Charlotte Development Review Board
Rules of Procedure and Conflict of Interest Policy

As adopted by the Charlotte DRB, March 25, 2026

Section I: Authority.
The Development Review Board [DRB] of the Town of Charlotte 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 their work for the Board, so that the public trust in municipal government will be preserved.

Section III: Definitions.
A. "Board" means the DRB.

B. "Board member" means a regular member of the DRB.

C. "Chair" means chairperson of the DRB.

D. "Conflict(s) of Interest," actual or perceived, means any one of the following:

1. Where a Board member has a personal, financial, or professional interest in a matter before the Board that could reasonably be expected to impair their objectivity or create a potential appearance of impropriety.

2. Where a Board member has publicly displayed a prejudgment of the merits of a particular proceeding before the DRB. This shall not apply to a member's particular political views or general opinion on a given issue.

3. 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.

4. Where a Board member could be an Interested Person.

E. "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. There shall be no taking of evidence or submission of testimony, nor need a deliberative session be publicly noticed. By motion and majority vote, the Board may enter deliberative session during a hearing to consider a matter before it. *See also K: Public Deliberations*.

F. "Executive session" means a session of a public body from which the public is excluded and for a DRB and invitees only for one of two reasons per 1 V.S.A. § 313 (a)(1)F and (a)(3):

- the consideration of legal advice or
- the evaluation of a board member.

Note that while the DRB does not have removal authority over the ZA or another member, executive session may still be appropriate (see Section XIV).

G. “Ex parte communication” means communication between a member of the DRB and any party, party’s representative, party’s counsel or any interested person as defined in H. “Interested Persons,” which occurs outside of a public proceeding, and concerns the substance or merits of the proceeding.

H. “Interested Person(s)” are those 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 town plan, town land use regulations, or other town bylaws, and as further defined per 24 VSA § 4465.

I. “Official act or action” means any legislative, administrative or quasi-judicial act performed by any DRB member.

J. “Participation” means offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding (see Section 9.6 (B) (1) of these Rules, and as further defined per 24 VSA § 4471).

K. “Public deliberations” means the weighing, examining, and discussing, at an open meeting, the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties.

L. “Recuse” means to remove oneself from a particular Board proceeding because of a real or perceived Conflict of Interest.

M. “Vice Chair” means the vice chairperson of the DRB.

Section IV: Regular Officers.
The DRB shall consist of at least five regular members, and up to two (2) alternate members. The DRB shall hold an organizational meeting, annually, after terms expire, or as needed, to elect by majority vote, a Chair and a Vice Chair.

A. The Chair shall preside at all meetings, hearings and deliberations, decide all points of order or procedure, and appoint members to any committee of the Board. The Chair may administer oaths and may request the attendance of witnesses and the production of material germane to any issue under consideration.

B. The Vice Chair shall assume the duties of the Chair whenever the Chair is absent or recused, or at the Chair’s request. In the absence of both the Chair and the Vice Chair, the quorum of members shall appoint an acting Chair for the meeting.

C. All members will review the minutes and other official records of DRB meetings and actions and correct and ratify these when appropriate and necessary.

D. A recording secretary shall take minutes of all meetings.

Section V: Alternate Members.
The Selectboard may appoint up to two (2) alternates per 24 V.S.A. § 4460(b)

A. An alternate may be appointed to serve as an active member when a regular member is unable to participate in an application review or a Zoning Administrator appeal hearing.

B. The Chair (or Vice Chair if Chair is absent) shall appoint an alternate to serve. If the Chair fails to act, a majority of members present may appoint an alternate.

C. An alternate appointed to hear an application must: 1. remain as an active member for that application through final decision; 2. attend all continued hearings on that application; participate in all deliberations and votes on that application; 3. review all materials if absent from any portion of proceedings.

D. When serving as an active member, an alternate has full voting rights and duties equal to regular members.

Section VI: Regular and Special Meetings.
Regular meetings to conduct business of the DRB shall be held in the Town Hall at 7:00 PM on the second and fourth Wednesday of the month, or as adjusted and published in the annual schedule of meetings. Site visits may be scheduled at the convenience of the members. The Chair or staff may cancel meetings at any time.

