What is Planning

Module 1

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Why do we plan?

1. Paints a clear picture of shared goals for the future
2. Make or strengthen great places to live
3. Ensure transparent public policies
4. Promote wise investments for the future

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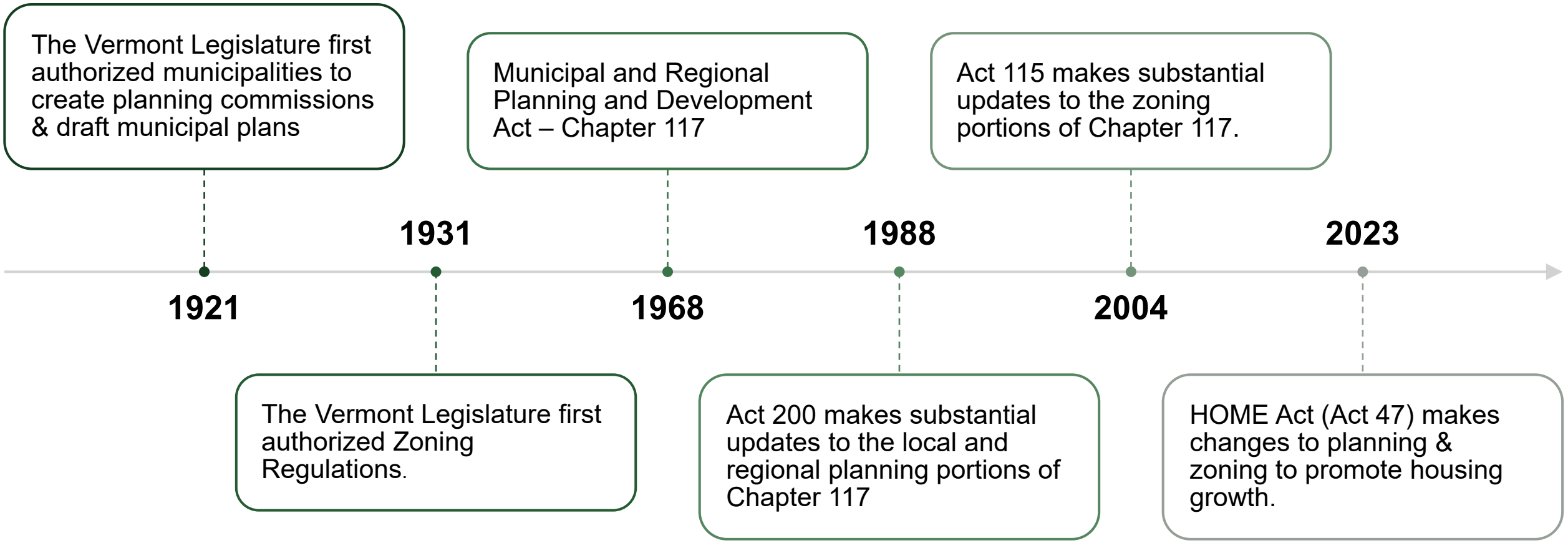
Over 100 years of Planning



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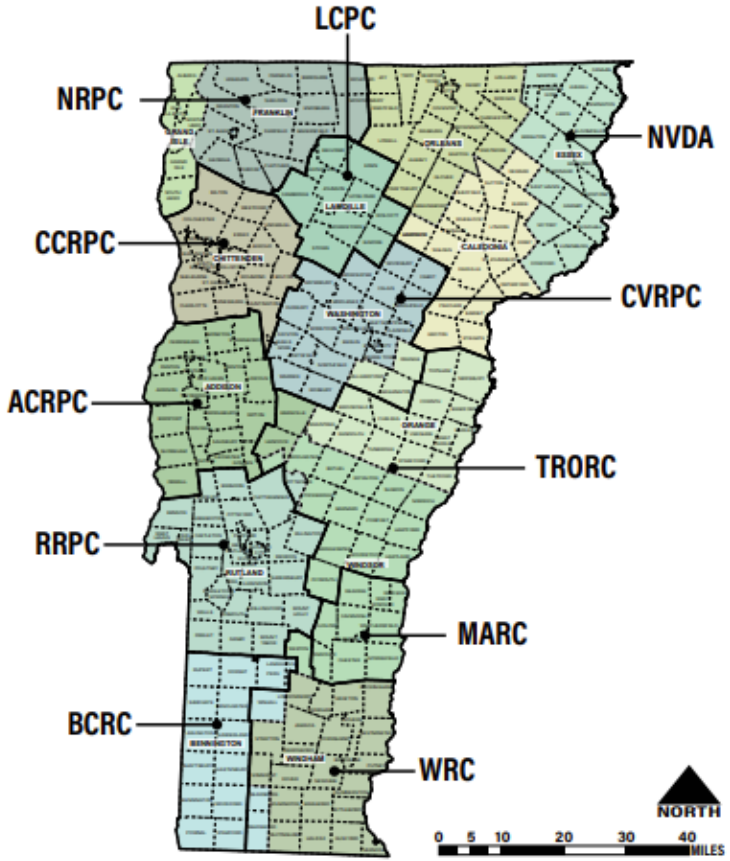
Planning Process Goals

1) Planning is comprehensive and coordinated from the state, regional and local level
2) Planning involves widespread public participation at all levels
3) Planning considers how to best use resources and guide growth
4) Planning allows municipalities to work together to meet common goals

RPC Assistance with Planning

[Add RPC Contact Information Here]



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Board Roles and Responsibilities

Module 2

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Definitions

- Legislative: creating and amending rules and laws
- Quasi-Judicial: interpreting and applying rules and laws in a formal hearing process
- Administrative: implementing rules through issuing permits, etc.
- Interested Persons: individuals who have a right to participate in the hearing process and who can appeal a decision of a board to the Environmental Court

Who Serves These Roles in Your Town?

