

How do we shift from a zoning board of adjustment (ZBA) to a development review board (DRB)?

The decision to create a DRB rests with a municipality's legislative body (e.g. selectboard, board of trustees, etc.). The process is simple, requiring only that a motion be made and supported by a concurrence of a majority of the total number of its members. Because the shift of authority from the ZBA to the DRB occurs by operation of law, a municipality does not need to amend those of its bylaws that make reference to the ZBA prior to switching to the DRB. However, this is required if a municipality has adopted local Act 250 review authority.

Once the legislative body creates the DRB, it ***must*** decide how many members it will have (DRBs must have between five and nine members), their terms of office, and whom it will appoint. The legislative body ***may*** establish a board of alternates; adopt on-the-record review for appeals and/or Local Act 250 review authority; and determine whether the Municipal Administrative Procedure Act (MAPA) will govern the development review process.

A formal resolution memorializing the legislative body's decision is not required, but is recommended. In addition to the above information, the resolution should include the effective date of transition to the DRB; specify that all matters presently pending before the planning commission and ZBA should be completed by the effective date and that all new applications for development review received after the effective date will be scheduled for the DRB. Please contact the Municipal Assistance Center if you are interested in sample resolutions.

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