TOWN OF CORNWALL
Development Review Board
Rules of Procedure

ARTICLE I - Authority, Duties, Officers, and Staff

1.1 SOURCE OF AUTHORITY. The Cornwall Development Review Board (DRB) shall be governed by the provisions of all applicable State statutes, the Cornwall Zoning Bylaws and Subdivision Regulations, and these Rules.

1.2 POWERS AND DUTIES. The powers and duties of the Cornwall Development Review Board shall be as set forth in all applicable State statutes, including 24 V.S.A., Chapter 117 (Vermont Planning & Development Act), 24 V.S.A., Chapter 36 (Municipal Administrative Procedure Act) and 1 V.S.A. Section 312(e), (f) and (h).

1.3 MEMBERS; REGULAR OFFICERS. The Cornwall DRB shall consist of seven regular members appointed by the Selectboard.

a. The Development Review Board shall elect annually from its members by a majority vote, a Chair and a Vice Chair. Instead of electing a Chair and a Vice Chair, the Board may elect two Co-Chairs. All public meetings shall be conducted by the Chair (or, in the case of two Co-Chairs, the Co-Chair designated by majority vote of the Board, referred to in these Rules for purposes of convenience as the Chair).

The Chair shall call the meeting to order, preside over all meetings and hearings of the Board, put all questions, maintain order, decide all questions of order and procedure (subject to these Rules), and shall appoint any committees found necessary to carry out the business of the Board. He or she may administer oaths and compel the attendance of witnesses and the production of material germane to any issue appealed.

b. The Chair's signature shall be the official signature of the Board and shall appear on all decisions of the Board.

c. The Vice Chair (or in the case of two Co-Chairs, the other Co-Chair) shall assume the duties of the Chair whenever the Chair is absent, or at the Chair's request.

d. It shall be the duty of all members to review the minutes and other official records of the Development Review Board meetings and actions, and correct and ratify these when appropriate and necessary.

1.4 SECRETARY. The Secretary of the Cornwall DRB is not required to be, or prohibited from being, a member of the Board. The Secretary shall be appointed by the Selectboard. The Secretary shall conduct certain official correspondence and actions subject to these Rules of Procedure and at the discretion of the Board. Such correspondence and actions will include:

a. Role of Secretary at Meetings

- The Secretary shall be present at all regular, special, and emergency meetings of the Board.
- The Secretary shall present and maintain a complete list of interested persons at each meeting.
- The Secretary shall keep minutes of all meetings, which shall contain all DRB proceedings, actions, and decisions (including a summary of the facts).
- The Secretary shall distribute copies of unapproved minutes marked "subject to approval" to each Board member, the Town Clerk, the Zoning Administrator, the Chair of the Planning Commission, and the Chair of the Selectboard. Corrections of the minutes may be made at the following meeting. The Secretary shall distribute copies of the final version of the minutes to each Board member, the Zoning Administrator, the Chair of the Planning Commission, and the Chair of the Selectboard and shall file the final version of the minutes with the Town Clerk.
- The Secretary shall also keep an audio recording of all meetings, which shall be filed with the Town Clerk.
- If the Secretary is unable to attend a Board meeting, he or she shall so advise the Chair with as much advance notice as possible. The Chair shall arrange for someone else, who may be a Board member, to record the meeting and prepare minutes.

b. Role of the Secretary regarding applications to the DRB

- Distribute DRB decisions to the Cornwall Zoning Administrator, the Chair of the Planning Commission, and the Town Clerk; distribute the decision in accordance with Article IX of these Rules to the applicant and any other persons who participated in the hearing; and place the decision in the hearing file.

1.5 VACANCIES. The Chair shall give immediate notice of any vacancy on the Board to the Selectboard. The Selectboard will appoint a replacement member. Any vacancy among the officers of the Board shall be filled by election by the Board for the unexpired term.

ARTICLE 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, if applicable. These Rules are also adopted to ensure that no Board member will gain a personal or financial advantage from his or her work for the Board, and so that the public trust in municipal government will be preserved.

