

Milton Planning Commission

PROCESS FOR AMENDMENTS TO ZONING REGULATIONS

(Title 24, V.S.A., Ch. 117, Sections 4403)

**APPLICATION for SITE or LAND TRACT, SPECIFIC ZONING LANGUAGE
and/or MAP CHANGE**

Name: _____

Address: _____

Telephone Number: _____

Proposed Amendment:

(Please attach a description of the proposed amendment and additional sheets, supporting information, maps and report with this application.)

Please read the attached document which outlines the process for amending the Zoning Regulations and agree to abide by its conditions and regulations. Typically, a collection of agreed upon amendments are collectively submitted to the Selectboard.

I, the undersigned, have read and fully understand the attached document regarding the process for Amendments to Zoning Regulations and agree to abide by its conditions and regulations.

Signature and Date

Please email this form along with your supplemental materials to the Milton Planning Director.

PROCESS FOR AMENDMENTS TO ZONING REGULATIONS

(Title 24, V.S.A., Ch. 117, Sections 4403)

Planning Commission Process

The Planning Commission (PC) or any other person or body can prepare an amendment to the Zoning Regulations. The amendment proposal must contain language and supporting documentation and must be submitted to the PC. The PC, person or body must prepare a written report on the amendment noting how the amendment is consistent with Title 24 V.S.A. Chapter 117, Section 4303 of the Goals of the *Vermont Planning and Development Act* as follows:

- 1) The probable impact on the surrounding area, including the effect of any resulting increase in traffic, and the probable impact on the overall pattern of land use.
- 2) The long term cost or benefit to the municipality, based upon consideration on the probable impact on:
 - a) the municipal tax base; and
 - b) the need for public facilities.
- 3) The amount of vacant land which is:
 - a) already subject to the proposed new designation; and
 - b) actually available for that purpose, and the need for additional land for that purpose.
- 4) The suitability of the area in question for the proposed purpose, after consideration of:
 - a) appropriate alternative locations;
 - b) alternative uses for the area under consideration; and
 - c) the probable impact of the proposed change on other areas similarly designated.
- 5) The appropriateness of the side and boundaries of the area proposed for change, with respect to the area required for the proposed use, land capability, and existing development in the area.



At least 15 days before the public hearing, the proposed amendment and report are circulated to abutting Towns, the Regional Planning Commission, the State of Vermont, and any other community interest groups.



At least 15 days before the public hearing, a warning is published in a newspaper of general circulation.



The PC holds at least one warned public hearing.



The PC may make minor revisions to the proposed amendment and report if they prepared it. However, if the proposed amendment is brought forward by petition or is requested by the Select Board (SB), the proposed amendment, the PC shall promptly submit the amendment, together with changes only to correct technical deficiencies to the SB. If the PC makes any major revisions to proposed amendment and to the report, they should hold an additional warned public hearing.



The PC submits the proposed amendment and report to the SB and files same with the Town Clerk for public review.

Select Board Process

Once the Select Board (SB) receives the proposed amendment and report, they must hold two or more public hearings between 30 to 120 days from the time of receipt.



At least 15 days before the public hearing, a warning is published in a newspaper of general circulation.



The SB holds the first warned public hearing.



The SB may make revisions to proposed amendment, and is required to file same with the Town Clerk for public review, but shall do so more than 15 days prior to the second warned public hearing.



Additional public hearing(s) may be required if SB makes substantial changes to the concept or meaning.



The Amendment can be adopted after the second warned public hearing
The Zoning amendment shall be effective 21 days after adoption.



If amendment not adopted within one year of PC's final public hearing, it shall be considered rejected by the municipality.

PROCEDURAL BY-LAWS OF THE MILTON PLANNING COMMISSION

The purpose of these By-Laws is to assist the Town of Milton Planning Commission (hereinafter referred to as the "Commission") with carrying out its duties, meeting its responsibilities, and avoiding misunderstandings by establishing rules of procedure. By identifying what is required of the hearings, record-keeping, and Commission determinations, cases may be handled more effectively and efficiently, resulting in greater protection for the Town and more equitable treatment for applicants.

