

1 S.214

2 Introduced by Senator Snelling

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; land use; natural resources; municipal  
6 and regional planning; designated centers; growth centers

7 Statement of purpose of bill as introduced: This bill proposes to increase the  
8 integration of municipal and regional land use planning with the designation of  
9 downtowns, village centers, and growth centers; to enable the Vermont  
10 Downtown Development Board to adopt rules that provide a municipality with  
11 alternative methods to show that a growth center is sized correctly; and to  
12 enable that Board, when designating a growth center, to issue determinations  
13 on the center's compliance with Act 250 criteria, subject to appeal.

14 An act relating to integrating planning for land use and designated centers

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 24 V.S.A. § 4302 is amended to read:

17 § 4302. PURPOSE; GOALS

18 \* \* \*

19 (c) In addition, this chapter shall be used to further the following  
20 specific goals:



1 Sec. 3. 24 V.S.A. § 4348a is amended to read:

2 § 4348a. ELEMENTS OF A REGIONAL PLAN

3 (a) A regional plan shall be consistent with the goals established in section  
4 4302 of this title and shall include ~~but need not be limited to~~ the following:

5 (1) A statement of basic policies of the region to guide the future growth  
6 and development of land and of public services and facilities, and to protect  
7 the environment;

8 (2) A land use element, which shall consist of a map and statement of  
9 present and prospective land uses:

10 (A) indicating those areas proposed for forests, recreation, agriculture  
11 (using the agricultural lands identification process established in 6 V.S.A. § 8),  
12 residence, commerce, industry, public, and semi-public uses, open spaces, and  
13 areas identified by the State, regional planning commissions or municipalities,  
14 which require special consideration for aquifer protection, wetland protection,  
15 or for other conservation purposes;

16 (B) indicating those areas within the region that are likely candidates  
17 for designation under sections 2793 (downtown development districts), 2793a  
18 (village centers), 2793b (new town centers), and 2793c (growth centers) of  
19 this title;

20 (C) indicating locations proposed for developments with a potential  
21 for regional impact, as determined by the regional planning commission,

1 including flood control projects, surface water supply projects, industrial parks,  
2 office parks, shopping centers and shopping malls, airports, tourist attractions,  
3 recreational facilities, private schools, public or private colleges, and  
4 residential developments or subdivisions;

5 ~~(C)~~(D) setting forth the present and prospective location, amount,  
6 intensity and character of such land uses and the appropriate timing or  
7 sequence of land development activities in relation to the provision of  
8 necessary community facilities and services;

9 ~~(D)~~(E) indicating those areas that have the potential to sustain  
10 agriculture and recommendations for maintaining them which may include  
11 transfer of development rights, acquisition of development rights, or farmer  
12 assistance programs;

13 \* \* \*

14 Sec. 4. 24 V.S.A. § 4382 is amended to read:

15 § 4382. THE PLAN FOR A MUNICIPALITY

16 (a) A plan for a municipality may be consistent with the goals established  
17 in section 4302 of this title and compatible with approved plans of other  
18 municipalities in the region and with the regional plan and shall include  
19 the following:





1 lying close to and not widely separated from the majority of the lands within  
2 the designated growth center. Noncontiguous land included as part of a growth  
3 center must exhibit strong land use, economic, infrastructure, and  
4 transportation relationships to the designated downtown, village center, or new  
5 town center; be planned to function as a single, integrated growth center; and  
6 be essential to accommodate a majority of growth anticipated by the  
7 municipality or municipalities over a 20-year period.

8 (B) A growth center contains the following characteristics:

9 (i) It incorporates a mix of uses that typically include or have the  
10 potential to include the following: retail, office, services, and other  
11 commercial, civic, recreational, industrial, and residential uses, including  
12 affordable housing and new residential neighborhoods, within a densely  
13 developed, compact area;

14 (ii) It incorporates existing or planned public spaces that promote  
15 social interaction, such as public parks, civic buildings (~~e.g.,~~ such as post  
16 office, municipal offices), community gardens, and other formal and informal  
17 places to gather.

