



UNDERHILL DEVELOPMENT REVIEW BOARD

PRELIMINARY & FINAL SUBDIVISION REVIEW

HEARING PROCEDURES

Monday, July 6, 2020

Applicant(s): Timothy & Theresa Potvin Trustees

Docket #: DRB-20-01

1. **State the following (Intro):** "This is a combined preliminary subdivision & final subdivision review hearing on the application of Timothy & Theresa Potvin Trustees for a proposed 2-lot subdivision on the land they own at 145 Moose Run in Underhill, Vermont."

This application is subject to review under the 2011 *Unified Land Use & Development Regulations*, as amended thru March 3, 2020 and the 2015 *Road, Driveway and Trail Ordinance*, as amended December 18, 2018, and was classified as a minor subdivision during the sketch plan review meeting on Monday, January 20, 2020.

While preliminary subdivision review has been waived, the Board still reviews the draft subdivision plat and supporting documentation to determine that the proposed subdivision conforms with the municipal plan, these regulations and other municipal ordinances in effect at the time of application; to identify particular issues or concerns associated with a proposed subdivision; to recommend modifications necessary to achieve conformance; and to identify any additional information prior to the final subdivision plans, engineering plans and legal documents for the subdivision and related site improvements are finalized. Should additional information be required, the Board reserves the option to continue the hearing to a time and date certain in order for that information to be submitted and reviewed by this Board."

2. **Identify those DRB Members who are present on the Go-To-Meeting hearing.**
3. **Ask the following (Public in Attendance):** "Are there any members of the public in attendance to comment about the application, and if so, can you please identify yourself and state your address for the record? If your mailing address differs from your physical address and wish to receive a copy of the decision, please provide that address as well."
4. **Ask the following (Officials in Attendance):** "Are there any state or municipal representatives present, other than the Planning & Zoning Administrator, and acting in their representative capacities."
5. **State the following (Rules of Procedure & Interested Parties Info Sheet):** "Copies of the Rules of Procedure that the Board follows, as well as an Interested Parties Info Sheet are available to all attendees for review on the Town's website, and can also be obtained from the Planning & Zoning Administrator."
6. **State the following (Interested Parties/Oath):** "Only these 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."

If you are an applicant, representative of the applicant(s), or an interested party who wants to

participate in the hearing, we ask that you clearly state your name prior to speaking.

We will now swear in all those present who wish to speak tonight regarding the application. All individuals who plan to test must take the following oath by responding 'I do' at the end of the following statement: "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 the pains and penalties of perjury?"

7. **Ask the following (Ex Parte Communications and Conflicts of Interest):** "Are there any conflicts of interest, or have there been any ex parte communications on part of any of the Board Members?"
8. **State the following (Process):** "In regards to tonight's hearing process, to help alleviate interruptions and allow for an efficient meeting over the remote teleconferencing platform, the Board will hearing from the following parties in the following order:
 - a. The applicant(s) and his or her/their representative(s);
 - b. The Planning & Zoning Administrator, Andrew Strniste;
 - c. Members of the Board in the following order:
 - (1) Shanie Bartlett (if in attendance)
 - (2) Matt Chapek
 - (3) Mark Green
 - (4) Mark Hamelin (if in Attendance)
 - (5) Daniel Lee
 - (6) Karen McKnight
 - (7) Penny Miller
 - (8) Will Towle (if in Attendance)
 - (9) Stacey Turkos
 - (10) Chares Van Winkle
 - d. Members of the public;
 - e. The applicant(s) and his or her/their representative(s) will then have an opportunity to response;
 - f. Final comments will be solicited from the Planning & Zoning Administrator, members of the public and the applicant(s) and his or her/their representative(s);
 - g. Members of the Board will then have an opportunity to ask final questions or make any final comments."
9. **State the following (Comment & Question Procedures):** "All speakers should address their comments to the Board, and not to other parties present at the hearing. Members of the public are afforded five minute unless by request the a majority of the Board consents to extending the time. The Board may ask questions to anyone in attendance to discuss the application."
10. **State the following (the Record):** "At this point, the information package (the staff report with associated exhibits) that was distributed by the Planning & Zoning Administrator prior to tonight's hearing will be entered into the record. The materials included in this package relevant to this hearing contain:

Exhibit A - Potvin Preliminary & Final Subdivision Review Staff Report
Exhibit B - MO145 Preliminary & Final Subdivision Review Hearing Procedures
Exhibit C - Application for Subdivision
Exhibit D - Project Narrative
Exhibit E - Narrative Regarding Shape of Parent Lot
Exhibit F - BFP Notice
Exhibit G - MO145 Certificate of Service
Exhibit H - MO145 Sketch Plan Acceptance Letter (Dated 02.04.20)
Exhibit I - DRB Decision DRB-18-04
Exhibit J - Access Permit A-18-12
Exhibit K - Wastewater Permit WW-4-3810-01
Exhibit L - Road Maintenance Agreement
Exhibit M - Proposed Survey of M0137
Exhibit N - Proposed Survey of Subdivision
Exhibit O - Site Plan

These exhibits are available in the Potvin combined preliminary subdivision & final subdivision review file DRB-20-01 / MO145 at the Underhill Planning & Zoning Office by request, and are also available on the Town's website."

11. **State the following (Applicants'/Representatives' Turn):** "We'll begin testimony by first hearing from applicant(s) and/or his or her/their representative(s)."
12. **State the following (PZA's Turn):** "Next, we will hear from the Planning & Zoning Administrator."
13. **State the following (Boards' Turn):** "Next, we will hear from Board Members:
 - a. Shanie Bartlett (if in attendance)
 - b. Matt Chapek
 - c. Mark Green
 - d. Mark Hamelin (if in Attendance)
 - e. Daniel Lee
 - f. Karen McKnight
 - g. Penny Miller
 - h. Will Towle (if in Attendance)
 - i. Stacey Turkos
 - j. Chares Van Winkle"
14. **Ask the following (Publics' Turn):** "We will now take comments from the public who wish speak about the application. Is there anyone who wishes to speak?"
15. **State the following (Applicants'/Representatives' Turn):** "The applicants and/or their representatives are now afforded the opportunity to respond to anything they heard in tonight's hearing."
16. **Ask the following (Last Call from Comments/Questions):** "Are there any final comments or questions from the applicants and/or their representatives, members of the public, the

Planning & Zoning Administrator, or any other attendees?"

17. **Ask the following (Final Comments from the Board):** "Are there any final comments or questions from the Board?"
18. **Ask the following (Final Comments from the Board):** "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, continue the hearing to a date and time certain, and outline for the Applicant(s) what is required at that continued hearing; or*
 - b. *If, by consensus, enough information has been presented to make a decision on the application, ask for a motion to close the evidentiary portion of the hearing.]*
19. **If the Board has enough information, ask the following (Motions):**
 - a. *Ask for a motion to close the evidentiary portion of the hearing.*
 - b. *Inquire if the Board wishes to vote to approve or deny the application in open session, and if so, ask for a motion to approve the application.*
 - c. *Inquired if the Board wishes to deliberation in open or closed deliberation. Once chosen, ask for a motion to enter into [insert "open" or "closed" here] deliberation.*
20. **State the following (Boards' Turn):** "Within 45 days from this hearing, the Planning & Zoning Administrator, on behalf of the Board, will send a copy of the decision to the Applicant(s), their representative(s), 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."