

TOWN OF MENDON

APPLICATION OR APPEAL TO ZONING BOARD OF ADJUSTMENT
(Submit in triplicate of Secretary,
Mendon Zoning Board of Adjustment)

Landowner: Brian Woods (Out of the Woods LLC) Address: 300 West Street Suite 3 Phone: (339) 223-0412
Appellant: owner, lessee or agent DATE: 2/9/2024

Location of Property: 133 Heather Lane, Mendon, VI 05701
Tax map description: Map no. 04 Block 01 lot 36
Type of Application or Appeal (check one)

- () Appeal from a decision of the Town of Mendon Zoning Administrator. (A copy of this appeal must be filed with the Town of Mendon Zoning Administrator.)
- (X) Application for a conditional use permit ("Other Use" Permit)
- () Application for a variance. (Must meet the conditions of 24 V.S.A., Section 446B before approval may be granted.)

- (1) Section of Mendon Zoning Regulation involved Section 309 Part D
- (2) State the variance (or conditional use or decision) desired:
CUP to operate a bed and breakfast (Short Term Rental) within Rural District
- (3) State all the grounds why you feel the variance or conditional use should be granted or why the Zoning Administrator's decision should be reversed:
Please see attached explanation

The appellant or applicant should submit with this form plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps and any additional information and data required to advise the Board fully with reference to the application or appeal.
Signature of appellant or applicant: [Signature]

FOR USE BY ZONING BOARD OF ADJUSTMENT
Zoning Permit No. _____ Fee Paid _____ Date _____
Notice of Hearing _____ Date of Hearing _____
Notices mailed to _____
Approved _____ Denied _____ on the basis of the following determinations or conditions:
Date of decision _____ Secretary, Zoning Board of Adjustment

To the town of Mendon,
I had the privilege of purchasing a home on Heather Lane this summer. From the onset, I have been honest about my intentions with this property as I have wanted to go through proper due process and remain in good standing with the town of Mendon as well as my neighbors.

I intend on using this home as a vacation home with my young family. When we are not using it, I plan on offering it on AIRBNB as a way to help pay the home off and provide income to my family. Perhaps more importantly to this panel, I hope to offer other families the opportunity to enjoy Mendon and see what the town has to offer.

This listing will be geared towards families. I hope this letter will clarify my true intentions and mitigate any concerns this panel or my neighbors may have.

Below is information regarding the intent to eliminate or mitigate any potential concerns with the Performance Standards for All Activities (Section 402) as required in Section 506(a)(4), as well as general information I think may be helpful in making your decision.

NOISE

The maximum occupancy as well as the smart cameras located on the property should be able to mitigate larger groups of people from gathering at the property. Additionally, I feel as though the distance and thickly wooded area between my property and my neighbor's property will also help mitigate noise concerns.

ODOR

It is not applicable, as the CUP for a bed and breakfast (Short Term Rental) would not create any emissions or discharge.

FLY ASH, DUST, FUMES, VAPORS, GASES, OTHER FORMS OF AIR POLLUTION

Not applicable, as the CUP for a bed and breakfast (Short Term Rental) would not create any Fly Ash, Dust, Fumes, Vapors, Gases, or other forms of air pollution.

VIBRATION

It is not applicable, as the CUP for a bed and breakfast (Short Term Rental) would not create any vibration.

GLARE, LIGHTS, REFLECTION

There will be some outdoor lighting on this property. I do not see this being an issue as my adjoining neighbors are far away and/or blocked by thickly wooded areas.

FIRE, EXPLOSIVE, HEALTH OR SAFETY HAZARD

There is no intent to allow any fire, explosives, or other health and safety hazards, that would endanger other property owners or which would significantly burden municipal facilities.

STORMWATER MANAGEMENT

It is not applicable as there are no planned site improvements.

PARKING

There is sufficient parking on the premises. The driveway is an L-shape driveway which can easily hold 10-15 vehicles. Even in the event all of my guests drive separately, there should be more than enough space for all of their vehicles in the driveway.

OCCUPANCY

This is a four (4) bedroom home which can comfortably sleep eight (8) people. There will be no more than eight (8) beds in this home. I have made it clear to all interested parties that I will be advertising this property as an eight (8) person property.