A. Special meetings may be called by the Chair, provided at least 24-hour 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 members of the entire Board.

C. Members may participate by telephone or virtual meeting platform, as long as all members can hear everything that is occurring at the meeting, and everyone present at the meeting can hear the Board member(s).

D. All meetings shall be open to the public unless the Board, by proper motion and vote, has entered an executive or deliberative session. The Board may convene a closed deliberative session upon a majority vote. The Board may only hold an executive session pursuant to the reasons permitted by 1 V.S.A. § 313 (3), and only after a majority vote to enter executive session.

E. There shall be an agenda for each meeting, generally structured as follows:
1. Public comment.
2. Public hearings on applications.
3. Deliberations (in open or closed session), if any.
4. Other business – i.e., approval of draft meeting minutes.

F. All business shall be conducted in the same order as it appears on the agenda, except that by majority consent, the order of agenda items and/or their time allotted may be changed.

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

Section VII: Public Hearings and Order of Business.
Public hearings shall be conducted as quasi-judicial proceedings, as defined in 1 V.S.A. § 310(6)(B). Hearings shall be publicly noticed in accordance with 24 V.S.A. §§ 4464(a)(1), (2), as amended.

The Chair shall set aside time for Interested Persons or their duly-authorized representatives and consultants to provide testimony during the hearing. The Board shall apply consistent time limits to all persons recognized to speak.

The Chair shall conduct the hearing generally in the following manner, unless a modified procedure is approved by majority vote of the Board:

A. Open the hearing by reading the warning of the hearing.

B. Request Board members disclose any conflicts of interest or ex parte communications.

C. Review the order of events and remind all present that the proceeding will be conducted in an orderly manner. Explain that pursuant to state statute, only Interested Persons who participate during hearings have the right to appeal DRB decisions to the Environmental Court. Ask the applicant and audience members to record their names and contact information on the sign-in sheet. Explain that anyone wishing to speak must identify themselves. Identify who wishes to speak and ask them to:

"Affirm that the evidence they are giving in the cause under consideration shall be the whole truth and nothing but the truth under the pains and penalties of perjury."

D. Accept written information presented to the Board.

E. Invite the applicant or applicant's representative to present their proposal.

F. Invite Board members to ask questions of the applicant or applicant's representative.

G. Invite Interested Persons to present testimony, comments, feedback and questions regarding the application or proposal. Interested Persons may also present testimony from representatives and consultants.

H. Invite the applicant or applicant's representative to respond to information presented, or to cross-examine Interested Persons or their representatives and consultants.

I. Invite more questions or comments from members of the Board.

J. Invite more questions or comments from Interested Persons.

K. Invite final comments or questions from the applicant or their representative, members of the Board and Interested Persons.

L. Invite community members to comment on the project or proceedings.

M. Upon motion and majority approval, the Chair shall either adjourn the hearing to a date and time certain or close the hearing.

N. After the hearing is closed, the Board may begin deliberations – either immediately or at the end of the meeting, or at some other time as determined by the Board. See Section III-E and J. of these Rules and 1 V.S.A. § 312(e).

Section VIII: Site Visits.
If, prior to a hearing, the Chair determines that a site visit will be necessary, the site visit shall be scheduled and be publicly warned in accordance with 24 V.S.A. §§ 4464(a)(1), (2).

Site visits shall be open to the public; no testimony shall be taken and any discussion should be limited to existing conditions. Site visits not scheduled in advance shall be held pursuant to the following conditions:

A. If necessary, the Board may recess a hearing to conduct a site visit at a property which is the subject of an application or appeal before the Board.

B. If necessary, the Board may adjourn a hearing to a date and time certain to conduct a site visit at a property which is the subject of an application or appeal before the Board.

C. The minutes of the proceeding shall reflect that a site visit was held and who was present.

Section IX: Service List.
The staff shall create a list of all individuals who actively participated in the hearing for each application reviewed by the Board. This list shall include those who participated orally, and those who participated in writing. All decisions of the Board shall be mailed or emailed to those on the list, if individuals provided their names and mailing and/or email addresses during the proceedings. The list shall include:

A. The names of those who participated in the proceedings.

B. The mailing address of each of these persons, if disclosed.

Participants who did not sign in at all, did not disclose their names during a hearing, or who fail to provide legible contact information to the staff will not receive a copy by mail or email, except upon written request to the staff.

