

**Minutes of the
Mendon Zoning Board of Adjustment Site Visit on June 3, 2025
Kukulka Application for Conditional Use Permit**

As scheduled, the site visit at 49 Helvi Hill Road began at approximately 4:40 pm on June 3, 2025. Present at the site visit were ZBA members Jack Kennelly, Harvey Zara and Teri Corsones. Mendon Zoning Administrator Greg Smith and Mendon Road Commissioner Chris Baird were also present. Applicants Marek and Laura Kukulka were not present. Applicants' consultant Jeff Biasuzzi was not present but submitted the attached letter and attachments for consideration. Also present were: Dave Wisell, excavator for applicants and their predecessor owners; Jerry Weitzenkorn (present for a portion of the site visit), neighbor; Bill Meub, attorney for Mr. Weitzenkorn; and Ben Clark, neighbor.

Chair Kennelly swore in all persons who indicated that they would offer testimony.

Mr. Clark testified regarding his and his family's decades-long experience regarding water conditions on Helvi Hill Road. He noted that the terrain in the area dictates the water flow down the road. Members observed channels of water erosion evident on the driveway immediately adjacent to the subject property versus a lack of indication of water erosion on the driveway on the subject property.

Mr. Wisell detailed his work on the driveway over the years and his knowledge of the water issues on Helvi Hill Road. He noted that the water that reaches Helvi Hill Road is only the water from (approximately) 50' above the intersection of the driveway and Helvi Hill Road; any run-off from the driveway more than 50' above that juncture drains to the east which is channeled into an 18" culvert that directs any runoff beyond the Weitzenkorn property.

Mr. Weitzenkorn asked several questions of Mr. Wisell which were responded to. Attorney Meub also asked several questions. Mr. Weitzenkorn repeated that he is not opposing the house construction, his concerns have to do with the water issues on Helvi Hill Road which have existed for many years.

Mendon Road Commissioner Baird described his knowledge of Helvi Hill Road. In recent years persons from the state inspected Helvi Hill Road to evaluate possible remedies for improving the water situation. Commissioner Baird indicated that because Helvi Hill Road is a private road and there is no road association of the landowners, it was not possible to move forward with possible remedies. Commissioner Baird indicated that in his view and given the finished grade and storm water drainage of the driveway, the proposed home would not increase storm water run-off. Construction of the proposed home was acceptable to him as Road Commissioner.

Members recessed the meeting at approximately 5:45 pm and went into a deliberative session that ended at approximately 6:10 pm. The Board voted unanimously to grant conditional use approval, if required, with conditions. The Board will issue its decision with findings of fact and conclusions of law within the requisite timeframe.

Dated - June 9, 2025

s/ John Kennelly

John Kennelly, Chair

June 2, 2025

Via email to kennelly@Vermotcounsel.com
Zoning@mendonVT.gov

Zoning Board of Adjustment, Town of Mendon
2282 US Rt. 4
Mendon VT 05701

RE: Kukulka Conditional Use Application for Parcel #03-01-30.1; Hearing exhibits requested.
Additional Testimony to be introduced at (continued) ZBA Hearing on 6/3/2025

Dear ZBA and ZA,

I am unable to attend tomorrow's continued hearing, and submit the following, to be introduced into testimony. As the ZBA seems focused on the Ridgeline & 25% Slope District, so are the following points for the Board's consideration:

