



## **Development Review Templates**

for Savings Clause Compliance

**24 V.S.A Chapter 117**

**§§ 4461, 4462 and 4464**

May, 2005

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## A. Hearing Notice Requirements for Development Review

Conditional use review, variances, administrative officer appeals, and final plat review for subdivisions require a warned public hearing. Not less than 15 days prior to the hearing, notice must be given by newspaper publication, public posting (including posting within view from the public right of way most nearly adjacent to the property for which the application is made), and written notice to the applicant and adjoining property owners. 24 V.S.A. §4464(a)(1). Other types of development review (e.g., site plan review, access review, waiver requests) require at least seven days notice and require at a minimum, posting in three public places, and written notification to the applicant and adjacent property owners. 24 V.S.A. §4464(a)(2).

### 1. Appeal of Zoning Administrator Decision

#### a. Model Hearing Notice

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**TOWN OF \_\_\_\_\_**  
**NOTICE OF HEARING FOR APPEAL OF ADMINISTRATIVE OFFICER**  
**DECISION**

      Name of Applicant       of       Applicant's Address       has submitted a notice of appeal regarding a decision of the administrative officer dated \_\_\_\_\_, 200\_, for a property located at       Property Address       in the Town of \_\_\_\_\_. The proposed project is described as follows \_\_\_\_\_.

The Town of \_\_\_\_\_ Development Review Board/Zoning Board of Adjustment/ Planning Commission will hold a hearing on this application on       (Date)       at       (Time)       at the       (Hearing Location)      . A copy of the administrative officer decision and additional information may be obtained at: \_\_\_\_\_.

**Pursuant to 24 V.S.A. §§ 4464(a)(1)(C) and 4471(a), participation in this local proceeding is a prerequisite to the right to take any subsequent appeal.**

Dated at \_\_\_\_\_, Vermont this \_\_\_\_ day of \_\_\_\_\_, 200\_.

\_\_\_\_\_  
[Secretary of zoning board of  
adjustment/development  
review board/municipal  
clerk/other]  
Town of \_\_\_\_\_, Vermont

**b. Model Cover Letter for Hearing Notice – Property Owner  
and Adjoining Property Owners**  
(Appeal of Zoning Administrator Decision)

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Dear \_\_\_\_\_:

In response to the notice of appeal dated \_\_\_\_\_, 200\_, for \_\_\_\_\_, a public hearing has been scheduled by the Town of \_\_\_\_\_ (Development Review Board/Zoning Board of Adjustment/Planning Commission) for, \_\_\_\_\_, 200\_ at \_\_\_ pm.

Enclosed please find a copy of the hearing notice. Your participation in this proceeding is a prerequisite to the right to take any subsequent appeal. If you need any further assistance, I can be contacted at the address above.

Sincerely,

\_\_\_\_\_  
[Secretary, zoning board of adjustment/development review board/municipal clerk/other]  
Town of \_\_\_\_\_

enc.

cc: Zoning Administrator

## 2. Conditional Use Permit/Variance/Subdivision Permit

### a. Model Hearing Notice

---

**TOWN OF \_\_\_\_\_**  
**NOTICE OF HEARING FOR CONDITIONAL USE**  
**PERMIT/VARIANCE/SUBDIVISION PERMIT**

\_\_\_\_\_(Name of Applicant) of \_\_\_\_\_(Applicant's Address) has submitted an application for a \_\_\_\_\_(Conditional Use Permit/Variance/Subdivision Permit) for property located at \_\_\_\_\_(Property Address) in the Town of \_\_\_\_\_. The proposed project is described as follows \_\_\_\_\_.

The Town of \_\_\_\_\_(Development Review Board/Zoning Board of Adjustment/Planning Commission) will hold a hearing on this application on \_\_\_\_\_(Date) at \_\_\_\_\_(Time) at the \_\_\_\_\_(Hearing Location). A copy of the application and additional information may be obtained at: \_\_\_\_\_.

**Pursuant to 24 V.S.A. §§ 4464(a)(1)(C) and 4471(a), participation in this local proceeding is a prerequisite to the right to take any subsequent appeal.**

Dated at \_\_\_\_\_, Vermont this \_\_\_\_ day of \_\_\_\_\_, 200\_.

