

**Minutes of the
Mendon Zoning Board of Adjustment Hearing on the Appeal by Gordon Stake
Of the Zoning Permit #2024-03 Issued to
Brian Gates**

Zoning Permit #2024-03 was approved on April 3, 2024, regarding an application submitted by Brian Gates to construct a garage on a lot located at 100 Terra Lane in Mendon. The property tax map number is map 03, block 02, parcel 11.000. Gordon Stake appealed the permit on April 17, 2024. A hearing was noticed for May 28, 2024 and was held remotely via GoToMeeting.

Present for the hearing were: Brian Gates; Carol Gates; Gordon Stake; and Attorney Rodney McPhee representing Mr. Stake. Zoning Board of Adjustment members Jack Kennelly, Harvey Zara and Teri Corsones and Zoning Administrator Steve Ellerin were also present. Also in attendance were Ross Rosenzweig; Imants Smildzins and Patti Lancaster.

At the outset of the hearing Mrs. Gates referred to a letter dated May 23, 2024 requesting ZBA Chair Kennelly to recuse himself. Chair Kennelly declined to recuse himself, finding no basis for a recusal.

The property is located in the Residential District II Zone which allows, as a permitted use, accessory structures and uses. Mendon Zoning Ordinance ("MZO") at §306 (c)(2). The zoning application references a 50' by 30' one-story garage as a proposed new construction. It is undisputed that there is no residence on the lot.

Mr. and Mrs. Gates, Mr. Stake and Steve Ellerin were sworn in. Mr. McPhee outlined his client's appeal and submitted Exhibits 1 – 13. Mr Stake testified. Mrs. Gates questioned Mr. Stake. During the testimony of Mr. Stake and discussions between the Board and other persons, Mr. Gates periodically engaged in rude, profane and aggressive language. The Chair advised Mr. Gates that his language and behavior were inappropriate and if it continued he would be muted. Mr. Gates continued the inappropriate behavior. The Board deliberated briefly regarding the disruption after which Chair Kennelly asked that Mr. Gates be muted. Mr. Gates continued to disrupt the proceedings by periodically shouting in the vicinity of Mrs. Gates while she spoke, however.

Mrs. Gates questioned Mr. Ellerin as to whether there were permits issued for accessory structures for other properties without a principal use or building on the same lot. Mr. McPhee objected to the relevancy of Mrs. Gates' questions to Mr. Ellerin. That

objection was sustained. Mrs. Gates submitted 12 exhibits in conjunction with her testimony.

The public part of the hearing was closed at approximately at 7:05 pm and the ZBA went into a second deliberative session.

After discussing the merits of the application, the relevant zoning regulations and the testimony offered, a motion to grant the appeal and to void the permit was made and seconded. The motion passed unanimously.

A written decision will be issued within the requisite timeframe.

Dated May 29, 2024

/s/ John J. Kennelly
John J. Kennelly, Chair/Secretary