

***Our selectboard recently created a development review board (DRB). Does this mean that the planning commission is no longer a quasi-judicial board?***

First, in a town that has a DRB, there are few, if any, situations in which the planning commission (PC) would be required to act as a quasi-judicial body. By law, a 'quasi-judicial proceeding' is:

*a) a contested case under the Vermont Administrative Procedure Act; or  
b) a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunity to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, and the result of which is appealable by a party to a higher authority. 1 V.S.A. §310(5).*

Since all of the development review functions of the PC shift from the PC to the DRB when the legislative body creates a DRB, the PC no longer conducts the types of hearings that meet the criteria listed above. 24 V.S.A. §4401(a)(2). The primary responsibilities of a PC in this situation focus on long-range planning activities. Examples include:

- ◆ preparation of the municipal plan and bylaw amendments and a five-year capital budget and program for adoption by the legislative body;
- ◆ undertaking various planning studies and formulating recommendations on matters of land development, urban renewal, transportation, economic and social development, urban beautification and design improvements, historic and scenic preservation, the conservation of energy, and the development of renewable energy resources and wetland protection;
- ◆ the commission may also draft recommendations for consideration by the legislative body for building, plumbing, fire, electrical, housing and related codes and enforcement procedures, and construction specifications for streets and related public improvements;
- ◆ hold public information hearings and/or planning forums;
- ◆ participate in a regional planning program;
- ◆ undertake comprehensive planning, including related preliminary planning and engineering studies; and,
- ◆ perform such other acts or functions necessary or appropriate to fulfill the intent and purposes of 24 V.S.A. Chapter 117.

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