

Town of Cornwall
Development Review Board (DRB)
Organizational Meeting and Training
April 11, 2016

DRB MEMBERS PRESENT: Annie Wilson, Bruce Byers, Barbara Greenwood, Joe Severy, Barney Hodges

DRB ALTERNATES PRESENT: Matt Bonner, Gary Barnett

ALSO PRESENT: Ben Wood, Jim Carroll, Sue Johnson, Holly Noordsy

Meeting called to order at 6:35 pm by Ben Wood.

Quorum – established.

Agenda - Barney H. MOVED/ Joe S. SECONDED a motion to approve the agenda as distributed. Motion passed – 7 in favor, 0 opposed.

BOARD ORGANIZATION

After an assessment by each member of his/her strengths and experience, and a lengthy discussion of leadership roles, DRB member roles, DRB alternate roles, and responsibilities and tasks of the DRB, it was decided to elect two Co-chairs.

Election of Leadership - Joe S. MOVED / Matt B. SECONDED a motion to nominate Bruce Byers as Co-chair. Motion passed – 6 in favor, 0 opposed, 1 abstention (Bruce). Bruce B. stated that he would focus on development tasks and “bringing the board up to speed,” and that he would like the other Co-chair to run the meetings. He talked about his experience as past chair of the Cornwall Planning Commission with quasi- judicial proceedings in Cornwall, including a major subdivision – the Foote Farm project.

Barney H. MOVED / Joe S SECONDED a motion agree to elect the second Co- chair at the next DRB meeting. Motion passed – 7 in favor, 0 opposed.

Meeting Schedule - Barney MOVED / Barbara SECONDED a motion that the regular meeting schedule will be the fourth Wednesday of each month at 7 pm at the Cornwall Town Hall. Motion passed – 7 in favor, 0 opposed.

Adopt Municipal Administrative Procedures Act (MAPA) – Jim Carroll stated it was not necessary for the DRB to adopt MAPA, because this was already done by the Select Board as part of the resolution creating the DRB.

Newspaper of Note – Barbara G. MOVED / JOE S. SECONDED a motion to designate Addison County Independent as the newspaper for legal notices. Motion passed – 7 in favor, 0 opposed.

Robert's Rules – Joe S. MOVED /Barney H. SECONDED a motion to use Robert's Rules of Order for conducting DRM meetings. Motion passed – 7 in favor, 0 opposed.

Bruce B. advised the members to read and become very familiar with the Town Plan, and Cornwall Subdivision and Zoning regulations, in order to be prepared to do the work of the DRB. Barney spoke about how this board represents the Town well and includes members who have lived in Cornwall all their lives.

NEW BUSINESS

Training by Jim Carroll

Town Attorney Jim Carroll gave each member and alternate a packet of reference information. Attorney Carroll then discussed:

- History of quasi-judicial proceedings in Cornwall (responsibilities divided between the Planning Commission and the Zoning Board of Adjustment)
- Why and how the DRB was created to have the sole responsibility for quasi-judicial proceedings in Cornwall. On May 1, the ZBA will cease operation and the Planning Commission will also hand over their quasi-judicial role to the DRB, retaining their planning role.
- Municipal authority in Vermont comes from State government. Towns have no authority outside the authority granted to them by State Statutes.
- The Select Board has sole authority to approve expenditures of monies raised by Town taxes.
- Responsibility for compliance with Vermont's Open Meeting Law.
- Difference between a public meeting, a deliberation, and an executive session.
- MAPA
- Conflicts of interest
- Board liability and exposure
- Notice requirements
- Right of due process and importance of running meetings with elements of due process. Denial of due process is a federal offence.
- De novo review has been chosen over appellate review, for appeals of DRB decisions hear by the environmental court.
- Interested party status - Suggests having a form for people to indicate whether they seek interested party status or not. To have interested party status, a person must present evidence, either by making a statement or providing evidence in another form, such as in writing.
- Importance of cataloging all the evidence, including the application itself (as Exhibit A, for example)
- In addition to written minutes, DRB meetings need to be recorded.
- Informal discussions (site plan review for classification) should be given a 7-day notice.
- There should be no discussions about the application with the applicant or interested parties while hearings are going on, outside of the public meetings.

- DRBs apply the Vermont Rules of Evidence. But the board can accept a piece of evidence that would not normally be allowed by the Vermont Rules of Evidence as long as it is “the kind of evidence that reasonable people would rely on.” (such as hearsay) A quasi-judicial board can get into more trouble excluding evidence than accepting it, Attorney Carroll advised.
- Decisions. Must be written so that a judge can understand the basis for the decision, or risk rejection by environmental court.
- When suspending a hearing, give the time and date of the continuation of the hearing.
- Recommends that the Zoning Administrator review all applications as they come in and determine if the application is complete or not and then pass it on the DRB.
- Subdivision regulations and zoning regulations will probably become unified in one document in the near future.

Future training events

Vermont League of Cities and Towns will be doing a workshop for DRBs in Middlebury – Date to be announced.

Planning Commissioner Holly Noordsy gave each DRB member and alternate a packet of reference materials, including a list of resources available through the Vermont Planning Information Center.

The first regular meeting of the Cornwall DRB will be May 25 at 7pm.

Gary B. MOVED/ Barbara G. SECONDED a motion to adjourn the meeting. Motion passed – 7 in favor, 0 opposed.

The meeting was adjourned at 9:30 pm.

Respectfully submitted, Sharon Tierra, minute taker, Clerk of the Select Board and Planning Commission