

# Mendon Zoning Board of Adjustment

2282 US Route 4  
Mendon, VT 05701

November 26, 2024

Via email to [mhirshblackbearpath@gmail.com](mailto:mhirshblackbearpath@gmail.com),  
Certified Mail Return Receipt Requested and  
Regular Mail

Mark Hirsh  
429 Black Bear  
Path Mendon, VT  
05701

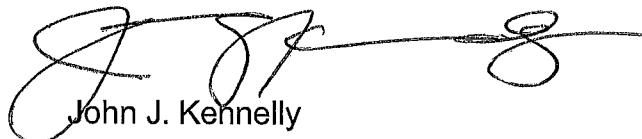
Re: *Appeal of Permit of Edmond Coletta (Permit #2024-17) 273 Black Bear Path, Mendon, VT*

Dear Mr. Hirsh

Enclosed please find a copy of the Findings of Fact and Decision issued in connection with your Appeal concerning the permit #2024-17. I am also forwarding copies of the exhibits accepted into the record at the hearing on November 4, 2024, to you via email.

Also enclosed is a copy of the Acknowledgment of receipt of the Decision and a Notice of your right to appeal this decision. Please return the signed Acknowledgment to me by US mail or email ([kennelly@vermontcounsel.com](mailto:kennelly@vermontcounsel.com)).

Very truly yours,



John J. Kennelly

Encl.  
JJK:clv

All persons present at the hearing via email

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

In Re: Appeal of Permit 2024-17

Appellant Mark Hirsh

As scheduled, the hearing on an appeal filed on behalf of Mark Hirsh concerning Zoning Permit # 2024-17 was held at the Mendon Town Office beginning at 5:30 pm on November 4, 2024. Present in person were ZBA members Jack Kennelly, Harvey Zara and Teri Corsones. Also present in person was Edmond Coletta, to whom Zoning Permit # 2024-17 was issued, with his attorney Geoff Hand, Esq. Zoning Administrator Steve Ellerin was also present in person. Members of the public Dick Wilcox and Carol Gates were also present in person. Mr. Hirsh was not present.

**Findings of Fact**

Zoning Permit #2024-17 was issued to Mr. Coletta on September 27, 2024. Mr. Hirsh submitted an Application of Appeal to the ZBA with an attached letter on October 11, 2024. The application and letter did not provide any grounds for the appeal other than to state that the permit was wrongly issued.

After being sworn in Ms. Gates stated that she had prepared and delivered the letter for Mr. Hirsh and that she and her husband paid the application fee. She does not have a power of attorney or any other written evidence of agency authorizing her to act on behalf of Mr. Hirsh. She stated that Mr. Hirsh appealed because he wanted to know what Mr. Coletta's plans were for the property. She does not know if Mr. Hirsh reviewed the zoning permit materials on file at the Mendon Town Office or otherwise made inquiry of Mr. Coletta about his plans. She did not do so herself. She questioned whether the notice of the permit was properly posted.

The Coletta property is located at 237 Black Bear Path, tax map 04, block 38, Lot 82.000. The property is in zone Residential District III.

Attorney Hand noted that Mr. Hirsh was not present and questioned whether Ms. Gates had standing in the matter. He also noted that the appeal lacked any specificity regarding grounds for the appeal.

Mr. Coletta was sworn in and described his and his family's plans for the property. It is a single-family residence intended to be occupied as a primary residence once interior renovations are completed. The renovation work has been seriously delayed due to the appeal being filed, resulting in Mr. Coletta losing a number of his contractors.

Mr. Coletta provided several exhibits. Exhibit 1 is a photo of the permit that was posted on September 27, 2024 at the intersection of the property's driveway and Black Bear Path. Ms. Gates admitted that she had seen the permit posted.

Exhibit 2 is a document that references the requirements of Mendon Zoning Ordinance Sections 307 and 402. Section 307 details the purpose, description, uses and dimensional requirements for properties in the Residential District III zone. Section 402 details performance standards for all activities in any zoning district. The property meets each of the specified zoning regulation requirements.

Exhibit 3 consists of two site plans prepared by Mr. Coletta's architects and engineering consultants.

