

## Joe Colangelo

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**From:** Alex Weinhagen <hinesburgplanning@gmavt.net>  
**Sent:** Thursday, November 29, 2012 11:09 AM  
**To:** Joe Colangelo  
**Cc:** Bud Allen  
**Subject:** Environmental Court Appeal of Hannaford Approvals

Joe,  
FYI for you and the Selectboard.

Two of the DRB approvals for the Hannaford project have been appealed to the VT Environmental Court. There are now two appeals - one is an appeal of the DRB's conditional use approval and one is an appeal of the DRB's more recent site plan approval. The appellants for each appeal are close to the same, but not identical. James Dumont is the attorney for both appeals.

I've been in touch with our Town Attorney (Bud Allen), and he will be representing the Town as these appeals proceed in the Environmental Court. I'll be helping Bud, and will be his primary point of contact here at the Town Office. We'll keep you in the loop as the process unfolds. From the budgetary standpoint, we've already spent through the "Professional Services" line item in the Planning & Zoning budget (\$2,000). We used this for legal and technical advice during the DRB deliberations on the Hannaford review. **That means that for this appeal process we'll either be overspending that P&Z line item, or we'll need to charge that against another line item – e.g., Legal Services – 440-3100-61.00.**

It's possible that the Court will combine these two appeals and hear them at the same time. Once the initial procedural steps are completed (e.g., Statement of Questions, initial status conference by phone), the Court typically compels the parties to engage in mediation - i.e., with a paid mediator. That's a cost that we'll undoubtedly end up splitting with the other interested parties (i.e., appellant and Hannaford). This is standard practice for the Environmental Court, with the hope that the dispute can be settled through mediation so as to avoid going to trial. You can find out more about the Environmental Court appeal process by visiting their [website](#). Their website has a nice Frequently Asked Questions section that talks about the process, mediation, etc.

Please let me know if you have any questions or concerns about any of this.

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