EXCESS REFUSE

I will have professional cleaners and property managers at the house between each booking. The cleaning and property management service I plan on using is Mediculous Services. They have an excellent reputation and service several similar properties in the area.

DESIGN AND MARKETING

This home is being designed to host families. There is a large kids room which will be equipped with several toys and activities to promote bookings from parents traveling with small children. I will also be offering Pack-n-Plays and other amenities to provide convenience to parents traveling with small children. The hope is that people with other intentions will see the way the house is marketed and look elsewhere to host larger groups of people and/or misuses the property. I will be writing my listing with clear intentions that the house is for young families (see below).

LISTING ON AIRBNB

Below is a first draft of the listing for short term rental platforms. This is subject to be modified however captures the tone and target market for this property.

LUXURY CHALET IN A GREAT LOCATION! Legacy Chalet is a large, newly remodeled, luxury chalet located in the heart of the Killington Valley area. Located only 5 minutes to the base of Pico and 10 minutes to all the action in Killington- Legacy Chalet is conveniently located to the best outdoor experiences Vermont has to offer! VAST snowmobile trails are located 100 yards from the end of the driveway!

Life gets busy. We all grow up, have kids, and getting together becomes more difficult over time. Legacy Chalet was designed to host young families and features several amenities to make your stay comfortable, fun, and encourage spending quality time together. A large Kids Room is

designed to entertain our younger guests while parents get to spend time in the meticulously designed Great Room or Speakeasy.

Book now and come see all this home has to offer!

EMERGENCY CONTACT:

Cleaner/Handyman:

TBD-Mediculous Services is our likely contact for both. Contracts are being discussed at this time and this information can be updated in the near future.

Owner Contact:

Brian Woods

(339) 223-0412

Owner Secondary Contact:

Chelsey Woods

(508) 254-0391

I greatly appreciate your time and consideration in this matter. My family is very excited to enjoy this property for years to come. Additionally, I truly believe we will be creating an experience for other families that will make them want to visit Mendon for their future Vermont vacations.

Sincerely,

Brian Woods

EXHIBIT 1

NEIGHBORING PROPERTIES

04-01-42
EVANS GREGORY K & CYNTHIA
127 RIDGE ROAD
MENDON, VT 05701

04-01-29
MACHADO ASHLEY
FORMERLY ZUCKER DONALD
37 MONUMENT ROAD
RICHMOND, NH 03470

04-01-40
MOORE WILLIAM & ELAINE
275 WARD AVENUE
BORDENTOWN, NJ 08505

04-01-34
SCASCITELLI JOSEPH R
22 DAME RD
NEW MARKET, NH 03857

04-01-37
SCHEPSMAN DAVID & DONNA
SCHEPSMAN MARTIN A
12 SINTSINK DR WEST
PORT WASHINGTON, NY 11050

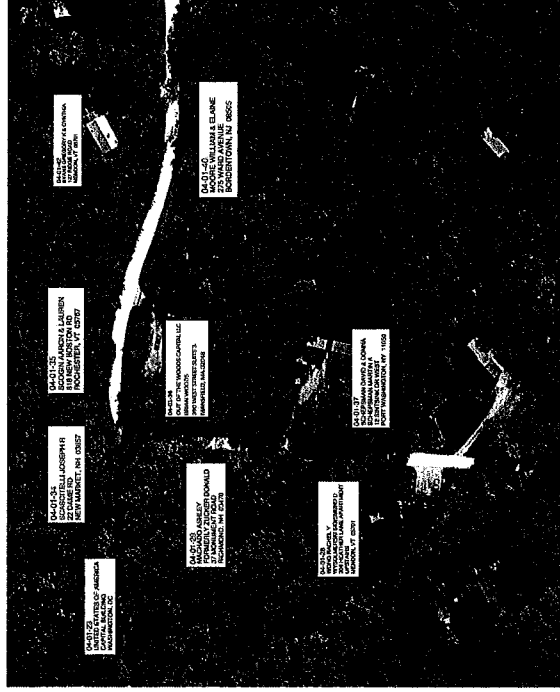
04-01-35
SCOGIN AARON & LAUREN
618 NEW BOSTON RD.
ROCHESTER, VT 05767