ARTICLE III – DEFINITIONS

a. "Board" means the Development Review Board.

b. "Board member" means a member of the DRB.

c. "Deliberative Session" means a private session of a quorum 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 neither taking of evidence nor submission of testimony, nor shall a deliberative session be publicly noticed. The Board shall 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.

d. "Executive Session" means a session of a public body from which the public is excluded, pursuant to 1 V.S.A. §313. Such a private session may be held for one of the reasons permitted by the statutes[1], and no binding action may be taken in Executive Session.

e. "Ex parte communication" means direct or indirect communication between a member of the DRB and any party, party's representative, party's counsel or person interested in the outcome of any proceeding before the Board, that occurs outside of a public proceeding, and concerns the substance or merits of the proceeding.

f. "Meeting of the DRB" means a gathering of a quorum of the members of the DRB for the purpose of discussing the business of the DRB or for the purpose of taking action. It does not mean correspondence or an electronic communication, including e-mail, telephone, or teleconferencing, between members of the DRB for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting. 1 VSA §310(2).

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 arguments of parties.

i. "Recuse" means to remove oneself from a particular Board proceeding

[1] See Appendix, Section III, for text of 1 V.S.A. §313.

because of a real or perceived conflict of interest.

ARTICLE IV - MEETINGS and VOTING

4.1 OPEN MEETINGS. All meetings of the Board shall be open to the public unless the Board by majority vote has elected to enter deliberative or executive session.

4.2 QUORUM. A quorum must be present for the taking of any vote or official action. A quorum shall consist of a majority of regular Board members regardless of any vacancies or disqualification. In the event that a quorum is not present, those members present may hear evidence and find facts for subsequent consideration by the Board according to the provisions of sections 4.5 and 4.6.

4.3 REGULAR AND SPECIAL MEETINGS. Regular meetings to conduct business of the DRB shall be held in the Town Hall at **7 p.m. on the first Wednesday of the month** or as warranted.

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 and posted at least 24 hours before each meeting. 1 V.S.A. §312(c)(2). The Town Clerk shall be responsible for posting the notice.

b. 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 Chair to arrange a convenient time. The agenda shall be posted at least 48 hours prior to a regular meeting and at least 24 hours prior to a special meeting. The Town Clerk shall be responsible for posting the agenda. Any additions to or deletion from the agenda shall be made as the first act of business at the meeting.

c. 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.

d. The Chair shall rule on all questions of order or procedure and shall enforce these rules pursuant to 1 V.SA. §312(h).

e. At each meeting, there shall be a period of time reserved for public comment. The Chair may extend or reduce this period of time as necessary. Such comment shall be limited to 3 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.

4.4 RECESS OF MEETING OR HEARING. An applicant or interested person may request a recess in order to prepare additional material for the Board's

consideration. Such a request will be reviewed by the Board and may be granted at the Board's discretion. The Board may recess a meeting or hearing on its own motion. The decision to recess shall consider whether this would be unfair or unreasonable to other parties, or disruptive to the efficiency of a proceeding. Any action to recess shall be by vote of the Board, and if possible, the date and time of the reconvened meeting or hearing shall be declared at that time to all parties. If such time of reconvening is not set at the time of recess, written or email notice of the reconvened hearing time shall be sent to all interested persons identified at the initial hearing at least seven days prior to the reconvened hearing date and no further public hearing notice shall be necessary. The DRB may direct that a reconvened meeting or hearing on the matter shall be publicly re-warned in the same manner as the original hearing.

4.5 MAJORITY VOTE REQUIRED. Determinations on any matter before the Board shall require the concurrence of a majority of the members of the entire Board regardless of any vacancies or disqualifications.

a. A failure to obtain four affirmative votes shall be considered a failure to act.

b. If the Board is unable to obtain the concurrence of a quorum of its members on a request because of the absence of one or more members from the vote, it shall recess and reconvene to reconsider the matter before a quorum.

4.6 PARTICIPATION OF MEMBERS IN DECISION. A member shall not participate in the decision unless he or she has heard all of the testimony and reviewed all other evidence submitted for the Board's consideration. Members who have not attended every session of the hearing may participate in the decision if they have listened to the recording of the testimony they have missed (or read any transcripts of this testimony) and reviewed all exhibits and other evidence prior to deliberation.

