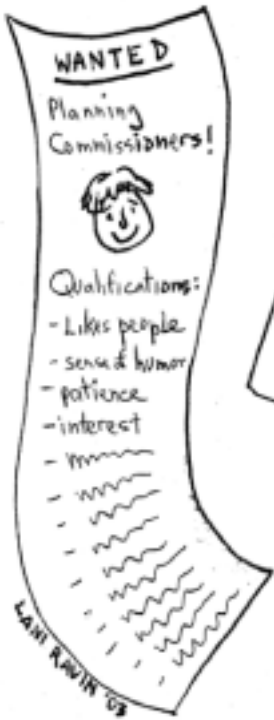


So...

**you've just become a member of your town's
Planning Commission,
Zoning Board, or
Development Review Board**

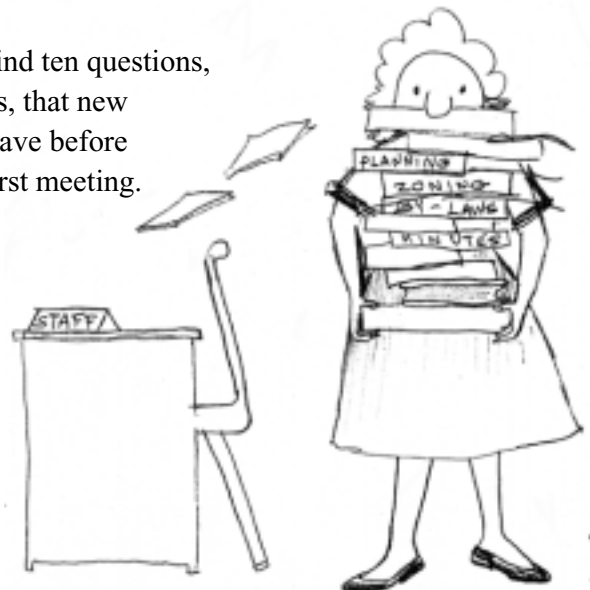
Welcome



Kudos to you for your willingness to serve! The future of our communities depends on people like you getting involved, taking your turn to volunteer time. It will keep you on your toes. You will learn a lot. It should be interesting.

Your central duty is a tough one: to determine how to balance the public good with private rights and interests. Being a good listener will help you to determine what the public good or interest is. You'll find, being on the front line, that it helps to follow standard meeting rules to create public meetings that feel fair and civil to all involved.

Inside you will find ten questions, and their answers, that new members often have before attending their first meeting. Good luck!



How did I get here?

A few towns in Vermont elect their Planning Commissioners. If you went through that, you know how you got here. Otherwise, you were appointed by the Selectboard to fill a specified term (planning commissioners have 4-year terms). Maybe you expressed interest or even applied and interviewed for the position. If not, take this appointment as a compliment that you have been recognized as someone who can serve the community well. If you don't get a letter from them notifying you formally on the length of your term, you may want to check on that. If you wish to continue after the term is up, you will need to request re-appointment.

What's expected of me?

- Follow the rules of procedure for your board/commission and contribute to meetings in a constructive way. If rules don't exist, meet with the chair to learn how meetings are conducted.
- Show up at meetings and arrive on time.
- Keep an open mind and treat your fellow board/commission members, staff and everyone who comes before you with respect.
- Listen.
- Display good ethical behavior by avoiding the pursuit of special privileges.
- Take advantage of training that is available (*see box "Where can I go for help?"*)
- Always seek to ascertain the public interest and how best to further the interests of the community as a whole.

What is the source of my authority?



In Vermont, all local powers are specifically granted to municipalities from the state. Local authority to plan and regulate land uses is defined in the Vermont State Statutes Title 24, Chapter 117. For example, the process for appointments is spelled out in sections 4323 for planning commissioners and 4460 for zoning board and development review board members.

Every town clerk has a set of these green books in the office for public use. When you use them, and you should, be sure to first check the pocket supplements in the back for recent revisions. You can get a reprint of just Chapter 117 from your regional planning commission or the Vermont Department of Housing &

Community Affairs. And you can find the up-to-date version of the state statutes online at www.leg.state.vt.us/statutes/sections.cfm?Title=24&Chapter=117.

