



Agenda

for the Meeting of the Development Review Board

Monday, March 2, 2026 at 7:00 PM

PARTICIPATION IN PERSON OR BY REMOTE MEANS:

City Council Chambers, City Hall

OR

Join Zoom Meeting (preferably by 6:50 PM)

Link: <https://us06web.zoom.us/j/87309432635?pwd=5Dzt3OI1FRRUFhtFDd0wgaWddHV2fn.1>

Call In: (929) 205-6099

Meeting ID: 873 0943 2635

Passcode: 847984

Members: Robert Goodwin (Chair), Katharine Burgess (Vice Chair), Elvira Dana, Alex Halasz, Bill Jolley (alternate), Bryan Jones, Joseph Ryan Kiernan, and Kevin O'Connell.

Please note: Changes in the agenda may occur

- 1) Remote Attendees log in. Preferably by 6:50 PM
- 2) Call to Order by the Chair
- 3) Staff review remote meeting procedures and process, related questions may be asked at this time.
- 4) Approval of the Agenda
- 5) Comments from the Chair
- 6) Review Proposed Amendments to Rules of Procedure: Staff Recommends Motion to Adopt as Amended
- 7) Review and Approve Minutes: 02 16 2026
- 8) Other Business: Next Meeting - March 16, 2026
- 9) Adjournment

The meetings are open to the public in person, via telephone, or through the Zoom web meeting platform. There is also the option to view live streaming of the meeting over ORCA Media. For questions about accessibility, including technological difficulties, or to request special accommodations, please call the



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Montpelier Planning Department at 802-223-9506 or email the Planning and Zoning Administrator, Meredith Crandall, at mcrandall@montpelier-vt.org. Prior to attending a remote Development Review Board meeting, please review the remote meeting procedures, available here: <https://www.montpelier-vt.org/1168/How-to-participate-in-public-meetings-re>

MONTPELIER DEVELOPMENT REVIEW BOARD – RULES OF PROCEDURE

I. ESTABLISHMENT OF RULES OF PROCEDURE

- A. Authority: The Development Review Board of the City of Montpelier shall be governed by the provisions of all applicable state statutes, the Montpelier Zoning and Subdivision Regulations, and these Rules of Procedure.
- B. Adoption of These Rules: The Development Review Board Rules of Procedure shall be those adopted by the Board in accordance with 24 VSA §4461. Upon adoption of the rules, the Zoning Administrator shall file a copy of these rules and all amendments with the City Clerk as a public record, and post a record in one or more public places.
- C. Amendments: These Rules may be amended at any regular meeting 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 48 hours preceding the meeting at which the vote is taken.

II. OFFICERS AND DUTIES

- A. Membership: The Board shall consist of seven (7) regular members and two (2) Alternate members appointed by the City Council. Regular and Alternate members shall not be current members of the Planning Commission.
- B. Chairperson: The Board shall elect a chairperson from among its members by a majority vote annually in the month of August. The Chairperson shall perform the duties prescribed by State law, the City of Montpelier bylaws, and these Rules.
- C. Duties of the Chairperson: The Chairperson shall call the meeting together, preside over all meetings and hearings of the Board, put all questions, maintain order, and decide all questions of order and procedure subject to these Rules. The Chairperson may administer oaths and compel attendance of witnesses and the production of material germane to any issue appealed. The Chairperson shall appoint Alternate members to serve in the absence of regular members.
- D. Signature: The Chairperson's signature shall be the official signature of the Board and shall appear on all decisions of the Board that were made at meetings of the Board when the Chairperson was present and presiding. The Vice Chairperson's signature shall appear on all decisions of the Board that were made when the Chairperson was not present or when the Chairperson was not presiding.
- E. Vice Chairperson: The Board shall elect a vice chairperson from among its members by a majority vote annually in the month of August. The Vice Chairperson, in the Chairperson's absence or when the Chairperson is not presiding, shall perform all of the duties of the Chairperson.
- F. Temporary Acting Vice Chairperson: Should both the Chairperson and the Vice Chairperson recuse themselves from a specific application, the Board shall elect an Acting Vice Chairperson to perform all of the duties of the Chairperson for that particular application.