4.7 ELECTRONIC PARTICIPATION. Members may participate in a regular, special or emergency meeting by telephone or other electronic means as long as the absent member identifies himself/herself when the meeting is convened and can hear everything that is occurring at the meeting and everyone present at the meeting can hear the Board member. If a member participates electronically, all votes that are not unanimous must be taken by roll call.

ARTICLE V - PUBLIC NOTICE

The Chair shall give public notice of a hearing in a newspaper of general publication in the municipality, and the Town Clerk shall post the notice in three or more public places within the Town. The notice shall state the name of the applicant, the location of the property in question, the nature of the application, the date, time, and place of the hearing, the action sought, and specify the place and time where additional information can be obtained. Notice shall be in accordance with 24 V.S.A 4464(a)(1),(2),as amended and the Zoning Bylaws and Subdivision Regulations. All hearings shall be open to the public.

a. Written notification shall be provided to the applicant and owners of all adjoining properties without regard to public right of way. Notification shall also be provided that participation in local proceedings is a prerequisite to the right to take any subsequent appeal.

b. In the case of a warned public hearing for conditional use review, variances, and administrative officer appeals, notice shall also be posted on the subject parcel within view from the nearest public right of way.

ARTICLE VI – QUASI-JUDICIAL 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 not exceed three hours in length unless approved by a majority of members present.

Public 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.

The Chair or his or her designee 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 in accordance with these Rules.
c. Request disclosure of conflict of interest and ex parte communication.
d. Review the definition of interested person according to 24 V.S.A 4465(b)[2].
e. Explain that pursuant to 24 V.S.A. 4471 only an interested person who has participated in this proceeding may make 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, by signing a special sign-in sheet provided by the Secretary. The Board shall not make any determination as to party status in any proceedings except for appeals of zoning administrator decisions. As these Rules do not differentiate between persons with interested person status and those without, anyone seeking to participate in a proceeding may do so subject to these Rules and to any decisions made by the Chair on questions of order and procedure.
g. Direct the applicant or his/her representative and all interested persons to step forward and take the following oath[3]: "*I hereby*

[2] See Appendix, Section VI(d).
[3] See Appendix, Section VI(g) for another copy of the oath.

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. Invite the applicant or his/her representative to present such application or proposal.
i. Invite the Board members to ask questions of the applicant or his/her representative.
j. Accept written information presented to the Board.
k. Invite interested persons and members of the public to present their information regarding the application.
l. Invite the applicant or his/her representative to respond to information presented.
m. Invite more questions or comments from members of the Board.
n. Allow final comments or questions from the applicant or his/her representative.
o. Upon motion and majority vote, the Chair shall adjourn the hearing to a time certain, or state that this is the final public hearing on the matter.
p. Upon closing a hearing, the Board shall be deemed in deliberative session until a written decision is issued.

ARTICLE VII – EVIDENCE: All testimony of parties and witnesses shall be made under oath or affirmation. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the superior courts of this state will be followed. When necessary to ascertain facts not reasonably susceptible of proof under those Rules, evidence not admissible under those Rules may be admitted if it is of a type commonly relied upon by reasonably prudent people in the conduct of their affairs. When a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form, to expedite the presentation of direct testimony of a witness, provided the witness is available for direct testimony and cross-examination at the hearing on this evidence. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original. 24 V.S.A. 1206.

ARTICLE VIII – SITE VISITS: Site visits shall be held pursuant to the following conditions:

a. If the Chair determines that a site visit will be necessary or appropriate, the Chair may designate not more than three Board members to conduct a site visit prior to the hearing.
b. If the Chair determines that a Board site visit will be necessary or appropriate, the site visit shall be scheduled prior to such hearing. Board site visits shall be open to the public; however, no testimony shall be taken. Such site visits shall be publicly noticed in accordance with V.S.A. 4464(a)(1), (2).
c. If necessary, the Board may recess a hearing or 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. Individual members of the Board may conduct a site visit without the site visit being publicly noticed, so long as a quorum (i.e., 4) is not present.
e. If appropriate, the applicant may be present at the site visit to point out site markers, proposed locations, etc., so long as the substance or the merits of the proceedings are not discussed.
f. The minutes of the subsequent hearing shall reflect that a site visit was held, who was present, and the nature and duration of the site visit. The minutes shall summarize the members' general site visit observations for the record. If a member visits the site individually, and receives testimony or information outside the hearing, he or she shall present that information at the next hearing.

