

Town of Strafford Development Review Board
January 15, 2025, 7 P.M.
Minutes

Attendance: Martha Walke, Sean Lewis, Dan Ruml and Bonnie Bergeron

Other In-person Attendees: Kevin Geiger & Kyle Hansen, TRORC, Chris Boyle, attorney for the Fondren's and Linda Titus, and Owen Campbell.

Other Zoom Attendees: the Fondren's, Meredith Kendall, Rachel Kendall

Terry Garrison, Chair, was not present for the meeting. Martha nominated Sean as Chair, all approved.

Meeting started at 7:04pm.

Approval of minutes: From October 16, 2024, meeting. Only two voting members are present so minutes will be postponed until February's meeting when the full board is present.

1. Kevin Geiger from TRORC discussed with the board procedures for meetings and hearings. He started with how we make decisions, interested parties, being formal and treating everyone the same and to swear in everyone who speaks. Keep information relevant to the hearing; always a minimum of 15 days notice before a hearing; or the town can ask the applicant to notify the abutters and show proof it was done. Review the standards of a hearing; what district the applicant(s) is in and review the guidelines for that district; and what the applicant wants to do.

Site Plan hearings and Conditional Use hearings can be advertised separately but, if being held as one hearing, can be advertised together. At the hearing, each bylaw criteria should be gone over as it is the Board's job to determine what each criteria means and if the application meets each criteria. The Board cannot disagree with any legal experts and their reports that have been submitted to the board in support of an application. The Board can, however, get their own expert report done if needed and charge the applicant the cost.

Keep track of criteria decisions throughout the years to help create standards and set a precedent for future applications.

Once all the criteria have been reviewed and evidence submitted, the Chair will close the hearing. The Board should then go into deliberative session to discuss the evidence presented. Notify the attending public that the Board is going into said deliberative session and stop recording. The Board has 45 days to issue a decision after the final hearing has been closed. It must be clear to all involved that is the final hearing and all evidence that has been gathered will be deliberated. Once in the deliberative session notes do not have to be taken but what will be voted on is written in draft form. Once out of deliberative session, the recording will be re-started and a vote shall take place with each Board member's vote noted for the record.

If the Board determines that more information is needed the Board can recess and a new date and time is

put in place before the meeting is ended. Otherwise, a new hearing will need to be warned.

Finding of facts and conclusion of fact: testimony is not considered a fact – it is considered one-sided. You have the meaning of a fact, which can be disagreed upon; but the conclusion of the fact is determined by the Board, these can be different. Site visits should be warned, but no testimony or decision is allowed.

Decisions should be written and mailed to the applicant(s) and all interested parties. The ZA can then issue the permit once approved. Act 250 and DRB permits are two separate processes.

2. Bonnie asked the Board to vote on having a new site visit for the Kendall CU and Site Plan applications prior to February's hearing so that it could be warned. Sean Lewis has not been to the site and feels it would be helpful to go and see the property. Chris Boyle noted that he and his clients would like to have a site visit done. Rachel said she would accommodate a site visit but not see the need since one was done in 2023. Martha made the motion that the board conduct a site visit prior to the hearing in February to see the outside and inside of all buildings. Dan seconded, all approved.

Rachel requested the Board to move her Site Plan and CU hearing to March. Bonnie noted that space has been reserved at the Newton School and letters are ready to go out for a hearing in February. Rachel noted that since Jon Anderson, her attorney, lives in FL and the Act 250 hearing is also scheduled for March, would like to combine travel to the two meetings in order that he is only making one flight to VT. Martha asked if Jon could attend via zoom and Rachel noted that he wanted to be here in person due to the complexity of the application and the reviewing of maps. Martha made a motion to schedule the hearing for February, Sean seconded, all approved.

3. DRB Rules of Procedure, written by Bonnie, have been submitted to the Board for approval. Bonnie noted that she found a Rules of Procedure that was written by the Selectboard in 2020 and she has not had a chance to make sure that the rules match up with each other. She will do so and resend an updated copy to the Board for review and discussion at February's meeting.

4. **New Business:**

- A. Oath/Affirmation: Bonnie noted that Chris Boyle has asked the board to consider adding in the oath before hearing testimony in a hearing. The oath will be written into the new Rules of Procedure if the board approves the language: "You solemnly swear that the evidence you shall give, relative to the cause now under consideration, shall be the whole truth and nothing but the truth. So help you god." All agreed it can be used as written.
- b. Bonnie notified the Board that, per VT Act 171, a VT State Ethics course is mandatory for all legislative or quasi-judicial bodies. This course is available online and Bonnie will send everyone the link to review and take the course.

Martha made the motion to adjourn at 8:40pm and Dan seconded, all approved.

Respectfully submitted,
Bonnie Bergeron, Clerk