Legislative	**Quasi-Judicial**	**Administrative**	**Advisory**
Selectboard	Development Review Board	Zoning Administrator	Conservation Commission
City Council	*OR*		Housing Committee
Village Trustees	Zoning Board of Adjustment & Planning Commission		Energy Committee
Planning Commission			

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Appointment Process

- Selectboard: elected by voters at Town Meeting
- Planning Commission, DRB, ZBA: Members are appointed by Selectboard. In some communities, Planning Commission and DRB members are voted on at Town Meeting
- Zoning Administrator:
  - Planning Commission nominates candidate to Selectboard
  - Selectboard appoints Zoning Administrator for 3 year term

Legislative Functions

- Planning Commission:
  - Prepares the Town Plan
  - Prepares zoning and subdivision bylaws and amendments
  - Can prepare capital budget and program at the direction of the Selectboard
  - Can prepare ordinances at the direction of the Selectboard
  - Prepares other studies at the direction of the Selectboard

Legislative Functions

- Selectboard:
  - Reviews the Town Plan submitted by the Planning Commission and may make revisions before adoption or send to Town Meeting for voter approval
  - Reviews zoning and subdivision bylaws prepared by the Planning Commission and may make revisions before adoption or sends to Town Meeting for voter approval
  - Prepares, amends, adopts capital budgets
  - Prepares, amends, adopts ordinances

Quasi-Judicial Functions

Development Review Board

- Site plans
- Subdivisions
- Conditional uses
- Variances & Waivers
- Appeals of ZA decisions

OR

Planning Commission

- Site plans
- Subdivisions

Zoning Board of Adjustment

- Conditional Uses
- Variances & Waivers
- Appeals of ZA decisions

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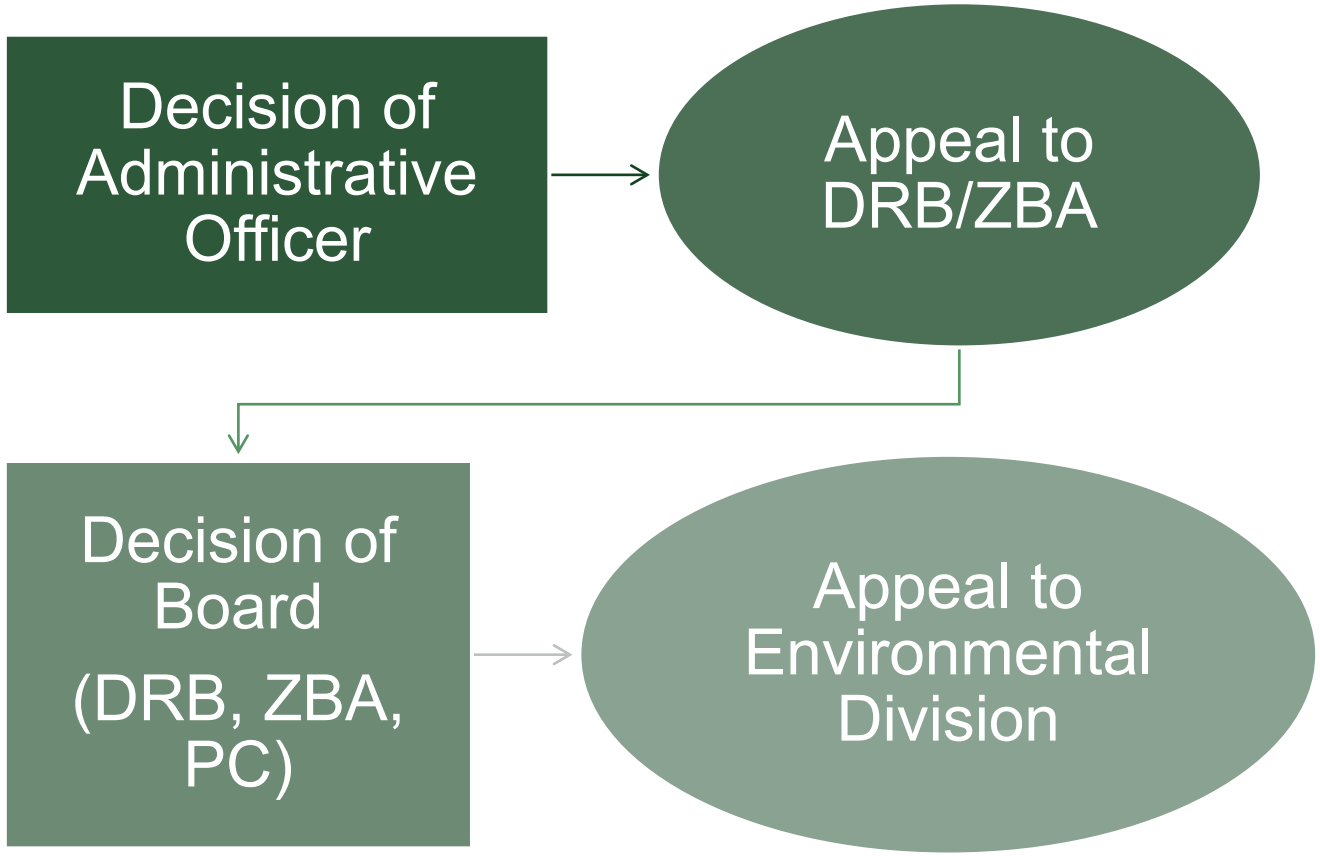
Advisory Functions

- May provide input for Town Plan
  - Example: Conservation Commission providing input on Natural Resources Chapter or Housing Committee providing input on Economic Development Chapter
- May be required in municipal bylaws to provide input on aspects of development proposals
  - Design Advisory Committee providing input to DRB on development with a town's historic districts
- Only provide advisory comments and not able to make decisions regarding land use applications

Administrative Functions

- Zoning Administrator:
  - Responds to questions from residents, property owners, developers
  - Helps coordinate review of applications across town departments
  - Reviews applications and issues or denies zoning permits
  - Conducts enforcement
  - Can serve as clerk to the Planning Commission, DRB, or ZBA
  - Can be authorized in the bylaws to review and approve new development proposals that would otherwise require approval by an appropriate municipal panel

Appeals


Decision of Administrative Officer
Appeal to DRB/ZBA
Decision of Board
(DRB, ZBA, PC)
Appeal to Environmental Division

Who May Appeal?

- The Applicant
- Interested Person
  - The municipality or any adjoining municipality
  - Someone owning or occupying property in the immediate neighborhood of the proposal and who can demonstrate a physical or environmental impact
  - Any 20 persons who may be a combination of voters, residents, or property owners within the town by signed petition
  - Departments or administrative subdivisions of the state owning property in the town or adjacent municipality
- Only interested persons who have participated in the hearing process may appeal a decision.