04-01-23
UNITED STATES OF AMERICA
CAPITAL BUILDING
WASHINGTON, DC

04-01-28
WONG RACHEL Y
WYSOLMERSKI SIGISMUND D
306 HEATHER LANE APARTMENT
UPSTAIRS
MENDON, VT 05701

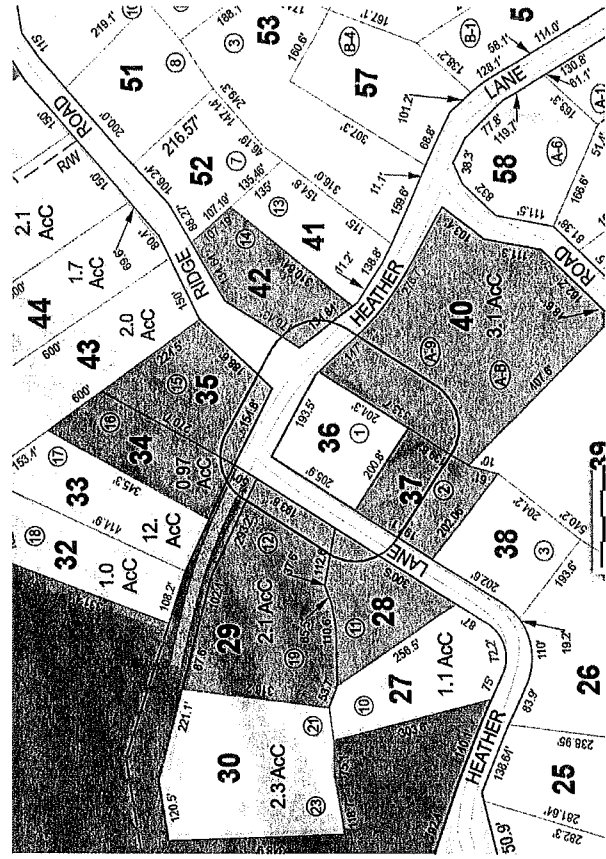
CUP LANDOWNER PROPERTY

04-01-36
OUT OF THE WOODS CAPITAL LLC
BRIAN WOODS
390 WEST STREET SUITE 3
MANSFIELD, MA 02048



Brian Woods Application For a
Conditional Use Permit

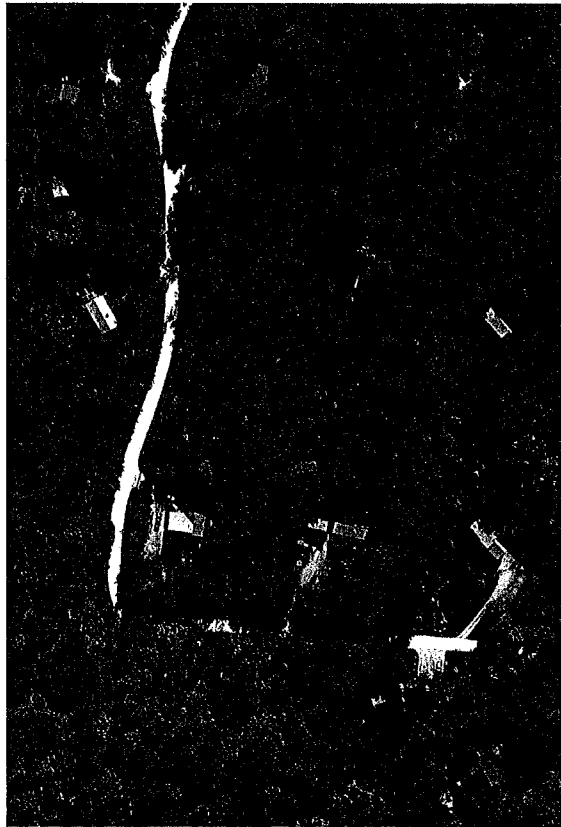
EXHIBIT 1



Bitan Woods Application For a
Conditional Use Permit

March 21, 2024
Page 8 of 24

EXHIBIT 1



March 21, 2024
Page 7 of 24

Bitan Woods Application For a
Conditional Use Permit

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

February 29, 2024
(sent via email only to: bwwoods6796@gmail.com)