- G. Alternate Members: Alternate members will serve when there is a vacancy or conflict of interest of a regular member. Alternate members shall continue with an application for the duration of its review. Regular members will rejoin the Board to participate in remaining new applications before the Board after the Alternate member steps down following final action on the continued application.
- H. Secretary: A Secretary, who may or may not be a member of the Board, and may be designated as the Department of Planning and Community Development, shall be appointed by a majority of the Board. The Secretary shall perform the following duties:
- a. Keep the minutes of all Board actions and proceedings, showing the vote of each member upon every question, or if absent, disqualified, or failing to vote, shall so indicate; and shall include in the minutes the names and addresses of all witnesses.
 - b. Preserve and keep the records of the Board's examinations and other official actions by causing those to be given into the custody of the Zoning Administrator.
 - c. Cause to be filed all records of examination and other official actions with the City Clerk as a public record. (The Secretary may use the Zoning Administrator to transmit those records of examination and official actions to the City Clerk.)
- I. Zoning Administrator: The Zoning Administrator, or his/her/their designee, who shall not be a member of the Board, shall be the administrative officer for the Development Review Board. In that role, the Zoning Administrator shall be responsible for the orderly and efficient administrative processes concerning all aspects of the Board's function and have the following duties:
- a. Conduct official correspondence subject to these rules and at the direction of the Board;
 - b. Shall issue the proper forms; compile all information, maps, and records for the Board's review;
 - c. Send out all notices required by law and these rules of procedure;
 - d. Shall inform persons who come before the Board on these rules of procedure and the bylaws which pertain to that person's appearance before the Board;
 - e. Receive all minutes and records of examination and other official actions from the Secretary of the Board and see they are filed in Planning Department records or with the City Clerk, as appropriate; and
 - f. Maintain copies of the minutes and records of examination and other official actions of the Board separate and apart from those filed with the City Clerk.
- J. Vacancies: The Zoning Administrator or his/her/their designee shall give immediate notice of any vacancy of the Board to the municipal legislative body. If the office of Chairperson becomes vacant, the Board shall fill that office by election for the unexpired term at the next regular meeting of the Board.

III. GENERAL RULES

- A. Attendance: Board members are expected to attend every meeting, and to provide at least 24-hours' notice of absence when possible. A majority of the Board may request that the legislative body remove a Board member if;
- a. A Board member misses 3 consecutive regular meetings; or

- b. In the course of 6 consecutive calendar months is absent for 40% or more of the total meetings and hearings held within that period.
- B. Records: A file of all documents, physical evidence, public proceedings, and decisions showing the vote, absence, or failure to vote of each member upon each question shall be kept by the Zoning Administrator as part of the records of the Development Review Board. All records of the Board shall be public records.
- C. Fees: The Montpelier City Council shall determine such fees as may be necessary for the filing of notices and the processing of hearings and action thereon.

IV. MEETINGS

- A. Regular Meetings: Regular meetings of the Development Review Board shall be held on the 1st and 3rd Mondays in each calendar month, unless no applications are pending or there is no other business to transact, in which case the meeting may be canceled. If the regular meeting falls on a holiday, the regular meeting will be held on the next working day if possible.
- B. Site Visits: The Board may convene at the site if the Board feels a site visit will aid in their understanding of a proposed project. Site visits are intended to familiarize Board members and the public with the site on which a project or activity has been proposed; it is not a hearing. Members may visit a site individually or as a Board. If a quorum of the Board is present, it is an open meeting and its date and time must be announced and/or posted in accordance with state law. In order to avoid ex-parte communication (see Section VII.J.), statements, questions, concerns, or suggestions among those present should be either: (1) directed to staff for research and presentation, (2) presented in writing to the commission, or (3) raised directly at the next appropriate hearing for the public record. If a member visits the site individually, he or she shall present that information at the appropriate hearing or meeting. If necessary, the Board may recess a hearing to a time certain (i.e., continue the hearing) to conduct a site visit at a property which is the subject of an application before the Board.
- C. Special Meetings: Special meetings of the Board may be called by the Chairperson or by a majority of the members of the Board, provided, that at least 24 hours' written notice of the time, place, and business of such meeting shall be given each member of the Board. Action items requiring public hearing notice shall conform to the notice requirements in 24 V.S.A. §4464 and will not be scheduled for a special meeting.
- D. Order of Business: The general order of business at all regular meetings of the Board shall be as follows, however, changes in the order of the agenda may occur:
 - (1) Call to order and recognition of quorum.
 - (2) Approval of the Agenda.
 - (3) Action on continued hearings and/or applications.
 - (4) Public hearings (when scheduled) and new applications.
 - (5) Report of actions taken in prior deliberative sessions.

