

Pownal Board of Appeals  
Public Hearing Minutes  
September 15, 2020

Present: Ben Schulz, Derek Lovitch and Molly White.

- I. Chairman, Dick Hogue, called the meeting to order at 7:04pm.
- II. Members present: Tom Hall, Cliff Ruprecht, Alice Altieri, David Steckler and Phil Wentworth.

III. HEARING OF THE APEAL

Re: Ben Schulz, of 75 Verrill Rd, in the interest of refurbishing 66 Verrill Rd, Map 6 Lot 66.

- Public notice was posted at the Town Hall, on the Town's website and at the Post Office on September 2, 2020.
- The Zoning Board of Appeals does have jurisdiction to hear this appeal according to Article 3, Section 4-C of the Land Use Ordinance. The application was filed and the fee was waived by the Select Board.
- Summarization of the Appeal: Ben Schulz, a neighbor to the property in question, is looking to clean up and completely rebuild 66 Verrill Rd by removing all existing structures as well as the existing well and septic. However, due to the property being non-conforming by the standards of Pownal's building codes, the applicant requires special exception to the required lot size and road frontage. Mr. Schulz plans to build three-bedroom, two-bathroom, one story craftsman-style house with a two-car garage in place of the existing structure with the intention of selling it.
- Questions/Comments from the Board:  
All board members unanimously agreed that this project would only be beneficial to the town, citing Article 2 of the Land Use Ordinance, under the Special Exception definition. Under this definition, a Special Exception can be granted if it "would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare." By cleaning up this property and allowing new housing to be built it would not be unreasonable to grant the special exception, pardoning the unconfoming lot size and road frontage as long as all other building requirements are met.
- Dick Hogue opened the meeting up for public comment:  
Derek Lovitch, an abutting property owner, expressed his overall approval of the project stating that Mr. Schulz had solicited his input on his plans for the property. He would prefer nothing be built on the lot once it is cleaned up but also understands that Mr. Schulz would need to build in order to offset the clearing costs. Mr. Lovitch also mentioned his concern for how the clearing of some trees at the property line may affect the soil in that area and questions if the Board can make any conditions to the approval to manage that.
- Dick Hogue closed the hearing for deliberation at 7:37pm.  
Again, citing the definition for Special Exception, the board unanimously agreed that cleaning up this property by removing all dead trees, trash and debris and removing the existing structures, would only be beneficial to the town. Mr. Schulz meets all requirements to receive a special exception for the lack of required acreage and road frontage to build on this property. The board also determined they had no jurisdiction to stipulate restrictions of the clearing of trees in regards to protecting surrounding soil. Cliff Ruprecht made a motion to grant approval of the application for special exception in regard to lot size and road frontage, with no other exceptions to any other code requirements. Discussion: None.  
Vote: Yes – 6. No – 0.

- IV. Adjournment: 8:06pm

Respectfully submitted,  
Molly White, secretary