

Pownal Board of Appeals
MINUTES

DRAFT

Tuesday, October 16, 2018

Present: Scott Ogden (Appellant), Peter Ogden, Liza Nichols (Planning Board),
John Bowdren (Planning Board) Notetaker: Kathy Hogue

1. Chairman, Dick Hogue, called the meeting to order, 7:00pm.
2. Roll Call / Members Present: Alice Rosenberg Altieri, Nicholas Cote, Tom Hall, Cliff Ruprecht, Philip Wentworth. Excused: David Steckler
MOTION: It was moved and 2nd to move Alice Altieri from Alternate to Voting Member – all voted in favor. A quorum has been established.
3. The minutes of August 1, 2018, (Albert Administrative Appeal) were approved as written.

HEARING OF APPEAL

Re: Scott and Danielle Ogden property, 649 Hodsdon Road, Map 5 Lot 47

▸ *For a variance request concerning Performance Standards defined in the Pownal Zoning Ordinance under section 9, Paragraph 1, Residential Uses, Space and Dimensional Standards. Request to build an attached garage that does not meet required front yard set back.*

4. Summarization of Appeal: Dick noted that the variance request was pretty self-explanatory and would be reviewed under Performance Standards in the RA District.
5. Dick describes how the meeting will be conducted giving everyone a chance to speak, Board deliberation, and another chance for any rebuttals. A vote will be taken at the end.
6. The Board does have jurisdiction to hear this appeal. The application was filed and the appropriate fee was paid.
7. Determination of the Parties to the Appeal – Scott Ogden is the property owner and has standing for this appeal.
8. Public Notice was posted in The Notes, Town Hall, Post Office and Town Website on October 3, 2018. Municipal officers were notified via email. Twelve abutters (see attached) were mailed notifications on October 3 as well as Scott and Danielle Ogden.
9. Appellant States Case: Scott and father, Peter Ogden, reviewed supporting documents with the Board (attached):
 - a. Scott Ogden would like to build a 24' x 24' garage with an 8' wide mudroom built between the garage and the house.
 - b. The property is a triangle shape with widest point (south) along the East Branch Stream and narrowest point (north).
 - c. The garage will not fit on the property in any other space. The north end is too narrow and behind the house it drops off about 25 feet.

- d. The garage and mudroom will be replacing an already existing deck and the driveway will be slightly widened to match the 24' garage.
 - e. The face of the garage will be at least as far back as the front of the existing house.
 - f. The garage will encroach into the 75 foot setback from the normal high water line to the East Branch Stream that borders the southerly end of the property. The DEP approved a Permit by Rule under Chapter 305, Section 2, Activities Adjacent to Protected Natural Resource on September 27, 2018. There are 40 year old trees that border the stream.
 - g. The house was built in the 1840's and is set back 15 feet from right-of-way, 40 feet being the current set-back requirement in our Land Use Codes. In 1995 an addition was put on the house set back at 43 feet from the road.
10. There were no parties to Action / none of the notified abutters were present
11. There were no abutters at this hearing. Two Planning Board members asked a few clarifying questions.
12. Dick closes the hearing at 7:40pm for board deliberation.
13. Deliberation:
- a. It is clear that the shape of the property abutting the stream creates unique circumstances.
 - b. They are not changing the driveway and the existing deck will go away.
 - c. It won't change the character of the neighborhood being a single-family dwelling.
 - d. If the variance request were to be denied, could the property yield a reasonable return? The previous owner had begun the process of looking into adding a garage and had told the Ogden's that when they purchased the house. The expectation was to build a garage.
 - e. A "reasonable return" can refer to monetary value or perhaps just the quality of life. What is the reasonable return here?
 - f. This is a small house and the Ogden's are putting on a small garage with some needed space, a reasonable request.
 - g. Because of the age of the house, it is grandfathered with existing set-back dimensions. The garage will be set-back as far as the house. It will not alter the locality.
 - h. No abutters attended the meeting nor sent any letters of concerns.
14. Rebuttal Time for all Parties: The hardship here is that not having a garage could impact the ability to sell the house. In addition, the house itself is small and the added room over the garage is well-needed. And based on the shape of the property, the suggested location of the garage is the only place possible to build.

15. **MOTION**: It was moved and 2nd that the application for a variance submitted by Scott and Danielle Ogden be approved. All voted in favor. The attached Notice of Decision will be signed and notarized by the Town's Administrative Assistant and mailed out to the Ogden's. Town officials will be notified.
16. Meeting adjourned: 8:00am

Respectfully submitted,

Kathleen A. Hogue
Notetaker