ARTICLE I – GOVERNING RULE

The Commission shall be governed by the provisions of *Chapter 117, Title 24, of the Municipal and Regional Planning and Development Act, The Town Charter,* and all other applicable State statutes, local laws, ordinances, and these *By-Laws*.

ARTICLE II – OFFICERS AND DUTIES

1. The Commission shall organize and elect, by majority vote of all members present and voting, a Chairperson, a Vice-Chairperson, and a Clerk, annually at the first regularly scheduled meeting subsequent to annual appointments by the Town of Milton Select Board.
2. The Chairperson shall call and preside at all meetings and hearings of the Commission, decide all points of order and procedure, and appoint any subcommittees that may be found necessary.
3. The Vice-Chairperson shall assume the duties of the Chairperson in his/her absence. In addition, he/she shall edit all minutes prior to presentation at a Commission meeting.
4. The Clerk shall monitor meeting attendance and prepare and submit a quarterly report to the Commission and the Select Board covering the twelve months to date. In addition, the Clerk shall monitor the audience "sign-in sheet" at each meeting.
5. Members shall avail themselves of training opportunities annually.

ARTICLE III – MEETINGS

1. A regular meeting of the Commission shall be held on the first and third Tuesday of each month to consider planning issues, ordinances and regulatory changes, and other related business.
2. The Commission may schedule work sessions and joint meetings with other boards and commissions to complete its work. The Commission may schedule special meetings regarding any related matter as it sees fit.
3. All meetings of the Commission shall be properly warned in accordance with the *Vermont Open Meeting* law and the *Town Charter*.
4. The Planning Director shall notify members as soon as possible concerning any cancellations or special meetings.
5. Members shall notify the Chairperson or the Planning Director, as early as possible, if unable to attend any meeting.
6. A quorum shall consist of a majority of the designated strength of the Commission.
7. The order of business at all regular meetings of the Commission shall be as follows:
 - a. Call to Order
 - b. Additions/Deletions to Agenda
 - c. Attendance
 - d. Public Forum
 - e. Ordinance/Regulatory Changes
 - f. Planning Director's Report
 - g. Approval of Minutes
 - h. Other Business
 - i. Adjournment
8. The Commission shall have the right to enter into Executive Session in accordance with *Title 1, V.S.A., and Section 313*.
9. The Chairperson may appoint subcommittees for work session items dealing primarily with regulatory changes. Such subcommittees shall contain less than three (3) Commission members, in which event the following rules shall apply:
 - a. Such subcommittees may be facilitated by the Planning Director.

- b. Members of the community, with no voting privileges, shall be encouraged to participate.
 - c. The subcommittee shall arrange for meeting times convenient to its members.
10. Reports of subcommittees shall be approved, approved with conditions, or disapproved by the majority vote of the Commission members present and voting.
11. Draft ordinances must be approved by the majority of Commission members present and voting at a Commission meeting prior to the scheduling of a Commission public hearing.

ARTICLE IV – ATTENDANCE

A provision for continued service on the Commission by any member shall be a good attendance record. Any member with unexcused absences for three (3) consecutive regular meetings or six (6) regular meetings in a twelve (12) month period may, by majority vote of the entire Commission, be recommended to the Select Board for removal from the Commission. Absences will be excused by majority vote of the members present at any meeting. Valid excuses shall be: sickness, vacations, death in the family, other municipal business. Members are expected to attend a minimum of fifty percent (50%) of all Special, Joint, and Work Session meetings within the same twelve- (12) month period as noted above.

A Commission member shall be excused from that portion of a meeting where a conflict of interest on any scheduled topic exists or is perceived to exist.

ARTICLE V – CONFLICT OF INTEREST

Members of the Commission are governed by Section 701 of the *Town Charter*, which reads:

- a. A member of any appointed or elected board or commission or appointed or elected person or any person employed by the Town or School District of Milton shall not solicit or receive directly or indirectly any gift or compensation for recommending or voting on any finding, ruling, decision or report, or voting to procure any service, thing or supply purchased with public funds.
- b. Nor shall any such member or employee receive directly or indirectly anything of value by contract or otherwise from the Town or School District unless it is received:

1. as a result of a contract accepted after a public bid in accordance with law.
 2. in public recognition of service or achievement.
 3. as regular salary or expenses allowed by law for official duties performed as a member of such board or commission.
 4. for employment otherwise authorized by law.
- c. No Board or commission member shall vote on any contract or purchase in which he/she has a direct or an indirect interest.