18 (iii) It is organized around one or more central places or focal  
19 points, such as prominent buildings of civic, cultural, or spiritual significance  
20 or a village green, common, or square.

1           (iv) It promotes densities of land development that are  
2 significantly greater than existing and allowable densities in parts of the  
3 municipality that are outside a designated downtown, village center, growth  
4 center, or new town center, or, in the case of municipalities characterized  
5 predominately by areas of existing dense urban settlement, it encourages in-fill  
6 development and redevelopment of historically developed land.

7           (v) It is supported by existing or planned investments in  
8 infrastructure and encompasses a circulation system that is conducive to  
9 pedestrian and other nonvehicular traffic and that incorporates, accommodates,  
10 and supports the use of public transit systems.

11           (vi) It results in compact concentrated areas of land development  
12 that are served by existing or planned infrastructure and are separated by rural  
13 countryside or working landscape.

14           (vii) It is planned in accordance with the planning and  
15 development goals under section 4302 of this title, and to conform to smart  
16 growth principles.

17           (viii) It is planned to reinforce the purposes of 10 V.S.A.  
18 chapter 151.

19           (13) “Smart growth principles” means growth that:

20           (A) Maintains the historic development pattern of compact village  
21 and urban centers separated by rural countryside.



1           (B) Develops compact mixed-use centers at a scale appropriate for  
2 the community and the region.

3           (C) Enables choice in modes of transportation.

4           (D) Protects the ~~state's~~ State's important environmental, natural and  
5 historic features, including natural areas, water quality, scenic resources, and  
6 historic sites and districts.

7           (E) Serves to strengthen agricultural and forest industries and  
8 minimizes conflicts of development with these industries.

9           (F) Balances growth with the availability of economic and efficient  
10 public utilities and services.

11           (G) Supports a diversity of viable businesses in downtowns  
12 and villages.

13           (H) Provides for housing that meets the needs of a diversity of social  
14 and income groups in each community.

15           (I) Reflects a settlement pattern that, at full build-out, is not  
16 characterized by:

17           (i) scattered development located outside of compact urban and  
18 village centers that is excessively land consumptive;

19           (ii) development that limits transportation options, especially  
20 for pedestrians;

21           (iii) the fragmentation of farm and forest land;

1 (iv) development that is not serviced by municipal infrastructure  
2 or that requires the extension of municipal infrastructure across undeveloped  
3 lands in a manner that would extend service to lands located outside compact  
4 village and urban centers;

5 (v) linear development along well-traveled roads and highways  
6 that lacks depth, as measured from the highway.

7 (14) "Important natural resources" means headwaters, streams,  
8 shorelines, floodways, rare and irreplaceable natural areas, necessary wildlife  
9 habitat, wetlands, endangered species, productive ~~forest lands~~ forestlands, and  
10 primary agricultural soils, all of which are as defined in 10 V.S.A. chapter 151.

11 \* \* \*

12 (18) "Department" means the Vermont Department of Housing and  
13 Community Development.

14 (19) "District Commission" means the District Commission established  
15 under 10 V.S.A. chapter 151 for the district in which an area proposed for  
16 designation or designated under this chapter is located.

17 (20) "District coordinator" means a district environmental coordinator  
18 attached to a ~~district commission established under 10 V.S.A. chapter 151~~ the  
19 District Commission.

20 (20)(21) "Infill" means the use of vacant land or property within a  
21 built-up area for further construction or development.

1 Sec. 6. 24 V.S.A. § 2792 is amended to read:

2 § 2792. VERMONT DOWNTOWN DEVELOPMENT BOARD

3 (a) A “Vermont Downtown Development Board,” also referred to as the  
4 “State Board,” is created to administer the provisions of this chapter. The State  
5 Board shall be composed of the following members or their designees:

6 \* \* \*

7 (c) The State Board shall elect a chair and vice chair from among  
8 its membership.