ARTICLE IX - SERVICE LIST: The Board Secretary shall create a list of individuals present at a public hearing who participated. The list shall include those who participated orally and those who participated in writing. All decisions of the Board shall be mailed to those on the list. Mailings shall be certified to the applicant, regular mail to all others. The list shall include:

a. The names of those who participated in the proceedings.
b. The nature and content of participation by those who participated.
c. The mailing address of each of these persons.

ARTICLE X - DECISIONS: The Board shall make its decision in deliberative session, unless by majority vote the Board decides to deliberate in public. 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 shall not participate in that proceeding. The following Rules shall apply to voting on decisions:

a. The Chair has the same voting rights as other members and can make or second motions.
b. All members present are expected to vote unless they have recused themselves.
c. Abstentions are strongly discouraged and shall not count towards either the majority or the minority.
d. For a motion to pass, it must receive the concurrence of a majority of the entire Board, regardless of how many are present. 1V.S.A.§ 172; 24 V.S.A § 4461(a).
e. The Board shall issue a written decision within **45 days** of the final public hearing.
f. The final decision on any application to the Development Review Board shall be in the form of a written decision, which must be approved by a majority of the entire Board and signed by the Chair, except that for minor subdivisions the written decision may be contained within the meeting minutes. A detailed statement of the findings, reasons, and all supporting evidence relied upon in reaching its conclusion shall be recorded in the decision and constitute a part of the record thereof. In rendering a decision in favor of the applicant the Board may attach reasonable conditions and safeguards. 24 V.S.A. 4464(b)(2).

ARTICLE XI - CONFLICTS OF INTEREST

For purposes of these Rules, "Conflict of Interest" means any one of the following:

i. A direct or indirect personal interest of a Board member, his or her spouse, household member, child, stepchild, parent, mother- or father-in-law, 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.

ii. A direct or indirect financial interest of a Board member, his or her spouse, household member, child, stepchild, parent, mother- or father-in-law, 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.

iii. 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.

iv. A situation where a Board member has not disclosed ex parte communications with a party in a proceeding before the Board, pursuant to Article XII of these Rules.

Participation, disclosure of conflicts, recusal and removal 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 DRB.

b. **Disclosure.** At all hearings, the Chair shall request that Board members disclose all potential conflicts of interest. When recognized by the Chair, any person may request disclosure of 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, 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:

i. 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.

ii. 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.
iii. 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.
iv. 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 resume then the proceeding with sufficient members present.

XII. EX PARTE COMMUNICATIONS. A Board member shall not communicate, directly or indirectly with any party, party's representative, party's counsel or any person interested in the outcome of a proceeding on any proceeding before the Board, concerning the substance or the merits of the proceedings.

a. **Disclosure**. At each hearing, the chair shall request members to 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 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, which shall become a part of the record of proceedings.

XIII. GENERAL RULES

a. **Adoption**. Upon adoption by a majority vote of the Board, a copy of these Rules and all amendments shall be filed with the Town Clerk as a public record.
b. **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. Only those amendments which are presented to the members prior to the meeting may be amended at that meeting.
c. **Attendance**. A DRB member shall notify the Chair prior to a hearing if she or he cannot attend.
d. **Expenses**. Subject to the approval of the Selectboard, DRB members may be compensated and reimbursed by the Town for necessary and reasonable expenses. Subject to the approval of the Selectboard, the DRB may also expend funds to undertake studies and hire professional staff and consultants, as it deems necessary to carry out its duties and responsibilities.

THESE RULES WERE ADOPTED BY THE CORNWALL DEVELOPMENT REVIEW BOARD ON THE 1st DAY OF MARCH, 2017.

