

DORSET ZONING BOARD OF ADJUSTMENT

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Date: June 17, 2019
Hearing: #19-03
Applicant: 1773 Dorset Marble House LLC
Location: North of 1776 Route 30, Dorset
Request: Conditional Use Review ~ ZBL §3.5 & §4.2.2(1)

Board Members Present: J. LaVecchia (Chairman), D. Wilson (Vice Chairman), B. Bridges, T. Rawls, S. Jones, K. O'Toole, R. Stewart, E. Tannenhaus, M. Merwin,

Board Members Absent:

Also, Present: Tyler Yandow (ZA), Ryan Downey (Representative-1773 Dorset Marble House LLC), Donald Hayward, Dick McDonough, Patrick McGuire, Judy Carpenter, Paul D. Bremel, Kaye Manly, Allan Sullivan, Kandace Beavin, Brian Beavin, Craigin Salsgiver, Gay Squire, Richard & Jackie Pistell, Janet Waite, Bruce Waite

J. LaVecchia, Chairman, stating the application is for a conditional use under §3.5 & §4.2.2(1) of the Zoning By-Laws for alterations to existing park in the A & RR district, called the hearing to order at 7:02 p.m. D. McDonough, owner of the property, is represented by R. Downey of Point of Beginning Land Surveying and Consulting.

R. Downey explained the site plan and drawing for the reconfiguration of a 3.25 acre parcel that is separate from the quarry property. A boundary line adjustment has been approved. R. Downey reviewed the history of redesigning Kelly Road and Black Road Lane to alleviate issues for homeowners on Black Rock Lane. The application is to address parking congestion with a practical solution that is "as good or better" than the current configuration. The proposal is to increase parking spaces on this 3.25 acre parcel from 72 to 135 meeting all Town and State criteria. Eventually the current entrance to Kelly Road will be discontinued, a section for temporary "pull-off" will be retained and an entrance across from Snow Road to the parking area will be installed. Referring to Site Development Plan map, Project 18-19 dated 05/11/2019, R. Downey described the colored areas and the amount of parking spaces allotted (87 spaces in gravel area, 23 spaces in reinforced grass area, 20 spaces including 5 handicap spaces in front along with sheriff parking space). The idea is to make the area have a park like atmosphere over time with picnic tables, bocce courts, and marble statuary.

J. LaVecchia asked if the 3.25 acre parcel includes the quarry and R. Downey responded no, they are two separate, independent and unaffiliated parcels. The quarry is not associated with this 3.25 acre parcel and is a separate LLC. In answer to K. O'Toole question about the quarry parcel on the site plan drawing, R. Downey stated that he would change the name from 1773 Dorset Marble House LLC to the correct name of the Oldest American Marble Quarry LLC and provide a copy of the corrected site plan to T. Yandow.

R. Stewart asked if a permit were necessary for any of the work done so far and R. Downey replied no, but a low risk storm water risk management permit would be needed within fourteen days. The same owner and contractor are in the process of cleanup and maintenance of the area. R. Downey said that if the approval is received tonight, the goal for this year would be to have the brown and green areas listed on the map done.

J. Carpenter asked when the entrance would be changed to across from Snow Road and R. Downey answered approximately one to two years. D. Hayward of Bolton Lane expressed concern for the possible water flow from this parking area across Route 30 that might impact his septic system. R. Downey commented that no studies were required, but this should not be a problem as the water should flow toward the culvert and the four test pits previously done show that the site drains itself. D. McDonough noted that in mowing the field for 20 years, there has never been standing water there.

