: 1/1	
Catalog No.: 2342	Deck: 18" = 1-0"	Deck: M2718	Cost: D.C.
Insulation: Type: _____ Number: _____	Foundation: CP	Foundation: TE272-A	Cost: D.C.
Title: Companions Homes of Pennsylvania			
Type: Literature			