Brian Woods
Out of the Woods, LLC
390 West Street, Suite 3
Mansfield, MA 02048

Re: *Application for a Conditional Use Permit to Operate an AirBnb at their property, located at 193 Heather Lane, Mendon, VT (Tax Map No. 04, Block 01, Lot 36) filed by Brian Woods (Out of the Woods, LLC)*

Dear Brian,

I am writing to you as the Chair of the Mendon Zoning Board of Adjustment ("ZBA") to follow up on our conversation of yesterday. As we discussed, I am sending this to you by email instead of certified mail or regular USPS mail. You agreed to accept all notices and communication from the ZBA by email. Attached is a copy of the Notice of Hearing on the above referenced application for a conditional use permit concerning your property at 193 Heather Lane, in Mendon. The hearing has been set for March 21, 2024 at 5:30 p.m. The hearing will be held remotely and the link to join the hearing will be published on the Town's website — <https://mendonvt.gov/>.

Please be advised that pursuant to Section 1401 of the Mendon Zoning Ordinance, you are required to notify all owners of property that is adjacent to the premises subject to the application (the list of Neighboring Properties attached to your permit), that a hearing has been set on the application for a conditional use permit.


The Notice of Hearing must be sent to the Neighboring Properties owners by certified mail, return receipt requested or by regular mail with a sworn certificate of service indicating that it was mailed to the last known addresses. In hand personal service will also be sufficient. Proof of such service will be required at the hearing.

Given the necessary fifteen (15) day notice and the availability of board members, March 21st is the earliest the hearing could be held.

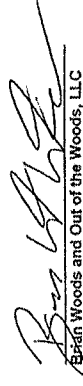
Additionally, you should post a copy of the attached Notice of Hearing at the property, so that it is visible from Heather Lane. The Notice will also be published in the Rutland Herald. I will take care of that. I will also request that the Town Clerk post the notice at the Town Offices, the Town Website and DePalo Coffee.

Please sign below to indicate your agreement to accept email notices and correspondence from the ZBA concerning all matters related to this application for a Conditional Use Permit and email me a signed copy.

In the event you have any questions, please do not hesitate to contact me.

