Town of Panton Chartered 1761

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Development Review Board/Planning Commission

Meeting minutes
October 9th, 2025

Present: DRB/PC Chair Jamie Dayton, DRB/PC Member Dennis Mueller, DRB/PC Member Logan Roth-Longe, Town Clerk/Treasurer Kyle Rowe, Zoning Administrator David Martini, Panton Town Attorney Leslie Cadwell, Armando Martinez, Attorney Kevin Brown, Skip Masback, Amy Masback, Jane Rice, Sharon Ashcraft

DRB meeting.

1. Jamie called the meeting to order at 6:03 p.m.
2. There were no additions or deletions to the agenda.
3. Jamie asked for a motion to approve the minutes from the August DRB meeting, Dennis moved that the minutes be approved, Logan seconded-ALL IN FAVOR
4. Jamie proceeded to the Hearing regarding the Notice of Violation Appeal by MSFE LLC (404 Staton Drive) represented by Armando Martinez and Atty. Kevin Brown.
    a. Jamie swore in all those who would be offering testimony (Armando Martinez and David Martini) Both persons agreed under the penalties of perjury to give a truthful account.
    b. David began by stating this was an appeal of the Notice of Violation (NOV) from May of 2025.
    c. The owner of the parcel had originally filed a permit application for the installation of a basketball court in 2021, which the ZA denied.
        i. A copy of the 2021 application and denial was submitted for the record\
    d. The original application was denied due to front and side yard setback requirements.
        i. The Town Zoning Regulations require permitted construction to be 90ft from the road (in this case, the road is private and it would be 90ft from the property line) and 50 feet from each side boundary.
    e. David submitted an additional document for the record, a copy of the original wastewater permit issued from the Vermont DEC. Attached to this submission

was a map from Lincoln Applied Geology showing the proposed site of the basketball court.

f. The ZA suggested that the DRB contact the Vermont DEC and require the DEC to re-assess the court, its location, and its relation to the mound system.
g. The ZA stated that there is an existing court on the property. He added that Mr. Martinez had the second court installed at the time when his 2021 permit application had been denied.
h. The ZA provided the definition of "structure" from the Town zoning regulations.
i. The ZA added that clearly the court is attached to the ground, as is the hoop and back court.
j. Numerous truckloads of material were brought in during the construction of the court as well, and no permit was requested by the applicant to comply with regulations and permitting needed to fill.
k. The ZA then opened himself for questions. There were none at the moment.

5. Armando Martinez read from a prepared statement;
    a. He asked the DRB the question of why the ZA hadn't recused himself from this matter, as was ordered by the previous DRB.
    b. He noted instances of treatment from the ZA that he found unacceptable.
    c. He reviewed multiple instances where he thought the ZA had inserted himself into his affairs without authority, and discussed instances of perceived harassment and selective enforcement of the zoning regulations.
    d. He mentioned the way in which this notice had been handled, and repeatedly asked why the ZA had pursued this matter, in opposition to the previous DRB chair's instructions.
    e. Mr. Martinez submitted multiple documents detailing some of the specific complaints (DOCUMENTS ON FILE WITH ZONING FILES IN TOWN OFFICE)
    f. He asked the DRB to follow up on what the previous DRB had started, and remove the ZA from a position of authority on this issue.
6. David Martini's response
    a. The Town ZA categorically denied each of the accusations brought by Mr. Martinez.
    b. He reviewed and made specific mention of many of the direct accusations and strongly denied their veracity.
7. Additional Questions
    a. Logan asked if there was a permit issued, with a survey or plan attached?
        i. Mr. Martinez responded that a permit had been granted from the state, and that it was on file.
    b. Logan asked if they knew about impermeable surfaces in relation to the location of the mound system
        i. Mr. Martinez responded that it was not his best interest to build on top of a mound system. Lincoln Applied Geology changed the plans to accommodate the location in relation to the mound.
    c. It was again noted by Attorney Brown and Mr. Martinez that Mr. Martinez had suffered harassment by the ZA, and a number of issues were re-discussed in relation to that.
8. Specific Arguments

