

**Town of Middlebury- Development Review Board (DRB)**  
**Meeting/Hearing conducted in person**  
**Minutes of July 11, 2022**

**Approved 9/12/2022**

Members Present: David Hamilton- Chair, Kevin Newton, Vice-Chair, Vegar Boe, Michael Reeves, Mark Wilch, Jason Larocque (alt.),

Members Absent: John MacIntyre, Gary Baker

Staff Present: Jennifer Murray, Dave Wetmore

Others Present: Jim Carroll

**MEETING AGENDA**

**I. Call to Order-** David Hamilton-Chair, called the meeting to order at 7:05 pm. David- reviewed the agenda and announced that tonight’s agenda is devoted to DR training with Jim Carroll presenting.

**II. Approval of minutes-**

**Motion by Jason Larocque-** Jason moved to approve the minutes of June 13, 2022 as drafted, 2<sup>nd</sup> by Mark Reeves. Discussion- none noted, **Motion to approve minutes, 5 yes, 0-no- Vegar Boe abstained**

**III. Public comments-** DRB welcomed Vegar Boe to the DRB.

**IV. Meeting business-** David turned the meeting over to Jim Carroll. Jim spent time reviewing/educating the DRB outlining Vermont’s municipal land use roles and responsibilities as allowed pursuant to 24 V.S.A. 117, discussing the roles of the Selectboard, Planning Commission (PC), DRB and ZA. Specifically, the Selectboard appoints board members and ZA and adopts regulations put forth by the PC. The PC acts as the legislative branch doing the planning and rulemaking. The ZA acts in an administrative capacity approving land use development authorized by the Towns zoning, working with applicants and supporting the DRB. The DRB is a quasi-judicial board that acts as the judiciary branch. The DRB exercises development review functions, including conditional use, subdivisions, planned unit developments, waivers, variances and appeals.

Jim stressed that the DRB is deciding legal property rights issues. The DRB should not get involved with enforcement issues- that is the ZA responsibility. Jim reviewed the following.

1. Ex-parte communications
2. Conflict of interest as spelled out in the DRB adopted rules of procedure and Selectboard policy.
3. On the record review vs. De-novo
4. Decision making – gathering testimony/evidence- thinking like a judge and use of deliberative session
5. DRB procedures as they are outlined by
  - a. MAPA
  - b. The Towns Zoning Regulations
  - c. DRB Rules of Procedure- hearing order
  - d. Rules of evidence

- e. Open Meeting Law
- f. Site visits- open to public, no testimony- opportunity to see the site/project area providing context for the hearing review.

Jim and DRB discussed specific questions related to DRB duties. Overall, this was a great opportunity for the DRB and staff to review their duties.

## **VI. Adjournment**

**Motion by Michael Reeves-** Mike moved to adjourn at 9:30 PM, 2nd by Vegar Boe. **Motion passed, 6-yes, 0-no.** Meeting adjourned at 9:30 PM.

Minutes submitted by Dave Wetmore

DRAFT