1. The reason for specifying Section 317(1)(3) is for adequate vehicle access by private driveways. This section and its standards did not exist when the Kukulka's driveway was constructed, and so deserves lenient evaluation, if not set aside entirely. Per the applicable paragraph, "The 25% Slope District is relevant *with respect to the construction of the private driveways and roads described above only, and not with respect to the development in general.*" This references *new* driveway construction, not existing ones. The *development* requested is for house construction.
2. Section 317(1) defines the 25% Slope District, "*to consist of all gradient slopes greater than 25%...*". If you study the (poorly detailed) portion of the Mendon Ridgeline Overlay map, you can see that the major shading for the 25% District is on the west (steeper) side of the subject ridge, not on the eastern side. Further, **Exhibit E** (attached) documents that the entire length of the drive is under 20%, and is barely (if at all) within the (mapped) 25% Slope District.
3. Section 317(3)(1) refers only to driveway *construction*, and does not include existing drives. The "proposed development" being applied for is for the single family house, subject to Section 317(3)(2).
4. I reviewed Section 317(3)(3)(a) and Section 317(6)(1 & 2) by "running" the Class 1, 2, and 3 roads west, south & east of the ridge before foliage leaf-out, looking for views of the subject ridge from "Designated Vantage Points". I did not locate any clear view of the south portion of the ridge (proposed house development site) from the town roads. There is dense forest cover screening the site on all sides.
5. Section 317(6)(3) review standard #1 was addressed by the Owners with ZA Steve Cosgrove, prior to their real estate purchase. Standards #2 through 5 & 7 were addressed in testimony presented on 5/29/2025. Standard #6 was discussed in initial testimony, and is being reviewed by the ZBA on 6/3/2025. Note that Standard #6 applies only to Ridgeline development.

Finally, please consider that this entire process is because the Owner wishes to build one retirement house in the Ridgeline District, and has gone to great lengths to comply with zoning. However, an Owner could still construct one or more homes within the Residential 2 portions of the 30+ acres, without ZBA conditions.
Which option better serves the Town's objectives?

Respectfully,


Jeffrey Biasuzzi, Owner's Consultant

Enc.(3)

Cc: jmb, M. Kukulka

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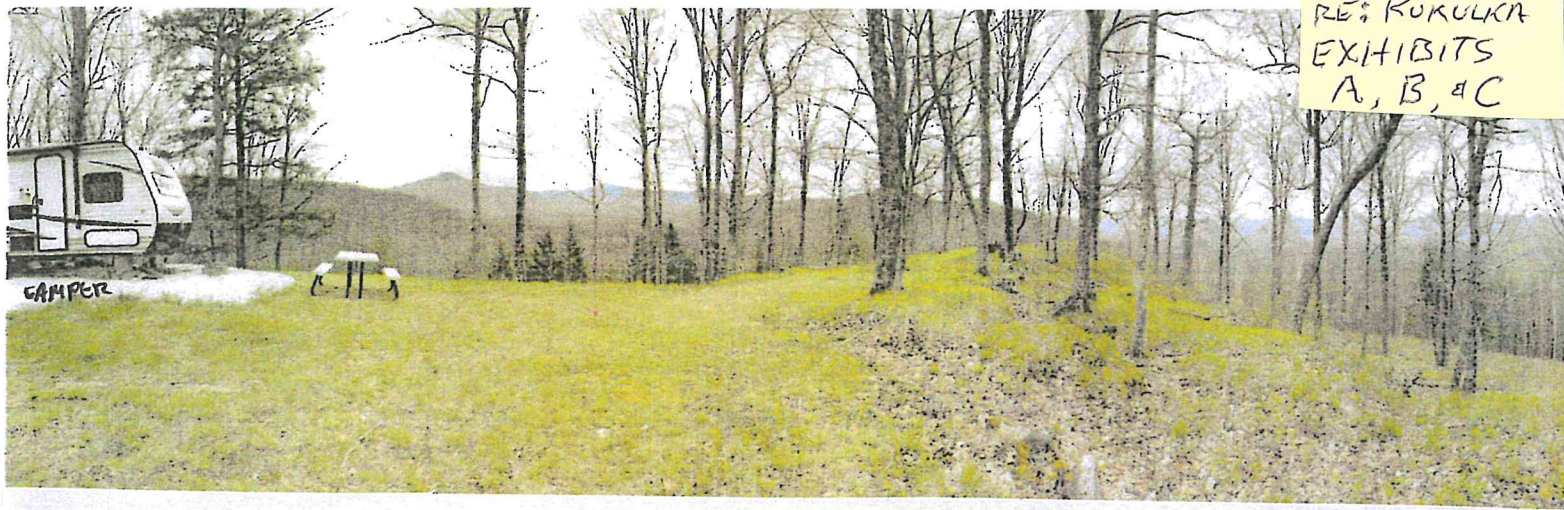


Photo A: South-Easterly view from *North edge of House Site*.