- (6) Reading and approval of the minutes of the preceding meeting.
- (7) Other business.
- (8) Adjournment.

- E. Recess of Meeting or Hearing (i.e., Continuation): The Board may recess a meeting or hearing if all the applications or appeals cannot be disposed of on the day set. No further public notice shall be necessary provided that the date, time, and place of the recessed meeting or hearing shall be announced before adjournment.
- F. Open Meetings: All meetings of the Board and its committee shall be open to the public; however, the Board reserves the right to go into deliberative session which is not open to the public to discuss the issues only if a motion and a vote is made to recess into deliberative session. No minutes shall be taken during deliberative session. All decisions made during deliberative session shall be put in writing and signed as prescribed in II C.

V. ORDER DURING MEETINGS

- A. Order must be observed by all persons attending the meeting, whether in-person or electronically.
- B. The Chair will preserve order in the meeting and regulate its proceedings by applying these rules and by making determinations about all questions of order or procedure.
- C. All electronic devices used by Board members, the public, and others present must be silenced (i.e., sound turned off or put on "vibrate") during meetings.
- D. All questions and comments must be addressed to the Chair.
- E. No person may disrupt, disturb, or otherwise impede—except for a point of order—the orderly conduct of the meeting or interrupt any person while they’re speaking.
- F. The only people who may interrupt another from speaking are: 1) a Board member for a point of order directed towards the Chair; or 2) the Chair themselves, to enforce a rule.
- G. Speakers must refrain from repetitious speech or speech that is irrelevant to the business of the Board. At the Chair’s prerogative, speech that is deemed irrelevant to a given matter may be deferred to the “other business” agenda item.

VI. CONFLICT OF INTEREST

All members of the Development Review Board shall abide by the Vermont Municipal Code of Ethics, 24 V.S.A. Chapter 60, effective January 1, 2025, and any stricter or supplementary requirements of the City of Montpelier Ethics Policy adopted by the Montpelier City Council on April 28, 1999, together with any subsequent amendments of either. If the Chairperson is disqualified, the Vice Chairperson shall preside. In the event the Vice-Chairperson is unable to preside for any reason, a majority of the Board shall appoint an Acting Vice-Chairperson for the proceeding.

VII. VOTING

- A. Quorum: For the conduct of a meeting or hearing and the taking of any action a quorum must be present. A quorum for the Development Review Board shall consist of a maximum of seven (7) and a minimum of four (4) regular or Alternate members.
- B. Majority of Vote Required: Determination on any matter before the Board shall require the concurrence of four members of the seven-member Board, regardless of any vacancies or disqualifications.
- C. Motions in the Affirmative: All motions made for any decision shall be made in the affirmative. This does not imply that the person making or seconding the motion support that motion. A failure to obtain four affirmative votes shall be considered a denial. An abstention equals a negative vote.
- D. Quorum may Transact all Business of the Board: If a quorum of the Board is present at a meeting, that quorum may transact all matters that may or are required to come before it. This includes approving minutes from prior Board meetings, so long as at least one of the Board members present was in attendance at the meeting in question.

