

Starksboro DRB Meeting Packet
1-22-2026

APPROPRIATE MUNICIPAL PANEL (AMP)

Rules of Procedure and Conflict of Interest Policy II

Section I: Authority.

The [AMP] of the Town of _____ hereby adopts the following rules of procedure (hereinafter referred to as these Rules) in accordance with 24 V.S.A. § 4461(a) and 1 V.S.A. §§ 312(e), (f), and (h).

Section II: Policy.

These Rules are adopted to ensure consistent and fair treatment of applicants, interested persons, and participants, orderly and efficient public proceedings, and compliance with state and federal law. These Rules shall also ensure that no board member will gain a personal or financial advantage from his or her work for the board, so that the public trust in municipal government will be preserved.

Section III: Definitions.

- A. “Board” means the [AMP].
- B. “Board member” means a regular or alternate member of the [AMP].
- C. “Conflict of interest” means any one of the following:
 - 1. A direct or indirect personal interest of a board member, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the [AMP].
 - 2. A direct or indirect financial interest of a board member, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the [AMP].
 - 3. A situation where a board member has publicly displayed a prejudgment of the merits of a particular proceeding before the board. This shall not apply to a member’s particular political views or general opinion on a given issue.
 - 4. A situation where a board member has not disclosed ex parte communications with a party in a proceeding before the board, pursuant to Section XII of these Rules.
- D. “Deliberative session” means a private session of the board to weigh, examine, and discuss the reasons for and against an act or decision, from which the public is excluded. There shall

be no taking of evidence nor submission of testimony, nor shall a deliberative session be publicly noticed. The board may enter deliberative session by majority vote, and shall be deemed to be in deliberative session from the close of the final public hearing until the issuance of a written decision.

- E. “Executive session” means a session of a public body from which the public is excluded, pursuant to 1 V.S.A. § 313. Such private session may only be held for one of the reasons permitted by the statute, and no binding action may be taken in executive session.
- F. “Ex parte communication” means direct or indirect communication between a member of an appropriate municipal panel and any party, party’s representative, party’s counsel or any person interested in the outcome of any proceeding before the panel, that occurs outside of a public proceeding, and concerns the substance or merits of the proceeding.
- G. “Official act or action” means any legislative, administrative or quasi-judicial act performed by any board member.
- H. “Public deliberations” means the weighing, examining, and discussing, in a public proceeding, the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties.
- I. “Recuse” means to remove oneself from a particular board proceeding because of a real or perceived conflict of interest.

Section IV: Regular Officers.

The [AMP] shall consist of [five] regular members. [After Town Meeting but prior to May 1], or at other times throughout the year as needed, the [AMP] shall hold an organizational meeting and elect by majority vote, a Chair, Vice Chair, and Clerk.

- A. The Chair shall preside at all meetings, hearings, and deliberative sessions, decide all points of order or procedure, and appoint members to any committee of the board. The Chair may administer oaths and may request the attendance of witnesses and the production of material germane to any issue under consideration.
- B. The Vice Chair shall assume the duties of the Chair whenever the Chair is absent, or at the Chair’s request. The Clerk shall assume such duties whenever the Chair and the Vice Chair are absent, or at their request.
- C. It shall be the duty of all members to review the minutes and other official records of [AMP] meetings and actions, and correct and ratify these when appropriate and necessary.
- D. [Staff] shall take minutes of all meetings.

Section V: Alternate Members.

The Selectboard shall annually, or as needed, appoint up to two alternates who may temporarily serve as [AMP] members in the event of a recusal or absence of one or more members.

- A. An alphabetical roster of all alternate members shall be kept by the [AMP]. The assignment of alternates for active duty will begin with the first alternate in alphabetical order and rotate through the list until all alternates have served and rotation will be repeated.
- B. Whenever a regular member has a conflict of interest or is expected to be on extended absence from the [AMP], the chairperson of the [AMP], or his or her designee, shall appoint an alternate to serve as an active member of the [AMP] by selecting an individual from the roster as provided in paragraph A.
- C. If the chairperson of the [AMP] does not appoint an alternate as required under paragraph B, a majority of the members of the [AMP] present and voting may appoint an alternate to serve in accordance with paragraph B.
- D. An alternate member who is called upon to serve shall be required to be a part of the [AMP] until a final decision is made on any application heard by the [AMP] while serving as an active member. Participation includes attending deliberative sessions and any continuance of a public hearing if the application has been tabled or adjourned to another date.

Section VI: Regular and Special Meetings.

Regular meetings shall be held [in the Town Hall at 7 p.m. on the first and third Tuesdays of the month], or as warranted. The Chair may cancel meetings at any time.

