

**Mendon Zoning Board of Adjustment
In re: Appeals of Permit # 2023-15
166 Terra Lane**

Minutes of ZBA Hearing on October 19, 2023

1. Pursuant to the Board's request for a site visit at the end of the hearing on October 4th, the hearing on the appeals was continued to October 19, 2023 at 4:15 p.m. at the Gates' property at 166 Terra Lane in Mendon, VT.
2. The continuation of the hearing was announced to everyone present, in person or on the GTM Link, after discussion of board members' and the Gates' schedules and availability.
3. On October 19th Mrs. Gates emailed the ZBA Chair claiming that the Board had no authority to schedule a site visit, that she never agreed to the site visit, and that the fees for the appeal had not been paid.
4. The ZBA then met at the Town Office at 4:15 p.m. in a deliberative session.
5. The result of the deliberative session of the board, (members Kennelly, Zara and Corsones present) was that the Gates would be given the option of permitting a site visit or the submission of a survey of the site setting out all boundaries and siting all of the proposed new construction.
6. The board discussed that the failure to pay an appeal fee simultaneously with filing an appeal does not deprive the ZBA of jurisdiction over the appeals.

Section 1103 of the Mendon Zoning Ordinance does not list payment of a fee as a mandatory condition of filing an appeal of an administrative officer's actions.

7. The Gates will have until a date in November to advise the Board what their decision is.
8. If the Gates decide not to accept either option, the hearing will be deemed closed and the Board will next make its decision on the Smildzins' and the Swifts' Appeals.
9. These minutes are not final and are subject to correction and supplementation.



John J. Kennelly, Chair