B. Beavin questioned how the influx of people would be handled and the trespassing on private property. He also asked about the installation of a fence along his property and the hours of operation. K. O'Toole commented that the proposed plan should be better than the current situation as it would be more supervised/civilized and the hours of operation have always been posted. D. McDonough clarified that the sign says to vacate at dusk. R. Downey sympathized with the neighbors, but said that this was an application for the park and parking, not the quarry. B. Beavin felt that the problems happen in the parking area too and K. O'Toole asked him if not doing the project was a better option. B. Beavin responded that he agrees that the parking proposal could make a better neighbor, but it needs to be done responsibly and conditions need to be met. R. Downey stated that he would be happy to install a fence as discussed with the Beavins'. K. O'Toole asked what type of fence and R. Downey responded it would be a six (6) foot twisted wire, black chain link fence along the Beavin property line as denoted on site plan. B. Waite asked about noise and hours of operation – he felt everything should be closed down by 6:00 p.m. K. O'Toole disagreed that 6:00 p.m. was a reasonable closing time and felt that after sunset or dusk should work. R. Downey felt alleviation of the noise could be achieved by making the back parking area near the Beavin property inaccessible after hours.

Discussion ensued about parking along Route 30 and also the difference between the 1773 Marble House LLC application and the Bear Paw Lumber permit approval which required closing at 6:00 p.m., no Sunday or holiday operations due to noise issues. Both K. O'Toole and J. LaVecchia pointed out that the lumber mill operation was considered under different zoning bylaws and was subject to an Act 250 hearing.

B. Bridges moved and R. Stewart seconded to approve the application, but the motion was withdrawn due to lack of details in the motion.

Topics and comments were:

- Possibility of the quarry being owned by a non-profit organization such as the River Conservancy
- Timeframe for installation of black wire fencing near Beavin property. R. Downey noted that it would be a struggle to install a \$20,000 fence immediately and requested that the permit approval for the fence condition be worded similar to: “as soon as possible, but not later than August 2020 with the ability to return to the Board to ask for an extension if needed.”
- The quarry has always been a problem and will continue to be, especially with the media attention on the internet drawing people to swim. It was expressed that this is an effort to make it better.
- D. McDonough has been cleaning & maintaining the quarry for 22 years and would like to pass the responsibility to others.
- R. Stewart did not feel that a condition for a fence should be included in a motion as R. Downey and the Beavin’s have a good relationship. K. O’Toole disagreed and wanted to include a fence condition for a soon as practicable with a timeframe spelled out.

T. Rawls read ZBL §3.5 ~ Conditional Uses criteria and it was the consensus of the Board that the criteria were met. D. McDonough stated that he purchased the land in 1997 and has put tens of thousands of dollars and many, many hours into improving the quarry area. It currently is more family oriented than before and the goal is to beautify, improve and make it safe. The quarry has also benefited local businesses.

K. O’Toole moved and B. Bridges seconded to approve the conditional use application for 1773 Dorset Marble House LLC for alterations to an existing park located north of 1776 Route 30 as presented with the proviso that six (6) foot, twisted wire, black chain link fence along the easterly boundary (Beavin property line) as denoted on site plan no later than June 1, 2021 and that the Site Development Plan be amended to reflect that the quarry property name be changed to the correct name of the Oldest American Marble Quarry LLC . Motion carried 9-0.

Respectfully submitted,

Nancy Aversano, Secretary

Town of Dorset ~ Zoning Board

Date 6/17/19

Regular Meeting
Special Meeting

(Please Print)

Name	Address	Representing	Testifying (Yes or No)
Ryan Downey, L.S.	1245 Kirby Hollow Rd Dorset	1773 Dorset Middle	Yes
Donald Hayward	65 Bolton Lane	6015	Yes
Dick McDonough	P.O. Box 738, 1776 Route 30, Dorset	SELF	Yes
PATRICK MCGUIRE	93 PEACE ST, DORSET	DORSET FIELD CLUB	YES
Judy Carpenter	58 Snow Rd Dorset VT 05251		
PAUL D BREMEL	2572 Mosehill Rd, Dorset	SELF	
KAREN MANNLY	316 Church St DORSET	SELF	YES
Allan Sullivan	932 McNamara Rd	Self	NO
Kandice Beavin	28 Black Rock	Self	
Brian Beavin	28 Black Rock Lane	Self	
Craig in Salgiwar	243 Nichols Hill Rd Dorset	self	
Gray SQUARE	POB 798 DORSET	self	yes
Richard & Jackie Piskell	PO BOX 993 Dorset	self	?
Janet White	88 Snow Rd Dorset	Self	
Bruce White	58 SNOW RD DORSET	SELF	yes