

Must the chair of an Appropriate Municipal Panel (AMP) sign its decisions?

No. Although state law authorizes both the chairperson and the vice-chair of an appropriate municipal panel (board of adjustment, development review board, or planning commission performing development review) to sign decisions on its behalf, the law is enabling and, as such, is an authority that the chair or vice-chair may – but does not have to – exercise. “Any decision or order approved for issue by a board, commission, committee, agency or authority of any municipal corporations, including the legislative body of a municipal corporation, which is required by law to be in writing, may be signed by the chairman or vice-chairman on behalf of the issuing body.” 24 V.S.A. § 1141. AMPs may utilize this option as they are municipal boards whose decisions are required by law to be in writing. “Decisions shall be issued in writing and shall include a statement of the factual bases on which the appropriate municipal panel has made its conclusions and a statement of its conclusions.” 24 V.S.A. § 4464(b)(1). Alternatively, AMPs could opt instead to have their decisions signed by the entire board or only by those who constituted a concurrence of the majority necessary for the decision to be rendered.

Oddly enough, state law does not mandate that development review decisions be signed. Decisions, however, cannot be made without the “... concurrence of a majority of the panel.” 24 V.S.A. § 4461(a). The most common way of memorializing and authenticating this concurrence is by signature of those granting their approval. Another very practical reason why signatures and an approval date are needed is because the Environmental Court will start counting from the date of the signed decision to determine if an appeal is timely. “The only reasonable way to determine a date on which a DRB decision is ‘issued’ is to refer to the date appearing on the decision itself over the signatures of the DRB members (or, in the case of a decision rendered on the minutes of a board or commission hearing, the date on which those minutes were approved and signed by the board’s members).” *In re Charbonneau*.

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