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SHANNON E. LAMB

David Beardsley  
5 Cottage Lane  
Waterford CT 06385

April 13,2020

Re: *Application for Zoning Permit  
Wheelerville Road, Mendon, VT*

Dear Mr. Beardsley,

Enclosed please find a complete 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 07 Block 00 Lot 39.03). The Board has granted the application and a permit may be issued by the Zoning Administrator.

I am enclosing an extra copy of page 5 of the Findings and Decision and would ask that you date and sign the Acknowledgment and return it to me in the enclosed envelope.

As stated in the Acknowledgement, any appeal of this decision must be made not later than thirty (30) days from April 13, 2020.

Very truly yours,



John J. Kennelly

Encl.  
JJK:jdd

cc: Nancy Gondella (w. Encl.)  
Steve Cosgrove (via email; w. Encl.)  
ZBA Members: Andrew Zak, Michael Curran, Harvey Zara, Therese Corsones (via email; w.encl.)

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

**In re: Application of David Beardsley  
Wheelerville Road**

This application to the Board of Adjustment for a Conditional Use permit came before the Board for hearing on April 7, 2020 beginning at 5:30 p.m. Present for Board were John J. Kennelly, Chair, Harvey Zara, and Michael Curran.

Notice of the Hearing had been posted in the Town Clerk's office and DePalo Coffee (formerly the Mendon Country Store). Notice was also published in the Rutland Herald on March 21, 2020. David Beardsley, the applicant, appeared. Mr. Beardsley had previously 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 5:55 p.m. on April 7, 2020. Because of COVID-19 orders issued by the Governor, the hearing was held remotely with the board members, the applicant and a member of the public participating through a "Go to Meeting" connection set up by the Assistant Town Clerk.

**FINDINGS**

1. David Beardsley is the owner of a parcel of land approximately 10.48 acres on Wheelerville Road in the Wheelerville section of the Town of Mendon.
2. The property tax map description is Map 07 Block 00 Lot 39.03.
3. Applicant proposes to construct a two-story home with three bedrooms. The building would be approximately 50' x 44' as set out in Exhibit B ( 4 pages).

4. The proposed construction meets the setback requirements of the ordinance, as indicated on the plot plan (Exhibit A). The property has more than 250 feet of frontage on Wheelerville Road.
5. 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, the buildings are set back more than 100 feet from Wheelerville Road and ~~will be screened from Wheelerville by vegetation and the topography of the property.~~
6. 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.
7. Additionally, the proposed building site is more than 150 feet from Brewers Brook, is set back more than 100 feet from any public road, and the project complies with the requirements of Section 616. (Exhibit 1).
8. 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 Beardsley to construct a three-bedroom residence, as more specifically set forth in the plot plan ( Exhibit A) and the drawings marked as Exhibit B. This conditional use permit is subject to the following terms and conditions.

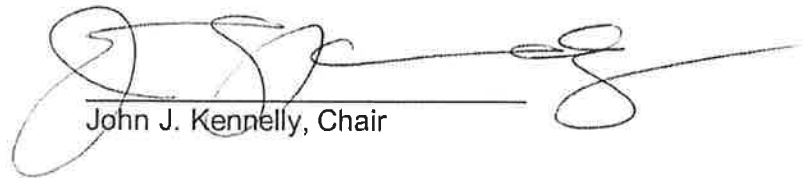
1. Any modifications to the placements of the building as set forth on Exhibit 1 shall require an amendment to this permit. The Zoning Administrator may require a more definite site plan for the location of the building.
2. By acceptance of this permit, the Applicant agrees to let representatives from the Town of Mendon access the property covered by this permit, to ensure compliance with the conditions of this permit.
3. Any modifications to the approved plans (Exhibits A and B) shall require an amendment to this permit.
4. 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.
5. 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.
6. 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.
7. 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 Permittee 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.

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

APPROVED by the Zoning Board of Adjustment this 13<sup>th</sup> day of April, 2020.

MENDON ZONING BOARD OF ADJUSTMENT



John J. Kennelly, Chair

cc: Michael Curran  
Harvey Zara, M.D.

## 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 Beardsley