Examples from _____ Region

Examples of Coordination between Selectboard and Planning Commission:

- Putney Planning Commission Monthly Reports at Selectboard Meetings

- Appointment of Selectboard Liaison to Planning Commission (multiple towns)

2026 Planning Commission Project Schedule as of 1/20/26	Fiscal Year 2026						Fiscal Year 2027					
	Jan 26	Feb 26	Mar 26	Apr 26	May 26	Jun 26	Jul 26	Aug 26	Sep 26	Oct 26	Nov 26	Dec 26
Zoning Bylaw Modernization – Stage 1 *												
Zoning Bylaw Modernization – Stage 2 **												
Comprehensive Village Plan *												
Putney Landing Walkway – Assist Town Manager *												
Putney Enhanced Energy Plan ***												
Comprehensive Recreation Plan – Municipal Planning Grant Application***												
Housing Initiatives Planning ***												

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Resources

- Statue
  - Planning Commissions: 24 V.S.A. § 4321 - § 4328
  - Zoning Administrators: 24 V.S.A. § 4448, § 4449, § 4451, § 4452, § 4454
  - Appropriate Municipal Panels: 24 V.S.A. § 4460
  - Appeals: 24 V.S.A. § 4465 - § 4471

- Vermont League of Cities & Towns: https://www.vlct.org/

- Zoning Administrator's Handbook: https://www.vapda.org/uploads/1/3/1/8/131894470/za_handbook_vlct_may2025_copy.pdf

Municipal Plans & Public Engagement

Module 3

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Municipal Plans are a Long-Term Vision

1962 2016 2050

Image Credit: Vermont Center for Geographic Information (VCGI)

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Planning Process

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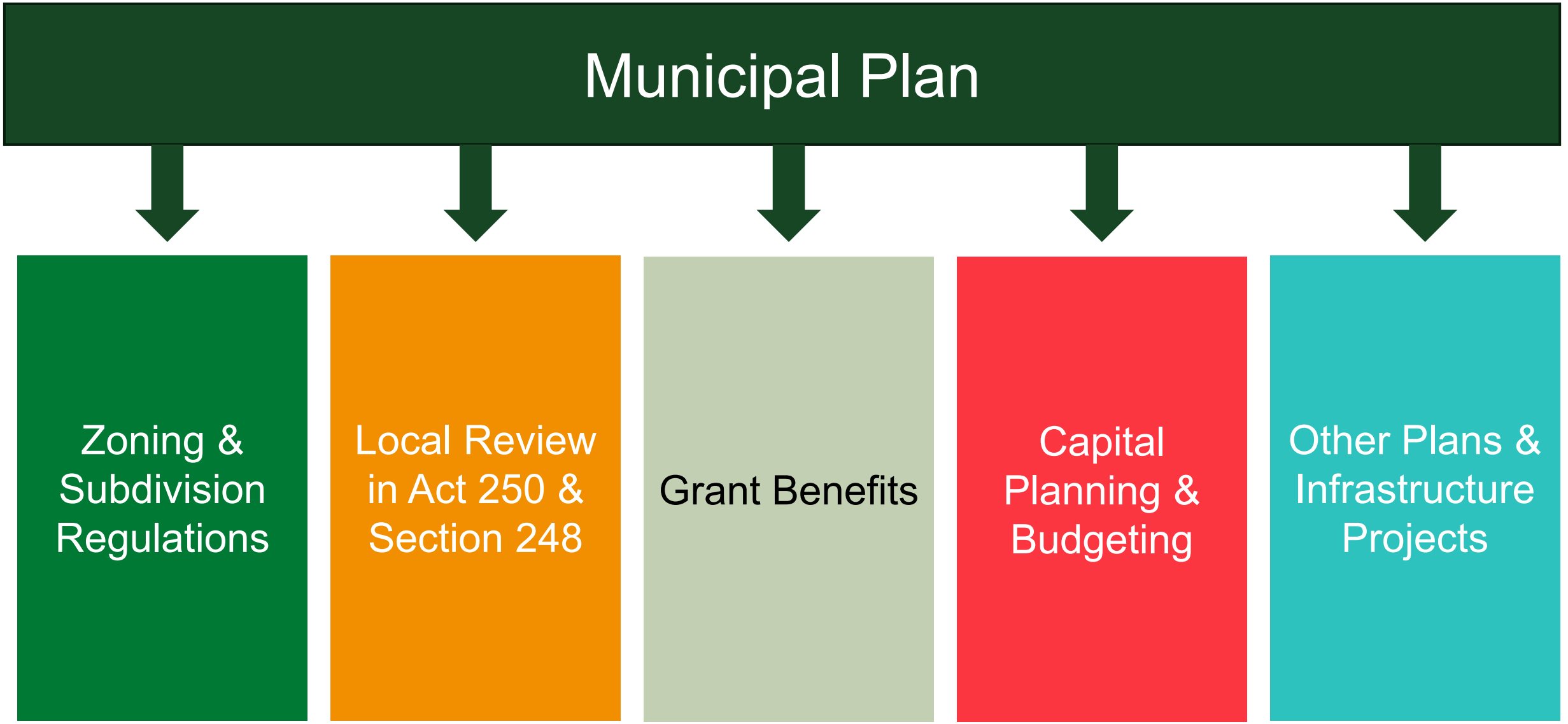

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12 Required Elements of A Town Plan

Overall Structure

Objectives and policies

Implementation plan

How plan relates to plans of adjacent municipalities and the region

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12 Required Elements of A Town Plan

Planning Topics

Utility and facilities

Educational facilities

Transportation facilities

Land use

Natural, scenic and historic resources

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12 Required Elements of A Town Plan

Planning Topics Cont.

Energy

Housing

Economic Development

Flood Resilience

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Statewide Planning Goals

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“When it comes to planning, if you’re not doing it with people – they think you are doing it to them.”

