

UNDERHILL DRB RULES OF PROCEDURE  
HEARING CHECKLIST  
CONDITIONAL USE REVIEW  
Victor Veve  
September 17, 2018

State the following:

- 1) "This is a hearing on the Conditional Use Review Application submitted by Victor Veve for the approval to construct a driveway that will impact steep slopes on property John A. & Cheryl B. Perreault at 32 Downs Road (DW032) in Underhill, Vermont."

Conditional use review is intended to ensure compliance with standards addressing the potential impacts of development on adjoining properties, the neighborhood, and/or zoning district in which the development is located, and the community at large. Typically, land uses are subject to conditional use review because their scale, intensity and potential for off-site impacts warrant more careful scrutiny by the Development Review Board (DRB). Standards and conditions relate to the identification, avoidance and/or mitigation of potential impacts.

This application is subject to review under the 2011 Unified Land Use and Development Regulations, as amended through March 6, 2018."

- 2) Copies of the Rules of Procedure that the Board follows are available for review from the Planning & Zoning Administrator.
- 3) The order of speakers tonight will be:
  - a. We will hear from and ask questions of the applicant(s) and of his or her consultant(s)/engineer(s);
  - b. Then we will hear and ask questions of the Planning & Zoning Administrator;
  - c. Then we will give other persons in the room a chance to speak. Under our Rules of Procedure, each speaker is limited to five minutes; however, that time can be increased upon request to the Board and majority consent of the Board; then
  - d. The applicant will have an opportunity to respond; then
  - e. Final comments will be solicited from all parties.
  - f. All speakers should address their comments to the Board, not to other parties present at the hearing.
  - g. Board members may feel free to ask questions of any speaker.
- 4) Are any State or municipal representatives present?
- 5) An Interested Parties Info Sheet has been provided to all attendees. Please review it for further information.

***Then state:***

"Only those interested persons who have participated, either orally or through written statements in a DRB proceeding may appeal a decision rendered in that proceeding to the

Environmental Division of Superior Court."

- 6) If you are an applicant/applicant representative, or an interested party who wants to participate in the hearing, we will have you come up to the witness chair and clearly state your name, residential address, and mailing address if it differs.
- 7) I am now going to swear in all those present who wish to speak tonight. All individuals who plan to testify must take the following oath by responding "I do" at the end: ***"Do you hereby swear that the evidence you give in the cause under consideration shall be the whole truth and nothing but the truth under pains and penalties of perjury?"***
- 8) Are there any conflicts of interest or have there been any ex parte communications on the part of the Board members?
- 9) At this point I am going to enter into the record the information package that was sent by the Zoning Administrator prior to the hearing. The information included in this package relevant to this hearing is:
  - a. Exhibit A - DW032 - Veve Conditional Use Staff Report
  - b. Exhibit B - DW032 Veve Conditional Use Review Hearing Procedures
  - c. Exhibit C - Conditional Use & Site Plan Review Hearing Request Application
  - d. Exhibit D - Site Plan Review Standards Findings Checklist
  - e. Exhibit E - Conditional Use Review Standards Findings Checklist
  - f. Exhibit F - BFP Notice of Public Meeting
  - g. Exhibit G - Certificate of Service
  - h. Exhibit H - Correspondence Regarding Existing Driveway
  - i. Exhibit I - Access Permit (A-18-20)
  - j. Exhibit J - Site Plan
  - k. Exhibit K - Driveway Profile
  - l. Exhibit L - Erosion Control Plan
  - m. Exhibit M - Details Sheet
  - n. Exhibit N - Existing Slopes
  - o. Exhibit O - ANR Slopes Map
  - p. Exhibit P - Zoning Map
  - q. Exhibit Q - Section 3.18 Steep Slopes & Very Steep Slopes
- 10) We'll begin testimony, and hear from the applicant.
- 11) Next we will hear from the Planning & Zoning Administrator.
- 12) Are there members of the public who would like to speak?
- 13) Any final comments from anyone?
- 14) Does the Board feel that they have enough information at this time to make a decision on the application?
  - a. *If more information is needed to make a decision on the application, adjourn the hearing to a time certain and outline for the appellant what is required at that continued hearing;*  
*or*

*b. If by consensus enough information has been presented to make a decision on the appeal, announce that the evidentiary portion of the hearing is closed.*

- 15) Does the Board wish to discuss the application in open or (closed) deliberative session?  
(After the ruling, continue with the info below.)

“Within 45 days from this hearing, the Planning & Zoning Administrator, on behalf of the DRB, will send a copy of the decision and letter to the Appellants, their consultants, and those who have participated in tonight’s hearing. A 30-day appeal period will begin on the date the decision is signed. The letter will outline the next steps in the process.

If there are no other comments or questions we will close [this portion of] the meeting.”