

## **Town of Danville Development Review Board Rules of Procedure**

These Rules of Procedure are based on the Danville Zoning Bylaws dated May 3, 2018.

### **Applications, Site Plans and Incomplete Information:**

#### **Background:**

Incomplete or incorrect required information in an application or site plan can occur, no application can be perfect. If a permit application or a site plan has incorrect or incomplete required information, the applicant is usually asked to correct or supply the information during the hearing and the hearing continues. In the past, if the information cannot be supplied during the hearing and the permit is allowed by the Bylaws, the DRB has approved the permit with the condition that the information be supplied before the permit can go into effect. This practice has a number of problems, the least of which is that a condition of this type is not specified in the Bylaws. The Bylaws define the type of reasonable conditions and the defined types do not include incomplete information. As such, the DRB will no longer use conditions to complete the information required in an application and or site plan. If complete information cannot be supplied in a hearing the DRB has no choice but to deny or recess the hearing for the permit. Recessing the permit will require the applicant to revise the permit application and site plan and submit the revised permit application and site plan to the ZA for rescheduling the permit at a subsequent hearing.

#### **Applications and Site Plans:**

**Danville Bylaws Section 804.3:** An application for a zoning permit shall be filed with the Zoning Administrator on forms provided by the Town of Danville. Applicant shall be responsible to complete the zoning application and prepare the sketch in compliance with specific written instructions provided by the Zoning Administrator.

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Note: Incomplete or incorrect information submitted on zoning applications and or sketches shall result in the rejection of the zoning application until the required information is received to the satisfaction of the Zoning Administrator.

Refer to Danville Bylaws Sections 401, 311, 804.3, 807.2,3,4&5 for required permit information.

Permit applications for projects are completed and filed by the applicant with the ZA.

Completed applications are accepted, warned and scheduled for a hearing by the ZA.

Incomplete or incorrect information in an application or site plan can occur, no application can be perfect.

The DRB shall open the hearing for a permit and perform the application and site plan review.

In the event that required information is incomplete or incorrect, the applicant shall be given the opportunity to supply or correct the information.

If the information is satisfactorily supplied or corrected, the hearing shall continue.

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If the applicant is unable to supply the required information for any reason, the DRB cannot approve the application and may only deny or recess the hearing for the permit.

The DRB may deny the permit and the applicant can resubmit a complete application.

The DRB may recess the hearing the application pending submission of additional information.

Facts and findings related to the information that is incomplete or incorrect shall be documented in the minutes.

If the permit is recessed, the permit will be scheduled for a regularly scheduled DRB hearing.

The applicant will be requested to work with the ZA to complete the application.

When a recessed permit hearing is opened, the DRB shall perform the application and project site plan review.

If the information in the application and site plan is complete, the permit may be approved otherwise the permit will be denied.

Facts and findings related to the decision shall be documented in the minutes.

If the permit is denied, the applicant can resubmit a complete application to the ZA.

In any case the DRB shall make a decision other than recess, within 45 days of the date of the initial hearing of the permit.

### **References:**

From the Danville Zoning Bylaws dated May 3, 2018.

Danville Bylaws Section 803.2: The Development Review Board shall adopt **rules of procedure** and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under 24 V.S.A. §4461(a) and Vermont's Open Meeting Law.

Danville Bylaws Section 808.2: Any Interested Person may appeal a decision or act of the Zoning Administrator or Development Review Board within 15 days of the date of the decision or act by filing a notice of appeal with the Town Clerk, and by filing a copy of the notice with the Zoning Administrator.

Danville Bylaws Section 811.1: In accordance with 24 V.S.A. §4471, an interested person who has offered oral or written testimony in a hearing of the Development Review Board may appeal a decision within 30 days of such decision, to the Vermont Environmental Court.