

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

**Rules of Procedure
June 9, 2004**

PURPOSE

The purpose of the Village Development Review Board is to provide a degree of flexibility to an otherwise rigid system of regulation, 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 village.

ARTICLE I GOVERNING RULES

The Village of Woodstock Development Review Board, hereinafter referred to as the VDRB, has adopted these rules of procedure for the purpose of supplementing state statutes, notably Chapter 117 of Title 24 of the Vermont Statutes Annotated, and the municipal plan and bylaws, under the authority of 24 V.S.A. 4462.

ARTICLE II OFFICERS AND DUTIES

- A. Officers
 The Board shall organize and elect by majority vote a Chairperson and a Vice-Chairperson, annually.

- B. Chairperson
 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. The Chairperson may administer oaths and compel the attendance of witnesses and the production of material germane to any issue under appeal.

- C. Vice-Chairperson
 The Vice-Chairperson shall assume the duties of the Chairperson in the Chair's absence.

- D. Clerk
 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. A CD Rom recorder will be used to provide sound recordings of the meetings.

ARTICLE III MEETINGS

- A. **Robert's Rules**
The Board shall conduct all meetings and public hearings in accord with Robert's Rules.

- B. **Meetings**
Regular meeting of the Village Development Review Board for the hearing and deciding of cases and the conduct of other business shall be held on the 2nd and 4th Wednesday of each month at 7:00 P.M. in the Town Hall conference room, unless there is no other business to transact, in which case no meeting shall be held. Meetings may be canceled or special meetings called by the Chairperson, provided that adequate notice of such meeting is given each member.

- C. **Special Meetings**
Special Meetings of the board may be held on the call of the Chairperson, provided that at least twenty-four hours written or verbal notice of the time, place, and business of such meeting shall be given to each member of the board. Notice shall be posted in one or more public places in town, including in or near the town clerk's office.

- D. **Recess of Meeting or Hearings**
The board may recess a meeting or hearing if all applications cannot be disposed of on the day set to hear them. No further public notice shall be necessary provided that the date, time, and place of the recessed meeting or hearing shall be announced prior to adjournment.

- E. **Quorum**
 - 1. A quorum shall consist of a majority of the seven member board.
 - 2. For the conduct of a meeting or hearing, a quorum of the board must be present, consisting of a majority of the board, either in person or by telephonic conference call.

- F. **Attendance**
A board member may be excused for nonattendance of a meeting or hearing for valid reasons if he or she notifies the board Chairperson prior to the meeting or hearing. A member must resign if he or she has four consecutive absences from meetings or hearings, unless a member has a valid reason such as illness, etc.

- G. **Open Meeting Law**
All meetings and public hearings of the Board and its committees shall be held in accord with the Open Meeting Law, 1 V.S.A. 310-314. The Board reserves the

right to go into deliberative session, as needed, which is not open to the public, pursuant to 1 V.S.A. Section 312 (e-r) and as provided by these rules, to discuss the issues only if a motion and a vote is made to recess into deliberative session. No minutes shall be taken during deliberative session. All decisions made during deliberative session shall be put in writing and signed as prescribed by Article II D.

H. Order of Business

The order of business at all meetings of the Board shall be as follows:

1. Call meeting to order.
2. Correspondence
3. Reading and approval of minutes of preceding meetings.
4. Public Hearings (Old Business/New Business)
5. Other Business
6. Deliberations
7. Adjournment

**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 will 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 will provide the clerk with all information requested on the form prescribed by the VDRB, 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 forms (Village of Woodstock Application for Zoning Permit and Application to VDRB) are made a part of these rules (established by legislative body). *Note: Form is updated on an as needed basis.*
- D. The legislative body will determine such fees as may be necessary for the filing of notices and processing of hearings and action thereon.

**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 then 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 VDRB 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 Notice of Decision and shall constitute a part of the record thereof. The Notice of Decision shall also state in detail what conditions and safeguards are required or any time limitations prescribed. In the case of variances, the Notice of 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 Notice of Decision. Copies of the Notice of 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 manner 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 considers the issues raised by the appellant to 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 Village Zoning Regulations Section 708 Application Information.
- I. Public Notice requirements shall apply to informal and preliminary hearings as well as to applications submitted formally to the Board.

ARTICLE VI CONFLICT OF INTEREST

- A. A member shall withdraw from all participation, including all formal and informal discussion and voting, deliberations or any issue upon declaration of a conflict of interest or upon the assertion that there is a reasonable public presumption that a conflict or special privilege may exist. Circumstances under which this guideline shall be exercised include, but are not limited to the following:
1. If the member has a direct or in-direct interest in the outcome of the matter at issue. A direct financial interest shall include, but not be limited to, circumstances in which the member is an applicant, a provider of professional or business service to the applicant, serves on the board of directors, or receives any form of remuneration or benefit from the applicant. Indirect financial interests shall include, but is not limited to issues in which a member's partner, employee, immediate family, or relative has or is likely to have a direct financial interest in the outcome of the matter.
 2. If the matter at issue involves the member's own official conduct.
 3. If participation in the matter might violate the letter or spirit of a member's code of professional responsibility.
 4. If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
 5. If a member, for any reason, cannot exercise impartial judgment.

ARTICLE VII EX PARTE COMMUNICATION

No member shall communicate, directly or indirectly, with any applicant except in the presence of staff or at Board meetings that have been properly noticed. Office meetings and site visits to which staff members have requested the presence of one or more Board members are exempt from this requirement.

ARTICLE VIII 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.

ADOPTION DATE:

These rules of procedure were adopted by the VDRB on June 9, 2004.

