

Pownal Board of Appeals
Meeting Minutes
Tuesday, July 23, 2019

Present: Mark Goodrich, Real Estate Agent Kelly Gabloff, Attorney David Pierson, Tim Giddinge, Russel Schmidt, Code Enforcement Officer Ryan Keith and Town Administrator Melissa Henes.

- I. Chairman, Dick Hogue, called the meeting to order at 7:00pm.
- II. Members present: Thomas Hall, Philip Wentworth, Clifford Ruprecht, Nicholas Cote and Alice Rosenberg Altieri.
Chairman Hogue motioned to move Nicholas Cote from alternate to voting member.
Tom Hall seconds the motion.
Discussion: None.
Vote: 5 – Yes 0 – No.
A quorum is established.

III. HEARING OF THE APPEAL

Re: Mark Goodrich of Goodrich Home Builders, Poland Range Rd, Map 2 Lot 32-01

The hearing was delayed for a considerable amount of time due to the fact that the Appellants were not in attendance at the time the meeting started.

Selectman Andrew O'Brien was called to attend the hearing on behalf of the Select Board. Once he arrived, the hearing process began.

Dick noted that the hearing will be conducted by following the agenda items, giving everyone a chance to speak, Board deliberation and a period for rebuttals. A vote on the Board's decision will be taken at the end.

- Public notice was posted at the Town Hall, Post Office and on the Town Website on July 15, 2019.
- The Board of Appeals does have jurisdiction to hear this appeal. The application was filed and the fee was paid.
- No abutters attended the hearing.
- Summarization of Appeal: To Selectman O'Brien's knowledge of the appeal, the Board of Selectman believed that the land on Poland Range Rd, owned by Mr. Goodrich, was being built upon without being in compliance with the Single Lot Ordinance regarding the 90,000 square foot minimum acreage requirement. At the time the Board decided to file the appeal, a Single Lot Subdivision Application had not yet been filed for the property. The Select Board's original letter to the Board of Appeals also states that the driveway grade does not meet the requirements of the Driveway Ordinance.
- Appellant States Case: Selectman O'Brien, being brand new to the Board and that he was not a Selectman at the time the Board of Selectmen filed their appeal, struggled to support the Board's claims that the Single Lot and Driveway Ordinance requirements were not met. Based on the permit log maintained by the clerk's office, the Board of Selectmen were under the impression that the application for Single Lot had not been filed and the builder has no intention of doing so. The Board also argued that the current state of the driveway does not meet Driveway Ordinance requirements in regard to the grade.

- Parties to the Action: Code Enforcement Officer Ryan Keith explained that the survey plans provided to him by the builder for this parcel reflected adequate acreage as so required by the Single Lot Ordinance. The builder bought two separate parcels from the previous owner who had not applied for them to be divided as required by the Single Lot Ordinance. The missing Single Lot application was an oversight and was filed as soon as it was brought to both the CEO and builders attention. By the time of this hearing the application was submitted and paid for. To address the issue with the current grade of the driveway, Mr. Keith made the point that there is still a lot of construction being done on the property and that the driveway itself is not finished yet because of that. With the heavy traffic of large trucks using the driveway to access the property, it does not make sense for it to be finished yet. Mr. Keith also noted that the slope of the driveway is not an issue and does not conflict with any specifications with in the Driveway Ordinance.
- Dick closed the hearing portion of the meeting at 7:38pm for board deliberation.
- Deliberation: After reviewing the land survey the board was able to conclude that the parcel in question does meet the minimum lot size requirement as stated in the Single Lot Ordinance. Regardless of the time line, the necessary applications and permits have been issued by the Code Enforcement Officer and paid for by the owner/builder. The Select Board contributed no collaborating evidence to support the claims that parcel in question did not meet the Single Lot Ordinance or the Driveway Ordinance requirements. The current state of the driveway is not of concern at this time due to the fact that construction is not complete.

IV. Appeals Board member Tom Hall motioned to dismiss the Select Board's administrative appeal.

Cliff Ruprecht seconds the motion.

Discussion: None.

Vote: 5 – Yes. 0 – No.

V. Meeting adjourned: 8:02pm

Respectfully submitted,

Molly White
Zoning Board of Appeal Secretary