9 (1) The State Board may adopt rules in accordance with the Vermont  
10 Administrative Procedure Act to carry out this chapter.

11 (2) The State Board shall adopt rules that set forth options that a  
12 municipality seeking a growth center designation under section 2793c of this  
13 title may employ to demonstrate that its application meets the requirements of  
14 subdivision 2793c(e)(1)(J) (appropriate size) of this title. These options shall  
15 include build-out analyses and one or more other alternatives. The rules may  
16 identify the options and state their fundamental descriptions and allow the  
17 Department to issue detailed guidance to implement the rules.

18 (d) The Department shall provide staff and administrative support to the  
19 State Board and shall produce guidelines to direct municipalities seeking to  
20 obtain designation under this chapter. Guidelines issued by the Department  
21 shall be consistent with any applicable rules adopted by the State Board.

1 Sec. 7. 24 V.S.A. § 2793c is amended to read:

2 § 2793c. DESIGNATION OF GROWTH CENTERS

3 (a) Regional planning commission technical planning assistance. Regional  
4 planning commissions, pursuant to section 4345a of this title, are uniquely  
5 positioned to assist municipalities with growth center planning. To this end, at  
6 the request of a municipality contemplating growth center designation, the  
7 regional planning commission shall provide technical assistance in support of  
8 that designation.

9 (1) Technical support shall include:

10 (A) preparing population, housing, and employment growth  
11 projections for a period of not less than 20 years;

12 (B) GIS mapping, including identification of development capacity,  
13 land use, existing and planned infrastructure and service areas, important  
14 natural resources and historic resources, and physical constraints to  
15 development and associated features; and

16 (C) ~~build-out~~ analyses for potential growth centers, in accordance  
17 with rules adopted by the State Board and guidelines issued by the Department,  
18 to document whether the geographic area of proposed growth centers will  
19 accommodate a majority of the projected growth over a 20-year period in a  
20 manner that is consistent with the definition under subdivision 2791(12) of  
21 this title.

1           (2) These projections and ~~build-out~~ analyses may be prepared on a  
2 municipal or regional basis.

3           (b) Growth center designation application assistance.

4           (1) A subcommittee of the State Board, to be known as the Growth  
5 Center Subcommittee, shall develop and maintain a coordinated preapplication  
6 review process in accordance with this subdivision (1). The members of the  
7 Growth Center Subcommittee shall be the members of the State Board  
8 described under subdivisions 2792(a)(1), (6), (7), (9), and (10) of this title and  
9 the member designated by the Vermont League of Cities and Towns under  
10 subdivision 2792(a)(8) of this title. The Growth Center Subcommittee shall  
11 elect a chair from among its members. In carrying out its duties, the Growth  
12 Center Subcommittee shall have the support of the staff of the Department of  
13 ~~Housing and Community Development~~ and of the Natural Resources Board.

14           (A) The purpose of the Growth Center Subcommittee is to:

15                   (i) ensure consistency between regions and municipalities  
16 regarding growth centers designation and related planning;

17                   (ii) provide municipalities with a preapplication review process  
18 early in the local planning process;

19                   (iii) encourage coordination of State agency review on matters of  
20 agency interest; and

1                   (iv) provide the State Board with ongoing, coordinated  
2 support and expertise in land use, community planning, and natural  
3 resources protection.

