

Who determines which types of review are necessary when an applicant submits an application for development?

The administrative officer, also referred to as the zoning administrator (ZA), determines what prerequisite reviews are necessary before issuing a zoning permit. This authority is found in a section of the law that addresses the review authority of the appropriate municipal panel (AMP). Twenty-four V.S.A. § 4460 (e) reads, in part, “unless the matter is an appeal from the decision of the administrative officer; the matter shall come before the panel by referral from the administrative officer.” In addition to assigning responsibilities and duties, the law outlines that a decision by the ZA to refer an application to the AMP for a particular review may be appealed to the AMP. ZAs can’t delegate this authority to another municipal official or employee.

However, a selectboard may appoint an acting or assistant administrative officer that serves in the ZA’s absence and according to an established policy. This policy must outline the authority of the acting or assistant administrative officer in relation to the ZA’s authority. 24 V.S.A. § 4448 (b). An acting or assistant officer may refer zoning permit applications for prerequisite reviews, as outlined in state law and the municipality’s policy.

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