\_\_\_\_\_  
Zoning Administrator  
Town of \_\_\_\_\_,  
Vermont

**b. Model Cover Letter for Hearing Notice – Property Owner and  
Adjoining Property Owners**  
(Conditional Use Permit/Variance/Subdivision Permit)

---

Dear \_\_\_\_\_:

In response to an application for a (Conditional Use Permit/Variance/Subdivision Permit) dated \_\_\_\_\_, 200\_, a public hearing has been scheduled by the Town of \_\_\_\_\_ (Development Review Board/Zoning Board of Adjustment/Planning Commission) for, \_\_\_\_\_, 200\_ at \_\_\_ pm.

Enclosed please find a copy of the hearing notice. Your participation in this proceeding is a prerequisite to the right to take any subsequent appeal. If you need any further assistance, I can be contacted at the address above.

Sincerely,

\_\_\_\_\_  
Zoning Administrator  
Town of \_\_\_\_\_

enc.

## B. Findings of Fact and Decision Templates

### 1. Appeal of Administrative Officer Decision

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TOWN OF \_\_\_\_\_

[Development Review Board/Zoning Board of  
Adjustment/Planning Commission]

Appeal of Administrative Officer Decision  
Findings and Decision

In re: \_\_\_\_\_

Permit Application No. \_\_\_\_\_

#### INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves a notice of appeal submitted by \_\_\_\_\_ for an appeal of an administrative officer decision under the Town of \_\_\_\_\_ Zoning Bylaw.
2. The notice of appeal was received by the [secretary of the board of adjustment/development review board/municipal clerk] on \_\_\_\_\_, 20\_\_. A copy of the notice of appeal was filed with the administrative officer on \_\_\_\_\_, 20\_\_.

A copy of the notice of appeal is available at \_\_\_\_\_.

3. On \_\_\_\_\_, 20\_\_, notice of a public hearing was published in the \_\_\_\_\_.
4. On \_\_\_\_\_, 20\_\_, notice of a public hearing was posted at the following places:
  - a. The municipal clerk's office.
  - b. \_\_\_\_\_, which is within view of the public-right-of-way most nearly adjacent to the property for which the application was made.

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- c.
- d.

5. On \_\_\_\_\_, 20\_\_, a copy of the notice of a public hearing was mailed to the appellant. On \_\_\_\_\_, 20\_\_, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the appeal [or, ATTACH CERTIFICATE OF SERVICE]:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

6. The appeal was considered by the [development review board/zoning board of adjustment/planning commission] at a public hearing on \_\_\_\_\_, 20\_\_, which was held within 60 days of the filing of the notice of appeal. [The hearing was adjourned and continued on \_\_\_\_\_, 20\_\_. The final public hearing was held on \_\_\_\_\_, 20\_\_]. The [development review board/zoning board of adjustment/planning commission] reviewed the appeal under the Town of \_\_\_\_\_ Zoning Bylaw, as amended \_\_\_\_\_, 2005 (the Zoning Bylaw).

7. Present at the hearing were the following members of the [development review board/zoning board of adjustment/planning commission]:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

8. At the outset of the hearing, the [development review board/zoning board of adjustment/planning commission] afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. A record of the name and address of persons wishing status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is attached hereto. **Rules I**

**or**

8. At the outset of the hearing, the [development review board/zoning board of adjustment/planning commission] afforded an opportunity for persons wishing to achieve status as an interested person under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that subsection are met. After a deliberative session, the [development review board/zoning board of adjustment/planning commission] granted interested person status to the following persons:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

A record of the name and address of persons wishing status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is attached hereto. **Rules II.**

9. During the course of the hearing the following exhibits were submitted to the [development review board/zoning board of adjustment/planning commission]:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

These exhibits are available at: \_\_\_\_\_.

## FINDINGS

Based on the application, testimony, exhibits, and other evidence the [development review board/zoning board of adjustment] makes the following findings:

1. The applicant appeals a decision of the zoning administrator dated \_\_\_\_\_, 20\_\_. In that decision the zoning administrator [describe the act or decision subject to the appeal].
2. Notice of appeal was filed on \_\_\_\_\_, 20\_\_, which is within the 15 day period required under 24 V.S.A. § 4465(a).
3. In accordance with 24 V.S.A. § 4466, the notice of appeal was in writing and included the name and address of the appellant, a brief description of the property with respect to which the appeal was taken, a reference to the regulatory provisions applicable to the appeal, the relief requested by the applicant, and the alleged grounds why the relief requested was believed proper under the circumstances.
4. The appellant is an interested person as defined at 24 V.S.A. § 4465(b).
5. The subject property is a \_\_\_\_ acre parcel located at \_\_\_\_\_ in the Town of \_\_\_\_\_ (tax map parcel no. \_\_\_\_\_). [The property is more fully described in a \_\_\_\_\_ Deed from \_\_\_\_\_ to \_\_\_\_\_]



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\_\_\_\_\_, dated \_\_\_\_\_, 20\_\_\_, and recorded at Book \_\_\_\_\_, Page \_\_\_\_\_, of the Town of \_\_\_\_\_ Land Records.]

