

## **Mendon Zoning Board of Adjustment Minutes (Draft)**

**February 27, 2025**

**Present:** Jack Kennelly, Harvey Zara and Teri Corsones were present in person. Zoning Administrator Greg Smith was also present in person.

**Gates Appeal:** Brian and Carol Gates were present in person for the hearing noticed for their appeal dated January 27, 2025 regarding Zoning Permit #2022-10 that was issued on May 17, 2022 to Gordon Stake for an expansion of a storage shed on Mr. Stake's property at 33 Terra Lane in Mendon. Gordon Stake was also present in person, with his attorney Rodney McPhee, Esquire. Megan Smith was present in person as an observer. It did not appear that anyone attended via the GoToMeeting platform.

The relevant Notice of Hearing was published in the Rutland Herald on February 11, 2025 and copies of the Notice were posted in three public places in Mendon. Mr. and Mrs. Gates provided copies of certified mail receipts indicating certified and first-class mail had been sent on February 24, 2025 to Pasquarello at 170 Terra Lane in Mendon VT and to Yau Martin at 176 Terra Lane in Mendon VT. Mrs. Gates indicated that the two mailings constituted notice to all adjoining landowners entitled to notice. Return receipt cards were not submitted. None of the adjoining landowners was present in person or via the GoToMeeting platform.

Mr. and Mrs. Gates presented testimony regarding their complaint that one of the distances indicated on Mr. Stakes' application for Zoning Permit 2022-10 was inaccurate and the zoning permit should not have been approved. Attorney McPhee argued that the appeal should be dismissed on three grounds: (1) The appeal is untimely pursuant to 24 VSA 4472 inasmuch as the zoning permit at issue was approved on May 17, 2022 and the Notice of Appeal was not filed until January 27, 2025; (2) The construction of the shed at issue was completed in 2008 and beyond the 15-year statute of limitations in 24 VSA 4454; and (3) Mr. and Mrs. Gates are not "interested parties" and have no standing to appeal.

At the conclusion of the testimony and evidence the Board deliberated and concluded that the appeal should be dismissed. A decision setting forth findings of fact and conclusions of law will be issued within the requisite timeframe.

Respectfully submitted,

Jack Kennelly, Chair