

JOHNSON DEVELOPMENT REVIEW BOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, JANUARY 23, 2019

Present:

DRB Members: David Butler, Will Jennison, Jim MacDowell

Others: Brian Story

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Brian called the meeting to order at 7:06.

2. Review of Agenda and Any Adjustments, Changes or Additions

No changes were suggested.

3. Review and Adoption of Norms and Procedures

Brian introduced Donna Griffiths, who will be taking minutes for the DRB. He said minutes will be important for DRB meetings. The DRB is also able to go into deliberative session, when no minutes will be taken.

David asked if there are procedures in statute about going into deliberative session to deal with a belligerent applicant. If an applicant is getting out of hand, can the DRB close down the meeting and go into another room and work with just that person?

Brian said the board can invite people into deliberative session but can't accept testimony in deliberative session. If a person is belligerent, he would advise ending their testimony and going into deliberative session. The board may decide they have heard enough and don't need to bring the person back or if they didn't fully present their case and the board needs more information they can reschedule their testimony. If the applicant is not able to offer useful testimony then the board will have to go with what it has.

Brian handed out two sets of rules and procedures that could serve as models. One is the VLCT model policy, which is broader. The other is from a Vermont land use board. It has a lot of specific information about the different steps of their process and what the purpose of the steps is.

Will said he is for keeping the rules and procedures simple. Jim asked if there are any models from towns with similar form based code. Brian said they would be similar to the longer model, but we could strip out a lot of the explanatory information. Will said there is more room to make a mistake with a longer set of rules and procedures. He suggests keeping it simple and just following Robert's Rules of Order. We still have to follow statute. Brian said the longer model explains the statutory, ethical and procedural reasons for the different bullet points. David said he can see adopting a simple set of procedures and giving board members a longer document as education.

Will moved to direct Brian to prepare a set of rules and procedures for the DRB based on the VLCT model, Jim seconded and the motion was passed.

Will moved to direct Brian to amend the VLCT model by inserting language specific to this board and adding definitions and procedures for deliberative session, David seconded and the motion was passed.

The board will vote on the rules and procedures once Brian has completed them.

David asked who is paying the minute taker. Brian said the town allocated funds to the DRB for that. If in the future the DRB needs to hire a consultant or attorney they will go to the town and request funds from selectboard expenses.

4. *Appointment of Officers*

Will asked if David wants to be chair. If not, he thinks Will Angier would make a good chair and he is willing. David said he is not sure he should be chair of both the DRB and the Planning Commission.

Will moved to appoint Will Angier as chair and Jim MacDowell as vice chair, David seconded and the motion was passed.

5. *Review and Adoption of Applications and Forms*

Brian said we need an application packet. The Planning Commission is interested in writing one. Brian thinks it would also be appropriate for this board to write it. It is not clear which board it should originate from. The Planning Commission or selectboard could do it as an amendment to the form based code ordinance or this board could adopt it as a tool.

David said the Planning Commission decided they needed to create a bullet point list for the zoning administrator to check off when they receive an application. In two hours of discussion they did not make any decisions about what should be on the checklist. The only question they could come up with was whether the property is within the zoning area.

Jim asked if the application is where we would ask for drawings or plans. Brian said yes. Most decisions will be made by the zoning administrator and the application often won't come to this board. His suggestion would be for this board to ask him to develop an application packet in consultation with the DRB and then we can show it to the Planning Commission and selectboard and get feedback.

Jim moved and Will seconded to direct Brian to develop an application packet to be reviewed by the DRB, the Planning Commission and the selectboard.

David asked if he can show the Planning Commission the sample application forms from Cambridge that Brian had shared with the DRB. Brian said yes. This packet from Cambridge was recommended to him as easy to read and follow but a lot of it doesn't pertain to us. It is for subdivisions.

Jim said he thinks it would be nice to incorporate a flow diagram of the process for the public.

Brian said the first level of information for the DRB will be what is submitted in the application packet. But the code is mostly administrative. In most cases the zoning

administrator should be able to tell if the code applies or not even without the application filling out the application packet.

The motion was passed.

6. *Determine Future Steps*

Brian said we have talked before about having a conflict of interest policy. The town has adopted the model one he previously showed board members.

Brian said one question is whether the DRB or the selectboard determines which members of this board are regular members and which are alternates. The ordinance specifies 5 regular members and 2 alternates. If the selectboard appoints someone as an alternate, can only the selectboard change them to a regular member or can the DRB make the change? Anyone can say they can't make a meeting and then the board calls up an alternate for that meeting. Brian thinks this board can decide who is an alternate but that's not clear.

Will said he thinks the selectboard should have the duty of appointing members as either full or alternate members. Others agreed. Brian said he thinks the selectboard will need to make sure which members are regular and which are alternates.

David said he would assume alternates have to come to all meetings anyway. Brian said he thinks that is a good thing to specify in the rules. They can't vote. David said he would want them here for review in case someone needs to step out. Will said he thinks everyone should attend meetings whether they are an alternate or not.

Brian said the DRB will need to decide who is serving as alternate and let the selectboard know. He thinks the selectboard appointed Will Angier as an alternate so if the DRB wants him as chair we should tell the selectboard he should be a regular member. He will send out an email to the members of the DRB asking if anyone would rather serve as an alternate than as a regular member.

David explained to the other DRB members that because of public meeting law if an email goes out to the entire board a member can reply individually but should not use "reply all." Brian said permitted uses of email are to schedule meetings and to distribute documents. The documents can't be discussed in email. David said as basic rule of thumb if Brian sends an email board members should just reply to him and not hit "reply all."

Brian said another thing that is not allowed is a series of one-on-one conversations in which decisions are made about things coming before the board. David said as a general rule he would say email should not be used unless responding to a scheduling request. Brian said talking to people in series is not allowed either in email or in person. Board members don't have to all be in the same room together to have created a meeting. Brian said if 3 board members meet somewhere that is okay as long as they don't discuss board business. A quorum of board members can meet and discuss business at a warned meeting of another body where their testimony is relevant. If the Planning Commission is talking about something that relates to the DRB, DRB members can all come and talk about DRB business.

Brian said he will figure out how to correctly deal with appointing alternates and get a sense of whether there are 2 members willing to be alternates. He will prepare a rough draft of the application packet and the rules and procedures.

Jim asked what Brian sees the DRB needing to do in the next couple of months other than reviewing the application packet and rules. Brian said the Studio Center has a project coming up. He would like the board to get together to go over that project even though it pretty easily fits within our guidelines. He thinks that might be helpful. The DRB would not be meeting to make a decision. It will be decided administratively. Brian has already reviewed the information on the project and it is fine.

Brian said he hopes to have the rules and procedures in a month. It will work well for him if this board meets on first or second Wednesdays. If there is nothing to review the board doesn't have to meet. As a general rule the board will only meet if there is business. He can send out the draft rules and forms when they are ready and people can send him comments on them.

David said at the next Planning Commission meeting he would like to give the Planning Commission the example Brian handed out, before any changes have been made to customize it.

Brian said he would like to have the application packet and rules done to review in February but he is not sure he can have both done. It was agreed to schedule a meeting once Brian has something to review.

7. *Adjourn*

Will moved to adjourn at 7:47, Jim seconded and the motion was passed.

Minutes submitted by Donna Griffiths