

## NORWICH DEVELOPMENT REVIEW BOARD

May 5, 2011

TO: Selectboard

FROM: Phil Dechert, Clerk, Norwich Development Review Board

**RE: Policy for response to appeals of Development Review Board (DRB) decisions**

On March 17, 2011, the DRB adopted a policy to ensure:

(a) that members receive documents relating to timely filed judicial appeals of DRB decisions.

(b) that the DRB have the opportunity to discuss the appeal with the Selectboard prior to any final determination or action by the Selectboard.

The DRB needs to be aware of the basis of any appeals in order to determine what changes or modifications should be made to the hearing and/or decision-making process for future applications. The DRB Clerk will be responsible for implementing this part of the policy.

The participation of the DRB early in the Selectboard decision process will help to ensure that the Selectboard is aware of the issues the DRB considered relating to a specific decision, which may not be apparent in the documents.

The need for this policy is based on several appeals to the Environmental Court in the 2004 to 2008 period where the role of the DRB was unclear.

The Chair of the DRB would like to meet with the Selectboard to discuss this policy at a future meeting. Please let me know when you would like to schedule this.

## **NORWICH DEVELOPMENT REVIEW BOARD**

### **Policy for response to appeals of Development Review Board (DRB) decisions**

If a decision of the DRB is appealed to a higher court:

1. All Notices of Appeals, decisions, and other relevant public documents relating to appeals of DRB decisions shall be sent to DRB members by the Clerk upon receipt from the court, appellant, or attorneys.
2. The Chair of the DRB shall request to meet with the Selectboard to discuss the case prior to any Selectboard action relating to defense or settlement of an appeal. The Chair may delegate this responsibility to another DRB member who participated in the decision.
3. The DRB recognizes that decisions regarding actions the town may take on appeals of DRB decisions are the sole responsibility of the Selectboard; however, the DRB would like the opportunity to discuss the appeal with the SB prior to any final determination of action.

Approved March 17, 2011