

Findings and Decision

Mendon Zoning Board of Adjustment

In re: The Appeal by Carol and Brian Gates of the January 20, 2026 - “7 Day Notice of Zoning Violation”

ZBA Members Present: Jack Kennelly and Harvey Zak were present in person. Teri Corsones attended part remotely and part in person.

A hearing was scheduled on the appeal of Carol and Brian Gates challenging the January 20, 2026 issued by the Zoning Administrator describe as a “7 Day Notice of Zoning Violation” (the “Notice”).

The hearing was duly scheduled and noticed on February 24th for a March 10th hearing at the Town Hall beginning at 5:30. On February 24, 2026 the Gates notified the ZBA and the Town Clerk that Mrs. Gates and Mr. Gates were not available on March 10th.

The ZBA granted an extension of the hearing, but explained to the Gates that the ZBA would meet on March 10, 2026 for the sole purpose of continuing the hearing to March 24, 2026, without having to put another notice in the Rutland Herald.. Those involved were notified via email that the hearing would be continued to March 24th. On March 3rd, Mrs Gates advised the ZBA by email that she and her husband were available on the 24th.

At the hearing on March 10th Mr. and Mrs. Gates appeared and claimed that they were now available for a hearing that day. The Chair indicated that the Board had no prior notice that the Gates were now available . Due to the lack of timely notice that the Gates were available on March 10, time had not been set aside for their March 10 hearing and a separate matter was noticed for a meeting after the 15 minutes allotted to the hearing on the Gates Appeal.

The March 10th the hearing was continued to March 24. The Gates agreed they could make that date and time. The meeting was adjourned. Before she left the March 10th hearing Mrs. Gates took the copies of exhibits and a check for the fees for the appeal that she had laid in front of the Chair when she entered.¹

The hearing was held on March 24, 2026.

FINDINGS

1. The Gates’ property at 166 Terra Lane is in the Residence 2 Zone as set out in § 306 of the Mendon Zoning Ordinance (“MZO”) .

¹ The Gates have been parties or interlopers in many ZBA hearings over the last several years. In that time the Gates failed to pay the fees for other appeals that they had filed.

2. Home Occupations are permitted in Zone Residential 2 (§306 (b) (4))², but a Home Occupation use requires a permit from the Zoning Administrator and is also subject to the requirements of § 602.
3. The Gates carry on their cannabis (“ marijuana or pot”) business of cultivating marijuana indoors and manufacturing cannabis products in their house at 166 Terra Lane.
4. The Gates do not have a zoning permit to operate a home occupation on their property at 166 terra Lane or any other property they own in Mendon.
5. Section 602 states:
 - (a) **A person shall not commence a home occupation without a zoning permit.**
 - (b) Notwithstanding anything else in these regulations, these regulations shall not prevent a resident from using a minor portion of a dwelling for an occupation which does not change the character of the residential district. A home occupation may be carried on subject to the following:
 - (1) The business shall be operated wholly within the principal building and / or accessory structures on the lot;
 - (2) The business shall occupy an area no greater than the equivalent of 49% of the gross floor area of the principal building or 1,000 square feet, whichever is greater.
 - (3) Not more than three persons who are not residents of the dwelling may be employed in the business, and in any event the business shall not employ more than five employees including residents and non-residents;
 - (4) Obnoxious or excessive noise, smoke, vibration, dust, drainage, glare, odors, electrical interference or heat that is detectable at the boundaries of the lot on which the dwelling is located shall not be generated;
 - (5) No traffic shall be generated in substantially greater volume than normally exists in the neighborhood;
 - (6) No storage or display of goods shall be allowed outside existing buildings;
 - (7) Off-street parking shall be provided as required in Section 414; on-site parking shall be screened from public view.
 - (8) Any sign used shall be no larger than 12" X 24", shall not be lit, and shall not be placed within any public right of way. (Emphasis Added)
6. The Gates, run their marijuana business through a trade name “Weed Connections” and an LLC” Weed Connections LLC.”
7. The trade name has a Tier 1 indoor cultivator license (#SCLT0169, and the LLC has a Tier 1 manufacturing license #MANU0126.
8. The licenses are issued by the Cannabis Control Board (“CCB”) pursuant to 7 V.S.A. §843.
9. The indoor cultivator license was issued on Oct. 10, 2022 and the manufacturing license was issued on May 1, 2025.

