

Act 146 Guidance for Municipal Land Use Officials

As directed by Act 146 – which is part of the 2010 Challenges for Change legislation – the secretary of the Agency of Natural Resources (ANR) issued guidance to municipal land use officials to address new state permit notification requirements. The law now requires that “any application for approval or permit and any approval or permit issued” under sections 4449 and 4463 contain a statement notifying applicants that they are responsible for identifying and obtaining state permits before beginning construction on a project. 24 V.S.A. §§ 4449 (e) and 4463(d). This guidance recognizes that many municipalities already address this issue on their applications, permits and approvals; however, it also advises municipalities to verify that the existing language complies with the law.

Municipalities currently lacking such a statement must craft one that meets the requirements of the law. The notice must be located conspicuously on the application, permit, or approval and must:

- state that it is the obligation of the applicant to identify and obtain state permits before beginning construction; and
- provide specific information on how to contact the regional state permit specialist who serves the area.

Regional permit specialists will help applicants identify all the state and federal permits necessary for a particular project. There are 45 possible permits from the Department of Environmental Conservation and 66 from other state and federal agencies. You can find the permit specialist for your area on ANR’s permit assistance webpage, www.anr.state.vt.us/dec/ead/pa/index.htm. An applicant can also view a sample project review sheet, which the permit specialist completes to provide preliminary jurisdiction for all state permits.

Municipalities that require assistance in drafting notification language can use the following ANR suggested language to meet these requirements: *Warning: State permits may be required for this project. Call [802-xxx-xxxx] to speak to the state Permit Specialist before beginning construction.* A copy of the guidance memo can be found at www.eaovt.org/pa/index.htm.

Stephanie Smith AICP, Senior Associate
VLCT Municipal Assistance Center
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