Ms. Gates inquired about bathrooms and septic permits. Mr. Coletta provided a copy of a letter dated September 26, 2024 from Frank Heald, President of the Alpine Pipeline Company, confirming the requisite number of Alpine Pipeline units allocated to the property. The document was marked as Exhibit 4.

Persons in attendance had no further questions. ZBA members made further inquiry. Mr. Zara made a motion to go into deliberative session at approximately 6:05pm. The motion was successful and the public session of the hearing concluded.

**Decision:**

After discussion of the evidence on this appeal, a motion was made to deny the appeal on the basis of it lacking any merit. The motion was seconded and was unanimously approved. Based on the foregoing Findings of Fact and Decision and provisions of the Mendon Zoning Regulations, the Mendon Zoning Board of Adjustment denies the appeal of Mark Hirsh. Zoning Permit #2024-17 remains valid and enforceable.

An appeal of this Decision may be taken within 30 days of the Decision per 24 VSA Section 4471 and VT Rule for Environmental Court Procedure 5(b).

Dated - November 21, 2024

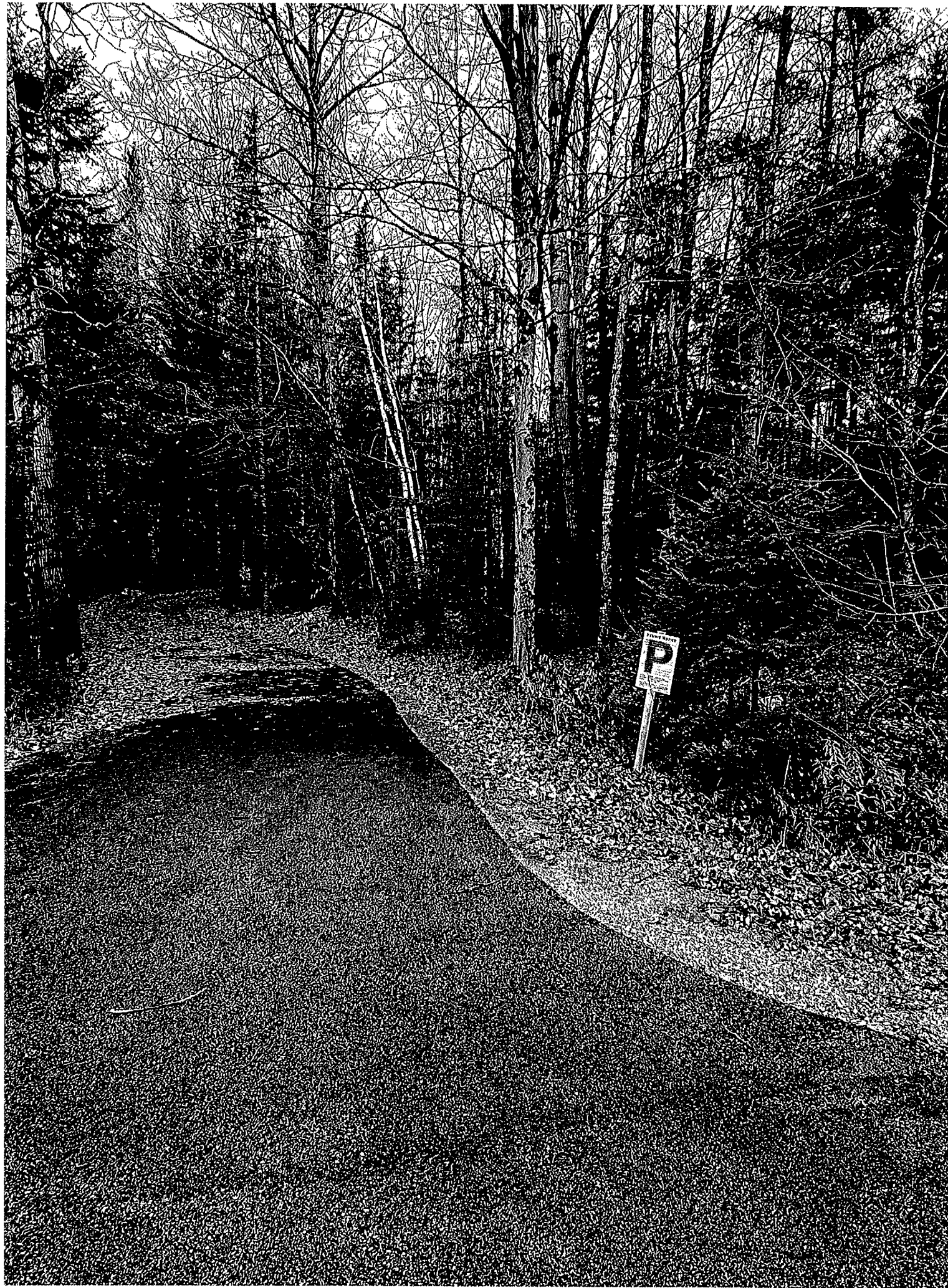
/s/ John J. Kennelly  
John J. Kennelly, Chair/Secretary

