

### **CHAPTER 3: DECISION MAKING AND ADMINISTRATIVE BODIES**

**SECTION 301: BOARD OF TRUSTEES.** The duly elected Village Board of Trustees shall have all the authority granted it by general law of the State of Vermont and the Village Charter, including, but not limited to, the following:

1. To adopt the Village Plan and any amendments thereto.
2. To adopt the Village of Essex Junction Land Development Code and any amendments thereto.
3. To appoint the members of the Board of Adjustment and Planning Commission, as specified herein.
4. To establish reasonable fees as necessary to administer the Land Development Code.
5. To act pursuant to Section 506 on requests for waivers from the noise standards in Chapter 13 and Section 718.
6. To act as a Board of Sewer Commissioners as necessary to administer the requirements of Chapter 11.
7. To act as a Board of Water Commissioners as necessary to administer the requirements of Chapter 14.
8. To act pursuant to Section 509 on requests regarding access to rights-of-way under Chapter 7.

### **SECTION 302: PLANNING COMMISSION**

A. **Creation.** The Planning Commission shall be that body created by the Board of Trustees pursuant to 24 V.S.A. §§4321(a) and 4322.

B. **Powers and Duties.** The Planning Commission shall have all powers granted municipal planning commissions under the general laws of the State of Vermont, including, but not limited to, the following:

1. To provide recommendations and advice to the Trustees on issues specified in this Code or as requested by the Trustees.
2. To prepare, cause to be prepared, or review any amendments to the Comprehensive Plan or this Land Development Code.
3. To establish sub-committees to carry out its work.
4. To prepare, cause to be prepared, or review a Capital Budget and present findings to the Trustees.
5. To act pursuant to Section 511 on requests for Planned Developments.
6. To act pursuant to Section 502.I on requests for approval of Site Plans.
7. To act pursuant to Section 503 on requests for approval of Subdivisions.
8. To adopt rules of procedure for the implementation of this Code, for Staff reviews or approvals, and for the conduct and submission of evidence on any item before the Commission.
9. To perform any other duties which may be assigned to it.

C. **Membership.** Members of the Planning Commission shall be residents of Essex Junction. Members shall be selected by the Village Trustees and appointed for 3-year terms. The Commission shall have seven (7) members.

- D. Qualifications. Members shall be appointed based upon their general knowledge of planning, the process of development within the Village, and interest in local government. A majority of the Commission may not be employed by the same employer. All applicants shall advise the Trustees of all potential conflicts of interest upon consideration for an appointment.
- E. Officers. The Commission shall annually elect a Chair and Vice-Chair and may create and fill other offices as deemed necessary. The Chair shall have the authority to appoint Committees as deemed necessary.
- F. Quorum. No meeting of the Commission shall be called to order, nor shall any business be transacted by the Commission, without a quorum consisting of three (3) members being present. Meetings deferred due to lack of a quorum shall be continued to a date specified by the Chair.
- G. Decisions. Decisions shall be made by the Commission by an affirmative vote of a majority of the members present, except that when the Commission is serving in its quasi-judicial capacity (i.e. site plan or subdivision approval) a decision shall require an affirmative vote by a majority of the total Commission membership, as required by Statute.

### **SECTION 303: BOARD OF ADJUSTMENT**

- A. Creation. The Board of Adjustment shall be that body created by the Board of Trustees pursuant to 24 V.S.A. §4461.
- B. Powers and Duties. The Board of Adjustment shall have all powers granted such boards under the general laws of the State of Vermont, including, but not limited to the following:
1. To act pursuant to Section 502.C on requests for approval of conditional uses.
  2. To review decisions of the Administrative Officer pursuant to Chapter 17.
  3. To act pursuant to Chapter 17 to review requests for variances from the requirements of Chapters 6 and 7.
  4. To perform other responsibilities as may be specified by Vermont Statutes.
- C. Membership. Members of the Zoning Board of Adjustment shall be residents of Essex Junction. Members shall be selected by the Village Trustees and appointed for 3-year terms. The Board shall have five (5) members.
- D. Qualifications. Members shall be appointed based upon their general knowledge of planning, the process of development within the Village, and interest in local government. A majority of the Board may not be employed by the same employer. All applicants shall advise the Trustees of potential conflicts of interest upon consideration for an appointment.
- E. Officers. The Board shall annually elect a Chair and Vice-Chair and may create and fill other offices as it deems necessary.
- F. Quorum. No meeting of the Board shall be called to order, nor shall any business be transacted by the Board, without a quorum consisting of three (3) members being present. Meetings deferred due to lack of a quorum shall be continued to a date specified by the Chair.

G. Decisions. As specified in Title 24, Chapter 117, Section 4462 of Vermont Statutes, any action taken by the Board shall be taken by the concurrence of a majority of the Board.

#### **SECTION 304: PLANNING DEPARTMENT**

A. Composition. There shall be a Planning Department headed by a Development Director. The individual designated by the Village Manager to act as Administrative Officer shall be a member of the Planning Department.

B. Duties and Responsibilities of the Planning Department.

1. To accept and review all applications as specified herein.
2. To provide recommendations to the Trustees, Commission and Zoning Board as specified herein.
3. To provide assistance to all applicants for any development approvals required by this Code.
4. To represent the Commission at meetings, hearings, conferences and workshops as directed.
5. To complete other tasks as assigned by the Commission.

C. Duties of the Development Director.

1. To determine whether proposed development activities require review pursuant to §503 regarding subdivisions.
2. To supervise the activities of the Planning Department.

D. Duties of the Administrative Officer.

1. To act pursuant to §502.A. on requests for approval of Zoning Permits.
2. To act pursuant to §502.A.1. to determine what review is required prior to issuance of a Zoning Permit.
3. To act pursuant to §502.B. on requests for approval as a Permitted Use.
4. To act pursuant to §502.J. on requests for approval of Home Occupations.
5. To act pursuant to §502.D. on requests for approval of Temporary Uses.
6. To act pursuant to §502.K. on requests for approval of Signs.
7. To act pursuant to §502.L. on requests for approval of Accessory Apartments.
8. To act to initiate enforcement proceedings for any violation of Chapters 6 or 7.
9. To undertake such other actions as are directed by the Development Director.

**SECTION 305: PUBLIC WORKS SUPERINTENDENT** The individual appointed by the Village Manager to head the Village Public Works Department which is responsible for Village streets and parking lots, the Village storm water system, the Village water supply system and the Village sewage disposal system.