

Bond Case Briefs

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In re Atwood Planned Unit Development

Supreme Court of Vermont - March 17, 2017 - A.3d - 2017 WL 1035175 - 2017 VT 16

Group of landowners adjacent to proposed planned unit development (PUD) appealed determination by town's development review board (DRB) approving applicant's PUD permit.

The Superior Court, Environmental Division, affirmed. Landowners appealed.

The Supreme Court of Vermont held that:

- Rule for environmental court proceedings requiring appellant to file statement of questions to be determined on appeal allowed Environmental Division to require landowners to limit their statement of questions to ensure that applicant had notice of matters to be considered on appeal;
- After requiring landowners to file new statement of questions to be considered on appeal, Environmental Division was obligated to resolve all issues raised by landowners' amended statement of questions; and
- Even if applicant failed to post public notice of hearing before DRB on public right-of-way closest to property for which application for PUD permit was made, applicant made reasonable efforts to provide adequate posting and notice, and thus, applicant satisfied statutory notice requirements to obtain approval of permit.