



Hearing Information - Act 250

State of Vermont Land Use Review Board

This document provides a general overview of the Act 250 hearing process for participants and observers. Review this document before attending a hearing.

What is an Act 250 hearing?

A hearing is a formal meeting where the district commission (“commission”) reviews a proposed project. The applicant and other interested parties are given an opportunity to present evidence and ask questions. The commission chair oversees the hearing and takes evidence from participants in an orderly way. The commission often visits the project site before the hearing. However, the site visit is not part of the hearing and only provides context for evidence presented at the hearing.

How to Participate

An Act 250 hearing is similar to a court hearing. To actively participate and preserve rights of appeal, one must request to be a “party” (See [10 V.S.A. § 6085](#)). The applicant, landowner, municipal planning commission, municipality (represented by the selectboard, aldermen, or trustees), regional planning commission, and affected state agencies are automatically **parties by right** (sometimes called “statutory parties”).

Other people with specific interests that could be affected under one or more of the Act 250 criteria may **petition** the commission to be admitted as **parties**. Any person or organization seeking party status must make their request orally or in writing at or before the first hearing (or prehearing conference if one is held). For more information, see [Party Status Information](#) and [Party Status Petition](#) at <https://act250.vermont.gov/>.

The commission may also allow a person not accorded party status the opportunity to participate in the proceeding as a **“friend of the commission.”** Friends of the commission have limited rights to participate in the hearing and do not have the right to appeal a commission decision.

Act 250 hearings are subject to Vermont’s Open Meeting Law. By participating, participants consent to being audio/visually recorded, and for that recording to be published in the Land Use Review Board’s (“Board”) online database and/or YouTube channel. Written information and exhibits provided to state officials regarding official state business are considered public records and will become part of the permanent record to be published in the Board’s online database.

Who will be there?

District Commission – Three governor-appointed individuals who live in the district where the project is located and review the proposed project for compliance with the [Act 250 criteria and sub-criteria](#). The chair of the commission runs the hearing.

District Coordinator – Board staff assigned to the project who assist the commission and participants.

Parties by Right – Entities entitled to participate by the statute (e.g., the applicant and representatives from state agencies affected by the proposed project).

Other Parties – Persons granted party status by the commission based on requirements under the law. For more information, see [Party Status Information](#) and [Party Status Petition](#) at <https://act250.vermont.gov/>.



Observers –Anyone may respectfully listen to the hearing.

Act 250 Criteria

Before granting a permit, the commission must ensure that the development or subdivision satisfies the following Act 250 criteria and sub-criteria.

- (1) Will not result in undue water or air pollution. This criterion deals with water and air pollution generally, and the following specific issues: (A) protecting headwater areas; (B) waste disposal (wastewater, stormwater, and waste reduction); (C) water conservation; (D) flood hazard areas and river corridors; (E) streams; (F) shorelines; and (G) wetlands.
- (2) Has sufficient water available for the needs of the subdivision or development.
- (3) Will not unreasonably burden any existing water supply.
- (4) Will not cause unreasonable soil erosion or affect the capacity of the land to hold water.
- (5) (A) Will not cause unreasonable congestion or unsafe conditions with respect to highways or other means of transportation. (B) Will incorporate appropriate transportation demand management strategies and provide safe access and connections to adjacent lands, facilities, and existing and planned pedestrian, bicycle, and transit networks and services.
- (6) Will not cause an unreasonable burden on the municipality's ability to provide educational services.
- (7) Will not place an unreasonable burden on local governments' ability to provide municipal or governmental services.
- (8) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas, and 8(A) will not destroy or imperil necessary wildlife habitat or endangered species in the immediate area.
- (9) Will not significantly impact the following: (A) the municipality or region's financial capacity to accommodate growth caused by the proposed project; (B) primary agricultural soils; (C) productive forest soils; (D) the availability of earth resources; (E) impacts resulting from the extraction of earth resources; (F) energy conservation; (G) private utility services; (H) the costs of scattered development; (J) public utility services; (K) public investments; and (L) Vermont's historic settlement pattern by contributing to strip development.
- (10) Is in conformance with any local or regional plan or capital program.

What will happen at the hearing?

The applicant will present the proposal to the commission. Any criteria at issue will be discussed. Parties will be given an opportunity to respond to the project. The commission will either adjourn the hearing or recess the hearing to allow additional information to be submitted to the commission for review. Once the hearing is adjourned, the commission will issue a written decision granting or denying a land use permit.

To learn more:

Documents relating to past and current Act 250 land use permit applications are stored and available for review in the [Act 250 database online](https://anrweb.vt.gov/ANR/Act250/default.aspx) (<https://anrweb.vt.gov/ANR/Act250/default.aspx>). Some older documents are only available on paper in our district offices.

This generalized fact sheet is for informational purposes only, and is not comprehensive. For a more complete understanding of the Act 250 permitting process, review [10 V.S.A. Chapter 151](#), the [Act 250 Rules](#), and court decisions. The Board's website (<https://act250.vermont.gov/>) provides links to these documents, additional guidance, and [contact information](#) for reaching our staff.