

Town of Norwich
DEVELOPMENT REVIEW BOARD
Rules of Procedure and Conflict of Interest Policy

Section I: Authority.

The Development Review Board of the Town of Norwich 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 Development Review Board.

B. "Board member" means a regular or alternate member of the Development Review Board.

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 Development Review Board.

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 Development Review Board.

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.

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 Development Review Board 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 Development Review Board. 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 Development Review Board, the chairperson of the Development Review Board, or his or her designee, shall appoint an alternate to serve as an active member of the Development Review Board by selecting an individual from the roster as provided in paragraph A.

C. If the chairperson of the Development Review Board does not appoint an alternate as required under paragraph B, a majority of the members of the Development Review Board 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 Development Review Board until a final decision is made on any application heard by the Development Review Board 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 6:30 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.

- 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.

- 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 Development Review Board.

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 oneparagraph 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.

Section XV: Amendments.

These rules may be amended at any regular or special meeting by a majority vote, provided that each Development Review Board 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.

John B...

Chair of DRB

September 18, 2025