Your municipal plan and bylaws, written in conformance with state statutes, further describes what local planning commission, zoning board or development review board members can and can't do.

What are my roles and responsibilities?

The responsibility for local land use decisions can be divided into two functions:

- planning (policy-making or “legislative function”) and
- regulation (development review or “quasi-judicial function”).

If the town has a Development Review Board, then the Planning Commission is only involved in planning. In towns with a Zoning Board of Adjustment or with a combined Planning Commission/Zoning Board of Adjustment, the Planning Commission may be involved in reviewing development projects (*see flow chart on page 7*).

In carrying out its planning functions, the Planning Commission should seek broad public involvement in the process and try to keep its activities open and inclusive. Members may discuss issues publicly and should seek all opportunities to inform interested parties and the public at large.

However, in carrying out the regulatory functions, the responsible board must ensure a fair and open process by following required procedures for public notice and decision-making. As the designated judges, members must scrupulously avoid taking sides on an application before the evidence is heard and must avoid discussing a pending application with an applicant, proponents or opponents outside the context of the hearing.

What are the limits to my authority?

In preparing plans and bylaws for adoption planning commissions must follow procedures for notice and public hearing established in Chapter 117. Plans and bylaws are adopted either by the citizens in an election or by the legislative body (which is the Selectboard, unless you have a city council).

As in any relationship, everything goes better if communication lines are open and active between the various municipal boards. Work together for the good of the community. At least exchange minutes. Some towns have at least one joint meeting each year with Selectboard, Planning Commission and Zoning or Development Review Board members getting to know each other and the

town's issues from others' perspectives. Eating something together helps create a good atmosphere at the meeting.

Boards reviewing development applications must follow the procedures set forth in the bylaws and decisions must be based on the standards for review established in the bylaws.

How do I make decisions?

- Work together as team with your fellow members and other town boards and officials.
- Try hard to decide what is in the public interest.
- Decisions made on amending the plan or by-laws need to be communicated broadly and open to public input.
- Read carefully, and make sure your decision is based on your town plan and bylaws.
- When acting in a regulatory capacity, follow the “rule of law”. This means that regulatory decisions must be based upon your bylaws and state statute, and not on personal feelings.

What do I need to know about Act 250 or other state permits?

Brochures providing general information about state permits are posted on town office walls, brochure racks or openly available in town clerk's office. The town Planning Commission and Selectboard are “statutory parties” to all Act 250 applications. The commission or board is considered a statutory party, not the individual members. The town can submit evidence at hearings and can appeal decisions. Try hard to work together to provide a unified voice for the town—it is difficult for the District Environmental Commission or other state decision-maker if the two town entities are not in agreement. Keep in mind that it is the Selectboard that decides whether to allocate funds to pay an attorney to represent the town's interest in such proceedings.

There is a Permit Specialist available in your District Environmental Office to answer your questions about state permits (see map with phone numbers or go to <http://www.anr.state.vt.us/dec/ead/pa/index.htm>). The applicants are responsible for obtaining all required permits—it is not your responsibility—but you can help guide them in the right direction by encouraging them to make contact with the District Environmental Office.

Are our meetings supposed to be “public?”

You are a member of a ‘public body’. Under Vermont law all meetings of a public body must be open to the public at all times. A meeting is defined as a gathering of a quorum (i.e., majority of the total membership) of the board or commission for the purpose of discussing the business of the public body or for taking action. The Secretary of State’s Office has some resources that help explain the open meeting law available on the web:

www.sec.state.vt.us/municipal/pubs/quickguide_open_meetings.doc (quick guide)

www.sec.state.vt.us/municipal/pubs/open_meetings.doc. (full brochure)

There are two exceptions to the open meeting law. The first is when a board, acting in its quasi-judicial capacity, elects to go into a deliberative session to consider evidence presented during a public hearing on a permit application. Because the law expressly excludes the taking of evidence and arguments of parties to the matter in deliberative session, the public may be excluded from this meeting. A decision may be made in deliberative session provided that a written decision by the board is subsequently issued.