VIII. CONDUCT OF HEARING OR REVIEW OF ALL APPLICATIONS

- A. Schedule of Hearing or review of applications: Hearings on applications or appeals shall be conducted as quasi-judicial proceedings pursuant to 1 V.S.A. § 310(5)(B). Hearings shall be publicly noticed in accordance with 24 V.S.A. §§ 4464(a)(1), (2), as amended. . The Chair shall conduct the hearing as follows:
 - (1) Open the hearing by reading the warning of the hearing
 - (2) Remind all present that the proceeding will be conducted in an orderly manner, and make copies of these Rules available.
 - (3) Request disclosure of conflicts of interest and ex parte communications
 - (4) Review the definition of interested persons in 24 V.S.A. § 4465(b).
 - (5) Explain that pursuant to 24 V.S.A. § 4471(a) only an interested person who has participated in this proceeding may take an appeal of any decision issued in this proceeding.
 - (6) Ask all who believe they meet the definition of interested person to identify themselves and to provide contact information. The Board shall not make any determination as to party status in proceedings except for appeals of administrative officer decisions. As these Rules do not differentiate between persons with interested person status and those without, anyone seeking to participate in a proceeding may do so, subject to these Rules and those established by the Chair.
 - (7) Swear in the applicant and his/her representative, and all those believing themselves to be interested persons -- "Do you solemnly swear or affirm that the testimony you are about to give in this matter is the truth, the whole truth, and nothing but the truth under the pains and penalties of perjury?"
 - (8) Statement of the case by the Zoning Administrator or designated staff.

- (9) Invite applicant or applicant's representative to present their application or proposal, including any witnesses in favor.
 - (10) Invite Board members to ask questions of the applicant or applicant's representative.
 - (11) Invite interested persons and members of the public to present their information regarding the application or proposal.
 - (12) Invite the applicant or applicant's representative to respond to information presented.
 - (13) Invite more questions or comments from members of the Board.
 - (14) Invite more questions from interested persons and members of the public.
 - (15) Allow final comments or questions from the applicant or their representative, or members of the Board.
 - (16) Upon motion and majority approval, the Chair shall either adjourn the hearing to a time certain (i.e., continue the hearing), or close the public hearing on the matter, meaning no more evidence will be accepted.
 - (17) The Board shall then conduct public deliberations, or may vote to enter deliberative session..
 - (18) Development of Findings, Conclusions, and Conditions (See IX).
- B. Order: The Chair shall rule on all questions of order or procedure and shall enforce these rules pursuant to 1 V.S.A. § 312(h). Members of the Board, interested parties, and the public must obey all orders and rulings of the Chair. The Chair should adhere to the following process to address any disruption to a meeting and as needed to restore order, but may bypass any or all steps when they determine, in their sole discretion, that deviation from the process is warranted:
- a. Call the meeting to order and remind the members of the Board, interested party, or the public of the applicable rules of procedure.
 - b. Declare a recess or table the issue under consideration.
 - c. Adjourn (i.e., postpone) and continue the meeting or hearing until a place and time certain or close (end) the meeting.
 - d. Ask disorderly person(s) to leave the meeting room for the remainder of that meeting.
 - e. Request law enforcement assistance in removing a disorderly person(s) from the meeting, when their conduct substantially impairs the effective conduct of the meeting, for the remainder of that meeting.
- C. Representation: Any interested party may appear in person or be represented by an agent or attorney.
- D. Record of Proceedings: Proceedings at public hearings shall be recorded either electronically or by a court stenographer at the discretion of the Board. A transcript of the proceedings shall be made at the request of any party upon payment of the reasonable costs thereof.
- E. Presentation of Evidence: All evidence upon which the applicant or other party wishes to rely shall be presented at the hearing and made part of the hearing record.
- F. Oaths: All oral testimony by witnesses shall be given under oath or affirmation administered by the Chairperson or, in the Chairperson's absence, the Vice Chairperson.
- G. Substantial Evidence: The Development Review Board members may ask questions of any witnesses. The Chairperson, or Vice Chairperson if presiding, shall rule on the relevance and

may limit the scope of questioning and comments to ensure relevancy and expedite the business of the Board.