a. Jamie asked Attorney Brown if he had any specific arguments to make in this case, while also noting that the DRB is not in a position to comment on the decisions and discussions of past DRBs.
b. Attorney Brown was sworn in;
    i. He noted that the Supreme Court has weighed in on this issue in several prior cases, and that incidental recreational activities are outside of zoning regulations.
    ii. Even if the regs did apply, they don't matter, as there is no jurisdiction. Subject matter jurisdiction can't be waived.
    iii. Whatever happened in 2021 with the first court, doesn't matter. Subject matter jurisdiction doesn't exist on this issue.
    iv. The Town zoning regulations don't cover the court.
    v. Zoning and hearings regarding zoning matter must be construed against the town, in favor of the owner.
    vi. There is no setback regulation in the ordinance, no mention in the district definitions. Section 103A refers to distances to buildings.
    vii. The court isn't subject to setback requirements because it is not a building.
    viii. Definition of a yard vs a setback, "side yard" not mentioned at all.
    ix. Setback doesn't apply, and no violation exists because it's not a building
    x. The Panton ZA's definition of structure in this case would lead to including things like driveways.
    xi. The fill issue is not applicable in this NOV, not part of the original Notice.
    xii. The court is not a building, buildings have a roof, "yard" applies to building only not structures that are not buildings.
    xiii. Section 301 (B), exempt structures, 9 examples, number 6 is under discussion, and no distance requirements are in that definition. Other subsections have distance requirements.
    xiv. Attorney Brown, at the prompting of the Panton ZA, reads the introduction to the Article 3 of the Town Zoning Regulations.
c. Logan asked if this parcel was a small lot?
    i. Attorney Brown stated it was a non-conforming small lot, that pre-existed zoning. This lot actually combined two lots.
d. Jamie asked if the first NOV from 2021 was ever appealed?
    i. Attorney Brown said no.
e. Dennis stated that he was taking it all in, the hearing was a lot of info he wasn't aware of.
f. Logan asked if all the applicable state permits were acquired, lakeshore, waste water?
    i. Attorney Brown and Mr. Martinez stated that this plan is from 2025, it should be the latest, and that they got the necessary permit for waste water.
g. Attorney Brown stated that no evidence has been submitted that the court is within the side yard setback. Mr. Martinez added that they were permitted for a large size, but went with a smaller size.
h. Dennis asked who drew the court onto the plans?
    i. Mr. Martinez answered Lincoln Geology.
i. Logan asked if there was an official survey?
    i. Mr. Martinez said no.

    j. Various comments were made on the listed plan, and how something seemed off, or out of scale in regards to them. It was noted by both the DRB and Mr. Martinez that the plans don't seem accurate.
9. Logan made a motion to enter deliberative session, inviting Attorney Leslie Cadwell and David Martini, at 7:00 pm, Dennis seconded-**ALL IN FAVOR**
10. The DRB came out of deliberative session at 7:21pm
11. The 1968 Lee Lowell survey of the Staton Drive was entered into the record.
12. Jamie made a motion to continue the hearing on the 13th of November, with several factors;
    a. A site visit was planned for Tuesday, October 14th at 5pm.
    b. The DRB was requesting As Built Site Plans, with a survey showing the court in relation to property lines.
13. There was no Public Comment
14. Dennis made a motion to adjourn the DRB at 7:26 pm, Logan seconded-**ALL IN FAVOR**
15. Jamie called the Planning Commission meeting to Order at 7:27 pm
16. Logan motioned to accept the minutes from the August PC meeting, Jamie seconded-**ALL IN FAVOR**
17. Jamie provided the board with an update to the Municipal Planning Grant;
    a. The Selectboard had approved the application for the MPG
    b. It would be for approximately $2k less than last time.
    c. The PC, Town Clerk, and ACRPC would be working hard on it.
    d. The C/T added that the Enhanced Energy Plan was separate, and ideally be handled completely by a separate grant through ACRPC.
    e. Sharon Ashcraft stated that the size of the approved solar areas should be reduced.
18. Jamie mentioned an email from Gretchen discussing support of the Future Land Use maps and the overall plan, and that aiming for continuing down that road was important for future development. The PC will continue to work on making sure the FLUs match the Town goals.
19. Public Comment
    a. Sharon Ashcraft asked if farms were exempt from the Town ROW Ordinance.
    b. She also asked if the minutes for the Tree Committee were being taken and what is happening with South Road Trail.
        i. The Planning Commission did not have anything to add to these questions.
20. Dennis made a motion to adjourn, Logan seconded-**ALL IN FAVOR**