

1 S.65

2 Introduced by Senators Lyons and Hartwell

3 Referred to Committee on

4 Date:

5 Subject: Land use; historic downtown development; Vermont neighborhoods;
6 appeals

7 Statement of purpose: This bill proposes to require that designated Vermont
8 neighborhoods contain the characteristics specified by existing statute, rather
9 than contain those characteristics substantially; to define the term “contiguous”
10 as it would apply to a Vermont neighborhood under 24 V.S.A. chapter 76A;
11 and to provide for appeals of Vermont neighborhood designations to the
12 environmental court.

13 An act relating to Vermont neighborhood designations and appeals of such
14 designations

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 24 V.S.A. § 2791 is amended to read:

17 § 2791. DEFINITIONS

18 As used in this chapter:

19 * * *

1 (15) "Vermont neighborhood" means an area of land that is in a
2 municipality with an approved plan, a confirmed planning process, zoning
3 bylaws, and subdivision regulations, and is in compliance with all the
4 following:

5 (A) Is located in one of the following:

6 (i) a designated downtown, village center, new town center, or
7 growth center; or

8 (ii) an area of land that is within the municipality and outside but
9 contiguous to a designated downtown, village center, or new town center and
10 is not more than 100 percent of the total acreage of the designated downtown,
11 50 percent of the village center, or 75 percent of the new town center.

12 (B) Contains ~~substantially~~ all the following characteristics:

13 (i) Its contiguous land, if any, complements the existing
14 downtown district, village center, or new town center by integrating new
15 housing units with existing residential neighborhoods, commercial and civic
16 services and facilities, and transportation networks, and is consistent with
17 smart growth principles.

18 (ii) It is served by either a municipal sewer infrastructure or a
19 community or alternative wastewater system approved by the agency of natural
20 resources.

1 Act 250 review of municipal impacts are not subject to appeal but shall serve
2 as presumptions under chapter 151 of this title.

3 (2) Notwithstanding subdivision (1) of this subsection, an interested
4 person may appeal an act or decision under 24 V.S.A. chapter 117 if the
5 environmental judge determines that:

6 (A) there was a procedural defect which prevented the person from
7 obtaining interested person status or participating in the proceeding;

8 (B) the decision being appealed is the grant or denial of interested
9 person status; or

10 (C) some other condition exists which would result in manifest
11 injustice if the person's right to appeal was disallowed.

12 (3) Within 30 days of the date of the act or decision, any person
13 aggrieved by an act or decision of the Vermont downtown development board
14 under 24 V.S.A. § 2793d may appeal to the environmental court.

15 (c) Notice of the filing of an appeal.

16 * * *

17 (4) In the case of an appeal of an act or decision of the Vermont
18 downtown development board under 24 V.S.A. § 2793d, the appellant shall
19 provide notice of the filing of an appeal to the following persons, if other than
20 the appellant: the municipality the application of which for a Vermont
21 neighborhood designation is the subject of the act or decision being appealed;

1 the planning commission for that municipality; the regional planning
2 commission in which that municipality is located; if the proposed Vermont
3 neighborhood is located on a municipal boundary, any adjacent Vermont
4 municipality and the municipal and regional planning commissions for that
5 municipality; the Vermont downtown development board; and all persons on
6 any mailing list of the Vermont downtown development board for the decision
7 involved. The Vermont downtown development board shall promptly notify
8 each of its members of the filing of the notice of appeal. In addition, the
9 appellant shall publish notice not more than 10 days after providing notice as
10 required under this subdivision, at the appellant's expense, in a newspaper of
11 general circulation in the area of the proposed Vermont neighborhood which is
12 the subject of the decision.

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