- H. Documentary Evidence: Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon request, parties may be given an opportunity to compare the copy with the original.
- I. Deliberative Sessions: The Board shall make its decisions by public deliberation, unless by majority vote it has determined to make a decision in deliberative session. Deliberative sessions are not open to the public and need not be warned. 1 V.S.A. §§ 312(e), (f). Board members that have been absent for a portion of a hearing may participate in deliberations if they have reviewed the audio of the proceedings, and any evidence submitted, subject to the consent of the applicant and all interested persons.
- J. Rehearing or Reconsideration: An application for rehearing or reconsideration may be made in the same manner as provided for in the original application. The Board may reject an application for rehearing without a hearing and render a decision thereon, which shall include findings of fact within 14 days of the date of filing of the application if: (a) the Board considers the issue(s) raised by the applicant in his/her/their application have been decided in an earlier appeal, and (b) there has been no substantial change in the evidence, facts, or circumstances of the case. The decision shall be rendered, or notice given, as in decisions under Section IX of these Rules of Procedure.
- K. Ex-parte Communications: Conversations regarding a particular hearing or application outside of the regular meeting are considered ex-parte contact and are inappropriate. If such conversations occur, the Board member shall disclose the details of the conversation to the Board during a regular meeting. 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.

IX. DECISIONS MADE BY THE DEVELOPMENT REVIEW BOARD

- A. Majority Vote: The decision on any application or appeal to the Development Review Board shall be made by a motion and majority vote of the Board. The Chair has the same voting rights as all members and can make motions. All members present are expected to vote unless they have recused themselves.
- B. Written Findings of Fact and Conclusion: A statement of the evidence and testimony relied upon and the Board's decision shall be drafted by a member of the Board or administrative staff appointed by the Chairperson within 45 days of the final public hearing. This statement shall be reviewed and signed by the member of the Board who presided as Chairperson or Vice Chairperson at the hearing if the statement accurately reflects the findings, conclusions, decisions and any applicable conditions as determined by the Board. Upon such signature by the presiding member, the statement, in combination with the minutes of all hearings on the application, shall constitute the form of decision rendered to the applicant and all interested parties.

- C. Conditions to Approvals: The Board may attach additional reasonable conditions, safeguards, and time limitations necessary and appropriate under the circumstances to implement the purposes of the Vermont Municipal and Regional Planning and Development Act and the municipality's plan and relevant regulations.

X. REFERRALS AND EVALUATION REQUESTS

- A. Request for Other Official Evaluation: As relevant and necessary for the conduct of the hearing, the Board may request from an appropriate municipal department, committee, or official, an evaluation of the impact a proposed development application will have on traffic, the environment, or community services and finances. This information or report may be presented as testimony at the public hearing and shall become part of the public record.

Adoption and Amendments:

Revised and adopted by the Development Review Board on August 19, 2002.

Amended and adopted by the Development Review Board on August 7, 2017 [Interim procedures]

Amended and adopted by the Development Review Board on August 6, 2018.

Amended and adopted by the Development Review Board on June 19, 2023.

Amended and adopted by the Development Review Board on _____, 2026.

MONTPELIER DEVELOPMENT REVIEW BOARD – RULES OF PROCEDURE

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- A. Quorum: For the conduct of a meeting or hearing and the taking of any action a quorum must be present. A quorum for the Development Review Board shall consist of a maximum of seven (7) and a minimum of four (4) regular or Alternate members.
- B. Majority of Vote Required: Determination on any matter before the Board shall require the concurrence of four members of the seven-member Board, regardless of any vacancies or disqualifications.
- C. Motions in the Affirmative: All motions made for any decision shall be made in the affirmative. This does not imply that the person making or seconding the motion support that motion. A failure to obtain four affirmative votes shall be considered a denial. An abstention equals a negative vote.
- D. Quorum may Transact all Business of the Board: If a quorum of the Board is present at a meeting, that quorum may transact all matters that may or are required to come before it. This includes approving minutes from prior Board meetings, so long as at least one of the Board ~~member's~~members present was in attendance at the meeting in question.

~~VIII~~VIII. CONDUCT OF HEARING OR REVIEW OF ALL APPLICATIONS

- A. ~~Order~~Schedule of Hearing or review of applications: Hearings ~~and review of~~on applications ~~or appeals~~ shall be conducted ~~in accordance with the applicable rules of evidence as set forth in 3 V.S.A. §810. The order of~~ quasi-judicial proceedings pursuant to 1 V.S.A. § 310(5)(B). Hearings shall be publicly noticed in accordance with 24 V.S.A. §§ 4464(a)(1), (2), as amended. . The Chair shall conduct the hearing as follows:

~~(1) Roll call.~~

(1) Open the hearing by reading the warning of the hearing

(2) Remind all present that the proceeding will be conducted in an orderly manner, and make copies of these Rules available.

