

What is a Development Review Board?

Development Review Boards are enabled by [24 V.S.A. §4460](#). The Development Review Board assumes responsibility for **all** development review functions that otherwise would have come before a Zoning Board of Adjustment or a Planning Commission. These functions include:

- Site plan, subdivision, and condition use applications
- Appeals of any decision of the Zoning Administrator
- Requests for variances

The primary advantage of creating a Development Review is that this board focuses solely on development review responsibilities, allowing the planning commission to focus on other critical responsibilities, such as updating the municipal plan and bylaws.

Things to remember about creating a DRB:

- The Development Review Board (DRB) is created by a motion and a vote of the Selectboard – and the motion shall contain an effective date.
- When creating a DRB, the Selectboard shall appoint five (5) to nine (9) members. The Selectboard may also appoint alternates to the board.
- The Selectboard may set terms for the DRB members.
- The DRB is responsible for all development review functions, except for those that are handled administratively by the Zoning Administrator.
- Creating the DRB means abolishing the Zoning Board of Adjustment.
- Creating the DRB means that the role of the Planning Commission will be limited to developing/updating the municipal plan and the zoning bylaw, as well as any planning studies it wishes to undertake.
- The Selectboard is not obligated to appoint members to the Zoning Board of Adjustment or Planning Commission to the newly created Development Review Board. However, it may be a good idea to create a DRB that has members of each.

Since the DRB assumes responsibility for all development review, the board may feel a heightened need to conduct hearings in a fair and equitable manner that respects the rights of all. Attached is a reference sheet that can be adapted for all public hearings.

DEVELOPMENT REVIEW BOARD • PUBLIC HEARING REFERENCE SHEET

- 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 and to provide contact information. The Board shall not make any determination as to party status in all proceedings except for appeals of administrative officer decisions. In all other hearings, anyone seeking to participate in a proceeding may do so, subject to these Rules and those established by the Chair.
- G. 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, under the pains and penalties of perjury.*
- H. Accept written information presented to the Board.
- I. Invite the applicant or applicant's representative to present such application or proposal.
- J. Invite Board members to ask questions of the applicant or applicant's representative.
- K. Invite interested persons and members of the public to present their information regarding the application or proposal.
- L. Invite the applicant or applicant's representative to respond to information presented.
- M. Invite more questions or comments from members of the Board.
- N. Invite more questions from interested persons and members of the public.
- O. Allow final comments or questions from the applicant or his/her representative or members of the Board.
- P. Upon motion and majority approval, the Chair shall either continue the hearing to a time certain, or close the proceedings by stating that this is the final public hearing on the matter.
- Q. The Board shall then conduct public deliberations or may vote to enter deliberative session.
1 V.S.A. § 312(e).