Roger Millar, AICP
National Complete Streets Coalition

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Spectrum of Participation

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Spectrum of Participation

Spectrum of Participation

Inform

- Social media posts
- Press release
- Agendas
- Municipal website
- Mailings

Consult

- Comments at public meetings
- Open houses
- Public hearings
- Surveys

Spectrum of Participation

Spectrum of Participation

- Community workshops
- Focus Groups
- Advisory committees

- Community/co-lead boards
- Coalitions and partnerships
- Advisory Committee

- Community led process
- Delegated decisions

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Engaging People in Planning

Talk to people

Food, fun and celebration

Meet people where they are

Meetings with local community groups

Have a culture of communication

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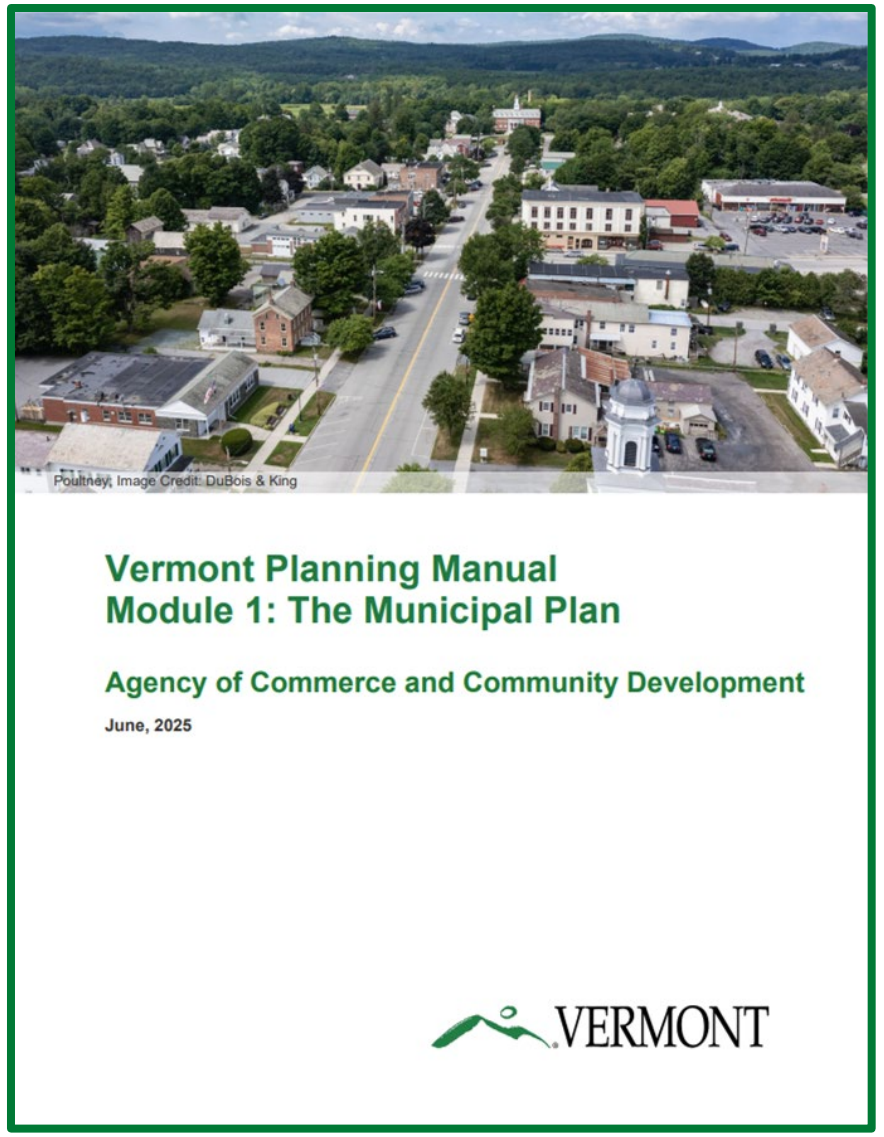
Municipal Planning Manual: Module 1

Find it here



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Implementing the Municipal Plan: Options Other Than Regulations

