

STATE OF VERMONT

SUPERIOR COURT  
Environmental Division Unit

ENVIRONMENTAL DIVISION  
Docket No. 68-6-19 Vtec

Eller Zoning Violation

ORDER of REMAND

This matter is an appeal from a Town of Norwich (Town) Development Review Board (DRB) decision. The Town is an On-The-Record town, meaning any appeal to the Environmental Division is considered through our on-the-record process. In this matter, the Town can not locate the recording of the hearing(s) below. Appellant John Eller asks that the matter be remanded to recreate the record. Glenn Gurman opposes remand arguing that most of the proceeding below is contained in documents and minutes from the hearing. Mr. Eller objects to this offer claiming that the information provided does not entail a complete record.

We have little flexibility in handing OTR proceedings. We cannot reopen the evidence. The parties before the Court do not agree as to how to cure the lack of recording from the DRB's hearing in this matter.

Accordingly, we **REMAND** this matter to the Town DRB to re-notice and re-hear this matter and create a full record.

This completes this appeal.

Electronically signed on October 28, 2019 at 01:34 PM pursuant to V.R.E.F. 7(d).



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Thomas G. Walsh, Judge  
Superior Court, Environmental Division