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# Vermont League of Cities and Towns

## Siting of Telecommunications Infrastructure

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# Today's Testimony:

- Brief overview of VLCT 2026 Legislative Priorities & Municipal Policies
- More about "substantial deference"
- Refresher on Municipal Planning Processes and Land Use Authorities
- Municipal Role in 248a Process



# What is VLCT?

Every city and town in Vermont, including yours, is a member of the Vermont League of Cities and Towns (VLCT), the nonprofit, nonpartisan organization that was founded in 1967 to serve and strengthen Vermont local government. In addition to legislative advocacy, VLCT provides:

- Educational workshops for local officials
- Comprehensive insurance coverage for municipalities
- Confidential legal guidance from experienced municipal attorneys
- The Vermont Municipal Data Project
- Help for state agencies and legislative working groups



**\*NEW\*** Our Municipal Operations Support Team assists local officials with financial management, grant funding, ARPA, project development, and more...CHIP technical assistance coming soon!

# Of the 251 municipalities represented by VLCT:

- 8 have Mayors (only 2 are "strong mayor")
- 66 have City, Town or Village Managers
- 73% have a population under 2,500, and most of these municipalities are governed by volunteers.
- 200 Municipalities with an adopted Municipal Plan
- 142 "10 Acre Towns" with adopted Zoning and Bylaw
- 89 Chartered Cities, Towns and Villages
- 43 Municipalities operate water and sewer

2026

### Lower Property Taxes

Authorize and enable municipalities to raise local revenue, control expenses, and avoid state-to-municipal cost shifts.

### Build Housing

Support the creation of the new housing that municipalities need, have envisioned and planned for, and allow in local zoning.

### Promote Public Safety

Support municipalities in delivering public safety and fulfill the state's obligation to deliver public health and human services.

### Prioritize Transportation

Fund and fix the municipal roads and bridges that all Vermonters rely on.





# VLCT 2025-2026 Municipal Policies Related to Telecommunications

VLCT supports the development that municipalities need, have envisioned and planned for, and allow in local planning, zoning, and bylaw.

**From 2025-2026 Adopted Municipal Policy:**

1. **Guiding Principle:** local discretion to pursue sustainable housing, economic development, recovery, and resiliency, including substantial deference to municipal planning, zoning, and siting decisions;
2. **Public Safety:** Ensure statewide access to affordable state-of-the-art telecommunications services that benefit public safety and first responders and builds the economy;
3. **Land Use:** Base development decisions upon adopted municipal plans and use adopted regional plans as guidance documents;



# Writing the Rules

Zoning Bylaws may be created to enforce the municipal plan within the authorities prescribed by state law.

- The Municipal Plan: is developed through a citizen led process, adopted by the legislative body, shared with statutory parties, and then must be approved by the RPC and DHCD. Each action of a local body and subsequent amendments require a public hearing. The Plan must contain 12 elements required by state law.
- Zoning and Bylaw: Many state preemptions exist to limit bylaw authority. Some charters require additional process. For substantial zoning changes additional outreach, long drafting and periods of deliberation, research, feasibility study, assessing infrastructure capacity, joint hearings, etc. are typical
- At a minimum, to adopt or amend a bylaw the appropriate municipal panel must:
  - Publish a public report, consistent with municipal plan
  - Hold a public hearing
  - 15-day notice period and statutory notices



# Who creates and administers municipal regulatory systems?

1. Advisory Body: Often, the municipal plan and new bylaw processes begin with a citizen advisory committee such as the Planning Commission. Some communities have additional advisory bodies such as Electric or Energy Commissions or Housing Committees.
2. Legislative Body: The City Council, Selectboard, Board of Alderman, or Board of Trustees. The legislative function involves not only drafting and approval of the municipal plan, bylaws, and ordinance but also conducting public hearings. Actions of the legislative body are governed by numerous laws that ensure public access and transparency including Ethics Law, Public Records Law, and Open Meeting Law.
3. Appropriate Municipal Panel: A citizen layboard that serves a quasi-judicial role to interpret local law and serve as the local appellate body, such as the Design and Review Board or Zoning Board.
1. Administrator: Typically, a municipal staff person responsible for permitting, enforcement, inspection, and educating and assisting applicants. Most often this would be a Zoning Administrator, but could be a permit specialist, technician, or compliance officer.





# Municipal Role in 248a Process: Certificate of Public Good

- Receives notice from the applicant 60 days prior, to the legislative bodies and municipal and regional planning commissions
- Opportunity to hear public comment and warn action - can require the attendance of the applicant and/or Department of Public Service
- Additional notices received related to filing, modification, or waiver
- Right to appear
- May request DPS to retain experts to provide information "essential to a full consideration of an application"



## Substantial Deference:

(c) Findings. Before the Public Utility Commission issues a certificate of public good under this section, it shall find that:.....

"(2) Unless there is good cause to find otherwise, substantial deference has been given to the plans of the affected municipalities; to the recommendations of the municipal legislative bodies and the municipal planning commissions regarding the municipal plans; and to the recommendations of the regional planning commission concerning the regional plan. Nothing in this section or other provision of law shall prevent a municipal body from basing its recommendations to which substantial deference is required under this subdivision (2) on an ordinance adopted under 24 V.S.A. § 2291(19) or bylaw adopted under 24 V.S.A. chapter 117 by the municipality in which the facility is located. A rebuttable presumption respecting compliance with the applicable plan shall be created by a letter from an affected municipal legislative body or municipal planning commission concerning compliance with the municipal plan and by a letter from a regional planning commission concerning compliance with the regional plan."

# H.527 relating to Certificates of Public Good

VLCT supports H.527 to extend by the sunset of 30 V.S.A. § 248a for new siting applications by three years to 2029.





# What type of development will be subject to Act 250 review?

Act 181 grants the authority for, and directs, the LURB to determine what type of development will be subject to review in the new Tier 3 jurisdictional areas. The final rule could extend jurisdiction to include:

- **Improvements to existing homes & structures:** The current draft exempts only construction with a total footprint under 200 sq ft or within 50 ft of an existing structure.
- **Construction of new wastewater treatment and drinking water systems.**
- **New homes & structures:** regardless of size or density (not 5-5-10 rule)
- **Roads, driveways, and utilities:** The current draft exempts only construction or improvements for transportation and utility purposes that are entirely within 50 ft in any direction of roads.
- **Trails:** The current draft exempts only new trails less than 100 feet in length, or maintenance of an existing trail within 10 feet.



# Links and Resources, Municipal Planning & Zoning

- [Municipal Charters](#)
- [Title 24 Chapter 117: Municipal Planning and Development](#)
- [Municipal Plans and Bylaws Database](#)
- [TROC Town Plan Adoption and Manual](#)
- [Essentials of Local Land Use Planning and Regulation Handbook](#)
- [10 Acre Towns List](#)
- [10 Acre Town Check List](#) (required zoning bylaws)