- A. Special meetings may be called by the Chair, provided at least 24 hours notice is given to each member and the time and place of each special meeting is publicly announced at least 24 hours before the meeting.
- B. A quorum shall consist of a majority of the entire board.
- C. Members may participate by telephone as long as the absent member can hear everything that is occurring at the meeting and everyone present at the meeting can hear the board member.
- D. All meetings shall be open to the public unless the board has entered a deliberative or executive session. The board may only hold an executive session pursuant to the reasons permitted by 1 V.S.A. § 313, and only after a majority vote to enter executive session.
- E. There shall be an agenda for each meeting, with time allotted for each item or group of items to be considered. Those who wish to be added to the agenda shall contact the [AMP staff] to arrange for a convenient time. The Chair shall determine the content of the agenda after consultation with [AMP staff].

- F. All business shall be conducted in the same order as it appears on the agenda, except that by majority vote, the Chair may alter the order of items to be considered and/or the time allotted.
- G. The Chair shall rule on all questions of order or procedure and shall enforce these rules pursuant to 1 V.S.A. § 312(h).
- H. At each meeting, there shall be a [ten minute] period of time reserved for public comment near the [end, beginning] of the meeting. The Chair may extend or reduce this period of time as necessary. Speakers may participate at other times throughout a meeting but only when recognized by the Chair. Such comment shall be limited to [three minutes] per speaker, unless by majority consent the board sets a different time limit. The board shall apply consistent time limits to all recognized to speak.
- I. Notice for hearings on the adoption, amendment, or repeal of the bylaw and other regulatory tools shall be pursuant to 24 V.S.A. § 4444, as amended.

Section VII: Public Hearings and Order of Business.

Public hearings shall be conducted as quasi-judicial proceedings pursuant to 1 V.S.A. § 310(5)(B). Hearings shall be publicly noticed in accordance with 24 V.S.A. §§ 4464(a)(1), (2), as amended. Hearings shall not exceed [three hours] in length unless approved by a majority of members present. Participation at hearings shall be limited to the applicant and to those granted interested person status.

The Chair shall conduct the hearing in the following manner:

- A. Open the hearing by reading the warning of the hearing.
- B. 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.
- C. Request disclosure of conflicts of interest and ex parte communications.
- D. Review the definition of interested persons in 24 V.S.A. § 4465(b).
- E. 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.
- F. Ask all who believe they meet the definition of interested person to identify themselves, demonstrate why they qualify for interested person status, and to provide contact information.
- G. The board may grant or deny interested person status, subject to the definitions established by 24 V.S.A. § 4465(b). The board may hold a short deliberative session to consider interested person status, and shall issue its decision immediately upon returning to open session.

- H. Direct the applicant or his/her representative and all interested persons to step forward and take the following oath: *I hereby swear that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth so help me God* (or, *under the pains and penalties of perjury*).
- I. Accept written information presented to the board.
- J. Invite the applicant or applicant's representative to present such application or proposal.
- K. Invite board members to ask questions of the applicant or applicant's representative.
- L. Invite interested persons to present information regarding the application or proposal.
- M. Invite the applicant, applicant's representative, or interested persons to respond to information presented.
- N. Invite more questions or comments from members of the board.
- O. The Chair shall allow members of the public who were denied interested person status and other members of the public to make comments or ask questions regarding the application or proposal. Such comments shall be limited to [three minutes] per person, unless by majority vote the board sets a different time limit.
- P. Allow final comments or questions from the applicant or applicant's representative.
- Q. 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.
- R. Upon final adjournment, the board shall be deemed to be in deliberative session until a written decision is issued.

Section VIII: Site Visits.

Site visits shall be open to the public; however, no testimony shall be taken and no ex parte communication shall occur. Site visits shall be held pursuant to the following conditions:

- A. If, prior to a hearing, the Chair determines that a site visit will be necessary, the site visit shall be scheduled immediately prior to a public hearing. Such site visits shall be publicly noticed in accordance with 24 V.S.A. §§ 4464(a)(1), (2).
- B. If necessary, the board may recess a hearing and conduct a site visit at a property which is the subject of an application before the board.
- C. If necessary, the board may adjourn a hearing to a time certain to conduct a site visit at a property which is the subject of an application before the board.

D. The minutes of the proceeding shall reflect that a site visit was held, who was present, and the nature and duration of the site visit.

Section IX: Service List.

[Staff] shall create a list of individuals present at the hearing. The list shall include those who participated orally and those who participated in writing. The list shall clearly designate those who were granted or denied interested person status by the board. All decisions of the board shall be mailed to those on the list. All documents filed with the board must be submitted to interested persons on the list. Those on the list not granted interested person status shall be supplied with any decisions issued by the [AMP]. The list shall include:

- A. The names of those who participated, and the names of those who were granted or denied interested person status.
- B. The nature and content of participation by anyone, whether or not granted interested person status.
- C. The mailing address of each of these persons.

Section X: Decisions.