## ACKNOWLEDGMENT

By this form and signature, I do hereby attest that I **Mark Hirsh** an Appellant in the above referenced matter have read and understand the Mendon Zoning Board of Adjustment's Findings of Fact and Decision, and all applicable sections of the Mendon Zoning Ordinance. I 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 or other means, within thirty (30) days of the date of this Decision (November 26, 2024).

Dated:

By: \_\_\_\_\_  
Mark Hirsh



# PERMIT NOTICE

Address: 440 Hill Street  
Applicant: Green & Co. Inc.  
Project Description: Liberalizing the print - no SP extension

☒ Permit Approval  
Type: no construction  
Determine: disposal  
Applicable: State of VT

☐ Public Hearing  
Permit time: \_\_\_\_\_  
Date: \_\_\_\_\_  
Place: \_\_\_\_\_

For more  
information  
contact:

State of VT, Menden Town ZA  
2282 US Route 4, Menden VT 05751  
david@dmv.vt.gov  
(802) 712-9335

Agreement: This notice shall be displayed on the subject property and be clearly visible from the public way. Notice shall be removed after the expiration date.



Coletta property  
273 Black Bear Path, Mendon VT

Section 307 – Residential District III

	REQUIREMENT	CURRENT	PROPOSED
C – Permitted Use	#6 Residential one and two family	Residential one family	Residential one family
F – Dimensional Requirements			
Min Overall Lot Size	3 acres	5.2 acres	5.2 acres
Max Dwelling Units per acre	1 unit per 3 acres	1 unit per 5.2 acres	1 unit per 5.2 acres
Min Lot Frontage	65 ft per acre, no more than 500 ft		
	338 ft	571.4 ft	571.4 ft
Front Yard Setback	50 ft	> 130 ft	> 130 ft
Min Side Yard setback	25 ft	> 156 ft	> 156 ft
Min Rear Yard setback	50 ft	> 150 ft	> 150 ft
Max Building Height	20 ft or 3 stories, lessor of	19 ft and 2 stories	19 ft and 2 stories
Max Impervious surface	50%	3%	3%
		6,500 sf, on 226,512 sf lot size	6,500 sf, on 226,512 sf lot size