6. The property is located in the \_\_\_\_\_ District as described on the Town of \_\_\_\_\_ Zoning Map on record at the Town of \_\_\_\_\_ municipal office and section \_\_\_ of the Zoning Bylaw.
7. The appeal requires review under the following sections of the Zoning Bylaw:  
[Reference the particular section(s) of the bylaw under which the application is being reviewed. E.g., “Article IV, Section 2 of the Town of \_\_\_\_\_ Zoning Bylaw provides for a minimum setback of ...”]
8. [Other facts pertinent to the decision]

**DECISION**

Based upon these findings, the [development review board/zoning board of adjustment] concludes that [no error has been committed by the zoning administrator/the zoning administrator committed the following error:]

[The matter is remanded to the zoning administrator for issuance of a permit in accordance with this decision]

Dated at \_\_\_\_\_, Vermont, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_, Chair

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/development review board]. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

## 2. Application for Conditional Use Review

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TOWN OF \_\_\_\_\_

[Development Review Board/Zoning Board of  
Adjustment/Planning Commission]

### Application for Conditional Use Review Findings and Decision

In re: \_\_\_\_\_

Permit Application No. \_\_\_\_\_

#### INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by \_\_\_\_\_ under the Town of \_\_\_\_\_ Zoning Bylaw.
2. The application was received by \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_. A copy of the application is available at \_\_\_\_\_.
3. On \_\_\_\_\_, 20\_\_\_, notice of a public hearing was published in the \_\_\_\_\_.
4. On \_\_\_\_\_, 20\_\_\_, notice of a public hearing was posted at the following places:
  - a. The municipal clerk's office.
  - b. \_\_\_\_\_, which is within view of \_\_\_\_\_, the public-right-of-way most nearly adjacent to the property for which the application was made.
  - c.
  - d.
5. On \_\_\_\_\_, 20\_\_\_, a copy of the notice of a public hearing was mailed to the applicant. On \_\_\_\_\_, 20\_\_\_, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application [or, ATTACH CERTIFICATE OF SERVICE]:

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- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

6. The application was considered by the [development review board/zoning board of adjustment/planning commission] at a public hearing on \_\_\_\_\_, 20\_\_.  
[The hearing was adjourned and continued on \_\_\_\_\_, 20\_\_. The final public hearing was held on \_\_\_\_\_, 20\_\_]. The [development review board/zoning board of adjustment/planning commission] reviewed the application under the Town of \_\_\_\_\_ Zoning Bylaw, as amended \_\_\_\_\_, 2005 (the Zoning Bylaw).

7. Present at the hearing were the following members of the [development review board/zoning board of adjustment/planning commission]:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

8. At the outset of the hearing, the [development review board/zoning board of adjustment/planning commission] afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. A record of the name and address of persons wishing status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is attached hereto. **Rules I**

**or**

8. At the outset of the hearing, the [development review board/zoning board of adjustment/planning commission] afforded an opportunity for persons wishing to achieve status as an interested person under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that subsection are met. After a deliberative session, the [development review board/zoning board of adjustment/planning commission] granted interested person status to the following persons:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

A record of the name and address of persons wishing status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is attached hereto. **Rules II.**

9. During the course of the hearing the following exhibits were submitted to the [development review board/zoning board of adjustment/planning commission]:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

These exhibits are available at: \_\_\_\_\_.

