

***How does the town go about appointing a zoning administrator? Our town has a vacancy in the office, and the planning commission hasn't nominated any candidates for the vacancy.***

In the search process for a zoning administrator (ZA), it would be wise for the selectboard to appoint an interim ZA to avoid problems in local zoning permitting and administration. A municipality with no zoning administrator risks not being able to respond to permit applications in a timely manner, leaving the door open for those applications to be deemed approved. Hiring an interim ZA will afford the municipality some leeway in searching for a permanent ZA.

In appointing a permanent ZA, the new 24 V.S.A. § 4448 grants authority to the planning commission to nominate candidates for zoning administrator. (The administrative officer "shall be nominated by the planning commission and appointed by the legislative body.") Because it can take time to publish notice of the vacancy, conduct first interviews, and so on, it may take a while for the planning commission to nominate candidates. It would be wise for the selectboard, in the meantime, to appoint an interim ZA to ensure that applications don't fall through the cracks.

One step the selectboard can take to ensure that the planning commission is moving forward in the nomination process in good faith is to send a letter, or meet with the planning commission, detailing a reasonable timeline in which to make the nomination. If, after all this, the planning commission has not made a nomination, or is not moving forward in good faith, the selectboard may then decide to go ahead and appoint a permanent ZA, without the nomination of the planning commission.

*- Brian Monaghan, Attorney, VLCT Municipal Assistance Center*

***VLCT News***, January 2005