

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION

Docket No.

In Re: Divided Sky Foundation Land
Use Permit Amendment 2S0155-1

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NOTICE OF APPEAL

Pursuant to 10 V.S.A. § 8504(a) and Rule 5 of the Vermont Rules of Environmental Court Proceedings (V.R.E.C.P.), Fox Run Homeowners' Association Inc. MBE and its constituent owners (collectively, the "Association" or "Appellant") hereby appeals to the Vermont Superior Court Environmental Division from the Land Use Permit Amendment dated November 1, 2022 (the "Permit"), issued by the District 2 Environmental Commission approving the application submitted by Divided Sky Foundation to convert and renovate an existing building located at 262 Fox Lane Extension in Ludlow, Vermont, that was formerly used as a weight control center, to now be used as a residential substance use disorder treatment facility (the "Project"). A copy of the Permit is attached hereto as Exhibit 1.

The Association owns land that shares a property boundary with the Project parcel. The Association participated before the District Commission and was granted party status. The Permit, if confirmed, would injure the Association's particularized interests protected under 10 V.S.A. ch. 151. The statutory and legal bases for this appeal and/or the Association's party status are, inter alia, 10 V.S.A. §§ 6001(14), 6001(23), 6085(c)(1)(e), 8502(7) and 8504(a).

Notice to Interested Persons: You must enter an appearance in writing with the Court within 21 days of receiving this Notice of Appeal or in such other time as may be provided in Vermont Rule of Environmental Procedure 5(c) if you wish to participate in this appeal.

DATED at Rutland, Vermont this 30th day of November, 2022.

Respectfully submitted,

Appellant

By its attorneys:

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By:



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