The second exception to the open meeting law is when a board elects to go into executive session to discuss a specific matter, such as personnel issues. Vermont law is very explicit about which topics may be discussed in an executive session, and the courts lean very heavily in favor of conducting business in the open. Thus, before using executive session, be sure to check the statutory exemptions and seek legal advice when in doubt.



The open meeting law also applies to any subcommittees of the planning commission, zoning board and development review board. All meetings of a public body must be noticed and minutes must be kept except when the public body is in deliberative or executive session. The specific notice and minute-keeping requirements for meetings is found in 1 V.S.A. §312. Individual boards may adopt rules of procedure for the conduct of meetings and quasi-judicial proceedings. If your town has elected to conduct quasi-judicial hearings under the Municipal Administrative Rules of Procedure, your board must follow the rules provided for in 24 V.S.A. Chapter 36.

When reviewing an application for development, avoid discussing the project with the applicant or any interested party outside the public hearing. It is important to maintain impartiality until all evidence has been heard.

Who will I work with?



Hopefully you like people, because you will interact with a lot of them. The “public”, or citizens who will attend controversial or interesting meetings, the media, private developers and landowners along with their consultants. Lawyers. All kinds of characters, all of whom deserve respect. The Zoning Administrator should be of major assistance in providing information. You may be in a town lucky enough to have a town planner or other staff. Sometimes you will interact with other local officials, regional and state employees. A good source of background on who does what in town can be found in a publication by the Secretary of State’s Office titled *Who’s Who in Local Government* found at www.sec.state.vt.us/municipal/pubs/who'swho.html.

Where can I go for help?

Your regional planning commission (see attached map with phone numbers):
www.access-vermont.com/vapda/

Dept. of Housing & Community Affairs on planning issues: 800-622-4553 or
www.dhca.state.vt.us/planning

Secretary of State’s Office or civil procedures: 828-2363 or www.sec.state.vt.us

On-line Resources

Planning Commissioner’s Journal: www.plannersweb.com/

People Can Plan Website: www.peoplecanplan.org/

Vermont Planning Information Center, an on-line information clearinghouse on local planning and regulation: www.vpic.info

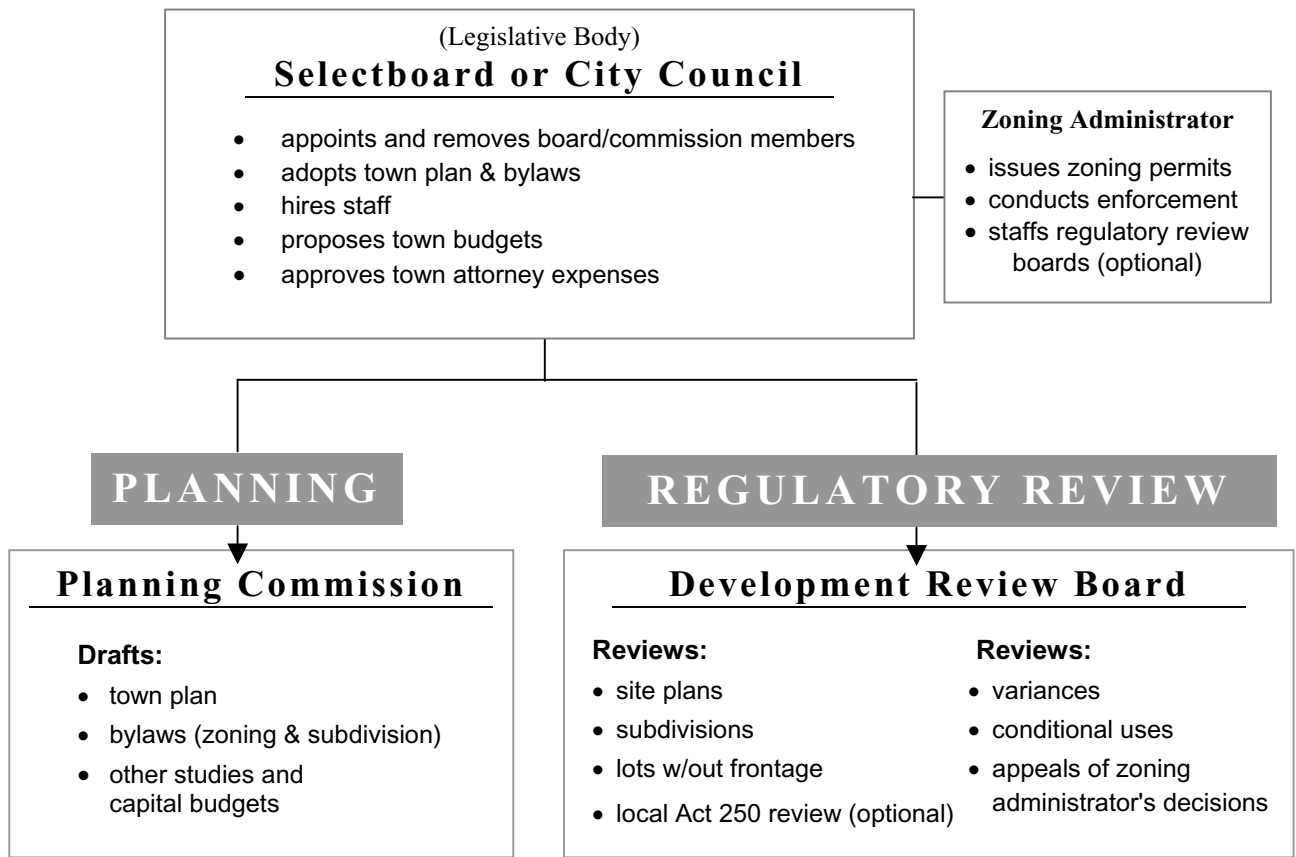
Vermont League of Cities & Towns: Municipal Assistance Center: www.vlct.org/law.htm

