ENVIRONMENTAL, ENERGY, AND TELECOMMUNICATIONS PERMIT PROCESS AND APPEALS AS OF 6/29/16

VERMONT SUPREME COURT

"on the record" review of Environmental Division and Public Service Board decisions

Appeal (up)

Remand (down)

SUPERIOR COURT: ENVIRONMENTAL DIVISION

de novo hearing, except "on the record" when the appeal is from (1) a municipality that meets the requirements to have such review or (2) an act or decision on heavy cutting

Appeal (up)

Remand (down)

PUBLIC SERVICE BOARD

- Certificates of public good for electric generation and transmission and natural gas facilities
- Certificates of public good for telecommunications facilities
- Appeals of ANR decisions on renewable energy and telecommunications facilities (de novo)

AGENCY OF NATURAL RESOURCES

Acts or decisions on:

- Air pollution control
- Aquatic species control
- Battery collection and disposal
- Beverage containers; deposit
- Dams
- Electronic waste
- Endangered species (takings)
- Flood hazard areas
- Groundwater protection
- Heavy cutting
- Lakes and ponds
- Liquid storage tanks
- Public water supply; aid to towns
- Stream flow
- Waste management
- Water pollution control
- Water supply and wastewater
- Wetlands

Rebuttable presumptions

Substantial deference, ANR technical determinations

ACT 250

Acts or decisions of:

- District Commission on an application for a permit, partial findings, or downtown development findings
- Natural Resource Board, growth center findings
- District coordinator jurisdictional opinions

Rebuttable presumptions

LOCAL REVIEW, ACT 250 MUNICIPAL IMPACT CRITERIA

LOCAL LAND USE REVIEW

Acts or decisions of an "appropriate municipal panel" on:

- Conditional use review
- Design review
- Flood hazard bylaw review
- Planned unit development
- Site plan review
- Subdivision review
- Variances and waivers
- Other local land use matters

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