(3) Request disclosure of conflicts of interest and ex parte communications

(4) Review the definition of interested persons in 24 V.S.A. § 4465(b).

(5) Explain that pursuant to 24 V.S.A. § 4471(a) only an interested person who has participated in this proceeding may take an appeal of any decision issued in this proceeding.

(6) Ask all who believe they meet the definition of interested person to identify themselves and to provide contact information. The Board shall not make any determination as to party status in proceedings except for appeals of administrative officer decisions. As these Rules do not differentiate between persons with interested person status and those without, anyone seeking to participate in a proceeding may do so, subject to these Rules and those established by the Chair.

(7) Swear in the applicant and his/her representative, and all those believing themselves to be interested persons -- "Do you solemnly swear or affirm that the testimony you are about to give in this matter is the truth, the whole truth, and nothing but the truth under the pains and penalties of perjury?"

- ~~(2)~~(8) Statement of the case by the Zoning Administrator or designated staff.
- ~~(9)~~ ~~Applicant presents his/her/~~ Invite applicant or applicant's representative to present their ~~case along with the witness~~ application or proposal, including any witnesses in favor.
- (10) Invite Board members to ask questions of the applicant or applicant's representative.
- ~~(3)~~(11) Invite interested persons and members of the ~~appeal if applicable~~ public to present their information regarding the application or proposal.
- ~~(4)~~ ~~Cross-examination of applicant's witnesses by the Board.~~
- ~~(12)~~ ~~The presentation of a case by any~~ Invite the applicant or applicant's representative to respond to information presented.
- (13) Invite more questions or comments from members of the Board.
- ~~(5)~~(14) Invite more questions from interested ~~party or parties~~ persons and members of the public.
- ~~(6)~~(15) ~~Cross-examination~~ Allow final comments or questions from the applicant or their representative, or members of ~~opposition witnesses by~~ the Board.
- ~~(7)~~ ~~Rebuttals.~~
- ~~(8)~~ ~~Recess or adjournment of hearing or discussion of application.~~
- ~~(9)~~ ~~Deliberation—Review criteria applicable to application.~~
- (16) Upon motion and majority approval, the Chair shall either adjourn the hearing to a time certain (i.e., continue the hearing), or close the public hearing on the matter, meaning no more evidence will be accepted.
- (17) The Board shall then conduct public deliberations, or may vote to enter deliberative session..
- (18) Development of Findings, Conclusions, and Conditions (See ~~VHH~~ IX).

- B. Order: The Chair shall rule on all questions of order or procedure and shall enforce these rules pursuant to 1 V.S.A. § 312(h). Members of the Board, interested parties, and the public must obey all orders and rulings of the Chair. The Chair should adhere to the following process to address any disruption to a meeting and as needed to restore order, but may bypass any or all steps when they determine, in their sole discretion, that deviation from the process is warranted:
- Call the meeting to order and remind the members of the Board, interested party, or the public of the applicable rules of procedure.
 - Declare a recess or table the issue under consideration.
 - Adjourn (i.e., postpone) and continue the meeting or hearing until a place and time certain or close (end) the meeting.
 - Ask disorderly person(s) to leave the meeting room for the remainder of that meeting.
 - ~~-e.~~ Request law enforcement assistance in removing a disorderly person(s) from the meeting, when their conduct substantially impairs the effective conduct of the meeting, for the remainder of that meeting.

~~A.C.~~ Representation: Any interested party may appear in person or be represented by an agent or attorney.

~~B.D.~~ Record of Proceedings: Proceedings at public hearings shall be recorded either electronically or by a court stenographer at the discretion of the Board. A transcript of the proceedings shall be made at the request of any party upon payment of the reasonable costs thereof.

~~B.E.~~ Presentation of Evidence: All evidence upon which the applicant or other party wishes to rely shall be presented at the hearing and made part of the hearing record.