4                   (B) Under the preapplication review process, a municipality shall  
5 submit a preliminary application to the Growth Center Subcommittee,  
6 consisting of a draft growth center map and a brief explanation of planning and  
7 implementation policies that the municipality anticipates it will enact prior to  
8 submission of an application under subsection (d) of this section in order to  
9 guide development inside the growth center and maintain the rural character of  
10 the surrounding area, to the extent that it exists. This preapplication review  
11 process shall be required prior to filing of an application under subsection (d)  
12 of this section. The Growth Center Subcommittee shall solicit comments from  
13 State agencies regarding areas of respective agency interest; evaluate the  
14 preliminary application for conformance with the requirements of this section;  
15 identify potential issues related to the growth center's boundary and  
16 implementation tools; and provide recommendations for addressing those is  
17 sues through adjustment to the growth center's boundary, revisions to planned  
18 implementation tools, or consideration of alternative implementation tools.  
19 Preliminary review shall be available to municipalities while they are engaged  
20 in the municipal planning process so that recommendations may be considered

1 prior to the adoption of the municipal plan and associated implementation  
2 measures.

3 \* \* \*

4 (d) Application and designation requirements. Any application for  
5 designation as a growth center shall be to the State Board and shall include a  
6 specific demonstration that the proposed growth center meets each provision of  
7 subdivisions (e)(1)(A) through (J) of this section. In addition to those  
8 provisions, each of the following shall apply:

9 \* \* \*

10 (4) ~~A build-out~~ An analysis and needs study, in accordance with the  
11 rules of the State Board and guidelines issued by the Department, that  
12 demonstrates that the growth center meets the provisions of subdivision  
13 (e)(1)(J) of this section.

14 \* \* \*

15 (e) Designation decision.

16 (1) Within 90 days of the receipt of a completed application, after  
17 providing notice as required in the case of a proposed municipal plan or  
18 amendment under subsection 4384(e) of this title, and after providing an  
19 opportunity for the public to be heard, the State Board formally shall designate  
20 a growth center if the State Board finds, in a written decision, that the growth  
21 center proposal meets each of the following:





1 development or result in a scattered or low-density pattern of development at  
2 the conclusion of the 20-year planning period; and

3 (iii) using a 20-year planning period commencing with the year of

4 (I) an amount of residential development that is no more than  
5 150 percent of the projected residential growth in the municipality; and

6 (II) an amount of commercial or industrial development, or  
7 both, that does not exceed 100 percent of the projected commercial and  
8 industrial growth in the municipality.

9 \* \* \*

10 (3) Within 21 days of a growth center designation under subdivision (1)  
11 of this subsection, a person or entity that submitted written or oral comments to  
12 the State Board during its consideration of the application for the designated  
13 growth center may request that the State Board reconsider the designation.

14 Any such request for reconsideration shall identify each specific finding of the  
15 State Board for which reconsideration is requested and state the reasons why  
16 each such finding should be reconsidered. The filing of such a request shall  
17 stay the effectiveness of the designation until the State Board renders its  
18 decision on the request. On receipt of such a request, the State Board shall  
19 promptly notify the applicant municipality of the request if that municipality is  
20 not the requestor. The State Board shall convene at the earliest feasible date to

1 consider the request and shall render its decision on the request within 90 days  
2 of the date on which the request was filed.

3 \* \* \*

4 (f) ~~Review by land use panel and~~ Optional issuance of Act 250 findings of  
5 fact and conclusions of law. ~~Subsequent to~~ When applying to the State Board  
6 for growth center designation by the State Board, an applicant, a municipality  
7 may ~~submit a request for findings of fact and conclusions of law that the State~~  
8 Board issue determinations under specific criteria of 10 V.S.A. § 6086(a) ~~to the~~  
9 ~~Natural Resources Board for consideration~~ in accordance with the following:

10 (1) ~~In requesting findings of fact, the~~ The applicant municipality shall  
11 specify any criteria for which ~~findings and conclusions~~ determinations are  
12 requested and the nature and scope of the ~~findings~~ determinations that are  
13 being requested.

14 (2) ~~The panel~~ If the applicant municipality requests determinations  
15 under this subsection, the State Board shall conduct the process for making  
16 those determinations concurrently with its process for reviewing the  
17 application for growth center designation and shall notify the District  
18 Commission, all landowners of land located within the proposed growth  
19 center, entities that would be accorded party status before ~~a district~~  
20 ~~commission~~ the District Commission under 10 V.S.A. § 6085(c)(1)(C) and  
21 (D), and all owners of land adjoining the proposed growth center of a hearing

1 on the ~~issue~~ proposed designation and the request for determinations under  
2 this subsection.