² All reference to the MZO will just be the section numbers.

10. As indicated on their website (vtweedconnections.com) their licensed cannabis business is conducted in their home. The Gates CCB license limits the cultivation to 1000 square feet of cannabis. They also manufacture harvested cannabis, rolled cannabis cigarettes, cannabis edibles and cannabis oils.
11. The Gates did not indicate the amounts of their house was used under their CCB license to manufacture cannabis products.
12. The current and prior Zoning Administrators have received complaints from neighbors of the Gates about obnoxious odors coming from the Gates house.
13. The Gates received the Notice on January 27th. The Notice was described as “ 7 DAY NOTICE OF ZONING VIOLATION.”
14. In the Notice the Zoning Administrator told the Gates:

The violation exists as follows: Your State of Vermont Cannabis Control Board licenses as a cultivator and manufacturer identify your address of 166 Terra Lane as the business location for the company known as Weed Connection, or Weed Connections, LLC. You have not filed a permit application for the business(es) you are operating at this address. The State of Vermont records indicate this has been occurring for multiple years.

In conformance with 24 V.S.A. § 4451, you have seven days from the date of this notice to address this violation: submit a complete permit application identifying the primary structure and any other structures involved in this business operation, and address each component of Mendon Zoning Regulations Sec 602. Please understand that if you fail to correct this violation within seven days, a fine of [up to \$200] may be assessed each day the violation continues. Each day the violation continues constitutes a separate offense. In default of payment of the fine, you shall be required to pay double the amount of the fine until the violation ceases. It may also be necessary to turn the matter over to the Town Attorney to institute in the name of the Town of Mendon any action deemed appropriate by the Town. Such as an injunction or other proceeding to prevent, restrain, correct, or abate that construction or use, or to prevent, in or about those premises, any act, conduct, business, or use constituting a violation. Such court action may be initiated in the Environmental Court, or as appropriate, before the Judicial bureau. as provided in 24 V.S.A. §1974 a.1.

15. The Gates did not request a Permit for a Home Occupation after the Notice was sent out, notwithstanding that they were specifically notified that a Zoning Permit was required by Sections 302 and 602.
16. On February 3, 2026 the Gates filed an appeal of the Zoning Administrator's Notice.
17. At the March 24th hearing Mr and Mrs Gates were present and the Mendon Zoning Administrator, Greg Smith, was also present. The Gates and Mr. Smith were the only persons who were going to testify and they were all duly sworn in .
18. The Chair reminded the parties that the Town of Mendon has rules for Conduct

and Procedure at Public Meetings which includes:

- a. That members of the public must be acknowledged by the chair before speaking; and
 - b. Order and decorum must be observed by all persons present, they should not delay or interrupt anyone speaking. Those present are prohibited from making personal, impertinent, threatening or profane remarks.
19. The Chair also advised the parties that the Gates would first proceed with their testimony and evidence in support of their Appeal; Mr. Smith would follow up with time to ask questions of the Bates and after his questions of the Gates, Mr Smith would proceed with his testimony and evidence in Support of the Notice. After Mr. Smith finished the Gates would, one at a time, be allowed to ask Mr. Smith about his testimony and exhibits.
 20. The Gates did not pay attention to any of these rules and talked interrupting other persons and talking before they were acknowledged by the Chair. Mrs. Gates routinely raised her voice and told her husband to “be quiet’ or “shut up.”
 21. Mr. Gates would only follow his wife’s directions and consistently ignored the Chairs directions to stop interrupting or asking questions out of order.
 22. Both Gates also repeatedly directed questions or accusations at Mr. Smith directly. The interruptions and interjections also concerned other matters the Gates had been involved with in other ZBA hearings which were not relevant to the Appeal that was before the ZBA on March 24th..
 23. When Mrs. Gates was asked what they were doing in her house for the Weed Connections business. Mrs. Gates refused to answer that question.
 24. Mrs. Gates went on to say she and her husband were not willing to reveal any information about their cultivation of the cannabis or the manufacturing of cannabis products. She then turned around and spoke to Mr. Smith and said “you are trying to take our home away from us.”
 25. Following that statement, Mrs. Gates stated that they can’t show anyone where they do their business in their house claiming it would be very dangerous for them because” junkies will come and rob us and possibly kill us”- she stated, “ it has happened before and we had guns pointed at our heads.”
 26. Both of the Gates repeatedly said they were not getting any Zoning Permit, claiming the Town could not make them get a Zoning Permit for a Home Occupation.
 27. Mr. Gates testimony consisted of arguing that he had businesses at his house for more than 15 of years and any claim that they needed a Zoning Permit was barred by the statute of limitation set out in 24 V.S.A. §4454³
 28. Mr. Smith began his testimony after Mr. Gates finished and stated that the Notice was only directed at the Cannabis Cultivation and Manufacturing which began at