Module 4

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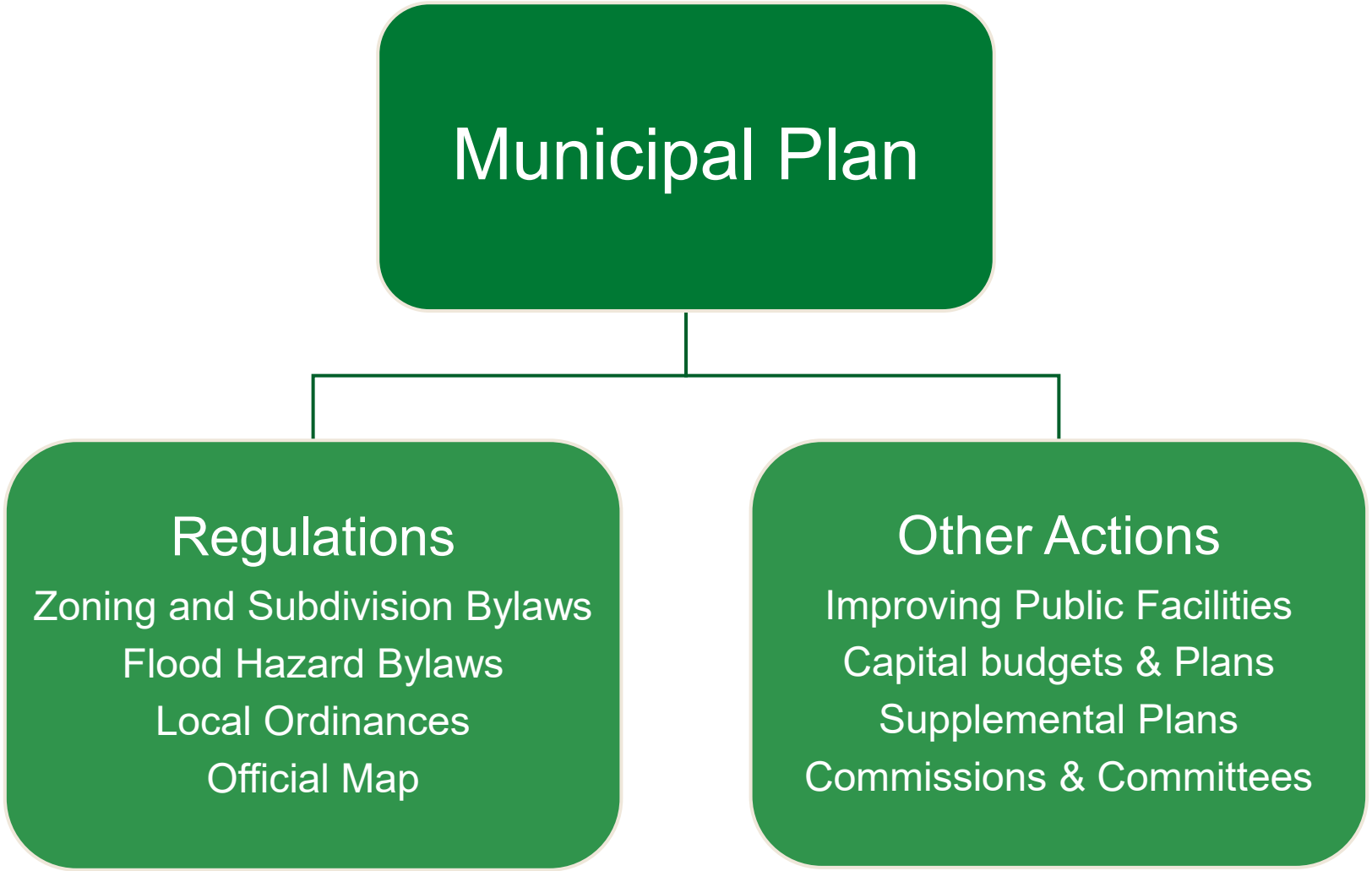
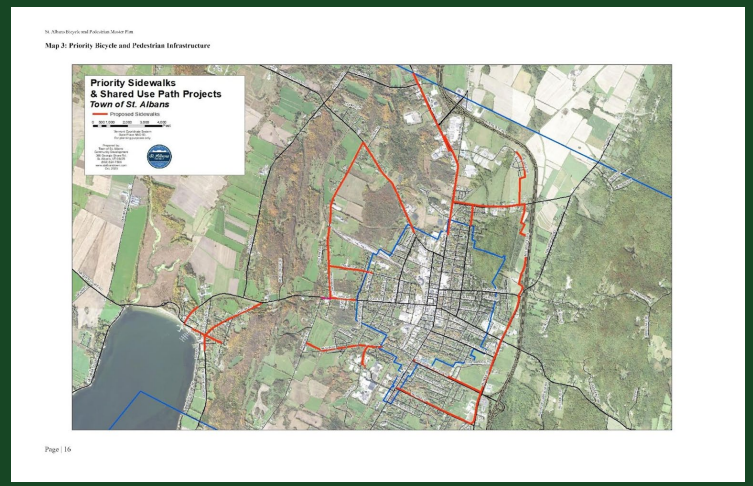

Municipal Plan
Regulations
Zoning and Subdivision Bylaws
Flood Hazard Bylaws
Local Ordinances
Official Map
Other Actions
Improving Public Facilities
Capital budgets & Plans
Supplemental Plans
Commissions & Committees

Impact of Plan Policies & Actions

- Identify the guiding principles the municipality will follow
- Guide town staff on how they should act to reach municipal goals
  - “Shall cooperate with”, “Shall assist”, “Shall monitor”, etc
- Will be used in the review of statewide permitting processes including Act 250, Section 248 (energy projects) and Section 248a (telecommunications towers)

Additional Plans and Studies

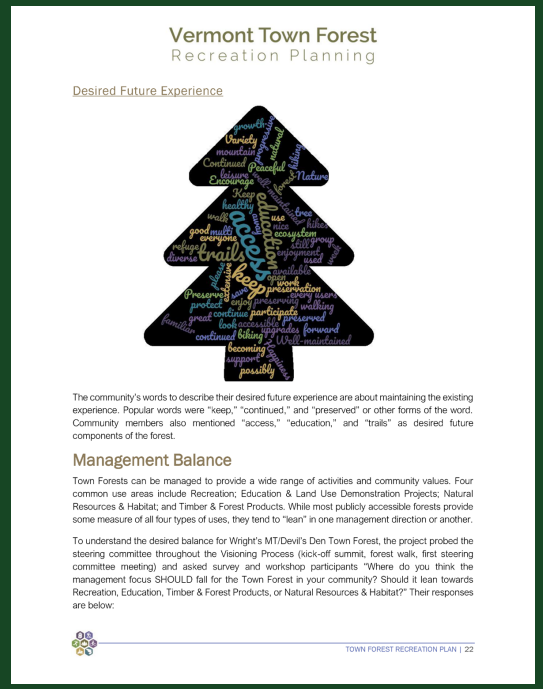
Sidewalks & Bicycle Infrastructure Plans


St. Albans Bicycle and Pedestrian Master Plan

Map 3: Priority Bicycle and Pedestrian Infrastructure

Page | 16

Recreation & Trail Plans


Vermont Town Forest
Recreation Planning

Desired Future Experience

The community's words to describe their desired future experience are about maintaining the existing experience. Popular words were "keep," "continued," and "preserved" or other forms of the word. Community members also mentioned "access," "education," and "trails" as desired future components of the forest.

Management Balance

Town Forests can be managed to provide a wide range of activities and community values. Four common use areas include Recreation; Education & Land Use Demonstration Projects; Natural Resources & Habitat; and Timber & Forest Products. While most publicly accessible forests provide some measure of all four types of uses, they tend to "lean" in one management direction or another.