## FINDINGS

Based on the application, testimony, exhibits, and other evidence the [development review board/zoning board of adjustment/planning commission] makes the following findings:

1. The applicant seeks a conditional use permit to construct a \_\_\_\_\_.  
The subject property is a \_\_\_\_ acre parcel located at \_\_\_\_\_  
in the Town of \_\_\_\_\_ (tax map parcel no. \_\_\_\_\_). [The property is more  
fully described in a \_\_\_\_\_ Deed from \_\_\_\_\_ to \_\_\_\_\_,  
dated \_\_\_\_\_, and recorded at Book \_\_\_\_\_, Page \_\_\_\_, of the Town of  
\_\_\_\_\_ Land Records].
2. The property is located in the \_\_\_\_\_ District as described on the Town of  
\_\_\_\_\_ Zoning Map on record at the Town of \_\_\_\_\_ municipal office  
and section \_\_\_\_ of the Zoning Bylaw.
3. Conditional use approval is requested for the project as a \_\_\_\_\_ as that  
term is defined in section \_\_\_\_ of the Zoning Bylaw. The application requires review  
under the following sections of the Town of \_\_\_\_\_ Zoning Bylaw:
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
4. [Reference to the particular section(s) of the bylaw under which the application is  
being reviewed. E.g., “Article IV, Section 2 of the Town of \_\_\_\_\_ Zoning  
Bylaw provides for a minimum setback of ...”]

5. The application will require the following existing or planned community facilities:  
\_\_\_\_\_. [Add a finding for each required public improvement.]
6. The application will have the following impact on its surrounding area:  
\_\_\_\_\_. [Add findings as necessary.]
7. The application will cause the following [truck trips, vehicle trips, etc.].
8. The application will utilize the following renewable energy resources:  
\_\_\_\_\_. [Add findings as necessary.]
9. [Recitation of other facts pertinent to the decision]

## DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the [development review board/zoning board of adjustment/planning commission] [grants/denies] the application for \_\_\_\_\_.

As conditioned, the proposed development meets the requirements of Sections \_\_\_\_ of the Zoning Bylaw. [The decision should reference each section of the zoning bylaw identified in findings and state **why or why not** it meets the requirements set forth in each of these sections.]

1. [The application [will/will not] have an undue adverse impact the capacity of existing or planned community facilities]
2. [The application [will/will not] have an undue adverse effect on the character of the area affected, as defined by Section \_\_\_\_\_ of the Town of \_\_\_\_\_ Zoning Bylaw].
3. [The application [will/will not] have an undue adverse effect on traffic and roads and highways in the vicinity].
4. [The application [will/will not] have an undue adverse effect on the following bylaws currently in effect:\_\_\_\_\_].
5. [The application [will/will not] have an undue adverse effect on utilization of renewable energy resources].
6. [The application [will/will not] satisfy the requirements of the bylaw with respect to: [minimum lot size/distance from adjacent or nearby uses/performance standards/site plan review criteria/any other criteria required by the bylaw.]

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The [development review board/zoning board of adjustment/planning commission] approves the application subject to the following conditions:

Dated at \_\_\_\_\_, Vermont, this \_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_, Chair

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/development review board]. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

### 3. Application for Variance

---

**TOWN OF \_\_\_\_\_**

**[Development Review Board/Zoning Board of  
Adjustment/Planning Commission]**

**Application for Variance  
Findings and Decision**

**In re:** \_\_\_\_\_

**Permit Application No.** \_\_\_\_\_

#### **INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves [review of an application for variance/review of an appeal of an administrative officer decision and request for variance] submitted by \_\_\_\_\_ under the Town of \_\_\_\_\_ Zoning Bylaw.
2. The [application/notice of appeal] was received by \_\_\_\_\_ on \_\_\_\_\_, 20\_\_. A copy of the [application/notice of appeal] is available at \_\_\_\_\_.
3. On \_\_\_\_\_, 20\_\_, notice of a public hearing was published in the \_\_\_\_\_.
4. On \_\_\_\_\_, 20\_\_, notice of a public hearing was posted at the following places:
  - a. The municipal clerk's office.
  - b. \_\_\_\_\_, which is within view of the public-right-of-way most nearly adjacent to the property for which the application was made.
  - c.
  - d.
5. On \_\_\_\_\_, 20\_\_, a copy of the notice of a public hearing was mailed to the [applicant/appellant]. On \_\_\_\_\_, 20\_\_, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the

property subject to the [application/appeal] [or, ATTACH CERTIFICATE OF SERVICE]:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

6. The [application/appeal] was considered by the [development review board/zoning board of adjustment/planning commission] at a public hearing on \_\_\_\_\_, 20\_\_\_. (In appeals of administrative officer decisions, this hearing must be held within 60 days of the date of the filing of the notice of appeal). [The hearing was adjourned and continued on \_\_\_\_\_, 20\_\_\_. The final public hearing was held on \_\_\_\_\_, 20\_\_]. The [development review board/zoning board of adjustment/planning commission] reviewed the [application/appeal] under the Town of \_\_\_\_\_ Zoning Bylaw, as amended \_\_\_\_\_, 2005 (the Zoning Bylaw).

7. Present at the hearing were the following members of the [development review board/zoning board of adjustment/planning commission]:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

8. At the outset of the hearing, the [development review board/zoning board of adjustment/planning commission] afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. A record of the name and address of persons wishing status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is attached hereto. **Rules I**

**or**

8. At the outset of the hearing, the [development review board/zoning board of adjustment/planning commission] afforded an opportunity for persons wishing to achieve status as an interested person under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that subsection are met. After a deliberative session, the [development review board/zoning board of adjustment/planning commission] granted interested person status to the following persons:

- \_\_\_\_\_
- \_\_\_\_\_



- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

A record of the name and address of persons wishing status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is attached hereto. **Rules II.**

9. During the course of the hearing the following exhibits were submitted to the [development review board/zoning board of adjustment/planning commission]:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

These exhibits are available at: \_\_\_\_\_.

## FINDINGS

Based on the application, testimony, exhibits, and other evidence the [development review board/zoning board of adjustment/planning commission] makes the following findings:

1. The applicant seeks a variance to construct a \_\_\_\_\_. The subject property is a \_\_\_\_ acre parcel located at \_\_\_\_\_ in the Town of \_\_\_\_\_ (tax map parcel no. \_\_\_\_\_). [The property is more fully described in a \_\_\_\_\_ Deed from \_\_\_\_\_ to \_\_\_\_\_, dated \_\_\_\_\_, and recorded at Book \_\_\_\_\_, Page \_\_\_\_\_, of the Town of \_\_\_\_\_ Land Records.]
2. The property is located in the \_\_\_\_\_ District as described on the Town of \_\_\_\_\_ Zoning Map on record at the Town of \_\_\_\_\_ municipal office and section \_\_\_\_ of the Zoning Bylaw.
3. The following variance is sought by the applicant: \_\_\_\_\_. The variance request requires review under the following sections of the Zoning Bylaw: [Reference to the particular section(s) of the bylaw under which the application is being reviewed. E.g., “Article IV, Section 2 of the Town of \_\_\_\_\_ Zoning Bylaw provides for a minimum setback of ...”]
4. The following unique physical circumstances or conditions peculiar to the subject property are found: [Describe the irregularity, narrowness, or shallowness of lot size or shape, exceptional topographic or other physical conditions that were found.]

5. Because of these unique circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaw and authorization of a variance is necessary to enable the reasonable development of the property.
6. Unnecessary hardship has not been created by the applicant.
7. [Describe the character of the neighborhood, the adjacent property, etc.] For the following reasons, the variance will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare:
8. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

**DECISION AND CONDITIONS**

Based upon these findings, [and subject to the conditions set forth below], the [development review board/zoning board of adjustment/planning commission] approves the following the variance:

[This approval is subject to the following conditions:]

Dated at \_\_\_\_\_ Vermont, this \_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_, Chair

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/development review board]. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

## 4. Application for Subdivision Review

---

TOWN OF \_\_\_\_\_

[Development Review Board/Zoning Board of  
Adjustment/Planning Commission]

### Subdivision Review Findings and Decision

In re: \_\_\_\_\_

Permit Application No. \_\_\_\_\_

#### INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for subdivision of land submitted by \_\_\_\_\_ for subdivision approval under the Town of \_\_\_\_\_ [Subdivision Regulations/Unified Development Bylaw].
2. The application and plat were received by \_\_\_\_\_ on \_\_\_\_\_, 20\_\_. A copy of the application and plat are available at \_\_\_\_\_.
3. On \_\_\_\_\_, 20\_\_, notice of a public hearing for final plate review was published in the \_\_\_\_\_.
4. On \_\_\_\_\_, 20\_\_, notice of a public hearing for final plat review was posted at the following places:
  - a. The municipal clerk's office.
  - b. \_\_\_\_\_, which is within view of \_\_\_\_\_, the public-right-of-way most nearly adjacent to the property for which the application was made.
  - c.
  - d.
5. On \_\_\_\_\_, 20\_\_, a copy of the notice of a public hearing was mailed to the applicant. On \_\_\_\_\_, 20\_\_, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application [or, ATTACH CERTIFICATE OF SERVICE]:

- \_\_\_\_\_

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- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

6. The application and plat were considered by the [development review board/zoning board of adjustment/planning commission] at a public hearing on \_\_\_\_\_, 20\_\_. [The hearing was adjourned and continued on \_\_\_\_\_, 20\_\_. The final public hearing was held on \_\_\_\_\_, 20\_\_]. The [development review board/zoning board of adjustment/planning commission] reviewed the application and plat under the Town of \_\_\_\_\_ [Subdivision Regulations/Unified Development Bylaw], as amended \_\_\_\_\_, 2005.

7. Present at the hearing were the following members of the [development review board/zoning board of adjustment/planning commission]:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

8. At the outset of the hearing, the [development review board/zoning board of adjustment/planning commission] afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. A record of the name and address of persons wishing status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is attached hereto. **Rules I**

**or**

9. At the outset of the hearing, the [development review board/zoning board of adjustment/planning commission] afforded an opportunity for persons wishing to achieve status as an interested person under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that subsection are met. After a deliberative session, the [development review board/zoning board of adjustment/planning commission] granted interested person status to the following persons:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

A record of the name and address of persons wishing status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is attached hereto. **Rules II.**

10. During the course of the hearing the following exhibits were submitted to the [development review board/zoning board of adjustment/planning commission]:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

These exhibits are available at: \_\_\_\_\_.

## FINDINGS

Based on the application, testimony, exhibits, and other evidence the [development review board/zoning board of adjustment/planning commission] makes the following findings:

1. The applicant seeks a permit to subdivide land. The subject property is a \_\_\_\_ acre parcel located at \_\_\_\_\_ in the Town of \_\_\_\_\_ (tax map parcel no. \_\_\_\_\_). [The property is more fully described in a \_\_\_\_\_ Deed from \_\_\_\_\_ to \_\_\_\_\_, dated \_\_\_\_\_, and recorded at Book \_\_\_\_\_, Page \_\_\_\_\_, of the Town of \_\_\_\_\_ Land Records].
2. The property is located in the \_\_\_\_\_ District as described on the Town of \_\_\_\_\_ Zoning Map on record at the Town of \_\_\_\_\_ municipal office and section \_\_\_\_ of the [Zoning Bylaw].
3. Subdivision approval is requested for the project pursuant to review under the following sections of the Town of \_\_\_\_\_ [Subdivision Regulations/Unified Development Bylaw]:
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
4. [Reference to the particular section(s) of the [Subdivision Regulations/Unified Development Bylaw] under which the application is being reviewed. E.g., “Article

IV, Section 2 of the Town of \_\_\_\_\_ [Subdivision Regulations/Unified Development Bylaw] provides for a minimum setback of ...”]

5. [Recitation of facts pertinent to the decision]

## DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the [development review board/zoning board of adjustment/planning commission] [grants/denies] the [application and plat] for

\_\_\_\_\_.

As conditioned, the proposed subdivision meets the requirements of Sections \_\_\_\_ of the [Subdivision Regulations/Unified Development Bylaw]. [The decision should reference each sections of the [Subdivision Regulations/Unified Development Bylaw] identified in findings and state **why or why not** it meets the requirements set forth in each of these sections.]

The [development review board/zoning board of adjustment/planning commission] approves the application and plat subject to the following conditions:

1. [All roads shall be constructed to A-76 standards, pursuant to Section \_\_\_\_ of the [Subdivision Regulations/Unified Development Bylaw] (example).
2. [The fire chief has certified that the fire department may safely access all new parcels created by this approval] (example).
3. \_\_\_\_\_.

The approved plat is hereby attached to this decision. Every street or highway shown on this plat is deemed to be a private street or highway until it has been formally accepted by the municipality as a public street or highway by ordinance or resolution of the [legislative body] of the municipality.

The approval of the [development review board/zoning board of adjustment/planning commission] shall expire 180 days from the date of this decision, unless the approved plat is duly filed or recorded in the office of the municipal clerk. [If permitted by Section \_\_\_\_ of the Subdivision Regulations, the administrative officer may extend the date for filing the plat by an additional 90 days, if final local or state permits or approvals are still pending].

Dated at \_\_\_\_\_ Vermont, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_, Chair

**Development Review Templates – Findings of Fact and Decisions**  
*May 2005 –Land Use Education and Training Collaborative*

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**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/development review board]. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.