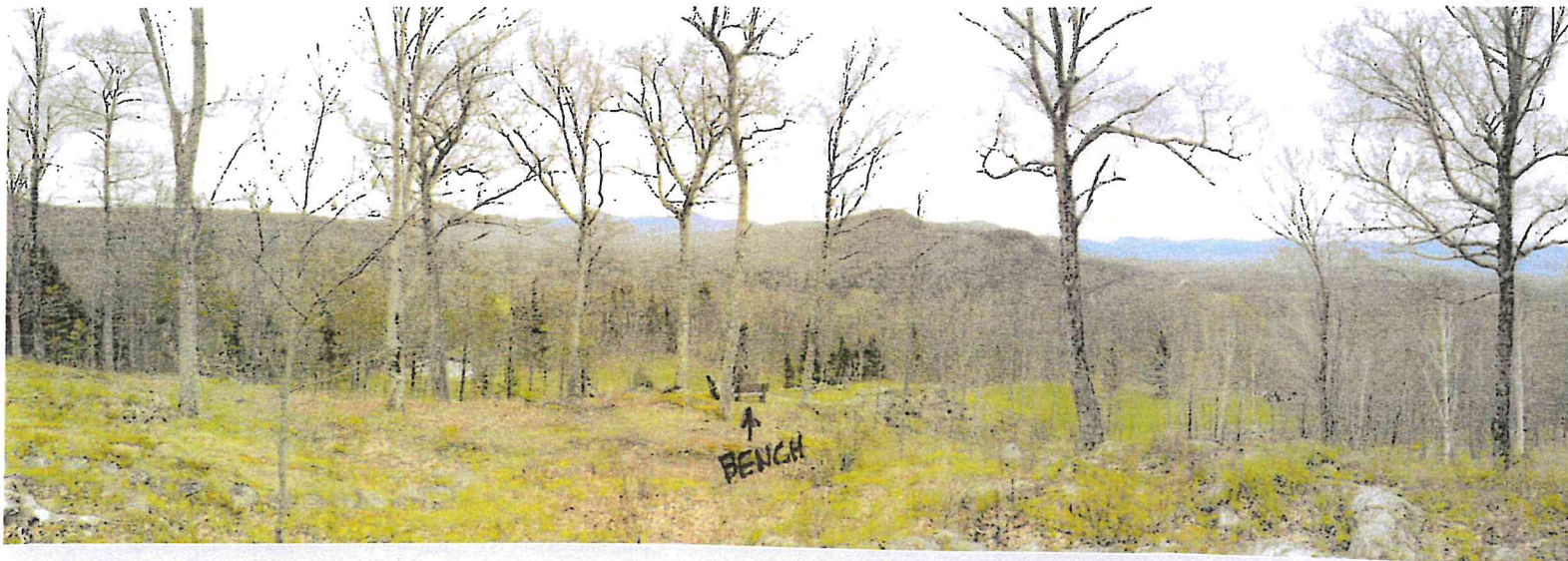


Photo B: South-Westerly view from *South edge of House Site*.