³ [24 V.S.A. § 4454](#) establishes a **15-year statute of limitations** for most municipal land use enforcement actions, beginning from the date the violation first occurred.

earliest in 2022 (for the Cultivation Lic. No. SCLT0169) and for the manufacturing (Lic. No. MANU0126) in 2025).

29. Mr. Gates also argued that he had raised cannabis on his property for at least 15 years prior to the Notice was sent out; arguing that would push his business of raising cannabis back to 2011. Such cultivation and possession, even for personal use, was illegal until 2018. Commercial cultivation was not legal until a license was issued ,and licenses were not by issued the Vermont Cannabis Control Board until May 2022.
30. The Gates home at 166 Terra Lane has one floor and the residence includes 1505 square feet. The 1000 square feet of the cannabis cultivation business takes up 67% of the entire floor space. ⁴

Conclusions of Law

Section 602 of the MZO states that “A person shall not commence a home occupation without a zoning permit.” The Gates have refused to seek a a zoning permit for their home occupation before engaging in their cannabis cultivation and manufacture of cannabis product such as- rolled cannabis cigarettes, edibles and cannabis oils.

Municipalities may regulate cannabis establishments to the same extent they regulate any other business through [zoning bylaws](#) (under 24 V.S.A. § 4414).

The Town of Mendon is permitted to hold a home occupation of a cannabis business to the same ordinance that would apply to a non-cannabis business of similar character. 7 V.S.A. §863.

While a Town could not prohibit the right of any resident to use a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located. Towns can and do make ordinances that require home occupations are subject to meeting the conditions set by the town zoning ordinance. 24 V.S.A. §4412(4).

Section 602 is a valid exercise of the Town of Mendon’s powers to regulate home occupations and to limit home occupations – (1) to a use of a minor portion of the dwelling, (2) which is an occupation which is customary in residential areas, and which doesn’t have an undue adverse effect upon the character the residential zone .

Cannabis cultivation is not a “customary’ home occupation. As Mrs. Gates testified, addicts and others who became aware of where the Gates’ cannabis

⁴ The Property Data base -Detail Result for parcel 030220000, available on the Town of Mendon Website – mendontvt.gov

cultivation there was a burglary by armed criminals and had the burglars pointed guns at the Gates' heads

The entities licensed by the Vermont Cannabis Control Board ("CCB") are listed with the CCB and the Secretary of State's office. Each of those filings or recordings include the address of 166 Terra Lane as the address for the business.

Prior to the licensing, cultivation and possession of cannabis even for personal use was illegal until 2018 . Commercial cultivation was not legal until a license was issued, and licenses were not issued by the CCB until May 2022. As Mrs. Gates testified, the cannabis they grow and the cannabis products they make, creates an attraction for "pot heads, addicts, and criminals" induced by knowledge that the Gates are growing pot in their house. The Gates' concern for their own safety, was one of the reasons they refused to describe where and how the cannabis business was being carried on in their house.

Attraction of potential criminals into the neighborhood and odors are an undue adverse effect on the neighborhood.

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 Conclusions of Law and provisions of the Mendon Zoning Regulations, the Mendon Zoning Board of Adjustment hereby **denies** the Gates appeal. The "7 DAY NOTICE OF ZONING VIOLATION" was and 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: April 30, 2026

s/ *John J. Kennelly*

John J.Kennelly, Chair

Teri Corsones

Harvey Zara

Susannah Lofredo

