

# **Bond Case Briefs**

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## **ZONING & PLANNING - VERMONT**

### **In re JSCL, LLC CU Permit**

**Supreme Court of Vermont - April 2, 2021 - A.3d - 2021 WL 1250969 - 2021 VT 22**

Applicant and neighbors sought review of town zoning board of adjustment's grant of conditional use permit to construct trucking facility for fuel-hauling business in industrial zone.

The Superior Court approved application. Neighbors appealed.

The Supreme Court held that:

- Evidence supported determination that project was not a fire, explosive, or safety hazard under zoning bylaws;
- Noise limitation in bylaws applied to noises at property line emanating from proposed use itself and not to sounds created by vehicles passing into and out of property;
- Trial court conducted appropriate analysis of daytime noise impacts;
- Trial court's analysis of nighttime impacts was inadequate to support conclusion of no adverse effect at night; and
- Permit condition requiring applicant to minimize nighttime arrivals and prohibiting Sunday and holiday operations except for emergency was impermissibly vague.