Town of Panton Chartered 1761

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Development Review Board/Planning Commission

Special Meeting minutes (Revised)
November 13th, 2025

Present: DRB/PC Member Gretchen Bailey, 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, Jane Rice, Sharon Ashcraft

Via Zoom: Skip Masback, Amy Masback

DRB meeting

1. Gretchen called the meeting to order at 6:03 p.m.
2. There were no additions or deletions to the agenda.
3. Gretchen asked for any additions/edit to the October meeting minutes. Atty. Brown said that on page 3, b.ii. the word at the end of the second sentence should be 'waived'. The sentence should read: "Subject matter jurisdiction can't be waived." No other changes were requested. Gretchen asked for a motion to approve the minutes as amended from the October DRB meeting, Dennis moved that the minutes be approved as amended, Logan seconded-ALL IN FAVOR.
4. Gretchen called for nominations for DRB secretary. After explaining that this entails writing decisions made by the DRB, Logan said he was willing to serve. Gretchen moved to nominate Logan. Dennis seconded-ALL IN FAVOR.
5. Gretchen then 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. Kevin distributed a copy of the 'as built' site plan for the basketball court. He stated that the basketball court was a '*de minimus'* recreational space and that it was not a 'structure' by definition. It should therefore not be subject to local zoning regulations as required for a building.

   b. Questions arose regarding the amount of fill that was brought in to build the court. This would have a direct effect on the mound system just under the west side of the court. Mr. Martinez stated that they didn't bring in any fill.
   c. Leslie stated that the Supreme Court has ruled on similar cases in the following way: (1) the extent to which the use is explicitly addressed in the zoning ordinance, (2) the land disturbance created by the use, (3) the size of the use's footprint relative to the overall lot size, (4) the type of materials used, (5) the use's potential impact on health and safety, (6) whether the use is recreational, and finally, (7) whether the outcome aligns with the goals of zoning
   d. David read from Panton Zoning Regulations, Section 525 regarding the use of fill. Atty. Brown also noted that other towns have thresholds for the amount of fill that is permitted to be added. Panton does not have such a restriction. Furthermore, no amount of fill was mentioned in the permit request.
   e. Questions were raised whether fill is mentioned in permit applications or approvals. Kyle said he has seen it in prior permit applications and permits.
   f. Gretchen asked about the shape of the mound system. She said most need to stay the same shape, but the applicants is different.
   g. Leslie commented on decisions made by the Supreme Court in this regard.
   h. No further questions or comments were raised.
6. Dennis moved that the DRB move into deliberative session to discuss the appeal. Logan seconded. ALL IN FAVOR.
   a. Gretchen asked that David Martini join the committee for the discussion.
   b. Atty. Brown argued that Mr. Martini should not be permitted to join the committee given previous concerns raised by Mr. Martinez.
   c. Leslie recommended that Mr. Martini not participate in the session. Questions may be presented to him after the session if necessary.
   d. The DRB and Atty. Cadwell moved their discussion downstairs to the town office at 6:21 p.m.
   e. At 6:44 p.m. the committee returned to the meeting space. Logan moved that the committee exit deliberative session, Dennis seconded. ALL IN FAVOR
   f. The lister card for the property was entered into the record. The site plan for the basketball court and the wastewater permit are already in the record. Atty. Brown also entered the zoning permit for the mound into the record.
   g. Gretchen stated that evidence was closed and no further items would be accepted at 6:47 p.m. The DRB will provide an answer to Mr. Martinez and Atty. Brown within 45 days.
7. There was no Public Comment.
8. There was no old or new business to discuss.
9. Dennis made a motion to adjourn the meeting AT 6:48 p.m., Logan seconded. ALL IN FAVOR.

<u>PC meeting</u>

1. Gretchen called the Planning Commission meeting to order at 6:49 p.m.
2. Logan motioned to accept the minutes from the October PC meeting, Dennis seconded. ALL IN FAVOR.

3. Gretchen made a motion to nominate Logan as secretary of the Planning Commission, Dennis seconded. ALL IN FAVOR. With no other nominations, the commission voted Logan into the position. Gretchen made the motion, Dennis seconded. ALL IN FAVOR.
4. Kyle gave an update on the Municipal Planning Grant.
    a. Originally the total approved was $17,000, but Addison County Regional Planning increased our amount to $19,000. With cost share at 10%, our contribution will be $1,900.
    b. The Selectboard has approved and the budget has been updated.
5. There was no public comment
6. Old/New Business
    a. Kyle stated that there would be zoning changes to discuss at next meeting, Dec. 11. There are updates required to our zoning maps as many districts are unclear.
    b. He reported that we received the Arnold Bay grant. He has already spoken with the Vorstevelds about changes related to parking. He is reaching out for bids on the work.
    c. The committee working on the boundary dispute will be bringing proposals to each town in the near future.
7. Dennis made a motion to adjourn the meeting at 7:00 p.m., Logan seconded. ALL IN FAVOR.

Respectfully submitted,

Donna Oliver
Asst. Town Clerk