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\* \* \* Appeals Excerpt \* \* \*

\* \* \* Standard of Proof and Priority for hearing of Housing Appeals \* \* \*

**Sec. 9.** 10 V.S.A. §8504 is amended to read:

§8504. APPEALS TO THE ENVIRONMENTAL DIVISION

\* \* \*

(h) De novo hearing. The Environmental Division, applying the substantive standards that were applicable before the tribunal appealed from, shall hold a de novo hearing on those issues that have been appealed, except in the case of:

(1) a decision being appealed on the record pursuant to 24 V.S.A. chapter 117;

(2) a decision of the Commissioner of Forests, Parks and Recreation under section 2625 of this title being appealed on the record, in which case the court shall affirm the decision, unless it finds that the Commissioner did not have reasonable grounds on which to base the decision;

(3) a decision from an appropriate municipal panel on a housing development, in which case to prevail, a party appealing the decision shall demonstrate **the decision is inconsistent with** the municipal bylaw or land use regulation that directly affects the property.

\* \* \*

1 (k) Limitations on appeals. Notwithstanding any other provision of this  
2 section:

3 (1) there shall be no appeal from a District Commission decision when  
4 the Commission has issued a permit and no hearing was requested or held, or  
5 no motion to alter was filed following the issuance of an administrative  
6 amendment;

7 (2) a municipal decision regarding whether a particular application  
8 qualifies for a recorded hearing under 24 V.S.A. § 4471(b) shall not be subject  
9 to appeal;

10 (3) if a District Commission issues a partial decision under subsection  
11 6086(b) of this title, any appeal of that decision must be taken within 30 days  
12 following the date of that decision; ~~and~~

13 (4) it shall be the goal of the Environmental Division to issue a decision  
14 on a case regarding an appeal of an appropriate municipal panel decision under  
15 24 V.S.A. chapter 117 within 90 days following the close of the hearing; ~~and~~

16 (5) except for cases the Court considers of greater importance, appeals  
17 of an appropriate municipal panel decision under 24 V.S.A. chapter 117  
18 involving housing development, take precedence on the docket over other  
19 cases and shall be assigned for hearing and trial or for accordingly.

20 \* \* \*

21 \* \* \* Municipal Appeal Standing \* \* \*

1 **Sec. 10.** 24 V.S.A. § 4465 is amended to read:

2 § 4465. APPEALS OF DECISIONS OF THE ADMINISTRATIVE OFFICER

3 \* \* \*

4 (b) As used in this chapter, an “interested person” means any one of the  
5 following:

6 \* \* \*

7 (3) A person owning or occupying property in the immediate  
8 neighborhood of a property that is the subject of any decision or act taken  
9 under this chapter; or who can demonstrate a ~~physical or environmental impact~~  
10 ~~on the person’s particularized~~ interest under the criteria reviewed, and who  
11 alleges that the decision or act, if confirmed, will not be in accord with the  
12 policies, purposes, or terms of the plan or bylaw of that municipality.

13 ~~(4) Any 20 persons who may be any combination of voters, residents, or~~  
14 ~~real property owners within a municipality listed in subdivision (2) of this~~  
15 ~~subsection who, by signed petition to the appropriate municipal panel of a~~  
16 ~~municipality, the plan or a bylaw of which is at issue in any appeal brought~~  
17 ~~under this title, allege that any relief requested by a person under this title, if~~  
18 ~~granted, will not be in accord with the policies, purposes, or terms of the plan~~  
19 ~~or bylaw of that municipality. This petition to the appropriate municipal panel~~  
20 ~~must designate one person to serve as the representative of the petitioners~~  
21 ~~regarding all matters related to the appeal. For purposes of this subdivision, an~~

1 ~~appeal shall not include the character of the area affected if the project has a~~  
2 ~~residential component that includes affordable housing.~~

3       (5) Any department and administrative subdivision of this State owning  
4 property or any interest in property within a municipality listed in subdivision  
5 (2) of this subsection, and the Agency of Commerce and Community  
6 Development of this State.