

Norwich Development Review Board: Hearings & Appeals

The Norwich Development Review Board (DRB) is a quasi-judicial body that determines whether proposed development applications comply with Norwich Zoning Regulations (NZR) and the Norwich Subdivision Regulations (NSR). Its decisions are based on documentary evidence submitted by the applicant and “interested persons”, and testimony taken at a public hearing. The applicants, or anyone acting on their behalf, including their consultants or expert witnesses, must show that the proposed development complies with all relevant criteria in the regulations.

“Interested Persons”

“Interested persons”, (see back of sheet explanation of “Interested persons”) may participate in the hearing. Although other members of the public may be allowed to ask questions or make comments at the discretion of the Chair, only those persons designated by the DRB as “interested persons” will have standing to appeal the DRB’s decision.

Appeals of DRB Decisions

At the conclusion of the hearing, the DRB will deliberate in private and issue a decision in writing within 45 days. Interested persons, who have participated in the hearing either in person or in writing, as well as the applicants, will receive a copy of this Notice of Decision by regular mail and will have the right to appeal the decision to the Environmental Division of the Vermont Superior Court within 30 days of the date of the decision. A full explanation of this process will be at the end of the Notice of Decision.

“On the Record” Appeals

Appeals of decisions of the Norwich DRB are heard “on the record”. A record of the hearing including all documentary evidence and an audio recording of the hearing is forwarded to the court by the DRB. The court may require the appellant to provide a written transcription of the audio recording. The Environmental Court decision is based on application of the law to the record of the case established at the DRB public hearings. The Environmental Court will not receive additional evidence or testimony, therefore all relevant documentary as well as testimonial and expert evidence must be presented at the DRB hearing.

The Town's planning staff will provide assistance as to which regulations apply to the proposed development, and provide guidance on the hearing process.

Interested Persons should check with the Planning Department to confirm the date and time of continued hearings or site visits.

Contact Planning & Zoning Office at planner@norwich.vt.us or 649-1419 ext. 4

“INTERESTED PERSONS,”

Pursuant to 24 V.S.A. §4465(b), an interested person includes members of the public in two categories: (i) a person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision, 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 the municipality. or (ii) any ten persons who may be any combination of voters or real property owners within the municipality who, by signed petition to the Board, 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 Board must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.

A majority vote of the Board shall qualify a person as an interested person by virtue of owning or occupying land in the immediate neighborhood, but at a minimum shall include all persons owning property abutting the subject parcel. The Board may grant “provisional interested person status” to a person requesting to be accepted as an interested person. A final decision regarding their status may be made at the end of the hearing. Signed petitions of 10 persons owning land in the municipality should be submitted at least one full day before the hearing date when all 10 persons will not attend the hearing. The petition shall include the name and signature of each property owner and the street address and tax map lot number of the property owned. The petition must designate one person to serve as the representative of the petitioners regarding all matters related to the hearing.

§ 4471. Appeal to Environmental Division

(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.

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