

DORSET ZONING BOARD OF ADJUSTMENT

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Date: May 9, 2016
Hearing: #16-02
Applicant: Charles Mauro
Location: 1741 Upper Hollow Road, Dorset
Request: Variance ~ ZBL Section 3.6.2 – Slope Limitations for Building Sites

Board Members Present: J. LaVecchia (Chairman), B. Bridges, T. Rawls, S. Jones, K. O'Toole,

Board Members Absent: D. Wilson (Vice Chairman), R. Stewart,

Also, Present: Tyler Yandow (ZA), Jane M. Bridges, Chris Ponessi (Mauro), Charlie Mauro, Peter VanVlaaderen, Cynthia VanVlaaderen, Edward Tanenhaus, Kit Wallace, Pam Gilbert, Art Gilbert

J. LaVecchia opened the meeting at 7:50 p.m. noting that this was the May 9th meeting of the ZBA and the Board was present to consider an application for a variance to cross 20% slope for Lot 06-00-33, 1741 Upper Hollow Road, Dorset.

J. LaVecchia noted that his son had done the drawings for the proposed Mauro house, but did not feel that this had any bearing on the hearing. He also explained that he had a telephone conversation with Peter VanVlaaderen previous to the hearing and had participated in the conversation until he realized the conversation had to do with the Mauro application whereby he ended the conversation. J. LaVecchia did not feel this was grounds for his recusal.

1. T. Yandow, C. Mauro, C. Ponessi were sworn in. C. Ponessi, representing C. Mauro, said that the WW permit has been issued and recorded with the Town and stated that he will give copies of the abutter notices to T. Yandow. The lot is an existing meadow which has been cleared in the past and has had multiple ground disturbances over the course of its history. There is an old foundation located at the front of the property near the road along with a utility line which traverses the property to the neighboring residence. C. Ponessi explained the slope analysis legend on the map with regard to the color coding and location of the driveway and house. There are two sites on the map showing possible house locations with the cross-hatched, blue box denoting the location with no issues with 20% slope. The driveway to the blue hatched box location will still cross some areas of 20% slope. B. Bridges asked if the driveway could be reconfigured to avoid 20% slope and C. Ponessi responded he did not believe so unless it was located

off the property and that you have to cross 20%, but the area was not in its natural state because it was cleared and stumped. J. LaVecchia asked if the area was steeper or flatter before it was touched and C. Ponessi replied that it was generally what it was in the past, it is just not in its natural state. K. O'Toole asked if this was the minimum variance needed and whether it would pass the five criteria of ZBL Section 12.9.2 (1-5). K. O'Toole also mentioned the Martin decision which the Board has to take into consideration.

K. O'Toole asked C. Ponessi to address criteria one through five under ZBL Section 12.9.2:

- C. Ponessi stated that the unique physical circumstances of the lot was that it was a pre-existing, non-conforming narrow lot where it would be very difficult to get a safe driveway in avoiding 20% slope. There are only small areas of 20% slope which are affected.
- He did not believe that there was an acceptable area for a residence without crossing small areas of 20% slope due to Town, WW and utility setbacks.
- The appellant did not create the boundaries of the lot which was purchased as two separate parcels.
- The application is for a residential building which would not alter the essential character of the neighborhood as this lot is located between two other residential lots.
- C. Ponessi felt this was the minimum variance they could ask for as they have to meet the required setbacks for the Town, State and utilities. This is also why they proposed the blue hatched location for the house.

J. LaVecchia expressed concern over the fact that the Board turned down the Martin application which was appealed to the courts and the courts said a number of things that preclude granting 20% slope variances in most general situations. K. O'Toole mentioned that the court noted that steep slopes are prevalent in Dorset Hollow and so steep slopes are not unique. C. Ponessi stated that without a variance, there can be no reasonable use of the land due to its size and narrowness. It was mentioned by C. Ponessi that the ZBA Board has previously granted variances for crossing 20% slope. J. LaVecchia responded that these decisions were made before the court decision for the Martins. P. VanVlaanderen (who was sworn in by J. LaVecchia) believed that this proposed project would alter the essential character of the neighborhood as there would be three houses in a row which is unusual in Dorset Hollow. T. Rawls responded that a residence would not alter the character as all of Dorset Hollow is residences and K. O'Toole clarified that the objection was to having the houses too close together.

C. Ponessi noted that the driveway is not shown on the drawing exactly where it should be to match the house location denoted by the blue box and he could resubmit the drawing to be approved by the Zoning Administrator. C. Mauro said that the lot design for this parcel was the original design by the Dorset Hollow Corporation and that there is a large tree line between this lot and the VanVlaanderen's. T. Yandow noted that the driveway might cross considerable amounts of 20% slope for a good portion of the driveway and C. Ponessi explained that he would be able to re-do the drawing to show a reduction in the square foot amount over 20% slope.

K. O'Toole moved and S. Jones seconded to close the hearing at 8:35 p.m. Motion carried 5-0.

K. O'Toole moved and T. Rawls seconded to proceed to a Deliberative Session at 8:36 p.m. Motion carried 5-0. Deliberative Session ended at 8:50 p.m. by motion of K. O'Toole and second of T. Rawls. Motion carried 5-0.

K. O'Toole moved and T. Rawls seconded to recess the meeting until Monday, May 16, 2016 at 4:30 p.m. at the Dorset Town Office to see a revised plan of the Mauro project. Motion carried 5-0.

Respectfully submitted,
Nancy Aversano, Secretary

Town of Dorset ~ Planning Commission

Date 5/9/16

Regular Meeting X

Special Meeting

(Please Print)

Testifying

Name	Mailing Address	Representing	(Yes or No)
TYLER YANDOW	126 DORSET HOLLOW RD	TOWN	Y
Chris Pucessi	P.O. Box 1446 05255	Mauro	Yes
Charlie Mauro	1741 Upper Hollow	MAURO	Y?
P. U. C. A.	50 RENTON LANE	VAN VLEMMAN	?
Gailia Van Mauro	" "	" "	"
Jane Bridges	1518 Danbury Rd	Dorset	No
EDWARD TANENHANS	35 Barrows Heights Ln	Self	Yes
KIT WALLACE	2173 Upper Hollow Rd	Self	No
Ann + Art Gilbert	2171 Dorset West Rd	Dorset Self	No