The board shall make decisions in deliberative session. Deliberative sessions are not open to the public and shall not be warned. 1 V.S.A. §§ 312(e), (f). Members of the board who have not heard all testimony and reviewed all evidence submitted for a particular application or proposal shall not participate in that proceeding. Absent board members may review audiotapes of the proceedings, subject to the written consent of the applicant and all interested persons. The following rules shall apply to voting on decisions:

- A. Motions shall be made in the affirmative.
- B. The chair has the same voting rights as other members and can make motions.
- C. No second shall be required for a motion to have the floor.
- D. All members present are expected to vote unless they have recused themselves.
- E. Abstentions are strongly discouraged and shall not count towards either the majority or the minority.
- F. For a motion to pass, it must receive the concurrence of a majority of the entire board, regardless of how many are present. 1 V.S.A. § 172; 24 V.S.A. § 4461(a).
- G. The board shall issue a written decision within 45 days of the final public hearing.

Section XI: Conflicts of Interest.

Participation, disclosure of conflicts, and recusal shall be governed by the following procedures:

- A. **Participation.** A board member shall not participate in any official action where he or she has a conflict of interest in the matter under consideration. A board member shall not, personally or through any member of his or her household, business associate, employer or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in any proceeding pending before the [AMP].
- B. **Disclosure.** At all hearings, the Chair shall request that board members disclose all potential conflicts of interest. When recognized by the Chair, any interested person may request disclosure of potential conflicts of interest.

Nonetheless, after disclosing a conflict or perceived conflict, if a member who believes that he or she is able to act fairly, objectively, and in the public interest, shall submit a one-paragraph statement describing the matter under consideration, the nature of the potential conflict of interest, and the reason(s) why the member believes he or she is able to act in the matter fairly, objectively, and in the public interest.

This statement shall be signed by the member, and filed as part of the minutes of the proceeding pertaining to the matter under consideration.

- C. **Recusal.** A board member shall recuse him or herself from any matter in which he or she has a conflict of interest, pursuant to the following:
 1. The applicant or any interested person may request that a member recuse him or herself due to a conflict of interest. Such request shall not constitute a requirement that the member recuse him or herself.
 2. A board member who has recused him or herself from a proceeding shall not sit with the board, deliberate with the board, or participate in that proceeding as a board member in any capacity.
 3. If a previously unknown conflict is discovered, the board may take evidence pertaining to the conflict, and if appropriate, adjourn to a short deliberative session to address the conflict.
 4. The board may adjourn the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the board. The board may then resume the proceeding with sufficient members present.

Section XII: Ex Parte Communications.

Ex parte communication is prohibited. Any board member who inadvertently conducts ex parte communication must disclose such communication as required below.

A. **Disclosure.** At each hearing, the Chair shall request that members disclose any ex parte communications. Board members who have received written ex parte communications shall place on the record copies of all written communications received as well as all written responses to those communications. Members shall prepare a memorandum stating the substance of all oral communications received, all responses made and the identity of each person making the ex parte communication.

Section XIII: Progressive Consequences for Failure to Follow the Conflict of Interest Procedures.

In cases where the conflict of interest procedures in Section XI have not been followed, the board may take progressive action to discipline an offending board member. In the discipline of a member, the board shall follow these steps in order:

- A. The Chair shall meet informally, in private, with the board member to discuss possible conflict of interest violation.
- B. The board may meet to discuss the conduct of the board member. Executive session may be used for such discussion. 1 V.S.A. § 313(4). The board member may request that this meeting occur in public. If appropriate, the board may admonish the offending board member in private.
- C. If the board decides that further action is warranted, the board may admonish the offending board member at an open meeting and reflect this action in the minutes of the meeting. The board member shall be given the opportunity to respond to the admonishment.
- D. Upon majority vote, the board may request that the offending board member resign from the board.

Section XIV: Removal.

Upon majority vote, the board may request that the legislative body remove a board member from the [AMP]. Board members may be removed for cause by the legislative body upon written charges and after public hearing. 24 V.S.A. § 4460(c). Planning commissioners may be removed at any time by unanimous vote of the legislative body. 24 V.S.A. § 4323(a).

Section XV: Amendments.

These rules may be amended at any regular or special meeting by a majority vote, provided that each [AMP] member has been presented a written copy of the proposed amendment at least 24 hours before the meeting at which the vote is taken. Only those amendments which are presented to the members prior to the meeting may be amended at that meeting.



Hinesburg Development Review Board
RULES OF PROCEDURE & CONFLICT OF INTEREST POLICY
Adopted March 20, 2012

Section I: Authority.

The Development Review Board of the Town of Hinesburg hereby adopts the following rules of procedure (hereinafter referred to as these Rules) in accordance with 24 V.S.A. § 4461(a) and 1 V.S.A. §§ 312(e), (f), and (h). The DRB shall be governed by these Rules, the provision of all applicable state statute, applicable Hinesburg land use regulations (e.g., Zoning, Subdivision, Official Map), and where applicable the Town Plan.

Section II: Policy.

