

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

**In re: Woods' Conditional Use Permit  
Heather lane**

This application to the Board of Adjustment for a Conditional Use permit came before the Board for hearing on March 21, 2024 beginning at 5:30 p.m. Present for the Board were John J. Kennelly, Chair, Harvey Zara, Teri Corsones and Susannah Loffredo.

Notice of the Hearing had been posted in the Town Clerk's office and DePalo Coffee. Notice was also published in the Rutland Herald on March 6, 2024. Participating in, or attending, the hearing were the applicant Brian Woods, his consultant, John Caradona, Richard Howe (a member of the town Planning Commission), Jennifer Smith and Sisco Lellos, neighbors, who live at 366 Heather Lane. The hearing began at 5:30 p.m. and was closed at approximately 6:30 p.m. on March 21, 2024. The hearing was held remotely with the board members, the applicant and the other individuals identified above, participating through a "Go to Meeting" connection set up by the Town Clerk.

**FINDINGS**

1. Brian Woods is the principal in OUT OF THE WOODS CAPITAL LLC, the owner of a parcel of land approximately .85 acres at 193 Heather Lane, in the Rural Zone of the Town of Mendon.
2. The property tax map description is Map 04 Block 01 Lot 36.
3. Applicant proposes to operate a Bed and Breakfast, via Airbnb.

4. 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. Mr. Wood testified that he will be advertising this property as an eight (8) person property.
5. Mr. Woods testified that he will have professional cleaners and property managers between each booking. He plans to hire Meticulous Services for the cleaning and property management services.
6. Mr. Woods further testified that the home is being designed to host families.
7. The application and Mr. Woods' testimony, including answering Board Members' questions and questions from other person in attendance, addressed the requirements of Section 506 in that the proposed use 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 Rural Zoning District are also met. In addition to the Zoning Ordinance Requirements, Mr. Woods agreed to the following, specific conditions:
  - a. Occupancy by more than 8 persons, while the property is leased under Airbnb, is prohibited.
  - b. All groups leasing the property must be advised of the Town Noise Ordinance.
  - c. Outdoor fires are only permitted in outdoor fireplaces with a fire permit issued by the town.

- d. While the property is leased to Airbnb groups no cars can be parked on the road and all cars must be parked in the driveway as indicated on page 14 of Exhibit 1. Only 6 cars are allowed.
- e. All garbage taken out of the house must be kept in containers that are located in an outside shed and protected from animals and the elements.

### **DECISION**

Based on the foregoing findings of fact, the Zoning Board of Adjustment hereby grants a conditional use permit to OUT OF THE WOODS CAPITAL LLC to operate a Bed and Breakfast, via Airbnb, as more specifically set forth in Exhibit 1. This conditional use permit is subject to the following terms and conditions.

- 1. Occupancy by more than 8 persons, while the property is leased under Airbnb group, is prohibited.
- 2. All groups leasing the property must be advised of the Town Noise Ordinance.
- 3. Outdoor fires are only permitted in outdoor fireplaces with a fire permit issued by the town.
- 4. While the property is leased to Airbnb groups no cars can be parked on the road and all cars must be parked in the driveway as indicated on page 14 of Exhibit 1. Only 6 cars are allowed.
- 5. All garbage taken out of the house must be kept in containers that are located in an outside shed and protected from animals and the elements.
- 6. Any modifications to the conditions, both specific and as set out in the Zoning Ordinance, shall require an amendment to this permit.

7. By acceptance of this permit and its conditions without appeal, the Applicant confirms for itself, its successors, and assigns in interest that this permit and its conditions shall run with the land and the land uses permitted herein, and shall be binding upon and enforceable against the Applicant and all successors, and assigns in interest.
8. 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.
9. This approval is conditioned upon receipt of any other permits required by local, State, and federal agencies. No use may take place until all required permits are filed with the town office. If any changes to the Conditional Use are made in other permits, the Applicant must also receive approval for such 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.

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

APPROVED by the Zoning Board of Adjustment this 9<sup>th</sup> day of April, 2024.

MENDON ZONING BOARD OF ADJUSTMENT

  
By: John J. Kennelly, Chair

cc: Teri Corsones  
Harvey Zara, M.D.  
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.

OUT OF THE WOODS CAPITAL LLC

Dated: \_\_\_\_\_

\_\_\_\_\_  
Brian Woods,  
Member