Vermont Superior Court
Filed 11/10/26
Environmental Division

VERMONT SUPERIOR COURT
Environmental Division
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Docket No. 26-ENV-00053

166 Terra Lane Home Occupation Permit

ENTRY REGARDING MOTION

Title: Motion to Dismiss Case as Moot and Cancel Hearing (Motion: 5)

Filer: Brian Gates; Carol Gates

Filed Date: November 9, 2026

Memorandum in Response to Motion, filed on November 10, 2026, by Zachary I. Handelman, Esq.

Carol and Brian Gates (Appellants) move this Court to cancel the trial currently scheduled for November 17, 2026 and to dismiss the pending appeal with prejudice as moot. This matter is an appeal of a Notice of Violation issued against Appellants regarding use of their property having an address of 166 Terra Lane, Mendon, Vermont (the Property) as a home occupation without a zoning permit. Subsequent to the issuance of the Notice of Violation, Appellants applied for the required home occupation permit. The Town Zoning Administrator approved the home occupation permit on November 7, 2026.

The approval and issuance of the permit resolves the underlying compliance concerns and violations that formed the basis for the Notice of Violation.

On November 10, 2026, the Town of Mendon (the Town), responded to Appellants' Motion to Cancel Scheduled Trial and Dismiss Matter as Moot. The Town asserts that the Court should await the expiration of the statutory permit appeal period relating to the recently issued home occupation permit prior to dismissing the pending appeal.

The Court agrees that dismissal of this appeal should follow the expiration of the appeal period. The currently scheduled trial, however, falls within that appeal period. It would be inefficient to hold trial as scheduled given the issuance of the permit its potential to resolve this

appeal. Accordingly, the trial scheduled for November 17 is cancelled. The Court will set this matter for a status conference on December 21, 2026. At the status conference, the parties should be prepared to inform the Court as to the status of the home occupation permit and discuss whether this matter should be dismissed or the trial rescheduled. Should no appeal of the home occupation permit occur and that permit becomes final, the parties may submit a stipulated filing informing the Court of its finality and seeking dismissal at that time. If such a filing is made, the Court will cancel the December status conference.

Electronically signed November 10, 2026 pursuant to V.R.E.F. 9(D).



Thomas G. Walsh, Judge
Vermont Superior Court