

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION  
Docket No. 124-11-18 Vtec

All Star Group, LLC SD Denial

**ENTRY REGARDING MOTION**

Count 1, Municipal DRB Subdivision (124-11-18 Vtec)

Title: Motion for Partial Summary Judgment (Motion 2)

Filer: Jeffrey Glassberg

Attorney: Navah C. Spero

Filed Date: March 13, 2019

Response in Opposition filed on 04/29/2019 by Attorney John M. Mazzuchi for Appellant/Applicant All Star Group, LLC

Reply in Support filed on 05/20/2019 by Attorney Navah C. Spero for Cross-Appellants Jeffrey Glassberg, Amanda Bodell, and Glassberg and Bodell Family, LLC

**RESPONSE shall be filed by Friday, July 19, 2019.**

In reviewing the parties' respective motions for summary judgment and partial summary judgment, a threshold procedural concern has come to this Court's attention. Pursuant to 24 V.S.A. § 4463(a), when a lot that is the subject of an application to subdivide is located within 500 feet of a municipal boundary, the adjacent municipality is entitled to fifteen-day notice of the public hearing on the application.

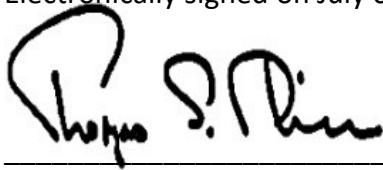
Here, it is undisputed that the Town of Waltham ("Waltham") lies within 500 feet of the land All Star Group, LLC, ("All Star") proposes to subdivide, which is located at 1451 Hallock Road in New Haven, Vermont. It also appears to be undisputed that Waltham did not receive notice of the hearings below pursuant to § 4463(a) and that it still has not received formal notice, or notice in any form, of All Star's proposal. Waltham did not participate before the Town of New Haven Development Review Board and has not made any contact with this Court.

Faced with these facts, and in the interest of advancing V.R.E.C.P. 1's mandate that we ensure summary, expedited proceedings consistent with a fair and full determination of the issues, we direct the parties to formally notify Waltham of the present appeal. The parties shall apprise Waltham of the current stage of the appeal, inform Waltham of its right to notice under § 4463(a), and inquire as to whether Waltham objects to the appeal continuing before this Court.

If any party objects to the approach set forth in this motion, it should inform the Court and the other parties no later than **Friday, July 19, 2019**. The parties should not take steps to notify Waltham during the pendency of this period. If this period expires without any objections, then the parties shall immediately provide notice to Waltham. This notice should include a copy of the completed application form and inform Waltham that it shall provide notice to the Court and all parties no later than **Monday, August 19, 2019**, of whether it has any objection to this appeal proceeding without its participation.

**So Ordered.**

Electronically signed on July 05, 2019 at Burlington, Vermont, pursuant to V.R.E.F. 7(d).

A handwritten signature in black ink, appearing to read "Thomas S. Durkin". The signature is written in a cursive, somewhat stylized font. It is positioned above a horizontal line that serves as a separator between the signature and the printed name below.

Thomas S. Durkin, Superior Judge  
Environmental Division

Notifications:

James C. Foley (ERN 1980), Attorney for Appellant/Applicant All Star Group, LLC

Cindy E. Hill (ERN 5390), Attorney for Interested Person Town of New Haven

John M. Mazzuchi (ERN 9917), Attorney for party 2 Co-counsel

Navah C. Spero (ERN 4585), Attorney for Cross-Appellants Jeffrey Glassberg, Amanda Bodell, and Glassberg and Bodell Family, LLC