UVM Extension Service through the UVM Center for Rural Studies:

–data for planning and analysis: www.maps.vcgi.org/indicators/profiles.cfm

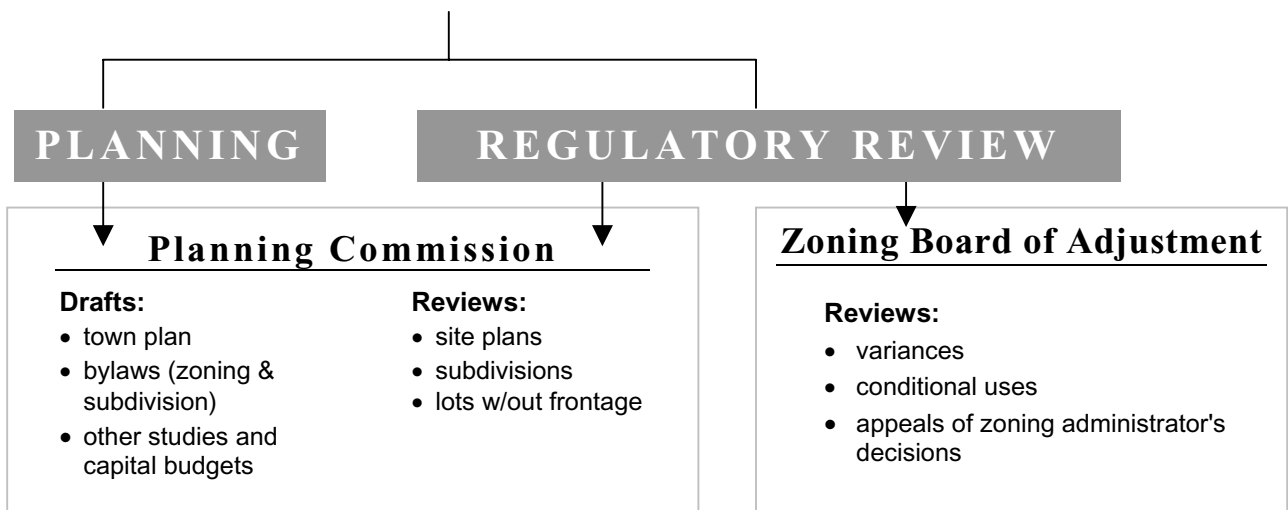
–help in preparing a town plan: www.crs.uvm.edu/cpdp/planner/index/cfm

Roles and Responsibilities of Local Land Use Officials



OR

In municipalities with a zoning board of adjustment instead of development review