These Rules are adopted to ensure consistent and fair treatment of applicants and interested persons, and participants, orderly and efficient public proceedings, and compliance with state and federal law. These Rules shall also ensure that no board member will gain a personal or financial advantage from his or her work for the board, so that the public trust in municipal government will be preserved.

Section III: Definitions.

- A. "Board" means the Development Review Board (DRB).
- B. "Board member" means a regular or alternate member of the DRB.
- C. "Conflict of interest" means any one of the following:
 - 1. A direct or indirect personal interest of a board member, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the DRB.
 - 2. A direct or indirect financial interest of a board member, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the DRB.
 - 3. A situation where a board member has publicly displayed a pre-judgment of the merits of a particular proceeding before the board. This shall not apply to a member's particular political views or general opinion on a given issue.
 - 4. A situation where a board member has not disclosed ex parte communications with a party in a proceeding before the board, pursuant to Section XII of these Rules.

- D. “Deliberative session” means a private session of the board to weigh, examine, and discuss the reasons for and against an act or decision, from which the public may be excluded. There shall be no taking of evidence or submission of testimony, nor need a deliberative session be publicly noticed. By motion and majority vote, the board may enter deliberative session during a hearing to consider a matter before it.
- E. “Executive session” means a session of a public body from which the public is excluded, pursuant to 1 V.S.A. § 313. Such private session may only be held for one of the reasons permitted by the statute, and no binding action may be taken in executive session.
- F. “Ex parte communication” means direct or indirect communication between a member of the DRB and any party, party’s representative, party’s counsel or any person interested in the outcome of any proceeding before the panel, which occurs outside of a public proceeding, and concerns the substance or merits of the proceeding.
- G. “Official act or action” means any legislative, administrative or quasi-judicial act performed by any board member.
- H. “Public deliberations” means the weighing, examining, and discussing, in a public proceeding, the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties.
- I. “Recuse” means to remove oneself from a particular board proceeding because of a real or perceived conflict of interest.
- J. “Support staff” means Planning & Zoning Department staff that assist the DRB with the development review process – e.g., meeting/hearing notifications and legal warnings, writing and distribution of staff reports and draft decisions, maintaining all DRB records, distribution and recording of official DRB decisions, taking meeting minutes, etc. ~~Staffing levels are determined jointly by the DRB, the Planning & Zoning Department, and the Selectboard. Current DRB support staff includes the Director of Planning & Zoning, the Zoning Administrator, and the Planning & Zoning Administrative Assistant (also serves as the DRB recording secretary).~~

Section IV: Regular Members & Officers.

The DRB shall consist of seven regular members appointed by the Selectboard, serving three year terms, or completing a term, if appointed to fill a midterm vacancy. After January 1, but prior to March 1, or at other times throughout the year as needed, the DRB shall hold an organizational meeting and elect by majority vote, a Chair, Vice Chair and Clerk.

- A. Regular DRB members shall attend all meetings and arrive on time unless staff has been notified in advance of the member’s absence or delay. Members shall prepare for each meeting by reviewing staff reports, meeting minutes, and other materials sent to the member before the start of the meeting.

- B. The Chair shall preside at all meetings, hearings, and deliberations, decide all points of order or procedure, and appoint members to any committee of the board. The Chair may administer oaths and may request the attendance of witnesses and the production of material germane to any issue under consideration. The Chair may participate in all matters before the DRB in the same manner as any other regular member – e.g., make motions, pose questions, vote on motions, etc.
- C. The Vice Chair shall assume the duties of the Chair whenever the Chair is absent, or at the Chair's request. The Clerk shall assume such duties whenever the Chair and the Vice Chair are absent, or at their request.
- D. Support staff shall take minutes of all meetings. In the absence of support staff, the Clerk shall take meeting minutes.
- E. The Chair, the Vice Chair, or the Clerk shall be authorized to sign official DRB decisions and approved plans or survey mylars.

Section V: Alternate Members.

The Selectboard shall annually, or as needed, appoint up to two alternates who may temporarily serve as DRB members in the event of a recusal or absence of one or more members.

- A. ~~To the extent possible, at least one alternate shall be present at all DRB meetings in order to serve as an active member of the board in case a regular member has a conflict of interest or is unable to attend. Support staff shall work with the two alternates to rotate and provide for equal participation.~~
- B. Support staff will provide alternates with copies of all DRB material in the same manner as a regular member to help ensure ready participation when needed.
- C. Alternates hearing an application shall, to the extent possible, stay with the review of the application until a decision is reached. If the application moves to another level of review (such as to ~~preliminary or final~~ subdivision review), the alternate need not participate if all regular members are available. However, if an alternate is needed for a later step of the review process, the one who reviewed the early step of the project shall receive priority.

Section VI: Regular and Special Meetings.

Regular meetings to conduct business of the DRB shall generally be held on the ~~first and third~~ ~~Tuesday of each month, starting at 7:30pm at the Hinesburg Town Office.~~ The Chair may cancel meetings at any time.

