

Procedural By-laws of the Duxbury Development Review Board

Article I-PURPOSE

1. The purpose of these Bylaws is to assist the Town of Duxbury Development Review Board (hereinafter referred to as the “Board”) with carrying out its duties, meeting its responsibilities, and avoiding misunderstandings by established rules of procedure. By identifying what is required of the hearings, record-keeping, and Board determinations, cases may be handled more effectively and efficiently, resulting in greater protection for the Town and more equitable treatment for applicants.

Article II-Governing Rule

1. The Board shall be governed by the provisions of Charter 117, Title 24, of the Municipal and Regional Planning and Development Act, The Town charter, all other applicable State statutes, local laws, and ordinances, and these Bylaws.

Article III-Officers and Duties

1. The Board shall organize and elect, by majority vote of all members present and voting, a Chairperson, a Vice-Chairperson, and a Clerk, annually at the first regularly scheduled meeting subsequent to annual appointments by the Town of Duxbury Select Board.
2. The Chairperson shall call and preside at all meetings and hearing of the Board, decide all points of order and procedure, and appoint any subcommittees that may be found necessary.
3. The Vice-Chairperson shall assume the duties of the Chairperson in his/her absence. In addition, he/she shall edit all minutes prior to presentation at a Board meeting.
4. The Clerk shall monitor meeting attendance, prepare meeting minutes and monitor the audience “sign-in sheet” at each meeting.
5. Members shall avail themselves of training opportunities annually.

Article IV-Meetings

1. A regular meeting of the Board shall be held as needed on the second Tuesday of each month to consider applications (subdivision plans, site plans, boundary line adjustments, variances, conditional uses, and appeals of administrative decisions) and other related business.
2. The Board may schedule work sessions and joint meetings with other boards and commissions to complete its work as necessary. The Board may schedule special meetings regarding any related matter as it sees fit.
3. All meetings of the Board shall be properly warned in accordance with the Vermont Open meeting law and the town charter.
4. The DRB Chairman shall notify members as soon as possible concerning any cancellations or special meetings.
5. Members shall notify the chairperson as early as possible, if unable to attend any meeting.
6. A quorum shall consist of a majority of the designated strength of the Board.
7. The business at all regular meetings of the Board shall be as follows:
 - * Call to Order/Oath to the Zoning Administrator and public Forum participants
 - * Additions/Deletions to Agenda
 - * Public Forum
 - * Applications/Oath to applicants and their representatives

- * Zoning Administrator's Report
 - * Approval of Minutes
 - * Other Business
8. The Board shall have the right to enter into Executive Session in accordance with Title 1, V.S.A., Section 313.
 9. The Chairperson may appoint subcommittees for work session items. Such subcommittees may contain less than three (3) Board members, in which event the following rules shall apply:
 - a. Such subcommittees may be facilitated by the Zoning Administrator or Planning Commissions Member(s).
 - b. Members of the community, with no voting privileges, shall be encouraged to participate.
 - c. The subcommittee shall arrange for meeting times convenient to its members.
 10. Reports of subcommittees shall be approved, approved with conditions, or disapproved by the majority vote of the Board members present and voting.

Article V-Attendance

1. A provision for continued service on the Board by any member shall be a good attendance record.
2. Members are expected to attend a minimum of seventy-five percent (75%) of all meetings in a twelve (12) month period. If a member attends a "going on site" meeting, the member is required to attend the subsequent Board meeting pertaining to it.
3. A Board member shall recuse from a meeting where a conflict of interest on any scheduled topic exists or is perceived to exist.

Article VI-Conflict of Interest

1. Need Information.
2. In addition, no Board member shall vote on any issue in which he/she has a direct or indirect interest.

Article VII-Records

1. A file of all material and decisions relating to each case shall be kept by the Chairman in the town offices as part of the records of the Board.
2. All records of the Board shall be public. Legal documents, such as mylars, deeds, covenants, and minutes, shall be kept on file in the Town Clerk's office. All records shall be available for inspection by any person upon request after forty-five (45) working days from the date of any hearing or meeting.
3. Minutes of meetings shall be posted at the Town Office; Duxbury Country Store; Crossett Brook Middle School and distributed to the DRB.

Article VIII-Procedures

1. Motions shall be worded in the affirmative in order to be considered proper. Negatively worded motions shall be considered out of order.
2. Motions shall carry only when they receive an affirmative vote of no less than a quorum of Board members.
3. A polled vote shall be taken on all final approvals for subdivisions, site plans, boundary line adjustments, variances, conditional uses, and appeals of administrative decisions.
4. A polled vote shall be taken on any motion when called for by a Board member.

5. Roberts rules of Order newly Revised shall determine procedural matters unless otherwise specifically set forth in these Bylaws.
6. Meetings shall commence promptly at 6:45 p.m. or as soon thereafter as a quorum of Board members is present.
7. Citizens shall be recognized for comment at the discretion of the Chairperson.
8. The time for adjournment shall be no later than 10:00 p.m. The time limit may be extended by a majority vote of Board members present.
9. To be considered for review at a specific meeting of the Board, a complete application must be delivered to the Board through the Town Office. The DRB Chairperson shall determine if all application materials necessary have been submitted. When all application materials have been submitted, the Chairperson, at his/her discretion, shall schedule the application at the next future regular Board meeting. The Chairperson shall use discretion in scheduling meeting topics, and shall not include more applications within any given evening if such volume will extend the meeting beyond 10:00 p.m. while allowing for transaction of routine Board business.

Article IX-Rules of Conduct at Development Review Board Public Hearings and Meetings

1. At all warned hearings of the Board, or at any Board regular meeting involving the presence of members of the community, the following rules of conduct shall be applied:
 - a. The Chairperson shall direct the applicant or person setting forth a proposal, and all (interested) parties who wish to speak on the proposal, to step forth and take an oath to tell the truth. Applicant will then be asked to present such application or proposal.
 - b. The Chairperson shall then ask persons present who have comments with regard to the application or proposal to step forward, give their name, and make their comment. The applicant or person setting forth the proposal shall then be given an opportunity to respond before the next person is asked to step forward.
 - c. After all persons have been heard, the Chairperson shall open the discussion to the members of the Board. Such discussion shall occur in an orderly fashion, with no more than one person speaking at any given time.
 - d. If more questions from persons present result from the discussion, the Chairperson shall repeat the procedure as set forth in item B above.

Article X-Amendments

1. These rules may be amended at any regular meeting of the Board by an affirmative vote of a quorum of the Board, provided that such amendment has been presented in writing to each member of the Board at least five (5) working days preceding the meeting at which the vote is taken.