Section X: Decisions.
The Board shall issue a decision in writing and may deliberate in public or in private. *See E: Deliberative Session and K: Public Deliberations*. If it deliberates privately, the Board need not adopt its written decision at an open meeting if the decision will be a public record. The DRB may not hear testimony or consider new evidence during deliberations, but may, in appropriate circumstances, reopen a hearing for such purpose.

Members of the Board who have not heard all testimony and reviewed all evidence submitted for a particular application or proposal shall not participate in that proceeding. Members who are absent for a hearing on an application may review recordings of the proceedings, meeting minutes and application materials and choose to participate in decisions on that application. The following rules shall apply to voting on decisions:

A. Motions shall be made in the affirmative.

B. The Chair has the same voting rights as other members and can make motions.

C. All members present are expected to vote unless they have recused themselves.

D. Abstentions are strongly discouraged and shall not count towards either the majority or the minority.

E. 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).

F. The Board shall issue a written decision within 45 days following the closure of the final public hearing.

G. The Chair or Vice Chair may sign the decision on behalf of the Board after the decision has been finalized by support staff pursuant to the Board's deliberation and vote.

Section XI: Conflicts of Interest.
Participation, disclosure of conflicts, and recusal shall be governed by the following procedures:

A. Participation. A Board member with a Conflict of Interest shall not participate in official action on that matter, nor represent any person or organization in any proceeding before the Board.

B. Disclosure. The Chair shall ask members to disclose Conflicts of Interest at each hearing. Any person may also request such disclosure through the Chair. A member who discloses a conflict but believes they can act fairly and in the public interest may explain why, which shall be noted in the minutes.

C. Recusal.

1. A Board member may recuse themselves from any matter involving a Conflict of Interest. Any person may request a member's recusal, but the decision remains with the member.
2. A recused member shall not sit with or deliberate with the Board on that matter, but may testify as an interested person, participate through counsel, or present their own application.
3. If a conflict is discovered mid-proceeding, the Board may take evidence and adjourn to executive session to address it.
4. If a recusal prevents a quorum for action, the Board may adjourn to a time certain and reconvene with sufficient members, including alternates.

Section XII: Ex Parte Communications.
Ex parte communication is prohibited. Any Board member who participates in ex parte communication with an applicant or their representative must disclose such communication as follows:

A. **Disclosure.** At each hearing, the Chair shall request that members 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 must disclose each specific instance of ex parte oral contact with applicants, appellants, Interested Persons or their representatives during the next public meeting/hearing of the DRB, stating the substance of any conversations on a project under review and the identity of each person making the ex parte communication, which shall be noted in the meeting minutes.

Section XIII: Conformance with the Open Meeting Law; Electronic Communication and Minutes of DRB Meetings.
The DRB is a public body bound by Vermont's Open Meeting Law. See 1 V.S.A. §§ 310-314.

A. Group electronic communication (email and texts) may be used to schedule a meeting, create an agenda, or to distribute materials to discuss at a meeting, but may not be used for discussion purposes, and must generally be available for copying and inspection as public records upon written request.

B. Electronic communication may be used in instances where the Board is engaged in a quasi-judicial deliberation – for instance, when the Board is drafting or reviewing a written decision on a permit application. Before taking advantage of this exception, the public body must have conducted a quasi-judicial public hearing, and then commenced deliberations to discuss the evidence and decide how to proceed.

C. Except during executive and deliberative sessions, during which minutes will not be taken, a recording secretary shall take minutes of all DRB meetings. Draft DRB meeting minutes shall be posted to the town website within five business days, with copies made available upon request.

D. Members will review the draft minutes and other official records of DRB meetings and actions, and correct and ratify these when appropriate and necessary.

Section XIV: Removal.
Upon majority vote, the Board may request that the Selectboard remove a Board member from the DRB. Board members may be removed for cause by the Selectboard upon written charges and after public hearing. 24 V.S.A. § 4460(c). Failure to comply with the Conflict of Interest provisions of these DRB procedures may form the basis for a request for removal and/or constitute cause for removal.

Section XV: 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.