

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 structures were permitted by the Code Enforcement Officer on June 8, 2021 and issued permit #CEO21-40. 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.

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: verbal: 6/18/21
written: 6/21/21 Fee Paid: \$ 225.00

Note to Appellant: For this form to be processed, you must pay a non refundable ^{225.00} \$50.00 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.

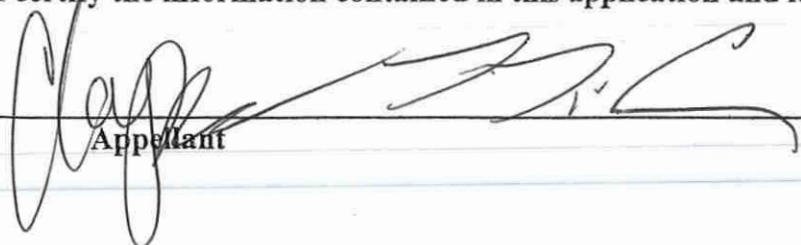
Administrative Appeal:

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 - RMB 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 Riparian 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 ~~at~~ 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 →


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 (dock) 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
Richards FOR: 2 ramps 3x30
2 floats 10x23

PERMIT # 00 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

Applicant/Contractor: <u>Gene LAZARO</u>	Address & Telephone Number: <u>4 Norton's Pt Rd. Vinal Haven, Me 04863</u>		
Property Owner: <u>John + Wendy Richards</u>	Address & Telephone Number:		
Description of property:			
Location of Property <u>Ames Cove</u>	Tax Map: <u>12</u>		Lot: <u>35B</u>
Zoning District: <u>RM2</u>	Flood Hazard Zone (Yes/No):		
In Approved Subdivision: <u>NA</u>	Shoreland Zone (Yes/No):		
Lot Size: <u>4.00 acres</u>	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 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 checked="" 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	
<u>2 RAMPS 150sq ft 2 floats 400sq 10x23</u>			
Structure Size: <u>W3</u>	<u>L30</u>	<u>H</u>	# Bedrooms: <u>1</u> # Floors: <u>1</u>
Distance from:	Sewage Disposal System:	Wetland:	
Traveled Way:	High Water Line: <u>on it</u>	Nearest Well: <u>6</u>	
Side Property Line:	Rear Property Line:	Front Property Line:	
Type of water supply:	Existing:	Proposed:	Permit No.:
Type of Sewage Disposal:			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: <u>June 8, 2021</u>	Signature of Applicant or Property Owner: <u>Gene L. Lazaro</u>
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**APPLICATION FOR BUILDING AND/OR LAND USE PERMIT
TO THE PLANNING BOARD OF VINALHAVEN, MAINE**

Permit No.: 21-40 Page 2

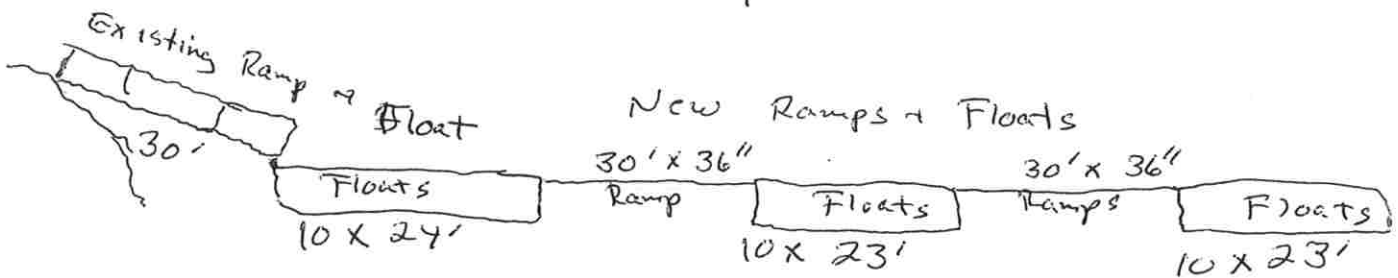
Provide a sketch showing the following information (either below or on a separate piece of paper):

