

How long does one have to file an appeal from a decision of an Appropriate Municipal Panel to the Environmental Court? When does the timing start? What is the statutory cite for this?

Appellants have thirty days to file an appeal to the Environmental Court. The date from which you start counting is the day after the date on which the decision is signed. 24 V.S.A. § 4303a.

The cite for this process is Rule 4 of the Vermont Rules of Appellate Procedure, which provides “in any civil or criminal case in which an appeal is permitted by law as of right, the notice of appeal shall be filed with the clerk of the superior or district court within 30 days of the date of entry of the judgment...”

V.R.A.P. Rule 4 connects to Chapter 117, the section of law that governs and enables planning and zoning procedures, because 24 V.S.A. § 4471(a) provides that appeals to the Environmental Court shall be governed by the same rules adopted by the Supreme Court for appeals from state agencies. These rules are found in the Vermont Rules of Civil Procedure (V.R.C.P.). V.R.C.P. Rule 76 (e)(2)(B) provides that an appeal from a decision in which the final hearing was held on or after July 1, 2004 shall be taken by “filing with the clerk of the Environmental Court a notice of appeal ... within the time provided in Rule 4 of Rules of Appellate Procedure,” which, as discussed above, establishes that notice of appeal shall be filed within thirty days from the decision.

Please note that as of this writing, the Legislative Committee on Judicial Rules is promulgating new rules to govern proceedings in the Environmental Court. The proposed Vermont Rules for Environmental Court Proceedings, Rule 5 (b)(1) contains the same language discussed above and will likely occupy the same place as Rule 76 (e)(2)(B), once approved by the Supreme Court.

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VLCT News, January 2005