

# DORSET ZONING BOARD OF ADJUSTMENT

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Date: August 10, 2015  
Hearing: #15-05  
Applicant: Lilly Albertsson & Dorset Hill Properties, LLC  
Location: 161 Dorset Hill Road, East Dorset  
Request: Variance – Boundary Line Adjustment – ZBL Section 4.2.4.1

Board Members Present: J. LaVecchia (Chairman), D. Wilson (Vice Chairman), B. Bridges, T. Rawls, M. Connors, S. Jones  
Board Members Absent: R. Stewart  
Also, Present: Tyler Yandow (ZA), Stig Albertsson, Lilly Albertsson, Kevin O’Toole (for Albertsson), Jane M. Bridges, Ralph Colin

J. LaVecchia, Chairman, stating the application is for a variance under 4.2.4.1 of the Zoning By-Laws for a boundary line adjustment in the A & RR district, called the hearing to order at 7:30 p.m.

K. O’Toole, representing L. Albertsson, noted that he is a member of the Dorset Zoning Board of Adjustment, but would not be serving as such tonight. It was explained by K. O’Toole that L. Albertsson wanted to transfer 4.47 acres of land to Dorset Hill Properties, LLC in a boundary line adjustment between their properties. Since the Dorset zoning bylaws require 120,000 SF of developable land in the A & RR District, the Albertsson’s are asking for a variance because they will be left with 106,400 SF if the adjustment is allowed. A boundary line adjustment approval will also have to be obtained from the State. A design for a replacement septic system has already been submitted to the State for their approval as required in case of a current septic failure. K. O’Toole stated that ZBA approval can be conditional upon receipt of State approval.

R. Colin expressed concern about a strip of land that is his property which is being used as a right-of-way to the Thayer lands. K. O’Toole noted that this would remain as a right-of-way. J. LaVecchia commented that the problem is being driven by the inflexibility of the people involved and so they are asking the ZBA to stretch allowing a variance. K. O’Toole responded that any variance was a stretch and they were asking the Board to look at the meaning of developable as the Albertsson’s have more than 120,000 SF, just not developable. They already have a house located on the property and will have a plan for a replacement septic system with a State permit. K. O’Toole asked what was the reason for having developable square footage and

they were willing to accept a condition that would not allow another house to be built. Discussion ensued regarding the right-of-way to the Thayer property which is owned by R. Colin; ZBL Section 4.2.4.1; not having the ability to build another house on the Albertsson property unless it is within 50 feet of the current location; and the appellant creating their own hardship with the current proposal. S. Jones asked if the right-of-way still exists and its intended purpose and K. O'Toole responded that if the Larsen's purchased the Thayer property, the right-of-way would cease to exist. R. Colin commented that he still owns the right-of-way land. K. O'Toole noted that he did not do a full title search.

B. Bridges asked why the map was labeled preliminary and was it subject to change. K. O'Toole replied that it was preliminary in the respect that stakes were not placed and it was only for presentation. D. Wilson asked that K. O'Toole explain developable land and K. O'Toole said that the zoning bylaws require that each lot have 120,000 SF of developable land and T. Yandow cannot issue a permit leaving an undevelopable lot of 106,400 SF as requested. S. Albertsson commented that they are asking to be allowed to have less than 120,000 SF as they already have a house and another house cannot be built. M. Connors questioned if the reason for the potential purchase of the Albertsson land is for Dorset Hill Properties, LLC to have a view and S. Albertsson responded yes. K. O'Toole noted that they would selectively clear the view. M. Connors asked that, if the Albertsson property was sold to Dorset Hill Properties, LLC, could another house be built within 50 feet of the existing footprint. T. Yandow said that there was nothing in the zoning bylaws about that. K. O'Toole commented that another State WWW permit would be needed. T. Rawls questioned, if in the future, the Albertsson house was torn down, could any house be built as a pre-existing, non-conforming structure. K. O'Toole responded that it would still have to meet State requirements of designing a whole new system if larger than a three bedroom house and there might be 20% slope issues.

T. Rawls suggested having Dorset Hill Properties, LLC give up 18,000 SF in the northwest area to make everything legal. K. O'Toole noted that this would make a long, thin strip of land and the Board was asking them to make a "weird" configuration to conform. T. Yandow read ZBL Section 12.9.2.2 and 12.9.2.3 noting that the proposed boundary line adjustment could be different, but the parties involved would not agree to something different. K. O'Toole reiterated his question of why it had to be developable land and T. Rawls responded that the Board has to work with the current zoning bylaws as written. M. Connors asked why a representative of Dorset Hill Properties was not present. T. Rawls commented that a 100 foot wide strip versus a 15 foot wide strip are both odd configurations, but the smaller strip would be conforming. R. Colin asked who prepared the map and were they sure it was correct. K. O'Toole responded that it was created by a licensed surveyor. M. Connors noted that the concern of the Board was not for today, but for the future. S. Jones asked if the Albertsson land was sold, could another boundary line adjustment be done and K. O'Toole said it could be done.

D. Wilson moved and T. Rawls seconded to close the hearing at 8:38 p.m. Motion carried 6-0. T. Rawls moved and D. Wilson seconded to move to Deliberative Session at 8:40 p.m. Motion carried 6-0. Deliberative Session ended at 9:00 p.m.

T. Rawls moved and D. Wilson seconded to recess the hearing until August 31, 2015 at 7:30 p.m. in the hopes that Dorset Hill Properties, LLC and the Albertsson's can reconfigure the boundary line adjustment to be in conformity with the Dorset zoning bylaws. Motion carried 6-0.

Respectfully submitted,

Nancy Aversano, Secretary

Town of Dorset ~ Zoning Board of Adjustment

Date 8 / 10 / 15

Regular Meeting X

Special Meeting     

(Please Print)

Testifying

Name	Address	Representing	(Yes or No)
Stig Albertsson	161 Dorset Hill Road		Yes
Lilly u	- LI -		
Kevin Stedle	POB 766 Dorset VT 05251	Albertsson	Yes
TYLER YARBOW	126 DORSET HOLLOW RD	TOWN	YES
RALPH COLIN	POB 1759, M.C. 05255	MR COLIN	YES
Jane Bridges	Danby Mtn Rd	---	NO