

Bond Case Briefs

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ZONING - VERMONT

Gould v. Town of Monkton

Supreme Court of Vermont - July 29, 2016 - A.3d - 2016 WL 4061878 - 2016 VT 84

Landowner brought declaratory judgment action seeking to invalidate new municipal zoning regulations on ground that regulations were enacted in violation of statutes governing municipal and regional planning and development.

The Superior Court granted municipality's motion to dismiss. Landowner appealed.

The Supreme Court of Vermont held that:

- Environmental Division of Superior Court had exclusive jurisdiction over landowner's declaratory judgment action;
- Landowner did not have constitutionally protected due process property interest in municipality's strict compliance with statute concerning adoption of zoning ordinances; and
- Landowner's permit application, made at time new zoning regulations were in effect, could not serve to retroactively vest constitutionally protected due process property interest in municipality's application of prior zoning regulations.