

Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

**ENTRY ORDER**

SUPREME COURT DOCKET NO. 2003-121

JULY TERM, 2003

} APPEALED FROM:

<http://www.vermontjudiciary.org/UPEO2001-2005/eo03121.aspx>

In re John Madden

} Environmental Court

} DOCKET NO. 186-11-01 Vtec

} Trial Judge: Matthew I. Katz  
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}

In the above-entitled cause, the Clerk will enter:

Appellant John Madden appeals the environmental court's approval of a six-lot subdivision proposed by appellees Peter and Dolores Norris and their son. We affirm.

The Town of New Haven Planning Commission approved the Norris subdivision proposal. Appellant appealed the decision to the environmental court, which also approved the proposal after conducting a de novo hearing. The court examined the proposal under the Town's subdivision regulations in light of the record evidence, concluding that the proposal satisfied each of the regulations. Appellant's brief consists of bald, unsupported assertions that the proposal does not meet local and state requirements, and that the trial court did not follow the law. Attached to appellant's one-page brief is a copy of his trial court motion to amend with inserted comments generally alleging that the court's findings are unsupported by the record and that certain witnesses were not credible. Appellant also alleges, without further explanation, that the trial court was biased and prejudiced. Appellant has not established that any of the findings are clearly erroneous. See Bianchi v. Lorenz, 166 Vt. 555, 562 (1997) (factual findings are viewed in light most favorable to prevailing party and are not disturbed on appeal unless appellant demonstrates that no credible evidence supports them). Appellant would have us weigh the evidence and determine the credibility of witnesses, a matter exclusively reserved to the trial court. In re Karpin, 162 Vt. 163, 168 (1993). In short, none of appellant's arguments undermine the trial court's decision, which is supported by the record.

Affirmed.

BY THE COURT:

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Jeffrey L. Amestoy, Chief Justice

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John A. Dooley, Associate Justice

Frederic W. Allen, Chief Justice (Ret.)

Specially Assigned