



City of Winooski
Vermont's Opportunity City

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Development Review Board Agenda

Thursday, May 16, 2019
6:30 PM - Winooski City Hall (27 West Allen Street)

- I. Call to Order
- II. Changes to the Agenda
- III. Public Comment
- IV. Approve Previous Meeting Minutes
- V. Review of Draft Rules of Procedure

Documents:

[DRB Rules and Procedures Draft v.1 - 05.16.2019.pdf](#)

- VI. Review of Website Materials
- VII. City Updates
- VIII. Other Business
- IX. Adjourn

DEVELOPMENT REVIEW BOARD RULES OF PROCEDURE

Article 1: Purpose.

The City of Winooski Development Review Board is required by law to conduct meetings in accordance with the Vermont Open Meeting Law (1 V.S.A. §§ 310-314). The authorities of the Development Review Board and Zoning Administrator are established in the City of Winooski's Unified Land Use and Development Regulations.

Article 2: Application.

This policy setting forth rules of procedure shall apply to the City of Winooski Development Review Board. These rules shall apply to all regular, special, and emergency meetings of the Development Review Board.

Article 3: Organization of the Development Review Board.

- a. The Development Review Board shall annually appoint a Chair, Vice-Chair, and Secretary from among the membership. The Chair shall preside over all meetings and the Vice Chair shall preside over all meetings in the Mayor's absence. If both the Chair and Vice-Chair are absent, a member selected by the Development Review Board shall act as chair for that meeting.
- b. The Chair shall preserve order in the meeting and shall regulate its proceedings by applying these rules and making determinations about all questions of order or procedure.
- c. A majority of the members of the Development Review Board shall constitute a quorum. If a quorum of the members of the Development Review Board is not present at a meeting, no actions shall be considered.
- d. No single member of the Development Review Board shall have authority to represent or act on behalf of the Development Review Board unless, by majority vote, the Development Review Board has delegated such authority for a specific matter at a duly noticed meeting and such delegation is recorded in the meeting minutes.
- e. Motions made by members of the Development Review Board do require a second. The Chair may make motions and may vote on all questions before the Development Review Board. A motion will only pass if it receives the votes of a majority of the quorum.
- f. There is no limit to the number of times a member of the Development Review Board may speak to a question. A member may speak or make a motion only after being recognized by the Chair. Motions to close or limit debate will be entertained.
- g. Any member of the Development Review Board may request a roll call vote at any time.

- h. Members are allowed to attend a meeting electronically. Pursuant to 1 V.S.A. § 312(a)(2), when one or more members attend a meeting electronically, a roll call vote is required for votes that are not unanimous. At least one member of the Development Review Board, must be present in the physical location where the meeting is scheduled to be held.
- i. Meetings may be recessed to a time and place certain.
- j. These rules may be amended by majority vote of the Development Review Board, **and must be readopted/reviewed annually.**

Article 4: Development Review Board Meeting Agendas.

- a. Each regular and special meeting of the Development Review Board shall have an agenda.
 - i. Persons proposing a land development project that requires review by the Development Review Board shall contact the Zoning Administrator by the date identified on the *Development Review Board Meeting Schedule and Deadlines* to ensure complete application materials have been provided.
 - ii. Members of the public who wish to be added to the meeting agenda shall contact the Chair or the Zoning Administrator. Requests for agenda items from the public must be put in writing to the Manager. The Chair, in consultation with the Zoning Administrator, shall determine the final content of the agenda. If two or more members request an agenda item, the Chair **and the Zoning Administrator** must add it to the agenda.
 - iii. Each agenda will contain an item on Changes to the Agenda and City Updates.
- b. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be posted in the municipal office and at the O'Brien Community Center. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda and supporting materials shall be posted on www.winooski.vt.gov. The agenda must also be made available to any person who requests such agenda prior to the meeting.
- c. All business shall be conducted in the same order as it appears on the noticed agenda, except that any addition to, or deletion from, the noticed agenda must be made as the first act of business at the meeting. No additions or deletions shall be considered once the first act of business at the meeting has commenced. Any other adjustment to the noticed agenda (for example, changing the order of business or postponing or tabling actions) may be made by a majority vote of the Development Review Board.

Article 5: Development Review Board Meeting Schedule.