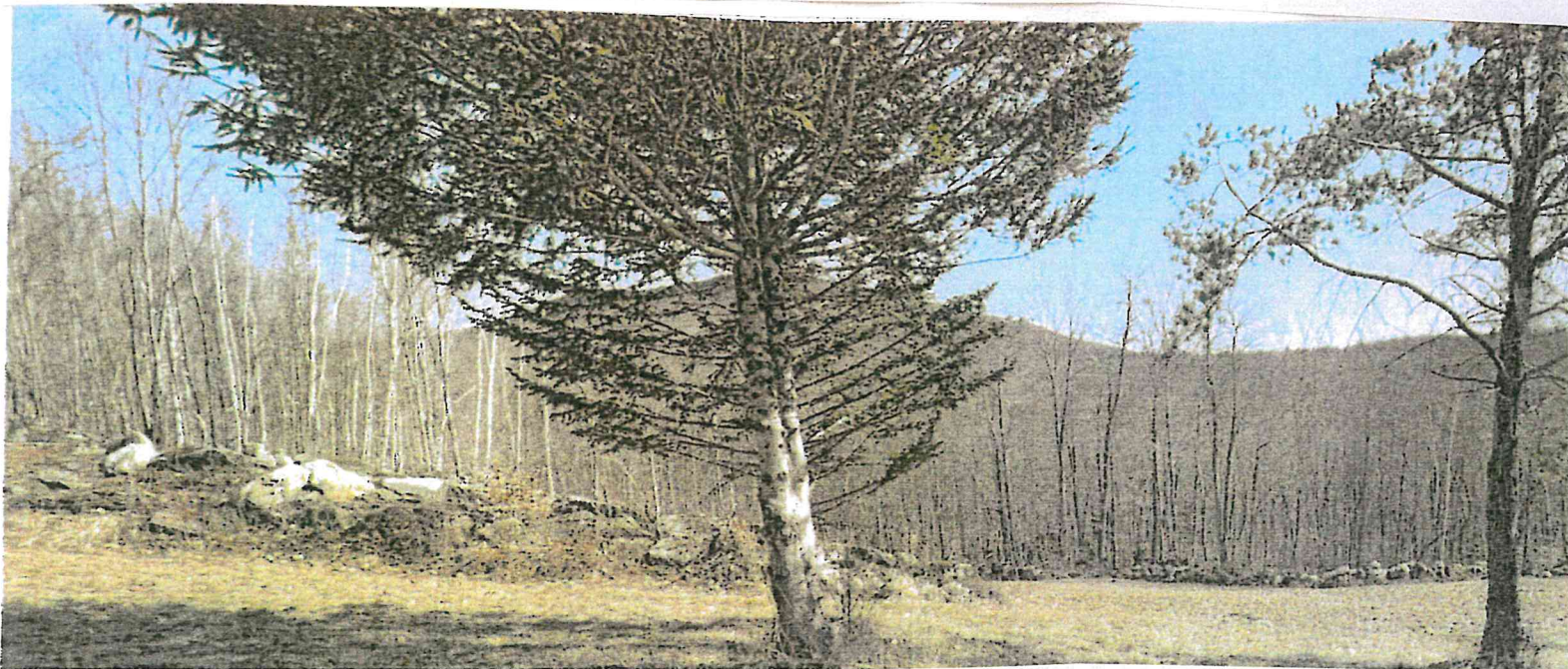
