



105, ¶ 8, 195 Vt. 302 (stating that appeal is not moot if it involves either a live controversy or the parties have “a legally cognizable interest in the outcome of the case throughout the entire proceeding” (quotation omitted)).

Turning to the merits of the appeal, we uphold the environmental court’s decision. “An interested person who has participated in a municipal regulatory proceeding authorized under [Title 24] may appeal a decision rendered in that proceeding by an appropriate municipal panel to the Environmental Division.” 24 V.S.A. § 4471(a); see also 10 V.S.A. § 8504(b) (“[A]n interested person, as defined in 24 V.S.A. § 4465, who has participated as defined in 24 V.S.A. § 4471 in the municipal regulatory proceeding under that chapter may appeal to the Environmental Division an act or decision made under that chapter by . . . a development review board; . . .”). An “interested person” is defined as any one of the following:

(1) A person owning title to property . . . affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

(2) The municipality that has a plan or a bylaw at issue in an appeal . . . or any municipality that adjoins that municipality.

(3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person’s interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.

(4) Any ten persons who may be a combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition, . . . allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. . . .

(5) Any department and administrative subdivision of this state owning property or any interest in property listed in subdivision (2) of this subsection, and the agency of commerce and community development of this state.

24 V.S.A. § 4465(b).

As the environmental court explained in its decision, Mr. Trudo does not fit within any of these categories. Subsection one is not satisfied simply because the subject property is a town building and Mr. Trudo is a town resident and taxpayer. The Town is the owner of the subject property; Mr. Trudo’s status as a town taxpayer does not make him a title owner of town property. Plainly, he does not own title to property on which he is claiming the imposition of inappropriate use restrictions. By the same token, neither does his status as town resident and taxpayer make him a “municipality” under subsection two. As for subsection three, the

environmental court found it undisputed that Mr. Trudo’s residence is more than three miles from the Town Office Building. This distance cannot be considered “in the immediate neighborhood” of the subject property, at least under the circumstances of this case. In any event, Mr. Trudo has not alleged that he “can demonstrate a physical or environmental impact” on his interest under the criteria reviewed. Further, as the environmental court stated, Mr. Trudo’s alleged status as a trustee of a commercial building across the street from the Town Office Building does not qualify him as owning or occupying property in the immediate neighborhood of the subject property. The court found that Mr. Trudo appealed the DRB decision solely in his individual capacity and that he has not alleged that the commercial entity itself appealed the DRB decision or that any such entity designated him as its spokesperson for doing so. Mr. Trudo does not suggest that subsections four or five of § 4465(b) apply in this case.

Mr. Trudo’s principal argument is that any taxpayer such as himself who is a legal town voter and has attended meetings and voiced his opinions as an interested person should be able to appeal a DRB ruling concerning a building that is the town office for the entire Town and all of its residents. As a town resident, Mr. Trudo had an opportunity to vote on the proposed issuance of bonds to renovate the Town Office Building. At issue here, however, is not a political decision by town voters concerning the expenditure of town funds supplied at least in part by town taxpayers, but rather a zoning decision that can be appealed only by interested persons as defined by statutory criteria that Mr. Trudo cannot meet here.

Affirmed.

BY THE COURT:

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Marilyn S. Skoglund, Associate Justice

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Beth Robinson, Associate Justice

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Harold E. Eaton, Jr., Associate Justice