~~B.F.~~ Oaths: All oral testimony by witnesses shall be given under oath or affirmation administered by the Chairperson or, in the Chairperson's absence, the Vice Chairperson.

~~B.G.~~ Cross-examination~~Substantial Evidence~~: The Development Review Board members may ~~cross-examine~~ask questions of any witnesses. The Chairperson, or Vice Chairperson if presiding, shall rule on the relevance and may limit the scope of ~~cross-examination~~questioning and comments to ensure relevancy and expedite the business of the Board.

~~F.~~ Rules of Evidence: ~~Rules of evidence as applied in civil cases in the superior courts of the State shall be followed. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. When necessary to provide facts not reasonably susceptible to proof under those rules, evidence not ordinarily admissible and not precluded by statute may be admitted if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.~~

~~B.H.~~ Documentary Evidence: Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon request, parties may be given an opportunity to compare the copy with the original.

I. Deliberative Sessions: The Board shall make its decisions by public deliberation, unless by majority vote it has determined to make a decision in deliberative session. Deliberative sessions are not open to the public and need not be warned. 1 V.S.A. §§ 312(e), (f). Board members that have been absent for a portion of a hearing may participate in deliberations if they have reviewed the audio of the proceedings, and any evidence submitted, subject to the consent of the applicant and all interested persons.

~~B.J.~~ Rehearing or Reconsideration: An application for rehearing or reconsideration may be made in the same manner as provided for in the original application. The Board may reject an application for rehearing without a hearing and render a decision thereon, which shall include findings of fact within 14 days of the date of filing of the application if: (a) the Board considers the issue(s) raised by the applicant in his/her/their application have been decided in an earlier appeal, and (b) there has been no substantial change in the evidence, facts, or circumstances of the case. The decision shall be rendered, or notice given, as in decisions under Section ~~VIII~~IX of these Rules of Procedure.

~~B.K.~~ Ex-parte Communications: Conversations regarding a particular hearing or application outside of the regular meeting are considered ex-parte contact and are inappropriate. If such conversations occur, the Board member shall disclose the details of the conversation to the Board during a regular meeting. 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.

VIIIIX. DECISIONS MADE BY THE DEVELOPMENT REVIEW BOARD

- A. Majority Vote: The decision on any application or appeal to the Development Review Board shall be made by a motion and majority vote of the Board. The Chair has the same voting rights as all members and can make motions. All members present are expected to vote unless they have recused themselves.
- B. Written Findings of Fact and Conclusion: A statement of the evidence and testimony relied upon and the Board's decision shall be drafted by a member of the Board or administrative staff appointed by the Chairperson- within 45 days of the final public hearing. This statement shall be reviewed and signed by the member of the Board who presided as Chairperson or Vice Chairperson at the hearing if the statement accurately reflects the findings, conclusions, decisions and any applicable conditions as determined by the Board. Upon such signature by the presiding member, the statement, in combination with the minutes of all hearings on the application, shall constitute the form of decision rendered to the applicant and all interested parties.
- C. Conditions to Approvals: The Board may attach additional reasonable conditions, safeguards, and time limitations necessary and appropriate under the circumstances to implement the purposes of the Vermont Municipal and Regional Planning and Development Act and the municipality's plan and ~~zoning~~relevant regulations.

IXX. REFERRALS AND EVALUATION REQUESTS

- A. Request for Other Official Evaluation: As relevant and necessary for the conduct of the hearing, the Board may request from an appropriate municipal department, committee, or official, an evaluation of the impact a proposed development application will have on traffic, the environment, or community services and finances. This information or report may be presented as testimony at the public hearing and shall become part of the public record.

Adoption and Amendments:

Revised and adopted by the Development Review Board on August 19, 2002.

Amended and adopted by the Development Review Board on August 7, 2017 [Interim procedures]

Amended and adopted by the Development Review Board on August 6, 2018.

Amended and adopted by the Development Review Board on June 19, 2023.

Amended and adopted by the Development Review Board on _____, 2026.

