

VERMONT SUPERIOR COURT, CIVIL DIVISION, CHITTENDEN UNIT

Trichome VT LLC v. Essex Junction Local Cannabis Control
Commission

Trichome · No. 25-CV-05447 · Decided April 9, 2026

SUMMARY

The Vermont Superior Court dismissed Trichome VT LLC’s appeal from the Essex Junction Local Cannabis Control Commission’s revocation of its local cannabis cultivation license. The court held that Vermont Rule of Civil Procedure 74 applies to decisions of state boards or agencies, not municipal departments, and that the cited statutes did not authorize Superior Court review of the local commission’s decision. The court denied Trichome’s motion for default judgment as moot.

CASE DETAILS

COURT	Vermont Superior Court, Civil Division, Chittenden Unit
WRITING FOR THE COURT	Megan J. Shafritz
JURISDICTION	Vermont Superior Court, Civil Division, Chittenden Unit
DECIDED	April 9, 2026
DOCKET	25-CV-05447
DISPOSITION	dismissed
PROCEDURAL POSTURE	Trichome appealed the revocation of its local cannabis-cultivation license and moved for default judgment or to strike the City's motion to dismiss. The City moved under V.R.C.P. 12(b)(1) to dismiss for lack of subject matter jurisdiction.
STANDARD OF REVIEW	On a V.R.C.P. 12(b)(1) motion, dismissal is improper unless it appears beyond doubt that no facts or circumstances exist that would entitle the plaintiff to relief.
PRECEDENTIAL VALUE	nonprecedential trial-court decision
PARTIES	Trichome VT LLC v. Essex Junction Local Cannabis Control Commission, City of Essex Junction

TOPICS

- subject matter jurisdiction
- motions to dismiss
- administrative law
- appellate procedure
- municipal law

PRACTICE AREAS

administrative law

cannabis regulation

municipal law

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the Vermont Superior Court had subject matter jurisdiction under V.R.C.P. 74 or 3 V.S.A. § 843 to review a municipal local cannabis control commission's revocation of a local cannabis license.
2. Whether Trichome was entitled to default judgment or other relief after the City moved to dismiss.

HOLDINGS

1. V.R.C.P. 74 applies to decisions by state boards or agencies and does not authorize an appeal to the Superior Court from a municipal department such as the Essex Junction Local Cannabis Control Commission.
2. Neither 3 V.S.A. § 843 nor 7 V.S.A. § 863(b) authorizes the Vermont Superior Court to review the LCCC's decision revoking Trichome's local cannabis license.
3. Trichome's motion for default judgment was denied as moot because the court lacked subject matter jurisdiction over the appeal.

KEY QUOTATIONS

“As is evident from its language, Rule 74 only applies to decisions by a state board or agency; it does not apply to decisions by a municipal department like the LCCC.” (at 2)

“Neither Rule 74 nor 3 V.S.A. § 843 authorizes this Court to review the LCCC’s decision to revoke Trichome’s cannabis license.” (at 3)

FACTUAL BACKGROUND

Trichome VT LLC operated an outdoor cannabis-cultivation business in Essex Junction's Residential-1 Zoning District under a license from the Vermont Cannabis Control Board. After zoning proceedings determined that the operation was prohibited by the City's Land Development Code, the Essex Junction Local Cannabis Control Commission voted to revoke Trichome's local cultivation license. Trichome then appealed the revocation to the Vermont Superior Court under V.R.C.P. 74 and 3 V.S.A. § 843.

PROCEDURAL HISTORY

The Essex Junction Local Cannabis Control Commission revoked Trichome's local cannabis cultivation license after zoning proceedings determined that the operation violated municipal zoning bylaws. Trichome filed a notice of appeal in the Vermont Superior Court under V.R.C.P. 74 and 3 V.S.A. § 843. The court granted the City's motion to dismiss for lack of subject matter jurisdiction and denied Trichome's motion for default judgment as moot.

DISPOSITION

dismissed

CASES CITED

- Vt. Agency of Nat. Res. v. Upper Valley Reg'l Landfill Corp., 159 Vt. 454, 458 (1992)
- In re 8 Taft Street DRB & NOV Appeals, 2025 VT 27, ¶¶ 1-4, 7, 24, 342 A.3d 852
- In re Taft Street Appeals, Nos. 23-ENV-00120, 24-EV-0003, 2025 WL 2711258, at *2 (Vt. Super. Ct. Sept. 3, 2025)
- Wyatt v. City of Barre, 885 F. Supp. 2d 682, 688 (D. Vt. 2012)
- Lamell Lumber Corp. v. Newstress Int'l, Inc., 2007 VT 83, ¶ 6, 182 Vt. 282
- Baron v. McGinty, 2021 VT 6, ¶ 31, 214 Vt. 141
- Wool v. Office of Prof'l Regulation, 2020 VT 44, ¶ 8, 212 Vt. 305

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