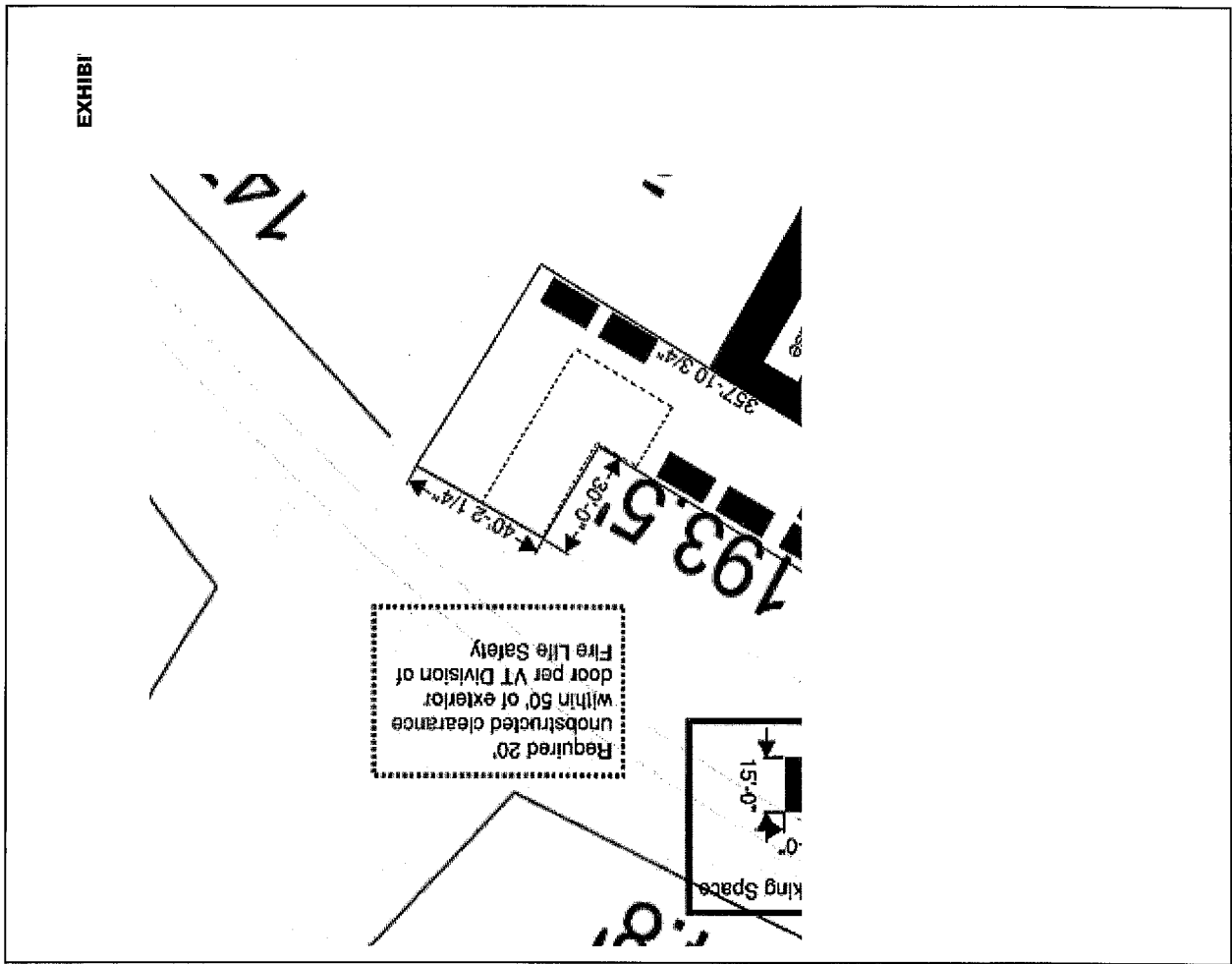

John J. Kennedy
802 770-2441
kennelly@vermontcounsel.com

I agree to accept all notices and correspondence from the ZBA related to this application for a Conditional Use Permit via email at: bwwoods6796@gmail.com.


Brian Woods and Out of the Woods, LLC

JJK/glv

Cc: The Mendon Zoning Board of Adjustment Members (via email only)
The Mendon Town Clerk (via email only)