- 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 Care-taker

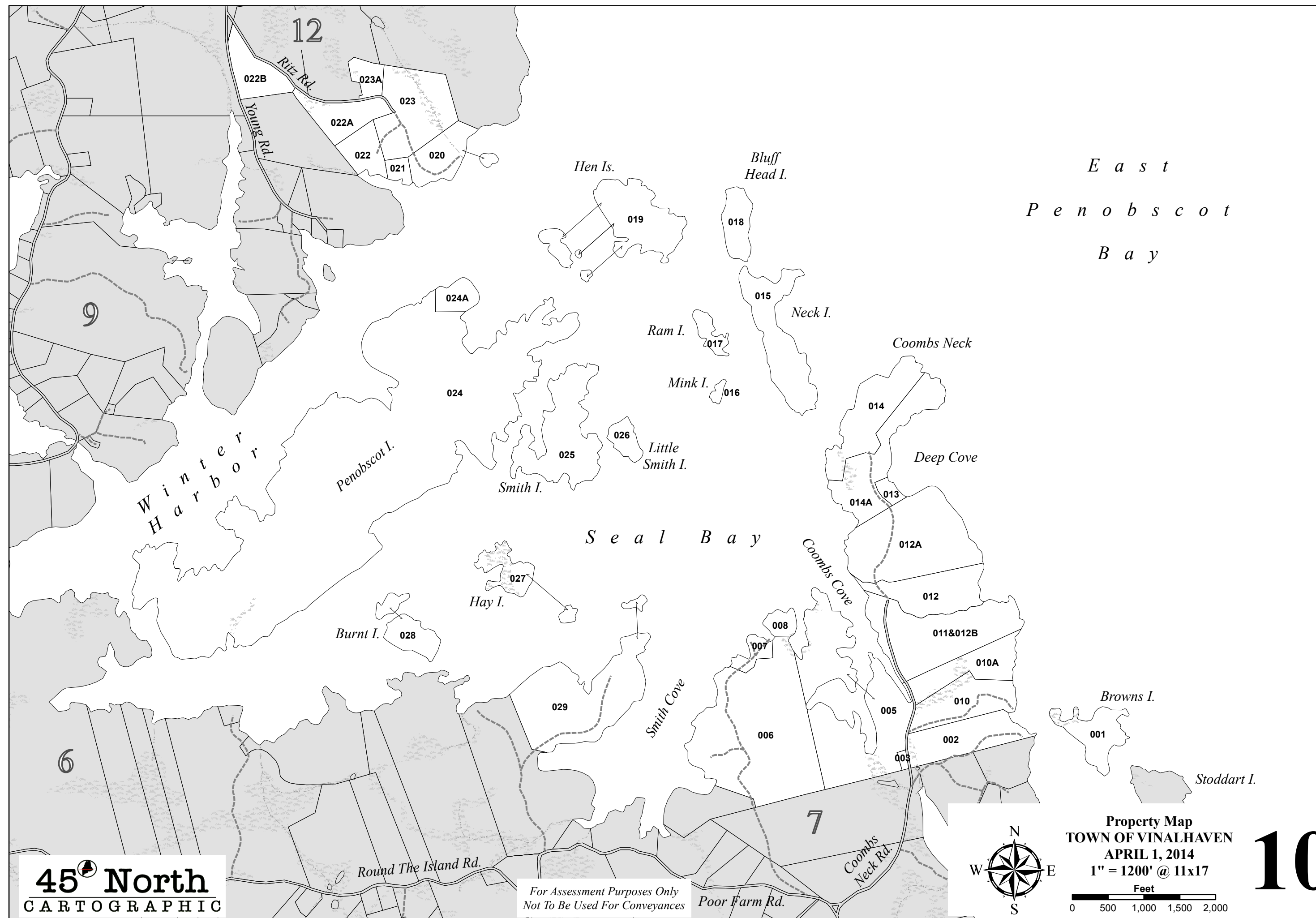
John + Wendy Richards

860-460-9738



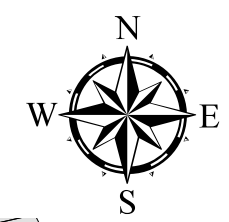
Action by Planning Board/CEO:	
Date Application Received: <u>6-8-2021</u>	Date Action Taken: <u>6/8/2021</u> Application is Approved
Date \$25.00 Non-Refundable Application Fee Paid: <u>6-8-2021</u>	Application is Denied
Amount of Permit Fee: <u>108.00</u>	<i>[Signature]</i>
Date Permit Fee Paid: <u>6/30/21</u>	
Conditions/Explanation: <u>pa \$133⁰⁰ 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*



45° North
CARTOGRAPHIC

*For Assessment Purposes Only
Not To Be Used For Conveyances*



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

Feet
0 500 1,000 1,500 2,000

10