#### Section 402 - Performance Standards for all Activities

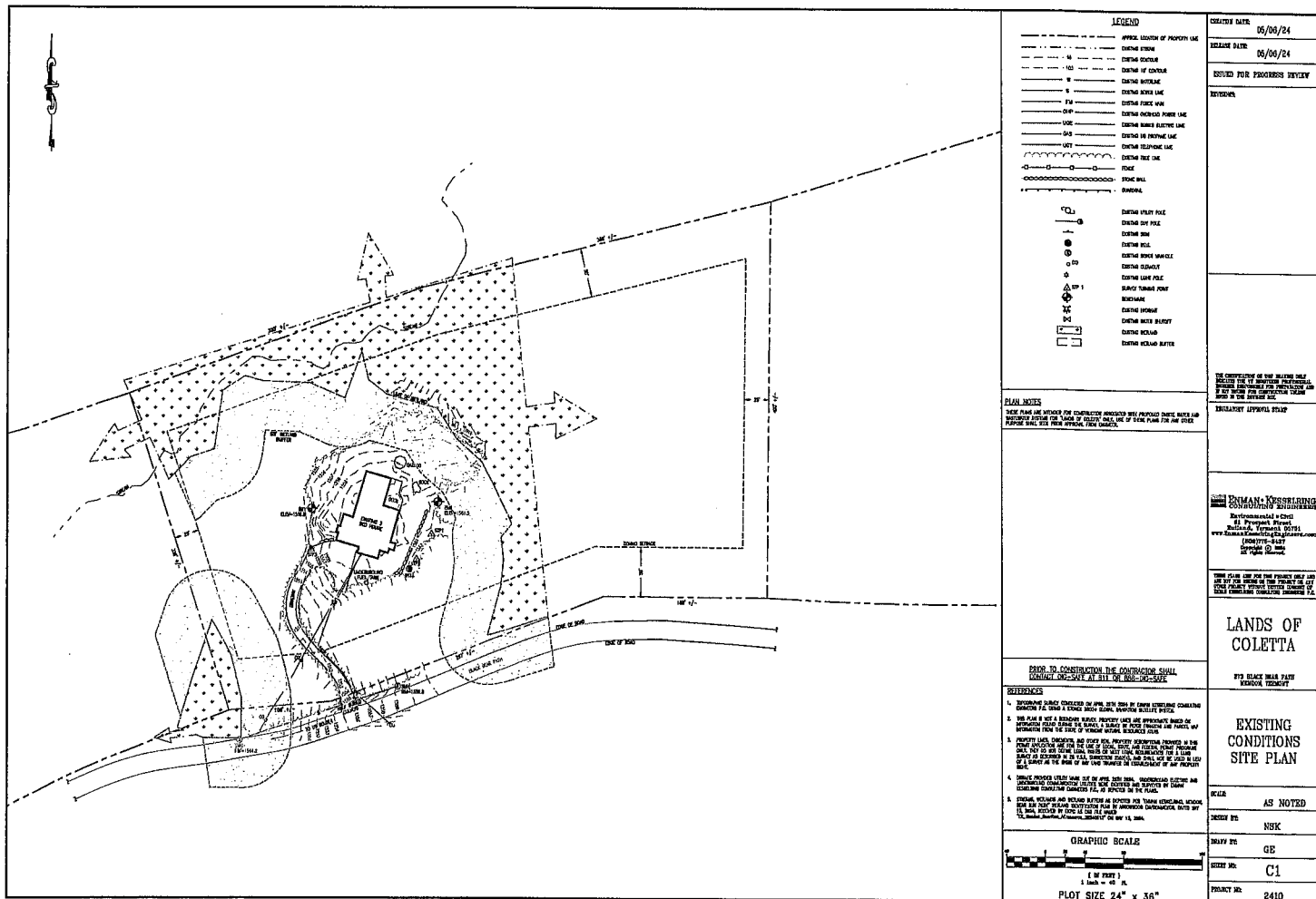
No land or building in any zoning district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable conditions in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining properties. The following specific standards are set forth to implement this purpose. The burden of proof that the following standards are met shall be on the applicant.

(1) Noise: No noise which is detectable at or beyond the property line and which represents a significant increase in noise levels in the vicinity of the development so as to be incompatible with the reasonable use of the surrounding area shall be permitted.	Currently in compliance and no changes expected
(2) Odor: No emission of objectionable odor beyond the property line of a premises shall be discharged, caused, allowed or permitted.	Currently in compliance and no changes expected
(3) Fly Ash, Dust, Fumes, Vapors, Gases, Other Forms of Air Pollution: No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property which can cause any excessive soiling, at any point on the property of others.	Currently no emissions and no changes expected
(4) Vibration: No vibration shall be permitted which shall cause or result in any noticeable, clearly apparent vibration of or on the property of another landowner under normal conditions.	Currently no vibrations and no changes expected
(5) Glare, Lights, Reflection: No glare lights or reflection shall be permitted which are a nuisance to other property owners or tenants or which could impair the vision of a driver of any motor vehicle or which are detrimental to public health, safety and welfare.	Currently in compliance and no changes expected
(6) Fire, Explosive, Health or Safety Hazard: No fire, explosive or safety hazard shall be permitted which significantly endangers other property owners or which results in a significantly increased burden on municipal facilities.	Currently none of these hazards exist and no changes expected
(7) Stormwater Management: No property improvement shall direct, divert or maintain water flow so that damage or pollution is caused to other property by surface or subsurface waters. Stormwater management systems shall incorporate natural drainage systems; maximize onsite infiltration and treatment; and minimize surface runoff.	No changes planned that would change stormwater management at the site.
(8) Site clearing and disturbance, and on-site paving, roofing, and other impervious surfaces that increase surface water runoff and limit water infiltration and recharge shall be minimized. All runoff from impervious surfaces shall be diverted to areas covered with vegetation for surface infiltration.	Minor clearing planned to enable construction and no changes planned to impervious area.

