

Bond Case Briefs

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ZONING & LAND USE - VERMONT

In re Hinesburg Hannaford Act 250 Permit

Supreme Court of Vermont - November 9, 2017 - A.3d - 2017 WL 5184477 - 2017 VT 106

Objectors sought review of town's decision to grant grocery store's application for site-plan approval, and District Environmental Commission's approval of store's Act 250 application.

The Superior Court, Environmental Division, approved site-plan and Act 250 applications with conditions. Parties appealed.

The Supreme Court of Vermont held that:

- 75-foot building setback in approved and recorded subdivision plat was clear and unambiguous, and thus an enforceable condition;
- Proposed parking did not violate town's zoning regulations limiting "front yard" parking;
- Evidence did not support finding that proposed stormwater grass swale would function as designed;
- Evidence did not support requirement conditioning permit approval on the installation of a traffic signal; and
- Trial court exceeded its discretion in striking post-approval traffic study requirement.