

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

**In re: Application of Karen Castellano
Notch Road**

Karen Castellano filed an application to the Board of Adjustment for a Conditional Use permit, Permit #2024-09 on May 17, 2024. A hearing on the Application was scheduled and came before the Board for hearing on June 27, 2024 beginning at 5:30 p.m. That hearing was continued to July 11, 2024 due to a lack of a quorum of the ZBA, only one member, John J. Kennelly was present. It was decided that the matter would be continued pursuant to 24 VSA § 4468, to July 11, 2024 at 5:30 PM; again, to be held remotely via GoToMeeting. The hearing was continued on July 11, 2024. Present for the Board were John J. Kennelly, Chair, Harvey Zara, and Susanna Loffredo

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 June 12, 2024. Karen Castellano the applicant appeared. Also present were Robert Walker, the Applicant's contractor, a member of the Home Owners Association, and Steve Ellerin, the Town Zoning Administrator. Mr. Ellerin also oversaw the video recording of the hearing.

Ms. Castellano provided the proof that the adjacent property owners were provided a copy of the notice of hearing., The hearing began at 5:30 p.m. and was closed at approximately 6:15 p.m. on July 11, 2024.

FINDINGS

As scheduled, the hearing on the application for zoning permit filed by Karen Castellano (#2024-09) concerning property on 127 Top Ridge. in Mendon. The property tax map number is: map 08, block 03, parcel 080330.240. (Permit Application - Exhibit A)

Ms. Castellano sought a conditional use permit to build a single family home on her property. The property is located in the Wheelerville zone. A residential building is a conditional-use in that zone- Mendon Zoning Ordinance at §310(d)(5).

Ms. Castellano and Mr. Roberts were sworn in and testified. Mr. Roberts described what he was going to do and where the construction would be located. He submitted Exhibit A which included a building site plan which he prepared along with other documents describing the property, the proposed home and the fact that the property is part of a condominium entity and Ms. Castellano's lot had not yet been built on.

Exhibit A also included a copy from the town website that set out the lot owned by Ms. Castellano. The public part of the hearing was closed at approximately at 6:15 p.m.

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.

The application meets the requirements of §310 of the Mendon Zoning Regulations. The lot size is in excess of five acres, buildings and septic systems have previously

permitted and the applicant submitted correspondence from State authorities who have reviewed the proposed development and the correspondence between Mr. Roberts and the state Authorities are all part of Exhibit A. The construction will be screened from Notch Road by existing 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 also 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 A).

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 Karen Castellano to construct a single family residence as more specifically set forth in the plot plan, the floor plan and drawings of the exterior of the residence (Exhibit A). 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 A 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 her 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 August, 2024.

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: _____

Karen Castellano