

**TOWN OF WOODSTOCK, VERMONT  
TOWN DEVELOPMENT REVIEW BOARD**

**Rules of Procedure  
March 23, 2004  
Amended September 27, 2005**

**Purpose**

The purpose of the Town Development Review Board is to provide a degree of flexibility to an otherwise rigid system of regulations, to safeguard the rights of property owners, and to alleviate the need for minor amendments to the regulations through the exercise of a degree of judicial discretion. Since its power to vary the strict application of a zoning ordinance is judicial rather than legislative, there must be limits on its power to grant variances which, in effect, amend the regulations and invade the province of the local legislative body in an urban municipality or the electorate in a rural town. For this reason, the state legislature authorized the Town Development Review Board by the Planning and Development Act.

**ARTICLE I                    GOVERNING RULES**

The Town Development Review Board shall be governed by all applicable Vermont Statutes, the Town of Woodstock Zoning Regulations and these Rules of Procedure.

**ARTICLE II                    OFFICERS AND DUTIES**

- A.     The Board shall organize and elect by majority vote a Chairperson and a Vice-Chairperson, annually.
- B.     The Chairperson shall preside at all meetings and hearings of the Board, decide all points of order or procedure, and appoint any committees that may be found necessary. He/She may administer oaths and compel the attendance of witnesses and the production of material germane to any issue under appeal.
- C.     The Vice-Chairperson shall assume the duties of the Chairperson in the Chair's absence.
- D.     A clerk shall be designated by the Board. The clerk shall conduct all official correspondence subject to these rules at the direction of the Board; shall send out all notices required by law and these rules of procedure; keep the minutes of the Board's proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating this; include the names and addresses of all witnesses, a summary of the facts upon which the decision is based, and the decision rendered; and shall keep records of its examinations and other official actions, all of which shall be filed with the town clerk as public record.

**ARTICLE III                    MEETINGS**

- A.     Regular meeting of the Town Development Review Board for the hearing and deciding cases and the conduct of other business shall be held on the fourth Tuesday of each month at 7:30 p.m., unless otherwise notified by the Chairperson as specified in number 2, below.

- B. Meetings may be canceled or special meetings called by the Chairperson, provided that adequate notice of such meeting is given each member.
- C. A quorum shall consist of a majority of the total members of the Board, not just those present.
- D. All hearings shall be open to the public.
- E. The order of business at all meetings for the Board shall be as follows:
  - 1. Call meeting to order.
  - 2. Roll call.
  - 3. Reading and approval of minutes of the previous meeting.
  - 4. Continuation of any adjourned public hearings.
  - 5. Hearing of new cases.
  - 6. Other business.
  - 7. Deliberations of heard cases.
  - 8. Adjournment.
- F. The Board may adjourn a regular meeting if all applications or appeals cannot be disposed of on the day set, and no further public notice shall be necessary for such a meeting provided that the date and place of the adjourned hearing are scheduled. Hearing date shall be announced at the meeting.

#### **ARTICLE IV APPLICATIONS AND APPEALS**

- A. Appeals to the Board may be made at any time by an interested person (as defined in 24 V.S.A. Chapter 117, Section 4464) affected by any decision of the administrative officer and by applicants for a conditional use permit, a non-conforming use change, or hardship variance. Such appeal shall be filed with the clerk of the Board on the form provided. An appeal taken with respect to a decision of the administrative officer must be filed within 15 days of the date of such decision and a copy of the notice of appeal filed with the administrative officer.
- B. The applicant shall provide the clerk with all information requested on the form prescribed by the Town Development Review Board, and any such additional information and data as may be required to advise the Board fully with reference to the application or appeal, whether such information is called for by the official forms or not. No application or appeal will be considered by the Board unless it is submitted on the form required, together with payment of an appeal fee.
- C. The attached application form (Town of Woodstock Application for Zoning Permit and Application to Town Development Review Board) are made a part of these rules (established by legislative body). *Note: Form is updated on an as needed basis.*
- D. If an application or appeal is withdrawn before public notice of hearing is given a portion of the required fee (established by legislative body) shall be returned to the applicant.

#### **ARTICLE V PROCEDURE FOR HEARING CASES**

- A. Applications or appeals will be assigned for hearing in the order in which they are received, which shall be within 60 days of the filing of the notice of such appeal.
- B. The clerk of the Board shall give public notice of the hearing in a newspaper of general publication in the municipality and the posting of such notice in one or more public places within the municipality, and shall mail to the appellant a copy of such

notice at least 15 days prior to the hearing date. The notice shall state the name of the appellant, the location of the property, the action requested, and the time and place of the hearing.

- C. At the time of the public hearing the applicant may appear in his/her own behalf or be represented by counsel or agent. The applicant's statement shall be made first, followed by that of the administrative officer and any private citizen for or against the proposal. The Board members will be allowed to ask any pertinent questions concerning the proposal. The applicant shall be given an opportunity for a final rebuttal.
- D. Final decision of any application or appeal to the Town Development Review Board shall be in the form of a resolution which must be approved by a quorum of the membership of the Board. The basis for the determination of each appeal and a detailed summary of the facts upon which the determination is made shall be recorded in the decision and shall constitute a part of the record thereof. The decision shall also state in detail what conditions and safeguards are required or any time limitations prescribed. In the case of variances, the decision shall state the exceptional difficulty or unusual hardship upon which the appeal was based and which the Board found present.
- E. Within 45 days after the final hearing on an appeal, or 60 days after the final hearing on direct application to the Board, the clerk shall send the appellant, by certified mail, a copy of the decision. Copies of the decision shall also be mailed to every party of interest appearing and having been heard at the hearing who requests such a copy.
- F. Application for rehearing may be made in the same manners as the original appeal. The Board may reject such an appeal, without hearing, and render a decision, which shall include finding of fact, within 10 days of the date of filing of the notice of appeal, if the Board determines the issues raised by the appellant have been decided in an earlier appeal.
- G. Unless otherwise specified, any conditional use, variance, or non-conforming use change authorization shall expire if a zoning permit is not obtained by the applicant within 180 days from the date of authorization by this Board.
- H. Every application for a zoning permit for any use shall include the submission of plans and supporting information as noted in the Town Zoning Regulations Section 708 Application Information.
- I. Informal Presentation
  - 1. Any person who will be filing an application for conditional use review can make an informal presentation before the Town Development Review Board. Each applicant will be informed of the availability of this presentation by the zoning office. An application for the informal review must be filed by the applicant in the zoning office.
  - 2. Abutters and the general public will be warned of the presentation and given notice under Zoning Regulations 704B. The informal presentation will be the last item on the agenda and will be heard after Deliberations on completed applications have taken place.
  - 3. No action will be taken or comment will be made by the Town Development Review Board on this presentation as it is not a complete, formally filed application.

## **ARTICLE VI**

- A. Conflict of Interest: No board member shall sit in hearing or vote on any matter in which:
1. His/her participation is prohibited by law;
  2. He/she has a personal interest;
  3. He/she has a direct or indirect financial interest;
  4. Has personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
- B. Ex Parte Communication: No member shall communicate directly or indirectly with any applicant with regard to business with the Board except in the presence of staff or at a Board meeting which has been properly noticed.

## **ARTICLE VII            AMENDMENT**

These rules may be amended at any regular meeting by an affirmative vote of a quorum of the Board provided that such amendment has been presented in writing to each member of the Board at least 48 hours preceding the meeting at which the vote is taken.