

## § 5.7 Appeals

**(A) Administrative Officer Actions.** Any interested person as defined under 24 V.S.A. §4465 may appeal a decision or act of the Administrative Officer (AO) **within 15 days following the date of the decision or act by filing a notice of appeal with the secretary of the DRB or the municipal clerk if no secretary has been elected, and by filing a copy of the notice with the AO.**

1. The DRB shall hold a public hearing on a notice of appeal **within 60 days** of its filing, give public notice of the hearing, and mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date. (24 V.S.A. §4468)

2. The DRB may reject an appeal or request for reconsideration without hearing and render a decision which shall include findings of fact within 10 days of the filing of a notice of appeal, if the DRB determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts by or on behalf of the appellant. (24 V.S.A. §4470)

3. In accordance with 24 V.S.A. §4468 all appeal hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in state statutes (3 V.S.A. §810). Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The hearing may be adjourned by the DRB from time to time, provided that the date and place of the resumption of the hearing is announced at the adjourned hearing.

4. **A decision on appeal shall be rendered within 45 days after the final adjournment of the hearing**, as required under 24 V.S.A. §4464. The decision shall be sent by certified mail to the appellant within the 45 day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing and filed with the AO and the Municipal Clerk as part of the public records of the municipality, in accordance with 24 V.S.A. §4464(b). Failure of the Board to issue a decision within this 45 day period shall be deemed approval and shall be effective on the 46th day.

**(B) Interested Persons.** The definition of an interested person under 24 V.S.A. §4465(b) means one of the following:

1. A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a Bylaw, who alleges that the Bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case;

2. The municipality that has a plan or a Bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality;
3. A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that 36GREENSBORO ZONING BYLAW as amended 10/9/2024 the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or Bylaw of that municipality;
4. Any 20 persons who may be any combination of voters, residents or real property owners within a municipality listed in §5.7(B)(2) who, by signed petition to the DRB of the Town of Greensboro, the Town plan or Bylaw of which is at issue in any appeal brought under these regulations, allege that any relief requested by a person under this section, if granted, will not be in accordance with the policies, purposes or terms of the Town plan or Bylaw of Greensboro. This petition to the DRB must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal. For the purposes of this subdivision, an appeal shall not include the character of the area affected if the project has a residential component that includes affordable housing; and
5. Any department and administrative subdivision of the state of Vermont owning property or any interest in property a municipality listed in §5.7(B)(2) above, and the Vermont Agency of Commerce and Community Development.

**(C) Notice of Appeal.** A notice of appeal filed under this section shall be in writing and include the following information, in accordance with 24 V.S.A. §4466.

1. The name and address of the appellant,
2. A brief description of the property with respect to which the appeal is taken,
3. A reference to applicable provisions of these regulations,
4. The relief requested by the appellant, including any request for a variance from one or more provisions of these regulations, and
5. The alleged grounds why such relief is believed proper under the circumstances.

**(D) Appeals to Environmental Court.** In accordance with 24 V.S.A. §4471, an interested person who has participated in a regulatory proceeding of the Development Review Board (DRB) may appeal a decision rendered, within 30 days of such decision, to the

Vermont Environmental Court. Appeals to Environmental Court shall also meet the following requirements:

1. "Participation" in a DRB proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
2. Within 30 days following the date of decision rendered by the DRB, notice of the appeal shall be filed by certified mail, with fees, to the Environmental Court, and by mailing a copy to the Administrative Officer (AO) who shall supply a list of interested persons to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.