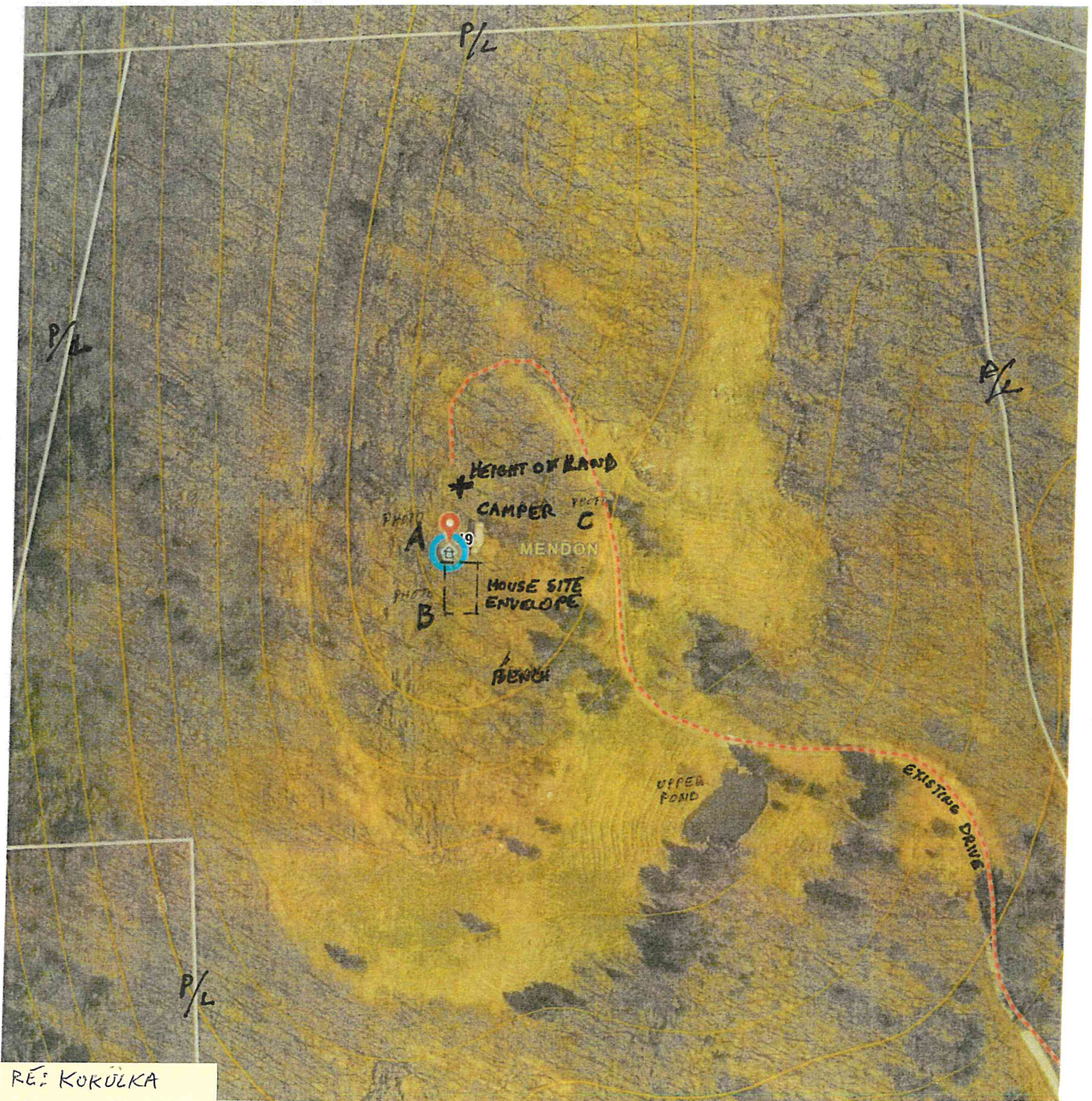