- A. Special meetings may be called by the Chair, provided at least 24 hours notice is given to each member and the time and place of each special meeting is publicly announced at least 24 hours before the meeting.
- B. A quorum shall consist of a majority of the entire seven member board – i.e., at least four members. A quorum is required to conduct any business with the exception of announcements or review and approval of meeting minutes.
- C. Members may participate by telephone as long as the absent member can hear everything that is occurring at the meeting and everyone present at the meeting can hear the board member.
- D. All meetings shall be open to the public unless the board, by majority vote, has entered a deliberative or executive session. The board may only hold an executive session pursuant to the reasons permitted by 1 V.S.A. § 313, and only after a majority vote to enter executive session.
- E. There shall be an agenda for each meeting, generally structured as follows.

- 1) Review/Approval of minutes from previous meeting(s)
- 2) Public hearings on applications
- 3) Other Business – e.g., announcements, public to be heard, etc.
- 4) Deliberations – may be public deliberations or in a closed deliberative session

Those who wish to be added to the agenda shall contact the Planning & Zoning Department to arrange for a convenient time. Although the agenda is typically set by support staff based on applications received, the Chair ultimately has discretion over the composition of the agenda.

- F. All business shall be conducted in the same order as it appears on the agenda, except that by majority consent, the Chair may alter the order of items to be considered and/or the time allotted. Meetings shall not exceed 3 hours in length unless approved by a majority of the members present.
- G. The Chair shall rule on all questions of order or procedure and shall enforce these rules pursuant to 1 V.S.A. § 312(h).

Section VII: Public Hearings and Order of Business.



- A. Public notification - Public hearings shall be conducted as quasi-judicial proceedings pursuant to 1 V.S.A. § 310(5)(B). Hearings shall be publicly noticed in accordance with 24 V.S.A. §§ 4464(a)(1), (2), as amended. Generally as follows:
 - 1. Posting of hearing notice in at least 3 or more public places (e.g., Town Office, Hinesburg Post Office, Lantman's Grocery Store, Carpenter-Carse Library, Laundry mat).

2. Delivery of hearing notice to abutting landowners.
3. Posting of hearing notice within view from the public right of way most nearly adjacent to the property in question. Not required for certain types of review.
4. Publication of the hearing notice in an applicable newspaper (e.g., Burlington Free Press, Hinesburg Record, etc.). Not required for certain types of review.

B. Hearing Order of Business - The Chair shall set aside time for public comment during the hearing. The Chair may limit the amount of time for each speaker, but in so doing shall apply a consistent time limit for all persons recognized. The Chair shall conduct the hearing in the following manner:

1. Open the hearing by reading the warning of the hearing. 
2. Review the order of events, including the time for public comments, and remind all present that the proceeding will be conducted in an orderly manner. Explain that pursuant to state statute, only interested persons who provide testimony during this proceeding have the right to appeal DRB decisions to the Environmental Court. Ask the applicant and audience members to put their contact information on the sign in sheet.
3. Invite the applicant or applicant's representative to present the application or proposal.
4. Invite board members to ask questions of the applicant or applicant's representative.
5. ~~Invite representatives from other Town of Hinesburg boards to provide information or comments regarding the application.~~
6. Invite interested persons and members of the public to present their information regarding the application or proposal.
7. Invite the applicant or applicant's representative to respond to information presented.
8. Allow final comments or questions from the applicant or his/her representative or members of the board.
9. Upon motion and majority approval, the Chair shall either continue the hearing to a date/time certain, or close the hearing. If the hearing is closed, the Chair shall explain to the participants that the Board will issue a written decision within 45 days, and that this decision will be provided to everyone who provided testimony.
10. After the hearing is closed, the board may begin deliberations – either immediately or at the end of the meeting. The board may conduct public deliberations, or may vote to enter a deliberative session that is closed to the public.

Section VIII: Site Visits.

~~Site visits are intended to enhance the DRB's understanding of the proposed development, and as such, are encouraged.~~ Site visits are for observation only and are not the place for substantive discussion of the project. They do not constitute a public hearing, and no quorum of DRB members is necessary. Site visits shall be open to the public; however, no testimony shall be taken and no ex parte communication shall occur. Site visits shall be held pursuant to the following conditions:

- A. If, prior to a hearing, the Chair determines that a site visit will be necessary, the site visit shall be scheduled immediately prior to a public hearing. Such site visits shall be publicly noticed in accordance with 24 V.S.A. §§ 4464(a)(1), (2).
- B. If necessary, the board may recess a hearing, or adjourn a hearing to a date/time certain, to conduct a site visit at a property which is the subject of an application before the board. In such situations, no additional public notification is necessary.
- C. The minutes of the next meeting shall reflect that a site visit was held, who was present, and any relevant observations for the record.

Section IX: Decisions.

The board shall issue decisions in writing, and shall make its decisions by public deliberation, unless by majority vote it has determined to make a decision in deliberative session.

