

# **Town of Danville Development Review Board Public Meeting Order of Business**

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The purpose of this document is to outline the agenda of a Danville Development Review Board (DRB) public hearing and to provide a guide to the conduct of a DRB public meeting.

All DRB meetings follow a similar agenda. During the meeting DRB business is conducted and individual hearings for each warned permit and/or warned appeal are held.

Prior to the opening of the meeting the DRB Chair determines the order that permits and appeals are to be heard.

A sign-in sheet is circulated for the attending public to list their names and addresses.

Part 1: DRB Public Meeting General Agenda Items:

- 1) A quorum of DRB members is established prior to opening the public meeting.
- 2) Once a quorum is determined, DRB Chair opens the public meeting.
- 3) The ZA and DRB members are introduced to the public.
- 4) The agenda for the DRB meeting is read.
- 5) Public business of the board is conducted as required.
- 6) The chair may start the approval process for the minutes from the last DRB hearing at this time or after all hearings have been held. If the approved minutes are not needed for this meeting, there is no reason to delay starting the hearings.
- 7) The DRB Chair starts each hearing for permits and appeals successively.

Each permit is heard following the order of business for individual permit hearings in Part 2.

Each appeal is heard following the order of business for individual appeal hearings in Part 3.

- 8) Any other public business of the board is then conducted.
- 9) The approval process for the minutes is started if not done previously.
- 10) The public meeting is adjourned by the chair.

The DRB may elect to hold a deliberative session after the public meeting is adjourned. The deliberative session is not a public meeting, however the DRB may invite specified individuals to the deliberative session.

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**Part 2:** DRB Individual Permit Application Hearing contains three distinct phases: **Site Plan Review Phase**, **Discussion Phase** and **Deliberation Phase**.

- 1) The Chair announces the permit application number and party name. Copies of the permit application and supplied documentation are made available to DRB members.
- 2) The permit application parties or representative are invited to sit at the table with the DRB
- 3) The Chair reads aloud the permit application location and project description.
- 4) The **Site Plan Review Phase** of the hearing begins with the DRB members reading the application and discussing and asking questions of the permit applicant or representative and each other.
- 5) The public is invited to comment on the permit application.
- 6) Each person commenting must identify themselves for the minutes and state their interest in the permit application.
- 7) The Chair will determine if the person is not an interested party and will inform the person of the status of their testimony relative to the permit application.
- 8) The person proceeds to make comments and may be questioned by the DRB.
- 9) If the person's testimony is not within the purview of the DRB, the Chair will inform the person of the status of their testimony relative to the permit application.
- 10) When all testimony is complete and DRB members have no further questions of the applicant or public, the Site Plan Review Phase ends.
- 11) The **Discussion Phase** begins with the DRB discussing the permit application and deciding if they have enough information to make a decision on the permit application status.
- 12) If the DRB decides more information is needed, the permit application may be tabled. If the permit application is tabled, the motion to table shall describe the specific information needed, the party responsible for obtaining the information and a deadline date. The motion shall also indicate when the hearing for the permit application is to be resumed. If the motion to table passes, the hearing for permit application is tabled until a subsequent DRB hearing.
- 13) The chair announces the end of the **Discussion Phase** and the start of the **Deliberation Phase**. The public may observe, but not participate unless asked, in the Deliberation Phase.
- 14) If the DRB decides to deliberate the permit application in a closed deliberative session, a motion to table the permit application may be made at this time. If the closed deliberative session motion passes, the hearing for permit application is tabled until a deliberative session is concluded.
- 15) During the Deliberation Phase, the DRB formulates findings of fact, conclusions and permit conditions that are used to form the decision.
- 16) The Deliberation Phase continues until a motion to table, enter closed session, deny or approve the permit application is made and passed.
- 17) When the permit is denied or approved, the hearing for the permit application is closed.

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### **Part 3: DRB Public Appeal Hearing order of business.**

- 1) The Chair opens the hearing by reading the warning of the hearing and the subject of the hearing. Identify the parties: the Zoning Administrator and the appellant. If the appellant is being represented by another party that party must be eligible to represent the appellant as an interested person. See step 4).
- 2) Review the order of events, remind all present that the proceeding will be conducted in an orderly manner, and make copies of these rules available.
- 3) Request disclosure of conflicts of interest and ex parte communications.
- 4) Determine and qualify any interested persons.
  - Review the definition of interested persons in 24 V.S.A. § 4465(b).
  - Explain that, pursuant to 24 V.S.A. § 4471(a), only an interested person who has participated in this proceeding may take an appeal of any decision issued in this proceeding.
  - Ask all who believe they meet the definition of interested person to identify themselves and to provide contact information.
  - Direct the appellant or representative and all interested persons to step forward and take the following oath:

Do you swear that the evidence you will give in the cause under consideration shall be the whole truth and nothing but the truth under the pains and penalties of perjury.  
Answer "I do".
- 5) Accept written information presented to the DRB.
- 6) All questions of parties involved in the appeal are addressed to the DRB Chair.
- 7) Invite the appellant or appellant's representative to present the appeal, relief requested and any information relevant to the appeal.
- 8) Invite DRB Members to ask questions of the appellant or appellant's representative.
- 9) Zoning Administrator is invited to describe the sequence of events relevant to the appeal and any actions.
- 10) Invite board members to ask questions of the Zoning Administrator.
- 11) Invite interested persons to present their information regarding the appeal.
- 12) Invite board members to ask questions of the interested persons..
- 13) Invite the appellant or appellant's representative to respond to all information presented.
- 14) Invite more questions from members of the board.
- 15) Invite more questions from the appellant or appellant's representative, interested persons, Zoning Administrator, and DRB.
- 16) Allow final comments or questions from the appellant or appellant's representative or members of the board.
- 17) Upon motion and majority approval, the Chair shall either adjourn the hearing to a time certain, or close the proceedings by stating that this is the final public hearing on the matter.
- 18) The board shall then conduct public deliberations, or may vote to enter deliberative session.

The following closing public announcements are made:

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- The written decision will be made within 45 days of this hearing.
- The appellant and interested parties will receive copies of the written decision.
- The decision may be appealed within 30 days to a higher authority as per "1 VSA 310(5)(B)T.

The above order of business outline was excerpted and edited from:

Vermont Land Use, Education and Training Collaborative  
R U L E S O F P R O C E D U R E A N D E T H I C S M A N U A L , M a y 2 0 0 5  
<http://www.vpic.info/Publications/Reports/RulesProcedureEthicsManual.pdf>  
Section VII: Public Hearings and Order of Business.

**Part 4:** Follow-up actions required at the conclusion of a subdivision hearing.

- 1) If any survey map changes are required prior to copying to mylar, document the changes in the minutes.
- 2) A mylar copy of the survey map identical to the submitted survey map or containing DRB specified changes must be submitted within 30 days to the Town Clerk via the Zoning Administrator.
- 3) In all cases the ZA will check the submitted survey map against the mylar survey map and required changes before accepting.
- 4) The applicant will be notified by the ZA if there are any problems with the survey maps.
- 5) There is a thirty day appeal period for this permit.
- 6) The subdivision permit is not issued until the 30 day appeal period has expired and any appeals have been concluded.

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