**Montpelier Development Review Board Meeting
February 17, 2026**

Subject to review and approval

This public meeting was recorded, and the video will be available for viewing at this link:
<https://www.montpelier-vt.org/1094/CivicClerk>

Present: Robert Goodwin, Katharine Burgess, Joe Kiernan, Alexandra Halasz, Elvira Dana, Bill Jolley (alternate and not voting), Meredith Crandall – staff, ORCA Media - recording.

Others in attendance: John Pitrowski, Lee Lauber, Nicholas Low

Call to order: The meeting was called to order by the Chair, Rob Goodwin.

Staff to review remote meeting procedures and processes, related questions may be asked at this time: Staff gave a summary of how to participate in the hybrid model.

Approval of the agenda: Joe made a motion to approve the agenda, Alex seconded. The motion passed on a 5-0 vote.

Comments from the Chair: Rob gave a summary of the agenda items.

0 Veo Road (parcel #176-028001)

Owner/Applicant: Shea Property Services, LLC c/o Corey Shea

Reapproval of final two parcel subdivision involving natural resources area behind 2996 Elm Street.

John Pitrowski, the design engineer for the project, was present and sworn in. Lee Lauber was present remotely, but did not wish to be sworn in and did not speak on the matter.

The final plat recording deadline was missed, so the July 2025 approval is back before the Board. The proposal is the same. John confirmed that the survey pins and markers have been set. The Board discussed a request by the owners' attorney regarding a road easement that was not relevant to the proposal; Staff and John confirmed that the only easement involved will be for the shared septic system. The status of Veo Road (Class 4) was also discussed, with confirmation that the Department of Public Works has not required improvements to it for the proposed Subdivision or the development potential demonstrated with the wastewater system design.

Alex made a motion to approve the two-parcel subdivision of 0 Veo Road, as presented in Application #Z-2025-0004 and supporting and supplemental materials, subject to the following conditions of approval:

- I. An easement detailing written maintenance and repair responsibilities for the septic system shall be recorded in the land records and presented to the Zoning Administrator prior to recording of the final plat.

- II. Within 180 days of this decision, applicant shall record the final survey plat in the Montpelier land records office, per the procedures detailed in § 4405 of the Zoning Regulations, including necessary easements for shared water and wastewater systems, and the locations of all applicable survey rods and markers.
- III. The future, as built septic design, shall be filed with the Zoning Administrator when completed.

Joe seconded. The motion passed on a 5-0 vote.

230 Perkins Road

Owner/Applicant: Nicholas Low and Emily Warner

Reapproval of final two-parcel subdivision involving natural resources area.

Nicholas Low was in attendance and sworn in.

The final plat recording deadline was missed, so the July 2025 approval is back before the board. The subdivision proposal is the same. Mr. Low confirmed that the monuments shown on the survey have been set.

Joe made a motion to approve the two-parcel subdivision of 230 Perkins Road, as presented in Application # Z-2026-0005 and supporting and supplemental materials, subject to the following condition of approval:

- I. Within 180 days of this decision, applicant shall record the final survey plat in the Montpelier land records office, per the procedures detailed in § 4405 of the Zoning Regulations, including the locations of all applicable survey rods and markers.

Alex seconded the motion. The motion passed on a 5-0 vote.

Review and approve minutes of January 5, 2026 (shifted ahead of the Rules discussion by Chair): Alex made a motion to approve the minutes, Katharine seconded. The motion passed on a 4-0 vote, with Rob abstaining since he wasn't in attendance at that meeting.

Review proposed changes to DRB Rules of Procedure – adopt if majority approves: After the training with Vermont League of Cities and Towns, Rob and Meredith worked on revising the Rules of Procedure.

Rob and Meredith summarized key proposed changes. Some of the changes were reviewed in more detail; and the Board provided feedback and suggested revisions to the Meetings and Order of Meetings Sections.

Board members present chose to have a second meeting on the proposed revisions. Meredith will circulate a revised draft in both clean and redline versions. Board members can provide feedback to her, and the Board will review the proposal again on March 2nd.

Other Business: The next meeting is March 2nd, to discuss Rules of Procedure. No permit applications will be on the agenda.

Adjournment: Joe made a motion to adjourn, Alex seconded. The motion passed unanimously.

Respectfully submitted,

Tami Furry
Recording Secretary