

*Our municipal bylaws require a 15-day hearing notice for site plan review; however, state law says seven days. We posted and sent out appropriate notice to the applicant and adjoining owners but failed to meet the 15-day requirement in the bylaw. Should the town repost and notice the site plan hearing?*

Yes, the town should repost and notice the site plan review hearing complying with the time limit outlined in its bylaws, but only when they provide more, not less, notice than required by state law. (See table.) Two different notice requirements for the quasi-judicial hearings are governed under 24 V.S.A. § 4464. Subsection (a) (1) requires at least a 15-day notice prior to the public hearing for final plat review of a subdivision, appeals of administrative officer decisions, variances, and condition use review requests. Subsection (a) (2) requires a seven-day minimum notice for all other types of hearings, including site plan review. These time limits, set out in Vermont law, are a starting point, but a town can adopt higher standards for the time limits, and specify where posting must occur and who is directly notified via mail. If your town's bylaws are silent, then land use officials must comply with the notice and posting requirements in the law.

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**Hearing Notice Requirements as Governed by 24 V.S.A. § 4464(a)**

<b>Posting Requirements</b>	Conditional Use Review <sup>1</sup>	Appeals of ZA Decision <sup>1</sup>	Variance <sup>1</sup>	Final Plat for Subdivision <sup>1</sup>	Site Plan <sup>2</sup>	Design Review <sup>2</sup>	Sketch/Preliminary Subdivision Review <sup>2</sup>	Local Act 250 <sup>2</sup>
Publication of the date, place, and purpose of the hearing in a newspaper.	×	×	×	×				
Posting the date, time, place and purpose of the hearing in three or more public places within the municipality in accordance with 1 V.S.A. § 312 (c) (2).	×	×	×	×	×	×	×	×
Posting the date, time, place and purpose of the hearing within view from the public right of way most nearly adjacent to the subject property.	×	×	×	×				
Written notification to the applicant and to owners of all properties adjoining the property subject to development, including the owners of properties across public rights of way.	×	×	× <sup>3</sup>	×	×	×	×	×
Notification includes a description of the proposed project, where the recipient may obtain additional information, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.	×	×	×	×	×	×	×	×
<p>1. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing.</p> <p>2. Public notice for hearings on all other types of development review, including site plan review, shall be given not less than seven days prior to the date of the public hearing.</p> <p>3. When a variance is sought regarding setbacks from a state highway, written notification to the secretary of transportation is required.</p>								