Deliberative sessions are not open to the public, do not include minutes, and need not be warned pursuant to 1 V.S.A. §§ 312(e), (f). The only purpose of deliberative sessions is to reach a decision on the evidence presented for an application at a public hearing. The DRB may not hear testimony or consider new evidence at a deliberative session.

Members of the board who have not heard all relevant testimony and reviewed all evidence submitted for a particular application or proposal shall not participate in that decision. Absent board members may participate if they have reviewed a recording of the proceedings (at least audio version) and any evidence submitted. The following rules shall apply to voting on decisions:

- A. Motions shall be made in the affirmative.
- B. The chair has the same voting rights as all members and can make motions.
- C. No second shall be required for a motion to have the floor.
- D. All members present are expected to vote unless they have recused themselves.
- E. Abstentions are strongly discouraged.
- F. For a motion to pass, it must receive the concurrence of a majority of the entire board, regardless of how many are present. 1 V.S.A. § 172; 24 V.S.A. § 4461(a).

- G. The board shall issue a written decision within 45 days of the final public hearing. The decision shall be considered issued on the date that the board votes on it.
- H. The Chair, Vice Chair, or Clerk shall sign decisions after the decision has been finalized by support staff pursuant to the board deliberation and vote. Similarly, after inspection by support staff for conformance with the decision, approved survey plats/mylars and other approved plans (those required to be recorded with the Town Clerk) shall be signed by the Chair, Vice Chair, or Clerk.

Section X: Conflicts of Interest.

Participation, disclosure of conflicts, and recusal shall be governed by the following procedures:

- A. **Participation.** Each board member shall decide whether he or she has a conflict of interest as defined in Section III(C). However, if by a majority vote of the entire board, the board finds that a member has a conflict of interest as defined in Section III(C)(1) or (C)(2) or (C)(3), that member shall be barred from participating in the matter under consideration. Except as noted below, a board member shall not, personally or through any member of his or her household, business associate, employer or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in any proceeding pending before the DRB. A board member may represent his or her own application before the DRB, concurrent with recusal from review of the application. A board member may also represent his or her concerns as an interested party (e.g., as an abutting landowner), concurrent with recusal from review of the application.
- B. **Disclosure.** At all hearings, board members shall disclose all potential conflicts of interest. Nonetheless, after disclosing a conflict or perceived conflict, a member who believes that he or she is able to act fairly, objectively, and in the public interest, shall disclose the nature of the potential conflict of interest, and the reason(s) why he or she is able to act in the matter fairly, objectively, and in the public interest. This shall be noted in the minutes of the proceeding.
- C. **Recusal.** A board member shall recuse him or herself from any matter in which he or she has a conflict of interest, pursuant to the following:
 1. The applicant or any person may request that a member recuse him or herself due to a conflict of interest. Such request shall not constitute a requirement that the member recuse him or herself.
 2. A board member who has recused him or herself from a proceeding shall not sit with the board, deliberate with the board, or participate in that proceeding as a board member in any capacity.

3. The board may adjourn the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the board. The board may then resume the proceeding with sufficient members present.

Section XI: Ex Parte Communications.

Ex parte communication is prohibited. Any board member who inadvertently conducts ex parte communication must disclose such communication as required below.

- A. **Disclosure.** At all hearings, board members shall disclose any ex parte communications. Board members who have received written ex parte communications shall place in the record copies of all written communications received as well as all written responses to those communications. Members shall relate the substance of all oral communications received, all responses made and the identity of each person making the ex parte communication, which shall become a part of the record of the proceedings.

Section XII: Removal.

Upon majority vote, the board may request that the legislative body remove a board member from the DRB. Board members may be removed for cause by the legislative body upon written charges and after public hearing. 24 V.S.A. § 4460(c).

Section XIII: Amendments.

These rules may be amended at any regular or special meeting by a majority vote, provided that each DRB member has been presented a written copy of the proposed amendment at least 24 hours before the meeting at which the vote is taken.

**TOWN OF STARKSBORO
DEVELOPMENT REVIEW BOARD
ALTERNATE MEMBER USE POLICY**

I. Purpose

The purpose of having alternate members is to provide, at a minimum, a quorum of participating members for the conduct of public hearings. The duty of the alternates is to attend public hearings at times when a regular Development Review Board (DRB) member is unable to participate or to attend due to a conflict of interest, or to fill a period of extended absence (one month or more). Alternates are not to be used for casual absences from the DRB.

II. Term of Office

As established by resolution of the selectboard, the term of office for alternate membership to the DRB is one year, commencing with the date of appointment by the selectboard.

III. Voting Authority

An alternate member serving as an interim active member of the DRB has the same voting authority as any other regular DRB member.

