



## **DEVELOPMENT REVIEW BOARD**

### **Rules of Procedure and Ex Parte Communications Policy**

#### **A. POLICY.**

These Rules are established to promote consistent and fair treatment of applicants, interested parties, and participants; to ensure orderly and efficient public proceedings; and to uphold compliance with state and federal law. These Rules also safeguard against any Board member gaining personal or financial advantage through their role on the Development Review Board of the Town of Westford, thereby preserving public trust in municipal government.

#### **B. APPLICATION.**

These Rules of Procedure shall apply to the Development Review Board of the Town of Westford, which is referred to below as the “Board.” These Rules shall govern all regular, special, and emergency meetings of the Board.

#### **C. DEFINITIONS.**

1. **“Board”** means the Development Review Board.
2. **“Board member”** refers to any regular member of the Development Review Board or an alternate appointed to serve temporarily as a member.
3. **“Conflict of interest”** shall be as defined in the Municipal Code of Ethics, **24 V.S.A. § 1991(5)**.
4. **“Deliberative session”** refers to a private session of the Board where members discuss and evaluate the reasons for or against a particular act or decision, from which the public is excluded. No evidence is presented nor testimony given during this session, and it does not require public notice. By motion and majority vote, the Board may enter deliberative session at any time during a hearing, and the Board shall be deemed to be in deliberative session from the close of the public hearing until the issuance of a written decision.
5. **“Executive session”** refers to a non-public session held for one of the legally authorized reasons outlined in **1 V.S.A. § 313**. No binding action may be taken during an executive session.
6. **“Ex parte communication”** refers to any direct or indirect communication between a Board member and any party, the party’s representative, counsel, or any individual with an interest in the outcome of any proceeding, if the communication occurs outside of a public proceeding and concerns the substance or merits of the proceeding.
7. **“Official act or action”** refers to any legislative, administrative, or quasi-judicial action taken by the Board.

8. **“Recuse”** means to voluntarily remove oneself from a particular board proceeding due to a real or perceived conflict of interest.

#### **D. ORGANIZATION.**

1. The Board shall consist of seven (7) regular members. Following Town Meeting and before May 1 - or as needed throughout the year - the Board shall hold an organizational meeting to elect by majority vote a Chair, Vice Chair and Clerk.
2. **Chair Responsibilities:** The Chair shall preside over all meetings, hearings, and deliberations, decide points of order or procedure, and appoint members to any Board committee. The Chair may request the attendance of witnesses and the submission of relevant material for matters under consideration.
3. **Vice Chair and Clerk Responsibilities:** The Vice Chair shall assume the duties of the Chair whenever the Chair is absent or requests assistance. The Clerk shall assume these duties if both the Chair and the Vice Chair are absent or at their request.
4. **Quorum Requirements:** A majority of the Board’s members shall constitute a quorum. Without a quorum present, no meeting may take place.
5. **Alternate Members:** The Selectboard shall appoint up to two alternates annually, or as needed. Alternates may temporarily serve as Board members in the event of a recusal or when three or more members are absent.
  - a. An alphabetical roster of alternates shall be maintained. Alternates will be appointed in alphabetical order, rotating through the list as needed.
  - b. If a regular member recuses themselves or is otherwise unable to serve, the Chair (or their designee) may appoint an alternate from the roster. If the Chair does not appoint an alternate, a majority of present Board members may do so.
  - c. An alternate who joins the Board for a specific application must remain involved in that application’s review and decision, from the time of the first meeting until a final decision is made. Participation includes attending deliberative sessions and any continuance of a public hearing.
  - d. The Board may choose to appoint an alternate at any stage of an application’s review. The alternate appointed for this purpose may participate in the decision only if they have reviewed the recording of the proceedings and all submitted evidence. If the Board has closed the hearing, the Board may reopen the hearing if additional information or evidence is needed.
6. No individual Board member may act on behalf of the Board unless authorized by a majority vote at a duly noticed meeting. Such delegation of authority must be recorded in the meeting minutes.
7. Motions require a second. The Chair may make motions and vote on all matters before the Board. A motion passes only with majority vote of the total Board membership.