To understand the desired balance for Wright's MT/Devil's Den Town Forest, the project probed the steering committee throughout the Visioning Process (kick-off summit, forest walk, first steering committee meeting) and asked survey and workshop participants "Where do you think the management focus SHOULD fall for the Town Forest in your community? Should it lean towards Recreation, Education, Timber & Forest Products, or Natural Resources & Habitat?" Their responses are below:

TOWN FOREST RECREATION PLAN | 22

Village/Downtown Master Plans

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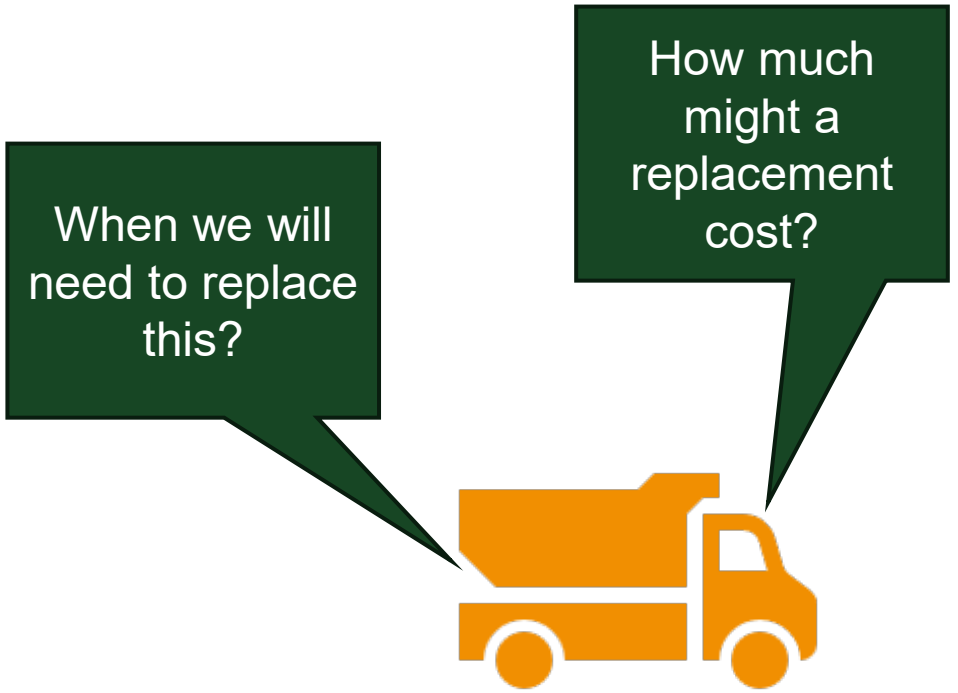
Center & Neighborhood Designations

- Neighborhood and Center Designations are based on the Regional Future Land Use Map
  - Town Plans are used to help determine these boundaries
- Having a Town Plan is required to have a neighborhood designation
- Designations provide benefits such as tax credit programs, priority for certain grants and more

Capital Plans and Budgeting

- Capital plans consider the long-term replacement needs for capital assets- like municipal buildings, vehicles and utility infrastructure
- A capital plan & budget allows you to save a little bit each year towards the replacement cost
- Capital plans can be prepared by the Planning Commission or Selectboard



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Community and Housing Infrastructure Program (CHIP)

- CHIP is a program to support development of public infrastructure needed to build housing and grow the Grand List
- CHIP allows municipality to retain a portion of the property tax otherwise sent to the Education Fund to pay for these improvements
- Municipalities are the only group able to apply for CHIP funds, developers must partner with municipalities

Other Commissions and Committees

Housing Committee

- Housing needs assessment
- Education & advocacy

Energy Committee

- Enhanced energy plans
- Advise on energy/climate elements of capital planning

Conservation Commission

- Natural resource inventories
- Manage town forest/conservation areas

Recreation Committee

- Manage and plan for recreation areas and programming

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Zoning and Subdivision Regulations

Module 5

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Town Plan (24 V.S.A §4381 - §4387)

Zoning & Subdivision Regulations (§4410 - §4428)

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Why Have Local Land Use Regulations?

Implement the vision and goals in your municipal plan, such as:

- Promote compact walkable villages and downtowns
- Protect important natural resources & farmland
- Allow for a variety of housing options
- Encourage efficient use of infrastructure
- Ensure safe circulation of pedestrian & vehicle traffic
- Make the communities more flood resilient

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Land Development May Include…

Division of land into 2 or more parcels or boundary change	Construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure	Mining, excavation, or landfill	Change in use of any building or other structure, or land, or extension of use of land

Check your bylaw, definition varies substantially across towns

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Limits of Local Regulation

- Land use regulations can only regulate what is enabled in Vermont Statute (Dillon's Rule)
- Local regulations have statutory limitations and prohibited effects (§4412 - §4413)
- Land use regulations tell people what they can and cannot do with their land, but cannot deprive landowners of all use of property
- Conditional use is not unlimited license to regulate
- Many municipalities have rules that have not been updated after changes in state law

Types of Review

Zoning	
Permitted Use	“By right”: Permitted by the Zoning Administrator
Conditional Use	“Viable with conditions”: Reviewed by Board
Exempt Uses	Both statutory exemptions and locally-exempt development
Subdivision	Division of land into parcels
Site Plan Review	Ensures good site design via specific standards
Variance or Waiver	Mechanisms to grant flexibility for development that does not meet standards
Planned Unit/Residential Development	Allows for flexible design of lot/lots including clustered development.

Conditional Use Review

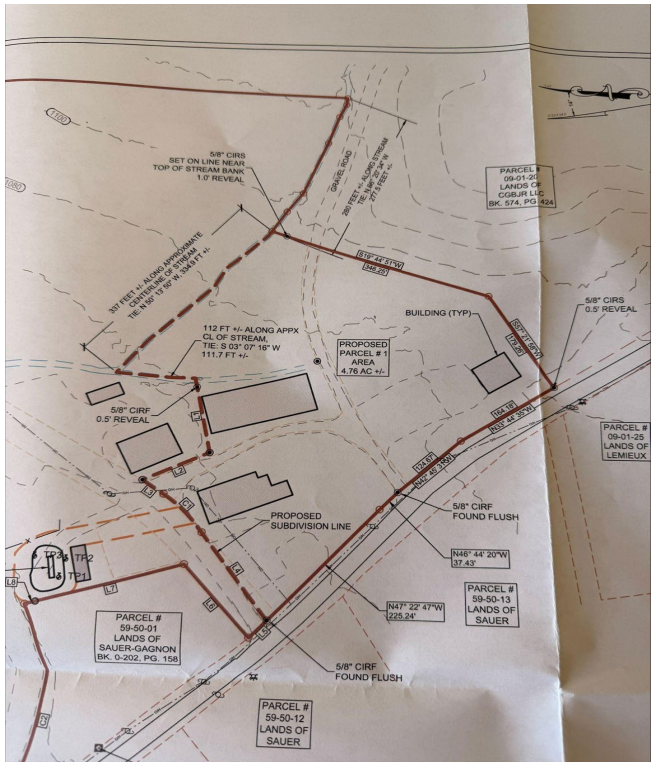
- Uses which may be found compatible with the purpose of the district after review of:
  - The capacity of existing or planned community facilities.
  - The character of the area affected as defined by zoning district purpose statement and the municipal plan*
  - Traffic on roads and highways in the vicinity.
  - Utilization of renewable energy resources.
  - Other standards defined by municipality