- a. Regular meetings shall take place on the third Thursday of the month at 6:30 p.m. at the Claire Burke Council Chambers at Winooski City Hall.
- b. Special meetings shall be publicly announced 24 hours in advance by giving notice to all members of the Development Review Board; to an editor, publisher or news director, or radio station serving the area; and to any person who has requested notice of such meetings in writing. In addition, notices shall be posted in the municipal clerk's office and at the O'Brien Community Center.
- c. Emergency meetings may be held without public announcement, without posting of notices, and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. When practicable under the circumstances, members will be given at least 12 hours' notice. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the Development Review Board.
- d. A member of the Development Review Board may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location, so long as the member identifies him or herself when the meeting is convened, and is able to hear and be heard throughout the meeting. Whenever one or more members attend electronically, voting that is not unanimous must be done by roll call. If a quorum or more of the Development Review Board attend a meeting (regular, special, or emergency) without being physically present at a designated meeting location, the agenda for the meeting shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the Development Review Board shall be physically present at each designated meeting location.
- e. In accordance with 1 V.S.A. §§ 313, the Development Review Board may convene in Executive Session as needed.
- f. The Development Review Board shall follow the most recent version of Robert's Rules of Order when a particular action or procedure is not addressed by these Rules of Procedure or the City Charter.

Article 6: Public Participation in Development Review Board Meetings.

- a. All meetings of the Development Review Board are meetings in the public, not of the public. Members of the public shall be afforded reasonable opportunity to express opinions about matters considered by the Development Review Board, so long as order is maintained according to these rules.
- b. The Chair can limit the time of the public comment, or the time an individual is allowed to speak, to ensure the timely work of the Development Review Board. It is the intention that at least ten minutes be allocated for public comment at the beginning of each meeting. This may be expanded if needed.

- c. At the end of discussion of each agenda item, but before any action is taken by the Development Review Board at each meeting, there must be time afforded for open public comment.
- d. Comment by the public or members of the Development Review Board must be addressed to the Chair or to the Development Review Board as a whole, and not to any individual member of the Development Review Board or public.
- e. Members of the public must be acknowledged by the Chair before speaking.
- f. If a member of the public has already spoken on a topic, he or she may not be recognized again until others have first been given the opportunity to comment.
- g. Order and decorum shall be observed by all persons present at the meeting. Neither members of the Development Review Board, nor members of the public, shall delay or interrupt the proceedings or the peace of the meeting or interrupt or disturb any member while speaking. Members of the Development Review Board and members of the public are prohibited from making personal, impertinent, or threatening remarks.
- h. Members of the Development Review Board and members of the public shall obey the orders of the Chair or other presiding member. The Chair should adhere to the following process to restore order and decorum of a meeting, but may bypass any or all steps when he or she determines in his or her sole discretion that deviation from the process is warranted:
 - i. Call the meeting to order and remind the members of the applicable rules of procedure.
 - ii. Declare a recess or table the issue.
 - iii. Adjourn the meeting until a time and date certain.
 - iv. Order the constable or police to remove disorderly person(s) from the meeting.

Article 7: Meeting Format of the Development Review Board.

The Development Review Board, as a quasi-judicial Development Review Board, receives testimony on issues related to land development decisions and provides a determination that is appealable to the Environmental Division of the Vermont Superior Court. The Development Review Board's role in these proceedings is to open a public hearing; take direct testimony from the applicant, adjacent property owners, or interested persons (as defined by 24 VSA §4465); close the hearing; deliberate on the question; and issue a decision.

Questions or comments from those persons attending the meeting shall be directed to the Chair or the Development Review Board as a whole, and not to any one member of the Development Review Board, the applicant, staff, or other persons in attendance. The Chair will recognize individuals to speak during the public hearing. During the public hearing, the Development Review Board should refrain from interjecting opinions or perspectives and seek to identify issues or concerns related to the specific project.

After the hearing is closed and the Development Review Board enters a deliberative session, no member of the public shall interrupt these deliberations unless the Chair specifically requests input or clarification on a subject. The Development Review Board may solicit input from the Zoning Administrator regarding the regulatory context of a question before the Development Review Board. During the deliberative session, members of the Development Review Board can discuss their opinions or perspectives as they debate the question before them. A deliberative session can be continued to a date certain in order to obtain additional information related to the question.

Article 8: Electronic Communications and Public Records.

All communication by a Development Review Board member discussing City business is considered public and is subject to Vermont Public Records Act requests. All discussion and debate should take place in an open session of the Development Review Board.

Article 9: Media Relations.

Members of the media may contact the Development Review Board for a quote or for perspective on an issue before them. Members must speak on the Development Review Board's behalf only if authorized to do so by the Development Review Board. Questions and inquiries related to day-to-day operations should be directed to the Zoning Administrator.

Article 10: City Staff.

The Zoning Administrator is the primary contact between the City and the Development Review Board. The Zoning Administrator provides support to the Development Review Board at the meetings, but does not participate in the public hearings regarding questions, answers or other information unless directly requested by the Chair to provide clarification on issues related to the regulations or process. Additionally, the Zoning Administrator does not participate in deliberations of the Development Review Board unless specifically asked to provide clarification or information on the matter being discussed. The Zoning Administrator may assist the Development Review Board in taking minutes, preparing decisions, or providing information necessary for the Development Review Board to render a decision.

Article 11: Adoption.