3 (A) The ~~panel~~ State Board may fashion alternate and more efficient  
4 means of providing adequate notice to persons potentially affected under this  
5 ~~subdivision~~ subsection.

6 (B) Persons notified may appear at the hearing and be heard, as may  
7 any other person who has a particularized interest protected by 10 V.S.A.  
8 chapter 151 that may be affected by the decision. The District Commission  
9 may submit its recommendation to the State Board, which shall defer to the  
10 District Commission's recommendation unless there is a clear and convincing  
11 demonstration to the contrary.

12 (C) Notwithstanding the definition of "contested case" in 3 V.S.A.  
13 § 801, the requirements of 3 V.S.A. §§ 809 through 815 shall not apply to the  
14 State Board's concurrent review under this subsection except as follows:

15 (i) The notice of the hearing shall comply with 3 V.S.A. § 809(b).

16 (ii) A subpoena may issue in accordance with 3 V.S.A. § 809(g),  
17 to which the provisions of 3 V.S.A. §§ 809a and 809b shall apply.

18 (iii) The provisions of 3 V.S.A. § 813 (ex parte communications)  
19 shall apply.

20 (D) The record of the State Board's concurrent review under this  
21 subsection shall include:

- 1           (i) all information received or considered by the State Board;  
2           (ii) the application for growth center designation, the request for  
3 determinations under 10 V.S.A. § 6086(a), and all other documents submitted  
4 to the State Board in connection with the review of that application  
5 and request;  
6           (iii) the notice of hearing and all other memoranda and documents  
7 issued by the State Board;  
8           (iv) the State Board's recording of the hearing; and  
9           (v) the State Board's decision on the application for growth center  
10 designation and the request for determinations under 10 V.S.A. § 6086(a) and  
11 its decision on any requests to reconsider made under subsection (e) of  
12 this section.

13           (3) The ~~panel~~ State Board shall review the request for determinations  
14 under 10 V.S.A. § 6086(a) in accordance with the applicable criteria of that  
15 subsection and shall issue determinations in the form of findings of fact and  
16 conclusions of law, separately stated, under the applicable those criteria of  
17 10 V.S.A. § 6086(a) which that are deemed to have been satisfied by the  
18 applicant's submissions during the formal designation process, any additional  
19 submissions, as well as associated municipal plan policies, programs, and  
20 bylaws. These determinations shall be issued together with the State Board's  
21 decision on the municipality's application for growth center designation.

1           (A) The findings of fact shall be based exclusively on information in  
2 the record. If the findings of fact are set forth in statutory language, they shall  
3 be accompanied by a concise and explicit statement of the underlying facts  
4 supporting the findings. Findings and conclusions of law shall be effective for  
5 a period of five years, unless otherwise provided.

6           (B) The ~~panel~~ State Board, before issuing its findings and  
7 conclusions on criteria of 10 V.S.A. § 6086(a), may require specific changes in  
8 the proposal, or regulatory changes by the municipality, as a condition for  
9 certain findings and conclusions.

10           (C) Immediately on issuance of a decision on the application for  
11 growth center designation and the request for determinations under 10 V.S.A.  
12 § 6086(a) or on a request to reconsider such a decision, the State Board shall  
13 deliver or mail a copy of the decision to the applicant municipality, the District  
14 Commission, and each party who participated in the hearing or submitted  
15 written comments.

16           (D) ~~These findings and conclusions~~ If an applicant municipality  
17 requests determinations under this subsection, then the State Board's decision  
18 on the municipality's application for growth center designation and the request  
19 for determinations under 10 V.S.A. § 6086(a) shall be subject to appeal to the  
20 Environmental Division pursuant to 10 V.S.A. chapter 220 within 30 days of  
21 issuance. The timely filing of a request to reconsider under subsection (e) of

1 this section shall terminate the running of the appeal period for all parties,  
2 which shall begin again in full on the State Board's issuance of a decision on  
3 the request to reconsider.