IV. Assignment to Active Membership and Duties

- a. Alternate DRB members shall be selected to serve for a specific purpose or period of time pursuant to Section I of this policy.
- b. An alphabetical roster of all alternate members shall be kept by the DRB. The assignment of alternates for active duty will begin with the first alternate in alphabetical order and rotate through the list until all alternates have served and rotation will be repeated.
- c. Whenever a regular member has a conflict of interest or is expected to be on extended absence from the DRB, the chairperson of the DRB, or his or her designee, shall appoint an alternate to serve as an active member of the DRB by selecting an individual from the roster as provided in paragraph "b."
- d. If the chairperson of the DRB does not appoint an alternate as required under paragraph "c", a majority of the members of the DRB present and voting may appoint an alternate to serve in accordance with paragraph "b."
- e. An alternate member who is called upon to serve shall be required to be a part of the DRB until a final decision is made on any application heard by the DRB while serving as an active member. Participation includes attending deliberative sessions and any continuance of a public hearing if the application has been tabled or adjourned to another date.

Adopted by the Selectboard August 4, 2008

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Adopted by the Selectboard August 4, 2008

Town of Starksboro
Development Review Board
Minutes (Draft)
December 11, 2025

Members Present: Evelyn Boardman (Chair), Arnell Paquette, Rich Warren, Rob Liotard, Tom Perry, Luke McCarthy (via Zoom).

Members Not Present: Ben Campbell

Hearing 25-DRB-04CU/03WVR:

Applicants Present: Kevin Moyer, Lindsay Hildebrand

Visitors: None

Pre-Application Meeting, Boss-Kelly:

Visitors: Jason Barnard, Brad Boss, Crystal Kelly

Others Present: Stephen Rooney, Zoning Administrator

Meeting called to order by Chair E. Boardman at 6:32 pm

Public Comment: None

Agenda Changes: None

Hearing 25-DRB-04CU/03WVR Conditional Use and Waiver Review

Hearing opened at 6:37pm

Chair E. Boardman read the warning.

E. Boardman asked if there were any conflicts of interest or Ex parte communications – none were reported.

E. Boardman swore in the Applicant Kevin Moyer.

Testimony:

K. Moyer briefly described the purpose of the application, and outlined the (3) three sheds being proposed and the (2) two existing structures to be retroactively permitted.

K. Moyer and S. Rooney noted that permitting for the two existing structures noted on the plan is unclear and approval is being requested here to clear the record.

S. Rooney reviewed the site plan and the permitting history, and oriented the board members on the plan layout.

S.Rooney reviewed the waiver request for the new and existing structures on the southern boundary.

E.Boardman asked what was the information source for the property pins on the site plan. K.Moyer said the drawing predates his ownership of the company. S.Rooney noted that there was a recent boundary line adjustment / lot merger, and that there should be a plat associated with this approval, and that it may be worth referencing a plat on the site plan.

E.Boardman asked about the location of the Rt. 116 right-of-way. It appears that the existing sheds along Rt. 116 might be in the State ROW based on the digital information on the State AOT website. The group continued to discuss how to determine the actual location of the right-of-way really, and what the implication of the buildings being in the right-of-way might be.

T.Perry asked how the project fell under ACT 250 jurisdiction. K.Moyer noted that the project was under an existing ACT 250 permit due to the development being in the scenic corridor.

R.Warren asked if the DRB could give approval regardless, and let the State know that the Town approved. S.Rooney suggested the DRB might consider an approval conditioned on the State approval.

S.Rooney noted that the State may require a ROW Access Permit if they do allow the project to move forward in the ROW.

K.Moyer then read thru the applicant's responses to the Waiver and Conditional Use Review criteria 423.E and 425.D.

R.Warren asks about the 5ft. setback noted in response 423E.(3).

A.Paquette asked if the sheds had floors. K.Moyer noted they did not. A.Paquette asked if they met the definition of a building without a floor. S.Rooney noted that they did (ZA post-meeting note: "Building" definition in 510.B(2) only requires a roof, does not require a floor.)

E.Boardman read the Exhibit List.

Motion: A.Paquette made a motion to accept the application as meeting the criteria for a conditional use review and waiver request. R.Liotard seconded.

Vote: All were in favor.

T.Perry asked if all the issues noted in the ZA letter to the applicant in Exhibit I were addressed by the applicant. S.Rooney replied yes.

T.Perry noted that the only issue that is unresolved is the state right-of-way. S.Rooney also noted needing to determine the 5ft reference in 423.E(3), and then found the language referencing that dimension in section 423.E(3).

Motion: T.Perry motioned to close the public hearing at 7:29pm, A.Paquette seconded.
Vote: All in favor.

The applicant was dismissed.

Pre-Application Meeting, Boss-Kelly Major Subdivision, 793 VT Route 116, Parcel 10431
Chair noted this is an informal, non-binding pre-application meeting.

S.Rooney noted that he had a zoom meeting with J.Barnard to go over the application, and J.Barnard requested a meeting with the DRB to clarify issues.

