

3. Sample Script for District Commission Chairs (adapted from comments of Francis Morrissey)

Good Morning/Afternoon/Evening!

This is _____ day, _____, 2006 and we are the District # _____ Environmental Commission meeting in _____, Vermont to conduct a hearing on application # _____ filed by _____, of _____, seeking an Act 250 permit to construct _____.

My name is _____. I am chairman of the Commission and I will preside over these proceedings. To my left is _____ from _____, Vermont and to my right is _____, of _____ Vermont. _____, We are charged with deciding whether to issue or deny the permit applied for this project. _____ is the District Coordinator and outside of today's proceedings, all communications, whether by letter, telephone, or in-person, are to flow through him/her. If you are not sure how to contact _____, get to him/her during the day's proceedings and he/she will give you his/her business card with an address and phone number.

The applicant will give us a general overview of what is being applied for in a few moments. Before he/she does however, I want to talk with you about this hearing process and your participation.

The Commission's charge is to collect evidence as to whether this project meets the requirements of Act 250 and based upon that evidence, decide to issue or deny the permit applied for. The hearing this morning is the start of the process to collect the evidence. You may want to participate in these proceedings as a "party." "Party status" is important for at least two reasons. First, a party may introduce evidence, bring in experts or other witnesses to testify, and take part in the arguments. Second, you may be unhappy with our ultimate decision. Only a party may appeal our decision to the Environmental Court.

Our legislature has determined that certain persons or entities have a statutory right to participate as a party. We refer to these persons as "statutory parties." Obviously, the applicant is a statutory party. The State of Vermont and all of its various agencies and subdivisions - for example, its Agency of Natural Resources or its Agency of Transportation - are statutory parties if they are affected by the project. Further, the Town of _____ selectboard and its planning commission are statutory parties. The Regional Planning Commission is a statutory party. All the State of Vermont or the town has to do is send a representative to this proceeding or submit something in writing and we must allow them to participate as a party.

If you are an adjoining property owner or someone else who may want to participate in the hearing, you may also be admitted as a party, if you can show us that you have a particular interest that may be affected by the project and that interest is related to one of Act 250's 10 Criteria.

Even if you don't qualify as a party to this proceeding, the Commission may allow your participation as a "Friend of the Commission" if you are able to offer the Commission certain information that might not otherwise be available to us. For example, you might be an attorney, engineer, surveyor or the like who will testify or provide evidence that no one else will provide. Within the discretion of the Commission, your participation may be limited and you will not have the right of appeal.

Does anyone have any questions at this point about the process we will be following? [Entertain questions.] The applicant will now give us a brief overview of the project. After that, we will consider petitions from any individuals or organized groups seeking party status or other participation rights.

Last Revised 10/13/2006

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