Site Plan Review

- Standards of good site design based on review of site plan
  - Examples: Landscaping/screening, traffic circulation, lighting
- Differs from conditional use review- use itself is not up for debate
- Responsibility for review- may be Planning Commission or Development Review Board
  - PC: Must be careful to stick to plan and not address conditional criteria
  - DRB: May review both site plan and conditional use at the same time if both apply

Subdivision

- Subdivision control the pattern of future development
  - Layout of lots, roads, sidewalks, infrastructure and protection of natural resources
- Types of subdivision review
  - Boundary Line Adjustment: Typically Zoning Administrator (ZA)
  - Minor: May be PC/DRB or Zoning Administrator (ZA)
  - Major Subdivision: PC/DRB



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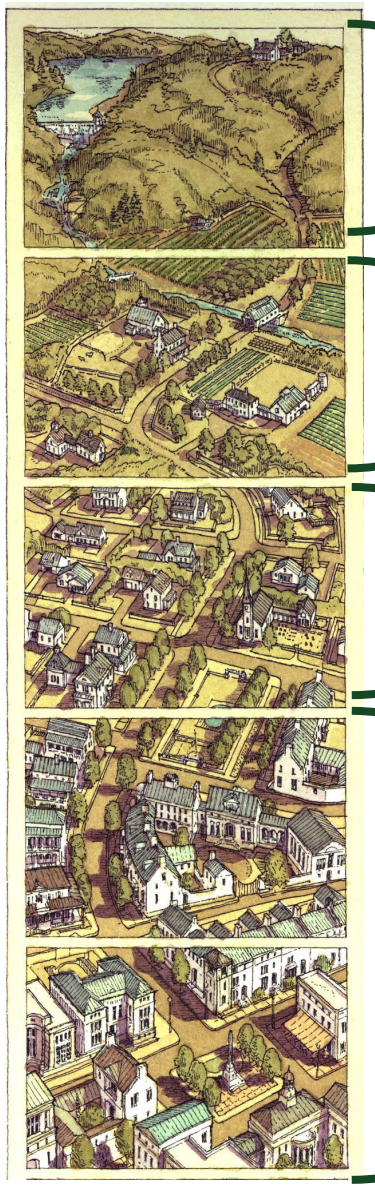
Zoning Districts



Agriculture & Forest: Working lands

Rural: Typical rural uses- often areas that don't fall into another category

Neighborhood: Denser residential areas

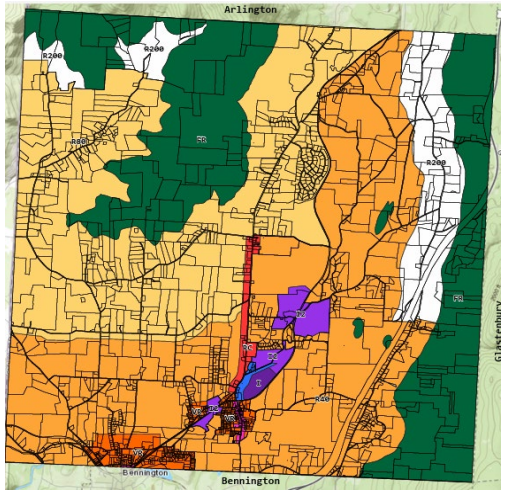
Village/Downtown : Mixed use center/core

Credit: Duany Plater-Zyberk & Company / James Wassell, AMERICAN TRANSECT

Special Uses

Industrial: Uses incompatible with residential development

Commercial: Areas for business/retail, generally not recommended



Shaftsbury, VT zoning map

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Zoning Standards: Uses

- Generally set by zoning district
- All uses are one of:
  - Permitted: Non-discretionary standards approved by ZA
  - Conditional: Discretionary review by local Board
  - Exempt: Does not require permit
  - Not Permitted/Prohibited: Not allowed

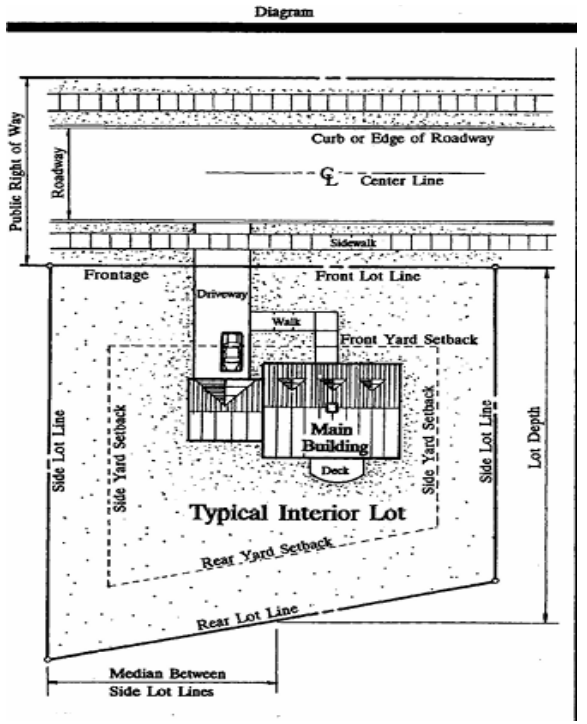
Table 3-2: Zoning District Use Allowances

USE (P=Permitted C=Conditional X=Prohibited)	Permit Required	Site Plan Required	DISTRICT RR	F1	F2
One-unit Dwelling	Yes	No	P	P	P/C
Two-unit Dwelling	Yes	No	P	P	C
Multiple Unit Dwelling	Yes	Yes	C	C	X
Accessory Dwelling Unit (DU)	Yes	No	P	P	P
Mobile Home Park	Yes	Yes	C	X	X
Planned Unit Development (PUD)	Yes	Yes	P	P	X
Customary Home Occupation	No	No	P	P	P
Home-based Business	Yes	Yes	C	C	X
Family Childcare Home	No	No	P	P	P
Family Childcare Facility	Yes	Yes	C	C	C
Childcare Facility	Yes	Yes	C	C	X
Residential Treatment Facility	Yes	Yes	C	C	X
Boarding House	Yes	Yes	C	C	X

Example: Sandgate, VT Use Table (Partial)

Zoning Standards: Density & Dimensional Standards

- Density
  - Minimum lot size
  - Maximum dwelling units/acre
  - Lot coverage or floor area ratio
- Dimensional Standards
  - Setbacks
  - Frontage
  - Height



Colchester, VT Zoning- Example of lot layout standards

Other Common Zoning Standards

Access	• What type of road or driveway is needed?
Parking requirements	• How much parking (if any) does a use need?
Screening/Landscaping	• Do any uses need to be screened from others?
Fences/Lighting/Signs	• How can we prevent nuisances to neighbors?