J.Barnard noted the parcel was reviewed for subdivision earlier this year, and the applicants recently purchased Lot 1. Lot 6 is being created in Lot to subdivide the existing farmhouse, outbuildings and existing well and septic out from the larger parcel. Lot 6 is named to be consistent with the waste-water permit labelling.

A new residence is proposed for Lot 1, with new building envelope.
Applicant wants to continue with the agricultural use of the remaining land.

The existing farm building's future is unclear, the structures are in poor condition.

The application would be a major subdivision due to it being part of a previous subdivision approval within 5 years.

R.Liotard asked if the agricultural use would continue on the cultivated land. B.Boss said yes.

J.Barnard noted that the house site would be tucked into a less visible section of the site.

S.Rooney asked about the sand pit.

J.Barnard noted that Dennis Casey does draw from this pit. The pit has been considered as grandfathered and pre-dating zoning.

S.Rooney questioned whether adding a new residence next to the pit constitutes a new "mixed use".

J.Barnard noted that the property has always been a mixed use, and doesn't constitute a "change in use", so shouldn't need a conditional use.

R.Warren asked about the camping trailers on site. The applicant's noted that those have been removed.

S.Rooney noted that if this was a new application with no history of these uses, and a commercial pit and a residence were proposed on the same lot, a mixed use application would probably be deemed appropriate.

J.Barnard noted that this is not a formal commercial pit, with spec grade materials for sale, it's just an informal "burrough" pit with material being used "as is".

R.Liotard asked what implications would arise out of considering this a "mixed use" application.

S.Rooney noted that it might just be procedural, and could be reviewed concurrently with the subdivision, but depended on how the DRB viewed it.

T.Perry asked about any change in use planned for the pit. J.Barnard and B.Boss noted that they did not want to trigger additional regulatory review by changing the pit use.

A.Paquette asked if the uses were grandfathered why was a mixed use review required?

S.Rooney noted that the new residential development was not grandfathered, and the new land subdivision created a new development, so it raised the review question in his mind, and that a straw poll of the board might help in setting a procedural path.

J. Barnard suggested the pit could be included in the project description of the subdivision application, but that he did not see value in applying a conditional use review to this existing use on owner-occupied property.

T.Perry asked if there really was any change of use. R.Warren asked if it met the definition of mixed use if the pit was not new development. S.Rooney noted that Sect. 300 only allows multiple principal uses if approved by the DRB as a mixed use. J.Barnard questioned whether the pit could be considered a principal use.

T.Perry discussed what the board might consider if an interested party was to inquire or object about the pit operation. He noted that continued use of the pit at it's current level will still result in future landscape change, and asked at what point would the board be asked to review this activity further. S.Rooney noted that there are bylaws regarding earth extraction, but these would not apply to a grandfathered pit.

R.Liotard asked what information would be provided about the pit with either a mixed use review or just a subdivision review. J.Barnard noted that the pit was not discussed as part of the previous subdivision as the farm was not separated from the pit in that application.

B.Boss said he thought the new house location provided better isolation from the pit operation than the current farmhouse location.

R.Liotard again asked what information about the pit would be reviewed either way. S.Rooney noted that it might be just acknowledging that the use exists, and the approval might just be to acknowledge that it can continue for the record.

J.Barnard proposed describing a history extraction amount that would be acknowledged in the application.

The group discussed whether the pit would be considered a principal use. The group seemed to agree that the pit should really be considered an accessory use to the farm.

S.Rooney asked if the board would share which direction they consider this application under. L.McCarthy did not comment, but the remaining members felt the application could be reviewed under the subdivision bylaws without the mixed use review, but with some historical information on use of the pit provided for the record.

E.Boardman noted that Section 252.B limits the size of subdivision parcels to larger than 1/2 acre or less than 2 acres, or larger than 25 acres, and asked if a waiver was necessary for the +/-4 acre farm building parcel. S.Rooney noted that this section did apply to this application, but that the applicant could ask for a waiver.

T.Perry asked about whether the pit size would appear to grow from the road. B.Boss thought that Dennis Casey's use would continue, but it would not increase beyond that.

The group discussed that the waiver appeared to be appropriate in this situation where the subdivision was trying to isolate an existing group of buildings and maintain the larger parcel.

Minutes Review:

Minutes from 11-6-25 DRB Meeting were reviewed.

The following corrections were noted:

“R.Perry” should be corrected to “T.Perry” in two locations.

Motion: T.Perry moved to accept the 11/6/25 minutes with corrections noted. R.Liotard seconded.

Vote: L.McCarthy, A.Paquette, E.Boardman abstained as they were not in attendance. All others in attendance voted in favor (B.Campbell not at this meeting).

Deliberative Session:

Motion: R.Liotard moved to go into Deliberative Session at 8:28pm. A.Paquette seconded.

Vote: All in favor.

Motion: R.Liotard moved to adjourn at 8:50pm. A.Paquette seconded.

Vote: All in favor.