4 (4) During the period of time in which a growth center designation  
5 remains in effect, any ~~findings and conclusions~~ determinations as to the criteria  
6 of 10 V.S.A. § 6086(a) issued by the ~~Natural Resources State Board~~ or any  
7 final adjudication of those ~~findings and conclusions~~ determinations shall be  
8 applicable to any subsequent application for approval by a ~~district commission~~  
9 the District Commission under 10 V.S.A. chapter 151 and shall be binding  
10 upon the ~~district commission~~ District Commission and the persons provided  
11 notice in the ~~Natural Resources State Board~~ proceeding, ~~according to the rules~~  
12 ~~of the Natural Resources Board~~, provided the proposed development project is  
13 located within the designated growth center. Except as set forth in this  
14 subdivision (4), the decision of the State Board pursuant to this section shall  
15 not be binding as to the criteria of 10 V.S.A. § 6086(a) in any proceeding  
16 before the District Commission.

17 (5) In any application to a ~~district commission~~ the District Commission  
18 under 10 V.S.A. chapter 151 for approval of a proposed development or  
19 subdivision to be located within the designated growth center, the ~~district~~  
20 ~~commission~~ District Commission shall review de novo any relevant criteria of  
21 10 V.S.A. § 6086(a) that are not subject to findings of fact and conclusions of

1 law issued by the ~~Natural Resources~~ State Board pursuant to this  
2 ~~section~~ subsection.

3 (6) ~~The decision of the State Board pursuant to this section shall not be~~  
4 ~~binding as to the criteria of 10 V.S.A. § 6086(a) in any proceeding before the~~  
5 ~~panel or a district commission. [Repealed.]~~

6 (g) Review by ~~district commission~~ District Commission. In addition to its  
7 other powers, in making its determinations under 10 V.S.A. § 6086, ~~a district~~  
8 ~~commission~~ the District Commission may consider important resources within  
9 a proposed growth center that have been identified in the designation process  
10 and the anticipated impacts on those resources, and may require that  
11 reasonable mitigation be provided as an alternative to permit denial.

12 \* \* \*

13 (i) Benefits from designation. A growth center designated by the State  
14 Board pursuant to this section is eligible for the following development  
15 incentives and benefits:

16 \* \* \*

17 (5) Regulatory incentives.

18 (A) Master plan permit application. At any time while designation of  
19 a growth center is in effect, any person or persons who exercise ownership or  
20 control over an area encompassing all or part of the designated growth center  
21 or any municipality within which a growth center has been formally designated

1 may apply for a master plan permit for that area or any portion of that area to  
2 the ~~district commission~~ District Commission pursuant to the rules of the  
3 Natural Resources Board. Municipalities making an application under this  
4 subdivision are not required to exercise ownership of or control over the  
5 affected property. ~~The district commission shall be bound by any conclusions~~  
6 ~~or findings of the Natural Resources Board.~~ A determination of the State Board  
7 on the criteria of 10 V.S.A. § 6086(a) issued under subsection (f) of this  
8 section or any final adjudication of these findings and conclusions, pursuant to  
9 subsection (f) of this section but that determination shall bind the District  
10 Commission, which shall consider de novo any of the criteria of 10 V.S.A.  
11 § 6086(a) that were not subject to the ~~final issuance of findings and~~  
12 ~~conclusions by the Natural Resources Board pursuant to that subsection~~  
13 ~~determination.~~ In approving a master permit, the ~~district commission~~ District  
14 Commission may set forth specific conditions that an applicant for an  
15 individual project permit will be required to meet.

16 (B) Individual project permits within a designated growth center.