Special Cases & Limitations

Public facilities	Group home & home childcare	Home occupations	Agriculture & forestry
On-farm businesses	Accessory dwelling units (ADUs)	Duplexes	Small multi-units
Renewable energy generation	Telecommunications towers	Existing small lots	Non-conforming structures and uses

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Resources

- ACCD Enabling Better Places guide (includes many basics)
- VLCT Municipal Land Use FAQ
- ACCD Municipal Planning Modules
- VAPDA FAQ
- VAPDA Zoning Administrator's handbook
- Introduction to zoning (short Youtube video)
- American Planning Association's Research KnowledgeBase (info on most specific topics, warning almost never VT specific)
- One-off technical assistance from myself and our staff.

Making Effective Local Land Use Decisions in Vermont

Module 6

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Why is it important to run effective hearings?

- **Statutory Duty:** Ensure due process rights are protected for the applicant and interested parties.
- **Fair:** Maintain and foster public trust in the decision-making process.
- **Understandable:** Clear Rules of Procedure and Ethics policies

Why is making an effective decision hard?

- The review process asks us to be:
  - Formal
  - Precise
  - Decisive
  - Justified

Who is involved in the hearing?

- Appropriate Municipal Panel (DRB, ZBA and/or PC)
- Town Staff
- Applicant
- Interested Persons
- Advisory panels give advice to decision makers

Role of Applicant During Hearing

An advocate, seeking approval from the board for their project. May be represented by engineers, consultants, or occasionally attorneys.

Has the right to:

- present evidence,
- ask questions of other witnesses (cross examine),
- question written evidence presented by other parties, and
- to appeal the decision

Role of Board Members during Hearing

To determine a project's conformance with your regulations and protect due process:

- Listen to testimony and evidence;
- Ask germane and neutral questions;
- Refer to your regulations;
- Avoid conflicts of interest;
- Base decision on evidence presented
- Must not prejudge a matter or publicly express opinions on a pending case.

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Board Quorum Requirements

- A majority of the Board (including unfilled/vacant seats)
- One or more members may attend the meeting remotely and may fully participate in the discussion and vote
- At least one member of the Board, or a town staff member, must be physically present at the designated meeting location

Role of a Board Chair

A Chair administers the agenda, keeps board members focused on the issue at hand, and ensures the Board finishes on time.

- A Good Chair Should:
  - State the Question
  - Ask For Discussion (without giving own opinion)
  - Bring The Board To Resolution After Discussion (Coaxing a Motion)

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Role of Town Staff

- ZA, town planner or board assistant may provide staffing assistance to AMPs
- Roles might include:
  - Receiving applications and deeming complete
  - Preparing and noticing agendas
  - Staff report on application
  - Reference to applicable regulations
  - Other relevant information on the property or historic decisions
  - Recommendations to the board
  - Coordinating and supporting deliberations
  - Writing and issuing the decision

Interested Persons

- Interested persons are those with the right to appeal a decision
- Interested persons is defined as
  - The applicant
  - The municipality and any adjoining municipality
  - Property owners and residents in the immediate neighborhood of the subject proposal
  - Any petition of twenty persons (combination of voters, residents or property owners)
  - Any department or administrative subdivision of the state owning property or any interest
  - ACCD

Flow of Quasi-Judicial Hearing

1. Chair opens hearing
2. The applicant presents the proposal/request.
3. Board members ask questions in relation to conformance with specific provisions in land use regulations.
4. Comment from interested parties/public
5. Chair closes public hearing and opens deliberations (public or private).
6. Board decides on application and issues a written decision.

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What if we need more information?

- Continue the hearing
  - Announce when it will be continued
- Request a Site Visit
  - For observation purposes only – no testimony, no ex parte communication
  - Open to the public
  - A quorum is not required
  - Reflected in the next meeting – who was present, relevant observations added to the record

When to Close the Hearing

- Will we need to take more evidence?
- Have we heard enough to make a decision?
- Are there parties that were not able to attend this night's p
- How do we actually "close" the hearing?

Options:

1) Recess or adjourn hearing to another date and time certain.
2) Recess or adjourn until a new hearing is warned.
3) Final adjournment, hearing closed, no further evidence or testimony accepted

How do we make a decision?

- Deliberation is the process by which a decision is made
- Deliberation is exempt from Open Meeting Law- no requirements for notice or minutes
- Deliberations can be done in public or private
  - Private deliberations are recommended

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What should be in the decision itself?

Findings of Fact

- Factual basis for AMP conclusions
- The difference between reciting the evidence and making factual findings

Conclusions of Law

- Making conclusions relate to the facts

AND

- Conformance with Bylaw Standards

Decisions & Conditions

- Approval or Denial
- Reasonable conditions and safeguards
- May require submission of a bond, escrow account or other surety

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Conflicts of Interest

- Financial interest (direct or indirect)
- Personal interest (direct or indirect)
- Known bias or prejudice
- Ex parte communication

It takes years to build trust with the public, but just one misstep to destroy it.

Managing Conflicts of Interest

- Disclose possible conflicts of interest
- Discuss the conflict of interest
- Consider and decide whether a member should recuse themselves
- Record it in the minutes

Reminder: Protecting Due Process

- Proper public notice
- People are given an opportunity to be heard
- An orderly proceeding
- Proper management of evidence
- Proper management of conflicts of interest

Just Ask

- VLCT or town attorney for legal advice
- RPC staff for hearing process