Joint Legislative Environmental Oversight Committee

October 7, 2026

Appeals Study & Report

Land Use Review Board
Brooke Dingledine, Board Member
Peter Gill, Executive Director

Act 181 of 2026 – Appeals Report Legislative Charge

Section 11a delineates the scope of the Appeals Study and specifies the essential Board recommendations to be made on the following key issues:

- Whether appeals of Act 250 permit decisions and jurisdictional opinions should be transferred to the Board or remain with the Environmental Division of the Superior Court.
- Whether appeals of Agency of Natural Resources (ANR) and municipal land use decisions should be transferred to the Board for consolidation with Act 250 appeals or remain with the Environmental Division of the Superior Court, and how to consolidate.
- Strategies to prioritize and expedite appeals related to housing projects.
- Establishing procedural rules for the Board's administration of Act 250 and the adjudication of appeals.
- Identifying actions to enhance the efficient and effective adjudication of appeals, including procedural improvements to the Act 250 permitting process and jurisdictional opinion appeals.

Appeals Report Recommendations

	Key Issue	Board Recommendation
#1	Whether to transfer Act 250 Appeals to the Board?	Yes.
#2	Whether to transfer Municipal Appeals to the Board for consolidated hearing with Act 250 Appeals?	Yes, give Applicants the option to transfer a Municipal Appeal to the Board for consolidation with an Act 250 Appeal of the same project.
#3	Whether to Transfer ANR Appeals to the Board for consolidated hearing with Act 250 Appeals?	No. ANR Appeals should stay with the Environmental Division.

Appeals Report Recommendations Continued

	Key Issue	Board Recommendation
#4	How to prioritize/expedite Housing Appeals?	Transfer Municipal Appeals of: - Tier 1A (all permits) - Tier 1B (housing permits only) to the Board for adjudication.
#5	Board Rules of Appellate Procedure	Proposed Board Rules include the use of hearing officers, board panels, firewall protections; but eliminates discovery and limits motion practice.

Appeals Report Recommendations Continued

	Key Issue	Board Recommendation
#6	Other Improvements for efficient and effective appeals, including Act 250 permitting & JO appeals?	1. Prioritize Act 250 housing applications 2. Amend VRECP Rule 5 3. Update Act 250 Rules 4. Update Procedural Rules 5. Develop policy directives 6. Clarify the Board's role in appeals 7. Evaluate appeals for early motion practice 8. Enhanced training for District Commissioners 9. Public outreach, education & engagement 10. Study whether and where to establish a Permit Specialist/ Ombuds Office

Helpful links:

Appeals Report Webpage

Act 250 Appeals Report

Questions

Contact:

Land Use Review Board

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