Co-Chair — Date: 1 March 17

Co-Chair — Date: March 1, 2017

The Vermont Statutes Online

Title 01 : General Provisions

Chapter 005 : Common Law; General Rights

Subchapter 002 : Public Information

§ 313. Executive sessions

(a) No public body may hold an executive session from which the public is excluded, except by the affirmative vote of two-thirds of its members present in the case of any public body of State government or of a majority of its members present in the case of any public body of a municipality or other political subdivision. A motion to go into executive session shall indicate the nature of the business of the executive session, and no other matter may be considered in the executive session. Such vote shall be taken in the course of an open meeting and the result of the vote recorded in the minutes. No formal or binding action shall be taken in executive session except for actions relating to the securing of real estate options under subdivision (2) of this subsection. Minutes of an executive session need not be taken, but if they are, the minutes shall, notwithstanding subsection 312(b) of this title, be exempt from public copying and inspection under the Public Records Act. A public body may not hold an executive session except to consider one or more of the following:

(1) after making a specific finding that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage:

(A) contracts;

(B) labor relations agreements with employees;

(C) arbitration or mediation;

(D) grievances, other than tax grievances;

(E) pending or probable civil litigation or a prosecution, to which the public body is or may be a party;

(F) confidential attorney-client communications made for the purpose of providing professional legal services to the body;

(2) the negotiating or securing of real estate purchase or lease options;

(3) the appointment or employment or evaluation of a public officer or employee, provided that the public body shall make a final decision to hire or appoint a public officer or employee in an open meeting and shall explain the reasons for its final decision during the

open meeting;

(4) a disciplinary or dismissal action against a public officer or employee; but nothing in this subsection shall be construed to impair the right of such officer or employee to a public hearing if formal charges are brought;

(5) a clear and imminent peril to the public safety;

(6) records exempt from the access to public records provisions of section 316 of this title; provided, however, that discussion of the exempt record shall not itself permit an extension of the executive session to the general subject to which the record pertains;

(7) the academic records or suspension or discipline of students;

(8) testimony from a person in a parole proceeding conducted by the Parole Board if public disclosure of the identity of the person could result in physical or other harm to the person;

(9) information relating to a pharmaceutical rebate or to supplemental rebate agreements, which is protected from disclosure by federal law or the terms and conditions required by the Centers for Medicare and Medicaid Services as a condition of rebate authorization under the Medicaid program, considered pursuant to 33 V.S.A. §§ 1998(f)(2) and 2002(c);

(10) municipal or school security or emergency response measures, the disclosure of which could jeopardize public safety.

(b) Attendance in executive session shall be limited to members of the public body, and, in the discretion of the public body, its staff, clerical assistants and legal counsel, and persons who are subjects of the discussion or whose information is needed.

(c) The Senate and House of Representatives, in exercising the power to make their own rules conferred by Chapter II of the Vermont Constitution, shall be governed by the provisions of this section in regulating the admission of the public as provided in Chapter II, § 8 of the Constitution. (Amended 1973, No. 78, § 2, eff. April 23, 1973; 1979, No. 151 (Adj. Sess.), § 3, eff. April 24, 1980; 1987, No. 256 (Adj. Sess.), §§ 3, 4; 1997, No. 148 (Adj. Sess.), § 65, eff. April 29, 1998; 2005, No. 71, § 308a, eff. June 21, 2005; 2011, No. 59, § 7; 2013, No. 143 (Adj. Sess.), § 3; 2015, No. 23, § 1.)

APPENDIX, SECTION VI(d)

"Interested person" – 24 V.S.A. §4465(b)

(b) For the purposes of this chapter, an interested person means any one of the following:

(1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

(2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.

(3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.

(4) Any ten persons who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.

(5) Any department and administrative subdivision of this state owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the agency of commerce and community development of this state.

(c) In the exercise of its functions under this section, a board of adjustment or development review board shall have the following powers, in addition to those specifically provided for elsewhere in this chapter:

(1) To hear and decide appeals taken under this section, including, without limitation, where it is alleged that an error has been committed in any order, requirement, decision, or determination made by an administrative officer under this chapter in connection with the administration or enforcement of a bylaw.

(2) To hear and grant or deny a request for a variance under section 4469 of this title. (Added 2003, No. 115 (Adj. Sess.), § 106.)

APPENDIX, SECTION VI(g)

Oath to be taken by applicant or his/her representative and all interested persons:

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.