

Mendon Zoning Board of Adjustment
2282 US Route 4
Mendon, VT 05701

November 2, 2023
(via Certified Mail Return Receipt Requested & First-Class U.S. Mail)

David Cooper
3674 Lewis Road
Poultney, VT 05764

Re: *Conditional Use Permit Application -#2023-16*
Property Location: 1231 Notch Rd.
Tax Map 08, Block 02, Lot 56.1

Dear Ms. Cooper,

Enclosed please find a copy of the Findings of Fact and Decision of the Mendon Zoning Board of Adjustment in connection with the Application for a Conditional Use Permit on your property (Tax Map 08, Block 02, Lot 56.1).

I am enclosing an extra copy of the last page (the Acknowledgment) of the Findings and Decision and would ask that you date and sign the Acknowledgment and return it to me in the enclosed stamped and self-addressed envelope.

As stated in the Acknowledgement, any appeal of this decision must be made not later than thirty (30) days from November 2, 2023.

Very truly yours,



John J. Kennelly

Encl.
JJK:clv

cc: Nancy Gondella (via email only - w. Encl.)
Steve Ellerin (via email only - w. Encl.)
ZBA Members: Susannah Loffredo, Harvey Zara, Therese Corsones (via email only - w. Encl.)

**Findings of Fact and Decision
Mendon Zoning Board of Adjustment**

**In re: Application of David H. Cooper
Notch Road**

This application to the Board of Adjustment for a Conditional Use permit came before the Board for hearing on October 4, 2023 beginning at 5:30 p.m. Present for Board were John J. Kennelly, Chair, Harvey Zara, Susanna Loffredo and Teri Corsones.

Notice of the Hearing had been posted in the Town Clerk's office and DePalo Coffee (formerly the Mendon Country Store) Store. Notice was also published in the Rutland Herald on September 19, 2023. David Cooper, the applicant, appeared. Mr. Cooper provided the proof that the adjacent property owners were provided a copy of the notice of hearing, that proof will be made part of the record of this hearing. The hearing began at 5:30 p.m. and was closed at approximately 5:45 p.m. on October 4, 2023. Also present were Bill Martin, Cooper's contractor and Josh Mac, whose family owns adjacent property

FINDINGS

As scheduled, the hearing on the application for zoning permit filed by David H. Cooper (#2023-16) concerning property on 1231 Notch Rd. in Mendon. The property tax map number is: map 08, block 02, parcel 56.1. (Exhibit A)

Mr. Cooper sought a conditional use permit to build a 4-bedroom log home on his property. The property is located in the Wheelerville zone. A residential building is a conditional-use in Wheelerville.

Present at the hearing was the applicant David Cooper, his general contractor, Bill Martin of Bomoseen, VT, and Josh Mac who owns property adjacent to the applicant's property.

Mr. Cooper, Mr. Martin and Mr. Mac were sworn in and testified. Mr. Cooper described what he was going to do and where the construction would be located. He submitted Exhibit A and a building site plan which was prepared for Mr. Cooper by CAH Land Surveying. That site plan was marked Exhibit B.

The last exhibit submitted was a copy from the town website that set out the lot owned by Mr. Cooper. (Exhibit C) The public part of the hearing was closed at approximately at 5:45 pm and the ZBA went into deliberative session.

After discussing the merits of the application, a vote was taken and all members present voted to grant the permit. The members present were John J. Kennelly, Teri Corsones, Harvey Zara and Susanna Lofreddo (who was present by video).

The application meets the requirements of section 310 of the Mendon Zoning Regulations. The lot size is in excess of five acres, buildings and septic systems will be set back more than 150 feet from streams, and will be screened from Notch Road by vegetation and the topography of the property.

The application meets the requirement of Section 506 in that it will not have any adverse impact on the criteria set out in Section 506(a)(1) A-E, the performance criteria of Section 402 are met and all dimensional and general requirements of the Wheelerville zoning district are also met.

Additionally, the proposed building site is set back more than 100 feet from any public road, and the project complies with the requirements of Section 616. (Exhibit 1).

The property in question is not within a ridge line protection area.

DECISION

Based on the foregoing findings of fact, the Zoning Board of Adjustment hereby grants a conditional use permit to David Cooper to construct a four-bedroom residence, as more specifically set forth in the plot plan (Exhibit B). This conditional use permit is subject to the following terms and conditions.

Any modifications to the placements of the building as set forth on Exhibit B shall require an amendment to this permit. The Zoning Administrator may require a more definite site plan for the location of the building.

By acceptance of this permit, the Applicant agrees to let representatives from the Town of Mendon access the property covered by this permit, to ensure compliance with the conditions of this permit.

By acceptance of this permit and its conditions without appeal, the Applicant confirms for herself and his successors, heirs and assigns in interest that this permit and its condition shall run with the land and the land uses permitted herein, and shall be binding upon and enforceable against the Applicant and all successors, heirs and assigns in interest.

The Mendon Zoning Board of Adjustment maintains continuing jurisdiction during the lifetime of this permit and may require periodically that the permit holder file an affidavit certifying that the project is being completed in accordance with the terms of this permit.

If the work described in this zoning permit has not been completed within two (2) years of the date of issuance, this permit shall expire and have no continuing effect.

This approval is conditioned upon receipt of any other permits required by local, State, and federal agencies. No construction or use may take place until all required permits are filed with the town office. If any changes to the project are made in other permits, the Applicant must also receive approval for these changes from the Zoning Board of Adjustment. Any conditions of other permits are automatically made a part of this permit and shall be included as conditions of this permit.

Failure to comply with any of the above conditions shall constitute a violation of this permit

APPROVED by the Zoning Board of Adjustment this 2nd day of November, 2023.

MENDON ZONING BOARD OF ADJUSTMENT



John J. Kennelly, Chair

cc:

Harvey Zara
Therese Corsones
Susannah Loffredo

ACKNOWLEDGMENT

By this form and signature, I do hereby attest that I have read and understand the Zoning Board of Adjustment's Findings of Fact and Decision, and all applicable sections of the Mendon Zoning Ordinance, and do hereby agree to abide by these Findings of Fact and Decision as written and approved. I also acknowledge that I may appeal this Decision of the Board of Adjustment by filing a Notice of Appeal within thirty (30) days of the date of this Decision pursuant to 24 Vermont Statutes Annotated §4471 and Vermont Rule for Environmental Court Proceedings 5(b). Any Notice of Appeal of this Decision must be filed with the Clerk of the Environmental Court, by certified mail, within thirty (30) days of the date of this Decision.

Dated: _____

David Cooper