Regional Planning Commissions

Northwest Regional Planning
Commission
802-524-5958 or 800-564-5958
Email: nrpcvt@nrpcvt.com
www.nrpcvt.com/

Northeastern Vermont
Development Association
802-748-5181
Email: info@nvda.net
www.nvda.net

Chittenden County Regional Planning
Commission
802-846-4490
Email: administrator@ccrpcvt.org
www.ccrpcvt.org

Lamoille County Planning
Commission
802-888-4548
Email: lcpc@lcpcvt.org
www.lcpcvt.org

Addison County Regional Planning
Commission
802-388-3141
Email: alougee@sover.net
www.acrpc.org/

Central Vermont Regional Planning
Commission
802-229-0389
Email: CVRPC@cvregion.com
www.central-vt.com/cvrpc

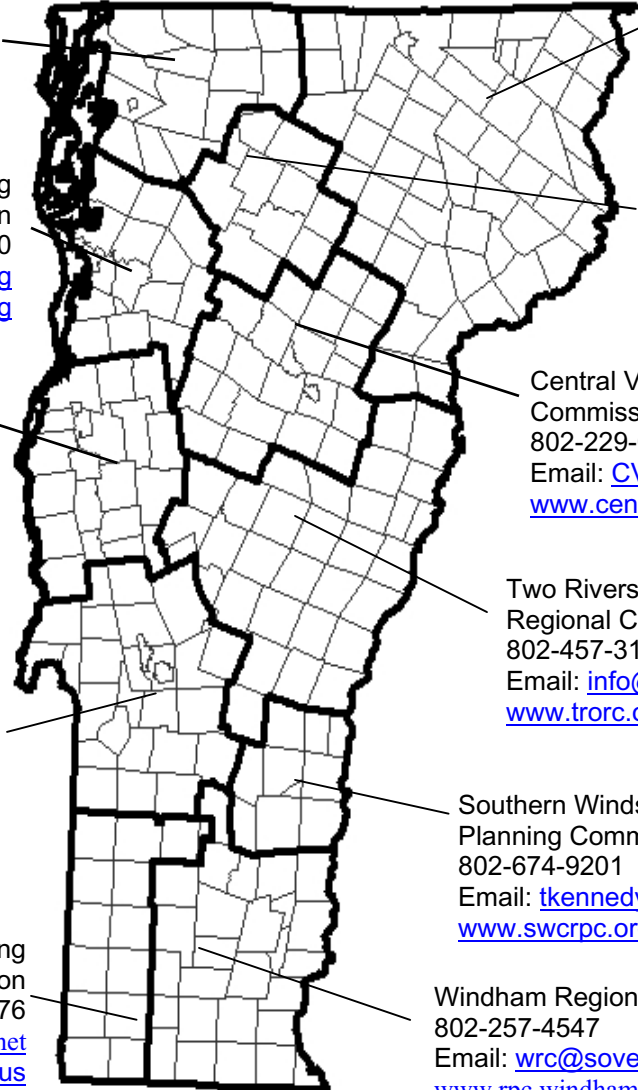
Rutland Regional
Planning Commission
802-775-0871 or 800-464-7900
Email: mblucher@rutlandpc.org
www.rutlandrpc.org

Two Rivers-Ottawaquechee
Regional Commission
802-457-3188
Email: info@trorc.org
www.trorc.org

Bennington County Regional Planning
Commission
802-375-2576
Email: bcrburk@verizon.net
www.rpc.bennington.vt.us

Southern Windsor County Regional
Planning Commission
802-674-9201
Email: tkennedy@sover.net
www.swcrpc.org

Windham Regional Commission
802-257-4547
Email: wrc@sover.net
www.rpc.windham.vt.us/



Agency of Natural Resources (ANR) District Environmental Commissions (Act 250)

REGIONAL OFFICES

DISTRICTS 1 & 8

450 Asa Bloomer State Office Bldg.
Merchants Row
Rutland, VT 05701-5903
Permit specialist..... 786-5907
Regional Engineer 786-5900
Act 250 (Dist #1 & 8)..... 786-5920
Act 250 (Dist #9) 879-5614
River Management..... 786-5906