8. There is no limit to the number of times a member of the Board may speak to a question. Members may speak or make motions without prior recognition by the Chair. Motions to close or limit debate will be considered with due regard for fair and open discussion.
9. Any Board member may request a roll call vote. In accordance with **1 V.S.A. § 312(a)(2)**, a roll call vote is required when one or more members attend the meeting electronically, except when the vote is unanimous.
10. Hearings may be continued or recessed to a later date, time, and place certain. A motion stating the time and place that a hearing is either recessed, continued, or adjourned to must be made in public before the meeting is recessed or adjourned and such motion recorded in the meeting minutes. Reasonable breaks during a meeting for personal privilege (e.g. bathroom breaks, regaining composure, etc.) will be accommodated for the Board members and supporting staff upon request to the Chair.
11. These Rules may be amended by majority vote of the Board. The Rules must be readopted annually within one month of a new Board member joining the Board.

#### **E. AGENDAS**

1. Each regular and special meeting shall have an agenda, with time allotted for each item of business. Those wishing to be added to the agenda must contact the DRB Coordinator or Town Planner to request inclusion on the agenda. The Chair has final authority over the agenda's content and order. Agenda timelines are intended as guidance and may vary during the meeting.
2. At least 48 hours prior to a regular meeting, the agenda shall be posted:
  - a. In or near the municipal office,
  - b. At the library and post office, and
  - c. on the Town's website (<https://westfordvt.us/>).

The agenda must also be made available to anyone who requests it in advance.

3. Special meetings shall be publicly announced at least 24 hours in advance. Notice shall be given to all Board members unless waived, and to an editor, publisher, or news director of a media outlet. Notice shall also be posted at the municipal clerk's office, the library, the post office, and the Town's website (<https://westfordvt.us/>).
4. Emergency meetings may be held without public announcement, posted notice, or 24-hour notice to members. Some public notice shall be provided as soon as practicable before any such meeting. Emergency meetings are only permitted to address unforeseen circumstances requiring immediate attention.
5. The Board shall generally follow the posted agenda unless changes are made as the first act of business at a meeting. Additions or deletions to the agenda may only be made as the first act of

business at a meeting. Other agenda adjustments - such as changing the order of business or postponing actions - may be made by majority vote of the Board at any time.

6. Each meeting shall include a ten-minute public comment period near the end of the agenda. The Chair may extend or reduce this time as appropriate. Members of the public may also speak during the meeting when recognized by the Chair. Individual comments shall be limited to two minutes unless the Board votes to adjust the time limit. The Board shall apply consistent time limits to all speakers.

## F. MEETINGS

1. The Development Review Board (DRB) of the Town of Westford shall conduct its meetings in accordance with the Vermont Open Meeting Law, **1 V.S.A. §§ 310-314**. DRB meetings must be open to the public at all times, except as provided in the Open Meeting Law.
2. **Regular Meetings:** Regular meetings shall be held on the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Mondays of the month, as needed, at 7:00 p.m. at the Westford Town Offices and via Zoom.
  - a. **Remote Participation:** A Board member may attend a regular, special, or emergency meeting electronically or by other means without being physically present, provided that the member identifies themselves at the start of the meeting and is able to hear and be heard throughout the meeting.
  - b. If a quorum or more of the Board is attending remotely, the meeting agenda must designate at least one physical location where the public can attend and participate. At least one Board member, staff member, or designated representative must be physically present at that location.
  - c. Whenever possible, participants should be muted upon entry or asked to mute their microphones unless invited to speak. All participants must be recognized by the Chair before speaking.
  - d. All non-unanimous votes must be conducted by roll call.
  - e. Participants should be advised that meetings will be recorded.
3. **Executive Sessions:** The Board may enter executive session as part of any duly warned meeting if the executive session is to discuss an authorized topic as specified in **1 V.S.A. §313**.
  - a. Motion(s) to enter executive session must be made during the open portion of a meeting and must indicate the nature of the business to be discussed. The motion requires a majority vote to pass.
  - b. Attendance in executive session is limited to Board members and, at the Board's discretion, staff, legal counsel, and individuals who are subjects of the discussion or whose information is necessary.

4. **Minutes and Records:** The Minute Clerk shall take minutes for every DRB meeting.

- a. Minutes must give a “true indication of the business of the meeting,” which may require supplementing the following statutorily required elements: members present; active participants; motions, proposals, and resolutions made, offered, and considered; the result of any votes taken; and a record of individual votes if a roll call is taken.
- b. Draft minutes must be posted to the Town website (<http://westfordvt.us>) no later than five (5) calendar days after the meeting.
- c. Board members are responsible for reviewing meeting minutes and other official records, and for amending and ratifying them as appropriate.