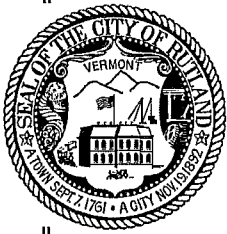
#### Section 408 - Grading

No grading, cut or fill shall be carried out in any district which leaves the slope of the finished grade in excess of one foot of rise on two feet of run (a rise of one foot vertically on two feet horizontally). Steeper grades are subject to site plan approval, and may require an erosion and sediment control plan. Grades of driveways or roadways are subject to town standards.	No changes planned that would change grading at the site.
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**CITY OF RUTLAND  
DEPARTMENT OF PUBLIC WORKS  
RUTLAND, VERMONT**

City Hall – 52 Washington St. – Rutland, VT 05701  
Mailing Address: P. O. Box 969 – Rutland, VT 05702  
Phone: 802-773-1813 Fax: 802-775-3947

Robert Protivansky  
Public Works Commissioner

Edward Coletta  
273 Black Bear Path  
Mendon, Vermont 05701  
Sent Via Email: Ned.Coletta@casella.com

October 18, 2024

Re: Ability to Serve  
273 Black Bear Path

To whom it may concern,

Please be advised that sewage treatment capacity, in the amount of 1 ERUs (450 gpd) for an additional 2 bedrooms (5 bedrooms total), is available at the Rutland City Wastewater Treatment Facility. The effects of the wastewater discharge from the proposed project will not cause an overload within the City's downstream municipal wastewater system.

The sewer treatment capacity to be provided will be a portion of the Alpine Pipeline Company's allocation at the Rutland City Wastewater Treatment Facility.

If you have any questions, please feel free to call me at 802-773-1813.

Sincerely,

Ted Gillen, E.I.  
Assistant City Engineer

cc: Frank Heald, Alpine Pipeline Company  
Nicole Kesselring, Enman Kesselring Consulting Engineers

# ALPINE PIPELINE COMPANY

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P.O. BOX 100 • RUTLAND, VT 05702

## Board of Directors

Frank Heald, President  
Jim Insinga, V.P. & Treasurer  
Bob Harnish, Secretary  
Kathleen Ramsay  
Kim Smith

General & Billing  
Information  
(802) 772 0897

Edward Coletta  
273 Black Bear Path  
Mendon, Vermont 05701

9/26/2024

RE: 273 Black Bear Path  
Mendon, Vermont 05701

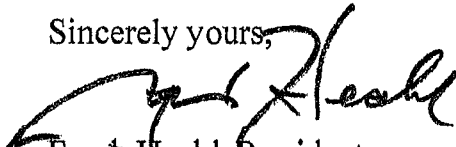
Dear Mr. Coletta

This letter will confirm that you have purchased one (1) additional units/shares, and executed the appropriate access agreement for the Alpine Pipeline Company for the above property.

This agreement / allocation is sufficient for a residence with up to six (6) bedrooms.

I trust this letter will be sufficient for your regulatory needs, however if there are questions, please do not hesitate in contacting me.

Sincerely yours,



Frank Heald, President  
Alpine Pipeline Company

CC: Nicole Kesselring, PE  
Enman Kesselring Engineers

VIA E-Mail