Photo C: Easterly view from Driveway approaching House Site



RE: KUKULKA
EXHIBIT D

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ADDITIONAL EXHIBIT(s) to Conditional Use Application by
Marek Kukulka to construct a three bedroom house at 49 Helvi Hill Rd.

Presented at ZBA Public Hearing on 5/29/2025, by Jeffrey Biasuzzi, Owner's Consultant

I. Aerial and Ground Photos of the proposed house site and surrounding terrain.

II. Exterior house material and color specifications.



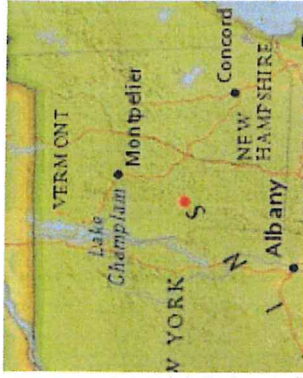
VERMONT

Natural Resources Atlas
Vermont Agency of Natural Resources

RE: KUKULKA

EXHIBIT E.

vermont.gov



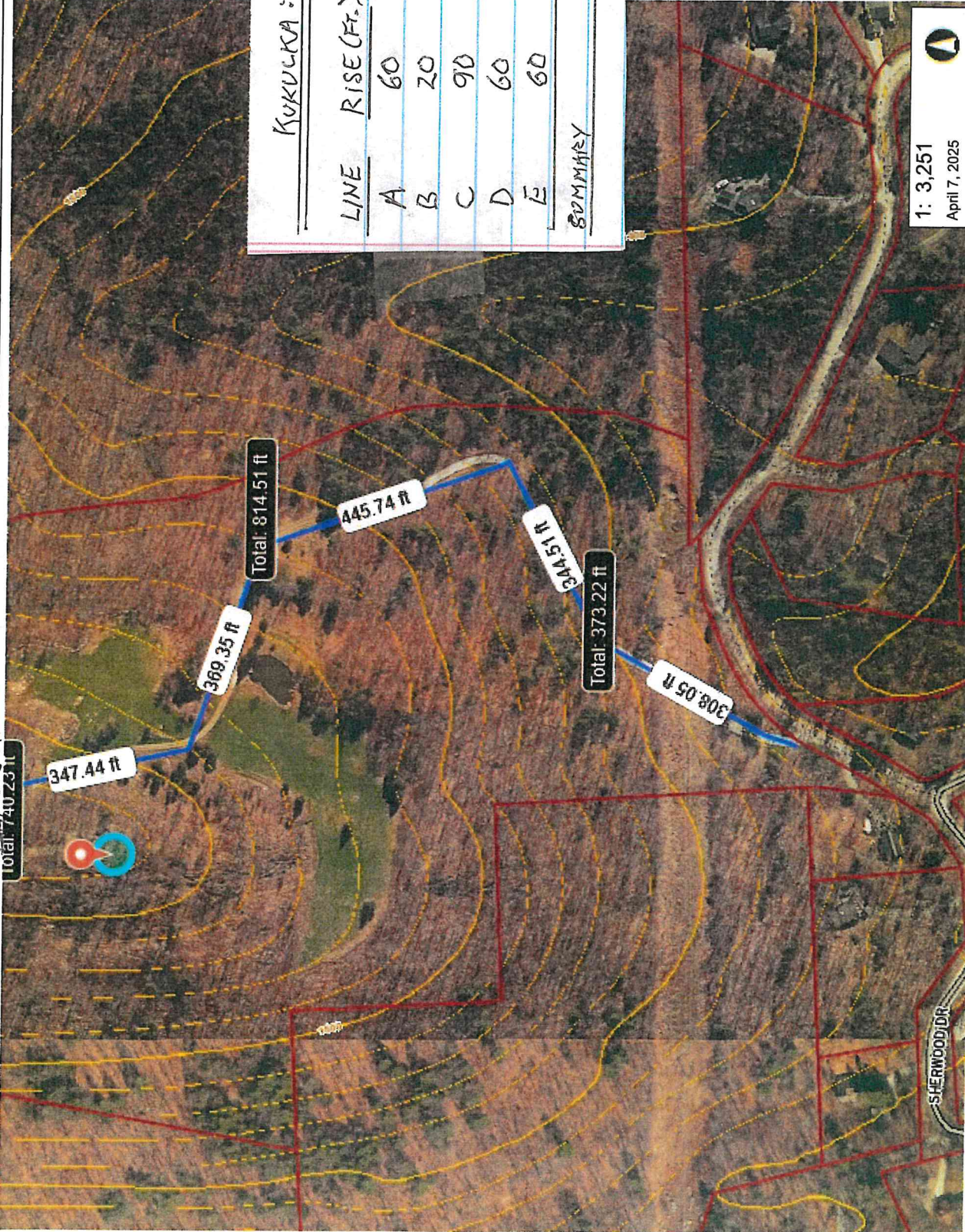
LEGEND

Parcels (standardized)

Roads

KUKULKA: EXISTING-DRIVE SLOPES

LINE	RISE (Ft.)	RUN (Ft.)	GRADE (%)
A	60	308	19.5
B	20	345	5.8
C	90	446	20.2
D	60	369	16.3
E	60	347	17.3
SUMMARY		1815 [±] Ft	AVG 15.8%



1: 3,251
April 7, 2025

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

165.0 0 82.00 165.0 Meters
1" = 271 Ft. 1cm = 33 Meters
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