**G. PUBLIC HEARINGS**

Public hearings shall be conducted as quasi-judicial proceedings pursuant to **1 V.S.A. § 310(8)**. Hearings shall be publicly noticed in accordance with **24 V.S.A. §§ 4464(a)(1), (2)**, as amended. Hearings shall not exceed three hours in length in one meeting unless approved by a majority vote of the members present.

1. The Chair shall conduct the hearing in the following order, unless the Chair determines that reasonable grounds exist to alter the process below:
  - a. **Opening the Hearing:** Open the hearing by reading the official warning of the hearing.
  - b. **Review of Procedures:** Outline the order of events, remind all present that the proceeding will be conducted in an orderly manner, and make copies of these Rules available.
  - c. **Conflict of Interest and Ex Parte Communications:** Request disclosure of conflicts of interest and ex parte communications.
  - d. **Definition of Interested Person:** Review the definition of “interested person” as defined in **24 V.S.A. § 4465(b)**.
  - e. **Right to Appeal:** Explain that, pursuant to **24 V.S.A. § 4471(a)**, only an interested person who has participated in the proceeding may appeal any decision issued in the proceeding.
  - f. **Interested Parties Oath:** The applicant, their representative, and all interested persons shall affirm the following oath: *“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?”*
  - g. **Submission of Written Information:** Accept written information and testimony presented to the Board.
  - h. **Applicant Presentation:** Invite the applicant or their representative to present the application or proposal.

- i. **Board Member Questions:** Invite Board members to ask questions of the applicant or their representative.
- j. **Public Input:** Invite interested persons and members of the public who wish to obtain party status as an interested person to present information regarding the application or proposal.
- k. **Applicant's Response:** Invite the applicant or their representative to respond to information presented.
- l. **Further Board Discussion:** Invite additional questions or comments from Board members.
- m. **Further Public Discussion:** Invite additional questions from interested persons and members of the public who wish to obtain party status as an interested person.
- n. **Final Comments:** Allow final comments or questions from the applicant, their representative, or Board members.
- o. **Closing the Hearing:** Upon motion and majority approval, the Chair shall either adjourn or continue the hearing to a date and time certain, or close the proceedings by announcing that this is the final public hearing on the matter.

#### H. SITE VISITS.

Site visits shall be open to attendance by the public; however, no testimony shall be taken, and no ex parte communication shall occur. Site visits shall follow these conditions:

- 1. **Pre-Hearing Site Visits:** If the Chair determines that a site visit is necessary, the site visit shall be scheduled before the public hearing. Such site visits shall be publicly noticed in accordance with **24 V.S.A. §§ 4464(a)(1), (2)**.
- 2. **Recess for Site Visits:** The Board may recess a public hearing to conduct a site visit at the subject property.
- 3. **Adjournment for Site Visit:** The board may adjourn or continue a public hearing to a date and time certain to conduct a site visit at the subject property.
- 4. **Documentation:** The minutes of the meeting shall reflect the site visit details, including date and time of the visit, names of those present, and the nature and duration of the site visit. Since no testimony or evidence is taken at a site visit, the Chair may remind those wishing to enter evidence from the site visit into the record to provide testimony at the public hearing referencing what was seen at the site visit and why it is relevant to the application before the Board.

#### I. PUBLIC PARTICIPATION.

- 1. **General Principles:**
  - With the exception of Deliberative or Executive Sessions, all meetings of the Board are conducted **in public, not of the public.**

- Members of the public shall be provided reasonable opportunity to express topical opinions or provide related testimony on matters considered by the Board, provided that order is maintained in accordance with these Rules.

**2. Public Comment Period:**

- Each meeting shall include a ten-minute period reserved for public comment near the end of the meeting.
- The Chair may extend or reduce this period as necessary.
- Members of the public may also speak at other points during the meeting, but only when recognized by the Chair.
- Public comments shall be limited to two minutes per speaker unless the Board, by majority consent, sets a different time limit.
- Time limits shall be applied consistently to all speakers.

**3. Addressing the Board:**

- Comments by members of the public or the Board must be directed to the Board as a whole, not to individual members or the public.

