



# Town of Shelburne, Vermont

CHARTERED 1763

P.O. BOX 88 5420 SHELBURNE ROAD SHELBURNE, VT 05482  
www.shelburnevt.org 802-985-5118

## NOTICE OF APPEAL FORM\*

\* Also available in alternate formats in accordance with the Americans With Disability Act.

### USE THIS FORM TO APPEAL DECISION OR ACTION OF THE ADMINISTRATIVE OFFICER

Per § 4465 of Title 24 Vermont Statutes Annotated, a notice of appeal shall be in writing and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant, and the alleged grounds why the requested relief is believed proper under the circumstances.

Appeals may be filed by Interested Persons as that term is defined in § 4465(b). (included on reverse) A notice of appeal must be filed within 15 days of the date of the decision or act, and a copy of the notice of appeal shall be filed with the administrative officer. Finally, although appeal hearings can seem somewhat formal, it is entirely up to the appellant to decide whether he or she will be represented by an attorney.

### APPELLANT INFO

Name (please print)		
Physical address		
Mailing address		
City	State	Zip
Email		
Phone		
Signature		

### PROPERTY TO WHICH APPEAL IS TAKEN INFO

Name Owner (if known)
Physical Address
Parcel ID
Decision or GAF Number (if known)
Date of decision

Form continues on reverse side...

### FOR OFFICE USE ONLY

Date received	by	Referral (s)	by
Fee received	by	Forms offered	by
GAF # confirmed	by	Hearing date	

## APPEAL OF DECISION OR ACTION OF THE ADMINISTRATIVE OFFICER

Per § 4465 of Title 24 Vermont Statutes Annotated, an Appellant is required when filing an appeal to provide information concerning the following:

Brief description of the property with respect to which the appeal is taken: [What is the address? Who owns the property? ]

Regulatory provisions applicable to appeal: [In cases where a permit issuance is being appealed, what *specific* section (s) of the Town's land use bylaws, prior local approval, or state statute relating to land use do you believe the authorized project will not meet? Or, in cases where a permit was denied, what *specific* section(s) of the Town's land use bylaws do you believe the project subject to the denial does meet?]

Relief requested by the appellant: [What outcome are you seeking? In cases where a permit issuance is being appealed, are you looking for the project to be changed or permit denied? In cases where a permit request was denied or some other adverse action was taken, what action are you looking for the DRB to take? ]

Alleged grounds why the requested relief is believed proper under the circumstances: [What facts, laws, rules, conditions, or other requirements do you believe support your position? ]

Submit any appeal along with a check ("Town of Shelburne") in the amount of **\$200** to:

Planning and Zoning Office  
Atten: Appeal  
Town of Shelburne  
PO Box 88  
Shelburne, Vermont 05482

Hand-delivery accepted during business hours at 5420 Shelburne Road, Shelburne, Vermont

Form continues... 

# APPEAL OF DECISION OR ACTION OF THE ADMINISTRATIVE OFFICER

## STATUTORY DEFINITION OF INTERESTED PERSON

Per state statute, an interested person means any 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 this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that 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 ten persons who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.
- (5) Any department and administrative subdivision of this State owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the Agency of Commerce and Community Development of this State.

## § 4471. Appeal to environmental division

- (a) (a) Participation required. An interested person who has participated in a municipal regulatory proceeding authorized under this title may appeal a decision rendered in that proceeding by an appropriate municipal panel to the Environmental Division. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. An appeal from a decision of the appropriate municipal panel, or from a decision of the municipal legislative body under subsection 4415(d) of this title, shall be taken in such manner as the Supreme Court may by rule provide for appeals from State agencies governed by 3 V.S.A. §§ 801-816, unless the decision is an appropriate municipal panel decision which the municipality has elected to be subject to review on the record.
- (b) (b) Appeal on the record. If the municipal legislative body has determined (or been instructed by the voters) to provide that appeals of certain appropriate municipal panel determinations shall be on the record, has defined what magnitude or nature of development proposal shall be subject to the production of an adequate record by the panel, and has provided that the Municipal Administrative Procedure Act shall apply in these instances, then an appeal from such a decision of an appropriate municipal panel shall be taken on the record in accordance with the Vermont Rules of Civil Procedure.
- (c) (c) Notice. Notice of the appeal shall be filed by certified mailing, with fees, to the Environmental Division and by mailing a copy to the municipal clerk or the administrative officer, if so designated, 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, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the Division to intervene.

# APPEAL OF DECISION OR ACTION OF THE ADMINISTRATIVE OFFICER

## APPEAL PROCEDURE

Applicants appealing a decision or action of the Zoning Administrator are encouraged to file their appeals using forms prepared by staff of the Planning and Zoning office. Hearings before the Development Review Board will be warned when the appeal is filed and accompanied by the appropriate fee. Public notice of a hearing must be published in a newspaper of general circulation at least 15 days prior to the hearing. Consequently, owing to time required to place legal advertisements, ordinarily at least 21 days pass between the time an appeal is filed and the meeting at which the DRB considers the appeal takes place.

Public hearings before the DRB are conducted as quasi-judicial proceedings pursuant to 1 V.S.A. § 310(5)(B). Public comment may be offered during the hearing with the permission of the chair. The Board will be assisted by Staff. Public hearings will be conducted in the following manner:

The presiding officer will:

- A. Open the hearing by reading the warning of the hearing.
- B. Review the order of events and review requirements such as conflicts of interest, ex parte communications, and appeals.
- C. Ask all who believe they will participate in the hearing to sign the 'sign-in' sheet, provide contact information, and take the following oath: I hereby swear or affirm that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth under the pains and penalties of perjury.
- D. Invite Development Review Board staff to comment on the appeal.
- E. Accept and acknowledge written information presented to the board prior to the hearing.
- F. Invite the appellant or appellant's representative to present the application or proposal. (Appellant are encouraged to tailor presentations to address outstanding issues identified by staff.)**
- G. Invite board members to ask questions of the appellant or appellant's representative.
- H. Invite other persons, including any appellee or appellee's representative, to present information regarding the appeal.
- I. Invite the appellant or appellant's representative, or other persons to respond to information presented.
- J. Invite more questions or comments from members of the board.
- K. Invite more questions from other persons and members of the public.
- L. Allow final comments or questions from the appellant or his/her representative or members of the board.
- M. Upon motion and majority approval, either continue the hearing to a time certain, or close the proceedings. If the hearing is continued to a time certain and additional materials are requested of the applicant, the Chair shall set a date by which materials must be submitted.

The board may conduct public deliberations at any time, or may vote to enter deliberative session.

Site visits may be scheduled in connection with an appeal. Final decisions will be in writing and issued within no more than 45 days of the close of the public hearing. Approval of an appeal is not a substitute for issuance of a building permit or any other permitting requirement.