17 The ~~district commission~~ District Commission shall review individual Act 250  
18 permit applications in accordance with the specific ~~findings of fact and~~  
19 ~~conclusions of law~~ determinations on the criteria of 10 V.S.A. § 6086(a) issued  
20 by the Natural Resources State Board under subsection (f) of this section, if  
21 any, and in accordance with the conditions, findings, and conclusions of any



1 applicable master plan permit. Any person proposing a development or  
2 subdivision within a designated growth center where no master plan permit is  
3 in effect shall be required to file an application with the ~~district environmental~~  
4 ~~commission~~ District Commission for review under the criteria of 10 V.S.A.  
5 § 6086(a).

6 Sec. 8. 24 V.S.A. § 2798 is amended to read:

7 § 2798. DESIGNATION DECISIONS; NONAPPEAL

8 The designation decisions of the State Board under this chapter are not  
9 subject to appeal, except as provided in subsection 2793c(f) of this title.

10 Sec. 9. 10 V.S.A. § 6027(n) is added to read:

11 (n) A District Commission may make recommendations to the Vermont  
12 Downtown Development Board under 24 V.S.A. § 2793c(f) on the compliance  
13 of a proposed growth center with criteria of subsection 6086(a) of this title. A  
14 District Commission meeting concerning those recommendations shall be  
15 subject to the Open Meeting Law and shall not be subject to the Vermont  
16 Administrative Procedure Act.

17 Sec. 10. 10 V.S.A. § 8504 is amended to read:

18 § 8504. APPEALS TO THE ENVIRONMENTAL DIVISION

19 (a) Act 250 ~~and~~ agency, and growth center appeals. Within 30 days of the  
20 date of the act or decision, any person aggrieved by an act or decision of the  
21 Secretary, the Natural Resources Board, or a ~~district commission~~ District

1 Commission under the provisions of law listed in section 8503 of this title or  
2 by a decision of the Vermont Downtown Development Board under 24 V.S.A.  
3 § 2793c(f), or any party by right, may appeal to the Environmental Division,  
4 except for an act or decision of the Secretary governed by section 8506 of  
5 this title.

6 \* \* \*

7 (c) Notice of the filing of an appeal.

8 \* \* \*

9 (4) Upon the filing of an appeal from a decision of the Vermont  
10 Downtown Development Board under 24 V.S.A. § 2793c(f), the appellant shall  
11 provide notice of the filing of the appeal to the Vermont Downtown  
12 Development Board, the Natural Resources Board, the municipality and the  
13 District Commission in which the proposed growth center is located, and each  
14 party who participated in the hearing before or submitted written comments to  
15 the Downtown Development Board, which shall make a list of these parties  
16 and mailing addresses available to the appellant. In addition, the appellant  
17 shall publish notice not more than 10 days after providing notice as required  
18 under this subdivision (4), at the appellant's expense, in a newspaper of  
19 general circulation in the area of the proposed growth center.

20 \* \* \*

1 (h) De novo hearing. The Environmental Division, applying the  
2 substantive standards that were applicable before the tribunal appealed from,  
3 shall hold a de novo hearing on those issues which have been appealed, except  
4 in the case of:

5 (1) a decision being appealed on the record pursuant to 24 V.S.A.  
6 chapter 117;

7 (2) a decision of the Commissioner of Forests, Parks and Recreation  
8 under section 2625 of this title being appealed on the record, in which case the  
9 court shall affirm the decision, unless it finds that the Commissioner did not  
10 have reasonable grounds on which to base the decision; and

11 (3) a decision of the Vermont Downtown Development Board under  
12 24 V.S.A. § 2793c(f), which the Division may rule unlawful and set aside in  
13 whole or in part if, after reviewing the record, the Division finds the Board's  
14 decision to be arbitrary, capricious, an abuse of discretion, or otherwise not in  
15 accordance with law.

16 \* \* \*

17 Sec. 11. EFFECTIVE DATE

18 This act shall take effect on July 1, 2014.