

VERMONT SUPERIOR COURT, ENVIRONMENTAL DIVISION

Minck v. Town of Georgia

Minck · No. 25-ENV-00127 · Decided June 11, 2026

SUMMARY

The Vermont Superior Court, Environmental Division, grants the Town of Georgia’s motion to dismiss Kenneth Minck’s challenge to amended zoning regulations. The court concludes that it lacks jurisdiction because the appeal challenges the Selectboard’s legislative adoption of the regulations rather than an appealable decision of an appropriate municipal panel. The court also denies amendment of the Statement of Questions as futile and dismisses the matter without reaching standing.

CASE DETAILS

COURT	Vermont Superior Court, Environmental Division
WRITING FOR THE COURT	Thomas G. Walsh
JURISDICTION	Vermont Superior Court, Environmental Division
DECIDED	June 11, 2026
DOCKET	25-ENV-00127
DISPOSITION	dismissed
PROCEDURAL POSTURE	The Town moved to dismiss Minck's appeal from the Town Selectboard's adoption of amended zoning regulations for lack of subject matter jurisdiction. Minck opposed the motion and filed a purported cross-motion, which the court construed as an opposition to dismissal.
STANDARD OF REVIEW	On a motion to dismiss for lack of subject matter jurisdiction under V.R.C.P. 12(b)(1), the court accepts uncontroverted factual allegations as true and construes them in the light most favorable to the nonmoving party.
PRECEDENTIAL VALUE	Unknown; entry order with no reported citation
PARTIES	Kenneth C. Minck v. Town of Georgia

TOPICS

- subject matter jurisdiction
- motions to dismiss
- appellate procedure
- ordinances
- municipal law

PRACTICE AREAS

municipal law

environmental law

zoning and land use

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the Vermont Superior Court, Environmental Division had subject matter jurisdiction over a direct appeal from the Selectboard's legislative adoption of amended zoning regulations.
2. Whether the Planning Commission's preparation, report, or vote concerning proposed zoning amendments constituted an appealable decision within the Environmental Division's jurisdiction.
3. Whether a petition under 24 V.S.A. § 4442(d) constituted an appeal to an appropriate municipal panel or to the Environmental Division.
4. Whether Minck's proposed amendments to his Statement of Questions should be allowed.
5. Whether the court needed to decide Minck's standing.

HOLDINGS

1. The Environmental Division lacked subject matter jurisdiction over Minck's direct challenge to the Selectboard's legislative adoption of amended zoning regulations because the Selectboard's adoption of the regulations was a legislative act, not a development-review decision appealable to an appropriate municipal panel and then to the Environmental Division.
2. The Planning Commission's report and vote concerning proposed zoning amendments were not the adoption of the regulations and did not constitute an appealable decision within the Environmental Division's jurisdiction.
3. The court could not consider Minck's assertion that the Planning Commission's vote was improper because of a conflict of interest where that issue was not raised in the Statement of Questions and was not intrinsic to any question presented.
4. A voter petition under 24 V.S.A. § 4442(d) is a separate legislative and electoral process, not an appeal to an appropriate municipal panel or to the Environmental Division, and therefore did not confer jurisdiction over Minck's action.

KEY QUOTATIONS

“This Court is one of limited jurisdiction.” (at 2)

“The petition is a separate legislative process outside of this Court’s appellate process and does not go to an appropriate municipal panel but instead, if properly filed, provides an avenue for an electoral process.” (at 4)

FACTUAL BACKGROUND

The Town of Georgia Selectboard adopted amended zoning regulations on October 13, 2025. Kenneth Minck challenged the amendments based on alleged conflicts with the Vermont Shoreland Protection Act and the applicable Town Plan. He also attempted to challenge the Planning Commission's earlier report and vote and

filed a voter petition under 24 V.S.A. § 4442(d), but the court determined that these acts did not create an appeal within the Environmental Division's jurisdiction.

PROCEDURAL HISTORY

Minck appealed the Town Selectboard's October 13, 2025 adoption of amended zoning bylaws, asserting noncompliance with the Vermont Shoreland Protection Act and inconsistency with the Town Plan. He later sought to amend his Statement of Questions to challenge the Planning Commission's report and vote. The Environmental Division granted the Town's motion to dismiss, denied the amendment as futile, and dismissed the matter for lack of subject matter jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Rheaume v. Pallito, 2011 VT 72, ¶ 2, 190 Vt. 245
- In re Appeal of JAM Golf, LLC, 2008 VT 110, ¶ 17, 185 Vt. 201
- Gould v. Town of Monkton, 2016 VT 84, ¶ 16
- Harvey v. Town of Waitsfield, 137 Vt. 80, 83 (1979)
- Bennington Plan Entergy Element, No. 20-2-18 Vtec, slip op. at 5-6 (Vt. Super. Ct. Env'tl. Div. July 11, 2018)
- Vill. of Woodstock v. Bahramian, 160 Vt. 417, 424 (1993)
- In re LaBerge NOV, 2016 VT 99, ¶ 15
- In re Jolley Assocs., 2006 VT 132, ¶ 9, 181 Vt. 190
- In re Atwood Planned Unit Dev., 2017 VT 16, ¶ 17