DISTRICTS 2 & 3

100 Mineral St., Suite #303
Springfield, VT 05156
Permit specialist..... 885-8850
Regional Engineer 885-8855
Act 250 (Dist #2, 3 & 3A) ... 885-8855
River Management..... 786-5906

Districts 4 & 6

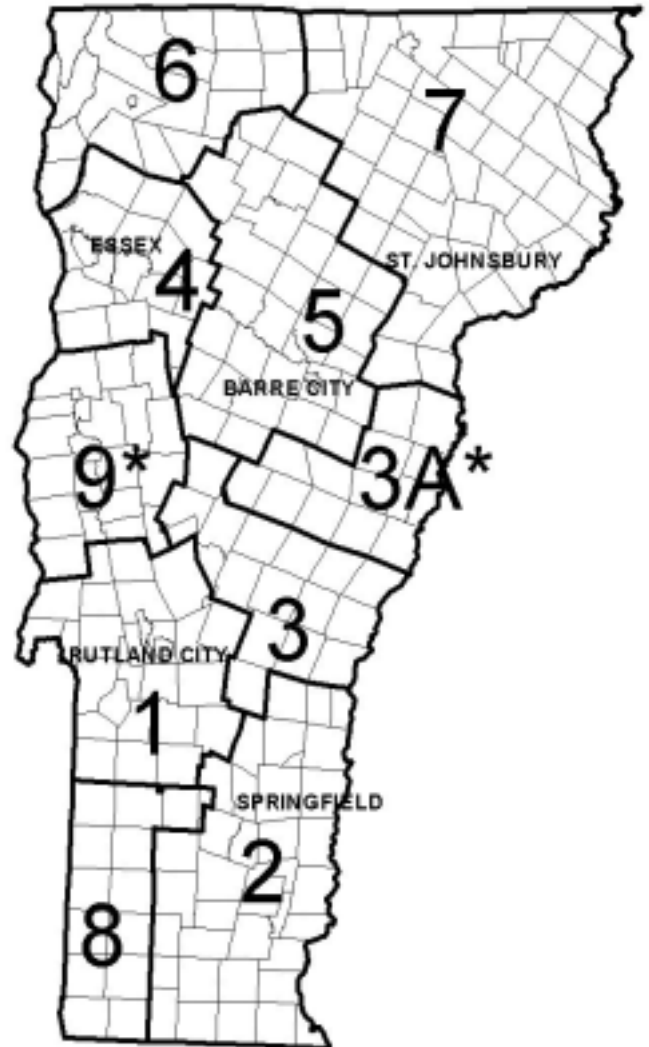
111 West St.
Essex Junction, VT 05452
Permit specialist..... 879-5676
Regional Eng (Dist #4 & 6). 879-5676
Regional Eng (Dist # 9).... 786-5900
Act 250 (Dist #4, 6 & 9).... 879-5614
River Management..... 879-5631

DISTRICTS 3A & 5

5 Perry Street, Suite 80
Barre, VT 05641
Permit Specialist 476-0195
Regional Engineer 476-0190
Act 250 (Dist #3A)..... 885-8855
Act 250 (Dist #5) 476-0185
River Management..... 879-5631

DISTRICT 7

1229 Portland St., Suite 201
St. Johnsbury, VT 05819
Permit specialist (Tues.) .. 751-0127
Regional Engineer 751-0130
Act 250..... 751-0120
River Management..... 751-0129



3A* Note:

Towns in District 3A must contact the Springfield office for Act 250 Permits. For Water Supply, Wastewater Disposal and Subdivision permits, District 3A must contact the Barre Office.

9* Note:

Towns in District 9 must contact the Essex Junction office for Act 250 Permits. For Water Supply, Wastewater Disposal and Subdivision permits, District 9 must contact the Rutland Office.

Produced by

**The Vermont Department of Housing & Community Affairs, as part
of the Land Use Education & Training Collaborative**

With assistance from the following:

VTrans

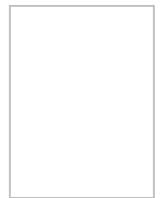
Vermont League of Cities & Towns

UVM Center for Rural Studies

Northwest Regional Planning Commission

Vermont Secretary of State

Planning Commissioners Journal



To: