TOWN OF STOWE
PLANNING COMMISSION
Rules of Operation

Adopted June 7, 2010

Section I. Authorization

The Stowe Planning Commission shall be governed by all applicable state statutes, local ordinances and these rules. Planning Commissions are authorized by Title 24 VSA, Chapter 117, Section 4323 to develop rules of operation.

Section II. Powers and Duties (as detailed in 24 VSA Section 4325)

The Planning Commission may:

1. Prepare a Town Plan and amendments for consideration by the Selectboard and to review any amendments initiated by others;

2. Prepare and present to the Selectboard proposed bylaws and make recommendations to the Selectboard on proposed amendments to such bylaws;

3. Administer bylaws and other regulatory tools adopted under subchapter 6 of Chapter 117:

(1) Zoning bylaws.

(2) Site plan bylaws.

(3) Subdivision bylaws.

(4) Unified development bylaws.

(5) Official map.

(6) Impact fees.

(7) Phasing.

(8) Transfer of development rights.

(9) Special or freestanding bylaws;

4. Undertake capacity studies and make recommendations on matters of land development, urban renewal, transportation, economic and social development, rural beautification and design improvements, historic and scenic preservation, the conservation of energy and the development of renewable energy resources and wetland protection. Data gathered by the Planning Commission that is

relevant to the geographic information system (G.I.S.) established under 3 VSA Section 20 shall be compatible with, useful to, and shared with that system;

5. Prepare and present to the Selectboard recommended building, plumbing, fire, electrical, housing, and related codes and enforcement procedures, and construction specifications for streets and related public improvements;

6. Hold public meetings;

7. Request from other departments and agencies of the town, such available information as related to the work of the Planning Commission;

8. Participate in regional and state agency planning programs;

9. Retain professional staff and consultant assistance in carrying out its duties and powers;

10. Undertake comprehensive planning studies, including related preliminary planning and engineering studies;

11. Perform such other acts or function as it may deem necessary or appropriate to fulfill the duties and obligations imposed by, and the intent and purposes of 24 VSA, Chapter 117.

Section III. Membership

A. The Planning Commission shall have seven (7) members. All members may be compensated and reimbursed by the municipality for necessary and reasonable expenses. At least a majority of the members of the Planning Commission shall be residents of the municipality. Not more than two elected or appointed officials, who are chosen by the Selectboard, shall be non-voting ex-officio members of the Planning Commission.

B. Members of the Planning Commission shall be appointed and any vacancy shall be filled by the Selectboard of the Town of Stowe. The term of each member shall be for three (3) years. Any member may be removed at any time by unanimous vote of the Selectboard. Any appointment to fill a vacancy shall be for the unexpired term. Members may be appointed to successive terms without limitations.

Section IV. Meetings

All meetings with the exception of Executive Sessions are open to the public.

A. Annual Meeting: The annual meeting of the Planning Commission shall be the first regular meeting in the month of May each year. This meeting shall be devoted to the election of officers for the ensuing year; review of these Rules of Operation and such other business as shall be scheduled by the Planning Commission.

B. Regular Meetings: Regular meetings of the Planning Commission shall be held at 6:00p.m. on the first and third Monday of the month. At such meetings, the Commission shall consider all matters properly brought before the Commission. A regular meeting may be canceled or rescheduled by the Commission at a prior meeting, or by the Chair with a minimum of 24-hour notification. Commission members should notify Planning staff of expected absences.

C. Special Meetings: Special meetings of the Planning Commission may be called by the Chair or Vice Chair and shall be held at a time and place designated by the officer calling the same. Notice shall be given to all members not less than twenty-four (24) hours in advance and shall be posted in at least two public places.

D. Executive Sessions: During a meeting of the Planning Commission, a motion which indicates the nature of business to be addressed, can be made to move into "Executive Session". Upon majority vote, such session can be held that is closed to the public. Appropriate topics for Executive Session are referenced in Title 1, Section 313.

E. Quorum: At any meeting of the Planning Commission, a quorum shall consist of four (4) voting members of the Commission. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date.

F. Voting: At all meetings of the Planning Commission, each member attending shall be entitled to cast one vote. Voting shall be by voice or hand. In the event that any members shall have a personal interest of any kind in the matter then before the Commission, he/she shall disclose his/her interest and be disqualified from voting upon the matter and the clerk shall so record in the minutes that no vote was cast by such member. The affirmative vote of at least four (4) members shall be necessary for the adoption of any resolution or other voting matter. A motion can be approved only if a majority of the Commission agrees to approve. (1 V.S.A. Section 172).

G. Conflict of Interest: In the event that any member shall have a conflict of interest of any kind in the matter before the Commission, he/she shall disclose his/her interest. A member shall recuse himself / herself from all participation in any matter before the Commission in which there is a conflict of interest. The member recusing himself / herself shall then have all the rights of a private citizen, non-member. Circumstances under which this provision shall be exercised, include, but are not limited to the following:

1. If the member has direct or indirect financial interest in the outcome of the matter at issue and member cannot reasonably be expected to exercise sound judgment in the public interest, or;

2. If the matter at issue involves the member's own official conduct, or;

3. If participation in the matter might violate the letter or spirit of a member's code of professional responsibility, or;

4. In the event a citizen asserts that a member has a conflict of interest, the Chair may request the commissioner to recuse himself/herself.

5. If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

I. Proceedings: At any regular meeting of the Planning Commission, the following items may be covered:

1. Minutes of the preceding meeting
2. Planning Director's Report
3. Communications
4. Public hearing
    a. Overview by chair or Director
    b. Review of issues identified by staff
    c. Commissioners' questions and discussion
    d. Public questions and discussions
    e. Motion for action (vote/recess, etc.)
5. Old and new business
6. Planning Issues
7. Adjournment

Each formal action of the Planning Commission required by law, Town Charter, rule or regulations shall be embodied in a formal resolution duly entered in full upon the Minutes book after a vote.

J. Scheduling: Agendas will be prepared by the Director of Planning with time allocations given for each item. The Chair shall meet regularly and coordinate agendas with the Director of Planning. The Commission is under no obligation, requirement or statue to reach a decision at the same meeting of which a public issue is heard. Agendas are to be finalized in advance and published in the Stowe Reporter, the Thursday prior to the Commission meeting. The agenda times will be subject to revision as the meeting progresses.

K. Rules of Procedure: All meetings of the Planning Commission shall be conducted in accordance with established rules and procedures for small boards / commissions.

L. Public Hearings: The Planning Commission shall hold a public hearing when amending the Town Plan and Zoning Regulations. Public hearings require proper notice and adhere to Section 4447 – Public Hearing Notice (Chapter 117).

M. Minutes: The Commission meeting minutes, by law shall include the names of the Commission members present, all active participants in the meetings, all motions, proposals and resolutions made, offered and considered and an indication of how the motions were resolved and the results of any votes, with the record of the individual vote of each member and whether members were absent or not voting. The minutes should be at a level of completeness so that the decisions made in the present can be clearly understood in the future.

Section V. Officers/Subcommittees

The officers of the Planning Commission shall consist of a Chair and Vice Chair elected for a term of one year by the Commission at the annual meeting, which shall be the first regular meeting in May. Officers may be elected to successive terms, however, the Commission is encouraged to share leadership responsibilities among its members.

Duties of Officers: The duties and powers of the officers of the Planning Commission shall be as follows:

A. Chair:
1. To preside at all meetings of the Commission;
2. To call special meetings of the Commission in accordance with these Rules;
3. Coordinate meeting agendas with the Director of Planning
4. To sign official documents of the Commission;
5. To see that all actions of the Commission are properly taken;
6. To represent the Commission at all official meetings requiring attendance of a member(s) of the Planning Commission and to serve as official spokesperson for the Commission. In his/her absence the Chair will designate an authorized representative.

B. Vice Chair:

During the absence, disability or disqualification of the Chair, the Vice Chair shall exercise or perform all duties and be subject to all the responsibilities of the Chair.

C. Subcommittees:

The Chair of the Planning Commission may appoint subcommittees to assist in the work of the Planning Commission. Subcommittees shall report to the full Commission of their work.

Section VI. Amendments

These Rules of Operation may be amended at any meeting of the Planning Commission, provided that notice of the proposed amendments are given to each member, in writing, at least five (5) days prior to the discussion and vote on the amendments as an agenda item.

For further information, the Commission should keep a file and reference the following:

- Vermont Municipal and Regional Planning and Development Act, as amended through 2004
- Planning Manual for Vermont Municipalities (2002 Edition);
- Vermont Guide to Land Use Regulations (June 1, 1998 Edition);
- Administrative Due Process For Planning Commission (October 1990 Edition);
- "Opinions" monthly newsletter (Office of the Secretary of State);
- "A Pocket Guide to Open Meetings" (1999 Edition / Office of the Secretary of State;
- "Your Responsibility Regarding Open Meetings: Here is the Law" (2000 Edition / Vermont League of Cities and Towns);
- The Vermont Institute of Government Informational Guides.