EXHIBIT

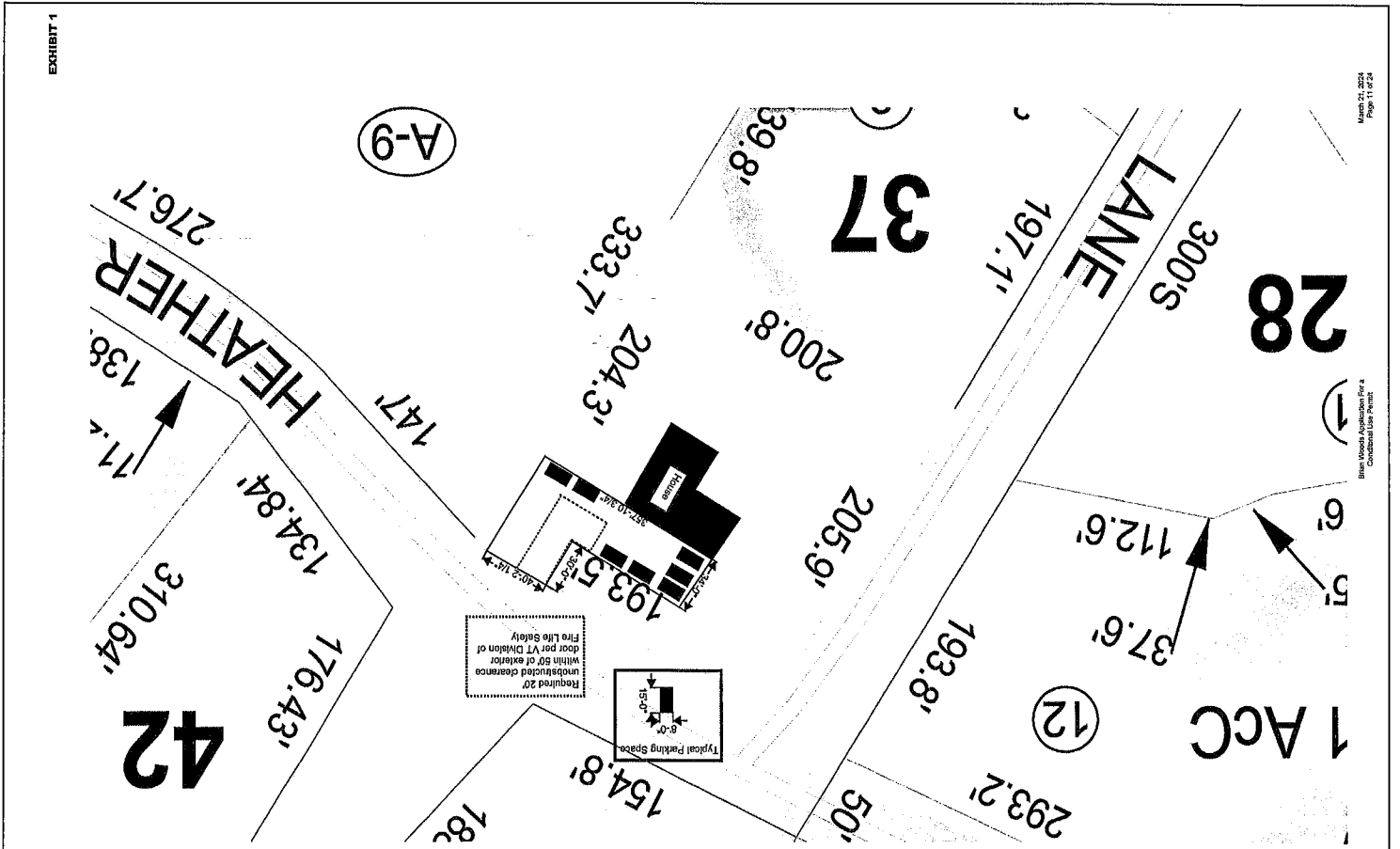


EXHIBIT 1

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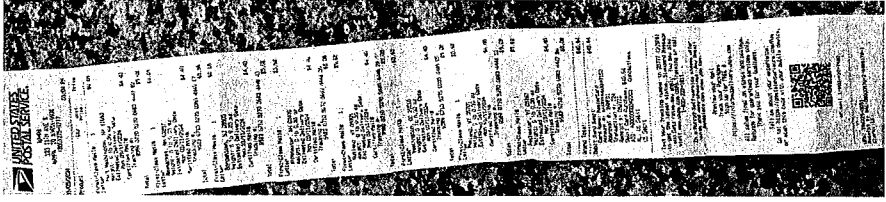


EXHIBIT 1



Brian Woods Application For a
Conditional Use Permit

EXHIBIT 1



Brian Woods Application For a
Conditional Use Permit

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ROUSHER P170271AL USE

Certified Mail Fee	\$4.40	0651
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	13
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	

Postage \$0.68

Total Postage and Fees \$5.08

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WINDYBROOK HOSPITAL USE

Certified Mail Fee \$4.40

Extra Services & Fees (check box, add fee as appropriate)

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$	\$0.00
<input type="checkbox"/> Adult Signature Required	\$	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	\$0.00

Postage \$0.68

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BOWEN HOSPITAL USE

Certified Mail Fee \$4.40

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	\$0.00
<input type="checkbox"/> Adult Signature Required	\$	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	\$0.00

Postage \$0.68

Total Postage and Fees \$5.08

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<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$0.68	03/05/2024
Total Postage and Fees \$5.08	
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Extra Services & Fees (check box, add fee \$^{per applicable rate})

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Return Receipt (electronic) \$0.00

Certified Mail Restricted Delivery \$0.00

Adult Signature Required \$0.00

Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$5.08

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