In addition, no Commission member shall vote on any issue in which he/she has a direct or an indirect interest.

ARTICLE VI – RECORDS

1. A file of all material and decisions relating to each case shall be kept by the Planning Director in the Planning Department Office as part of the records of the Commission.
2. All records of the Commission shall be public. Legal documents, such as mylars, deeds, covenants, and minutes, shall be kept on file in the Town Clerk's Office. All records shall be available for inspection by any person upon request after five (5) working days from the date of any hearing or meeting. Any request to view records of the Commission shall be made by appointment with the Town Planner or Zoning Administrator, which must be set within five (5) working days of the request.
3. Minutes of meetings shall be distributed to the Planning Commission, Town Clerk, Town Planner, and Zoning Administrator.

ARTICLE VII – PROCEDURES

1. Motions shall be worded positively in order to be considered proper. Negatively worded motions shall be considered out of order.
2. Motions shall carry only when they receive an affirmative vote of no less than a quorum of Commission members.
3. A polled vote shall be taken on any motion when called for by a Commissioner.
4. *Roberts Rules of Order Newly Revised* shall determine procedural matters unless otherwise specifically set forth in these *By-Laws*.

5. Citizens shall be recognized for comment at the discretion of the Chairperson.
6. The time for adjournment shall be no later than 9:30 pm. The time limit may be extended at the discretion of the Chairperson.

ARTICLE VIII – RULES OF CONDUCT AT PLANNING COMMISSION PUBLIC HEARINGS AND MEETINGS

At all warned hearings of the Commission, or at any Commission regular meeting involving the presence of members of the community, the following rules of conduct shall be applied:

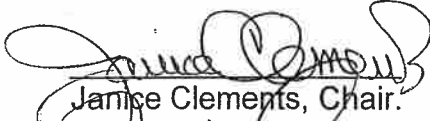
1. The Chairperson shall direct the person setting forth a proposal, and all (interested) parties who wish to speak on the proposal, to step forth and take an oath to tell the truth. Person will then be asked to present such proposal.
2. The Chairperson shall then ask persons present who have comments with regard to the proposal to step forward, give their name, and make their comment. The person setting forth the proposal shall then be given an opportunity to respond before the next person is asked to step forward.
3. After all persons have been heard, the Chairperson shall open the discussion to the members of the Commission. Such discussion shall occur in an orderly fashion, with no more than one person speaking at any given time.
4. If more questions from persons present result from the discussion, the Chairperson shall repeat the procedure as set forth in item two (2) above.

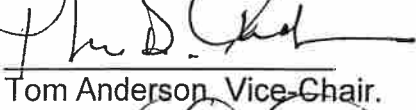
ARTICLE IX – AMENDMENTS

These rules may be amended at any regular meeting by an affirmative vote of a quorum of the Commission, provided that such amendment has been presented in writing to each member of the Commission at least five (5) working days preceding the meeting at which the vote is taken.

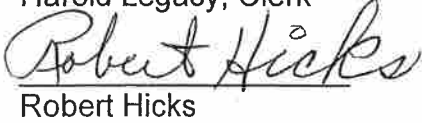
Milton Planning Commission Bylaws

Approved this 13 day of January 1998.


Janice Clements, Chair.


Tom Anderson, Vice-Chair.

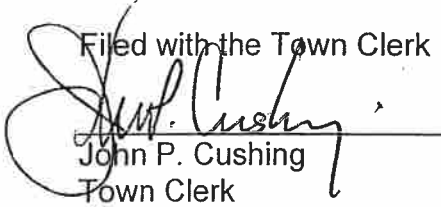

Harold Legacy, Clerk


Robert Hicks

Mahendra Hundal

Milton Planning Commission

Filed with the Town Clerk on Feb. 18, 1998


John P. Cushing
Town Clerk