

Performance Standards (January 12, 2021)

Meeting the following performance standards shall be the goal of all of the Coordinators and Assistant Coordinators, and district commissions and the Board, in accordance with 10 V.S.A. Section 6083 and the Rules of the Board.

Review of Applications for Completeness

Within 10 calendar days of receipt of an application for a land use permit, the Coordinator shall review the information submitted, and either accept the application as complete, or mail a letter to the applicant that states the specific reasons that the application is incomplete and the specific information that is required to complete the application. The Commission shall publish a newspaper notice of the application within 10 business days from the date of receipt of a complete application (10 V.S.A § 6084(e)).

Issuance of Recess Memoranda

If the district commission needs additional information to resolve issues raised at a prehearing conference or public hearing, it shall request such information in the form of a prehearing report, recess memorandum, or order unless other arrangements are made orally at the hearing. The recess memorandum should be issued within 10 calendar days of the last hearing and should list all requests for new information. If the recess memorandum cannot be issued within 14 calendar days due to extraordinary reasons, the district coordinator must contact the Chair at the Natural Resources Board office in Montpelier. The parties must submit all requested information within 30 calendar days of the last hearing date or the date of the recess memorandum, whichever is later, unless the district commission has made other arrangements with the parties. If the requested information has not been received within 30 calendar days, the district commission may issue a decision based upon the information in the record. If the applicant wishes to continue the recess beyond 30 calendar days following the hearing or recess memorandum, it must notify the district commission in writing on or before the 30th day.

Notice and Issuance of Permits

Minors: Notice for minor permit applications, processed pursuant to Board Rule 51, should be for 20 calendar days, so that all parties have an adequate amount of time to review the application and determine if a request for a public hearing will be filed with the district commission. Board Rule 51 provides the opportunity for a shorter notice period (7 business days) pursuant to 10 V.S.A. Section 6025(b)(1) which allows for less stringent procedures. The shorter time period may be used in situations where there is a time-critical element to a project and all issues have been resolved including the issuance of other state permits serving as presumptions of compliance under the applicable criteria. In extraordinary circumstances adequately demonstrated by a party in a written request, the notice period may be extended by the chair of the district commission for a period not to exceed 7 business days if the extension, in the judgement of the chair, is necessary to provide an adequate opportunity for public review of the draft permit. All other provisions of Rule 51 will control, including whether the district commission ultimately grants a request for a public hearing.

Minor Decisions: Decisions on applications treated as minors under Board Rule 51 shall be issued within 14 calendar days after the expiration of the time to request a hearing, if no comments or requests for a hearing are received and no other permits or other types of information are required. If other permits are required or additional information has been requested by the commission, the permit shall be issued within 14 calendar days of the receipt of the other permits, last piece of information, and completion of district commission deliberations.

Major Decisions: Decisions on major applications shall be issued within 20 calendar days of the final hearing day if no additional information has been requested by the commission, if no other permits are required to satisfy all of the criteria of 10 V.S.A. § 6086(a), and if no commission deliberation on issues raised at the hearing is required. If any of the three above exceptions apply, the permit shall be issued within 20 calendar days of receipt of the last piece of information requested, the last permit required, or the final day of district commission deliberations.

(Approved: September 4, 1991; amended November 6, 2002; amended January 14, 2020; amended January 12, 2021)