**4. Recognition by the Chair:**

- Members of the public must be acknowledged by the Chair before speaking.

**5. Speaking Opportunities:**

- Individuals who have already spoken on a topic may not be recognized again until others have had the opportunity to comment.

**6. Order and Decorum:**

- All persons present shall maintain order and decorum.
- Neither Board members nor the members of the public shall disrupt the meeting, or interrupt speakers, or disturb the proceedings.
- Personal, impertinent, threatening, or profane remarks are prohibited.

**7. Enforcement of Order:**

- Board members and the public must follow directives of the Chair or presiding officer.
- To restore order, the Chair may take the following steps (in escalating order), but may bypass any steps as deemed necessary:

a. **Call to Order:** Remind those present of the applicable rules of procedure.

b. **Declare a Recess:** Temporarily pause the meeting.

c. **Table the Issue:** Postpone discussion on the matter.

d. **Adjourn or Continue the Meeting:** End the meeting and set a future time and date to convene.

e. **Request Law Enforcement Assistance:** Contact the Vermont State Police or Chittenden County Sheriff to remove disorderly individuals. Before their removal, said individuals shall be given

verbal advanced notice of the intent to remove them from the meeting and an opportunity to cease disorderly behavior before removal.

#### **J. SERVICE LIST.**

The Minute Clerk shall compile a list of all individuals who participated in the meeting. The list shall include those who participated orally and those who submitted written comments.

#### **K. DECISIONS.**

##### **1. Deliberative Sessions:**

- The Board shall make its decisions during a closed deliberation.
- Deliberative sessions are not open to the public and do not require warning per the Open Meeting Law.

##### **2. Participation in Decisions:**

- Board members who have not heard all testimony and reviewed all submitted evidence shall not participate in the decision-making process.
- Absent board members may participate if they have reviewed the recording of the hearing and Board proceedings and all submitted evidence.

##### **3. Voting Procedures:**

- Motions:** All motions shall be made in the affirmative.
- Voting Rights:** The Chair has the same voting rights as other members and may make motions.
- Motions on the Floor:** A second is required for a motion to be considered.
- Voting Obligation:** All members present are expected to vote unless they have recused themselves.
- Abstentions:** Abstentions are strongly discouraged and shall not count toward either the majority or the minority vote.
- Approval Requirement:** A motion must receive a majority vote of the **entire Board**, regardless of how many members are present (**1 V.S.A. § 172**).
- Decision Timeline:** The Board shall issue a written decision within **45 days** of the close of the public hearing.

#### **L. EX PARTE COMMUNICATIONS**

Ex parte communications are prohibited. Any Board member who inadvertently engages in an ex parte communication must disclose such communication as follows:



**1. Disclosure.**

- At the start of each hearing, the Chair shall request that Board members disclose any ex parte communications.
- Board members who have received written ex parte communications shall submit copies of all received communications and their responses to the record.
- For verbal ex parte communications, members shall prepare a written memorandum summarizing:
  - The content of the communication.
  - The response given.
  - The identity of the individual who engaged in the ex parte communication.This memorandum shall become a part of the official record of the proceeding.

**M. REMOVAL.**

**1. Request for Removal:**

- Upon a majority vote, the Board may request that the Selectboard remove a Board member from the Development Review Board.

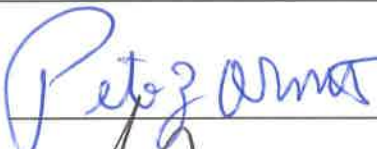
**2. Removal for Cause:**


- Board members may be removed for cause by the Selectboard upon written charges and after public hearing in accordance with **24 V.S.A. § 4460(c)**.


**N. ATTENDANCE.**


If any Development Review Board member misses more than **one-third** of the meetings in any **three consecutive months**, the Board may recommend that the Selectboard replace that member.

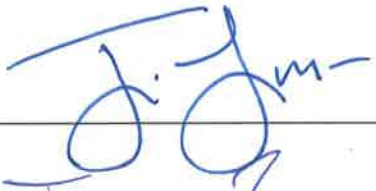
Dated at Westford, Vermont this 12<sup>th</sup> day of May, 2025.


  
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Dennis Angiono

  
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Peter Armata

  
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William Cleary

  
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Andrew Collier

  
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Jesse Labrecque

  
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Francois Ross

  
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Matthew Wamsganz