Can the selectboard choose not to act on a zoning bylaw amendment, but, instead, send it back to the planning commission for further work?

Vermont law does not appear to give selectboards the authority to instruct the planning commission to rework a proposed zoning amendment after the planning commission has submitted it to the selectboard in accordance with 24 V.S.A. § 4441 (g). The construction of the law suggests that there is finality to each step of the bylaw amendment process, rather then a back-and-forth negotiation between two boards that share legislative authority.

One would assume that the final hearing by the planning commission has already taken place before it forwards its bylaw amendment to the selectboard. This final hearing is the date that triggers 24 V.S.A. § 4442 (g). This statute says, in part:

> *If the proposed bylaw, amendment, or repeal is not approved or rejected under subsection (c) of this section within one year of the date of the final hearing of the planning commission, it shall be considered disapproved unless five percent of the voters of the municipality petition for a meeting of the municipality to consider the bylaw, amendment, or repeal, and the petition is filed within 60 days of the end of that year.*

With the clock now ticking, the process continues: after the planning commission submits its proposed bylaw amendment to the selectboard, 24 V.S.A. § 4442 (b) grants the board the authority to make further changes − if it so wishes. The planning commission may participate in the selectboard's process for making changes to the commission's proposed amendment. But,
keep in mind, it is now the selectboard's process and the selectboard's responsibility to make changes. Once the planning commission has turned its amendment over to the selectboard, the planning commission's only statutory responsibility is to amend the report it submits with the amendment, and then only *if* the selectboard makes changes to the amendment.

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