## TOWN OF STOWE DEVELOPMENT REVIEW BOARD

		)
Re:	Stowe Country Club LLC	) Project No. 7325
	Preliminary Subdivision Application	)
	(Cape Cod Road; #06-081.000)	)

## PROCEDURAL ORDER

This Procedural Order is issued pursuant to Section II.D of the Town of Stowe Development Review Board's (DRB) Rules of Procedure and Chapter 36 of Title 24. To aid in the orderly conduct of the hearing on the above-referenced application, facilitate the presentation of evidence, provide the parties with a full and fair opportunity to present testimony and to cross-examine each other's witnesses, and to ensure that the Board has an adequate record upon which to base its decision, the following shall apply to the remaining public hearings in this matter, unless modified by further written order.

- Consistent with DRB Rules of Procedure, Sections VI.A and VI.D, at the next hearing on this matter, currently scheduled for July 16, 2024, the Board will conduct its review in accordance with the hearing schedule shown on Exhibit A attached hereto. The hearing schedule shown on Exhibit A may be amended and/or extended by the Board depending on the length of time of each hearing. Additional hearings may be scheduled if found necessary.
- 2. The Applicant, Stowe Country Club LLC, shall present its application, either through live witnesses or by prefiled testimony. If the Applicant seeks to present its evidence through prefiled testimony, it shall provide a copy of such written testimony, and all exhibits related thereto, to the DRB and all other interested persons not less than seven (7) business days before the hearing.
- 3. Following the presentation of all the Applicant's direct witnesses, the DRB shall examine the Applicant's witnesses.
- 4. Following the DRB's examination, the Interested Persons, through their designated legal counsel, if any, shall cross-examine the Applicant's direct witnesses.
- 5. Following cross-examination by the Interested Persons, such Interested Persons shall present any evidence that they may have, either through live witnesses or by prefiled testimony. If the Interested Persons seek to present their evidence through prefiled testimony, they shall provide a copy of such written testimony, and all exhibits related thereto, to the DRB, the Applicant and all other interested persons not less than seven (7) business days before the hearing.
- 6. Following the presentation of all the Interested Persons direct witnesses, the DRB shall examine the Interested Persons witnesses.

- 7. Following the DRB's examination, the Applicant, through its designated legal counsel, if any, shall cross-examine the Interested Person's direct witnesses.
- 8. Following the presentation of each party's direct case, and after cross-examination, the Applicant and Interested Persons may present any rebuttal testimony, with Board questions to follow and reasonable cross-examination by Interested Persons permitted at the discretion of the DRB.
- 9. Except upon request and for good cause shown, all cross-examination by the parties whether the Applicant or the Interested Persons shall be conducted by one attorney for each represented party. If an Interested Person is not represented, he or she may conduct cross-examination for themselves, but in no case shall multiple representatives of a party cross-examine the same witness. Cross-examination shall be conducted in a manner that is respectful of all persons and should not go beyond the subject matter of the direct examination and matters affecting witness credibility.
- 10. Hearing time should be devoted to the presentation of *facts* relevant to the application and the parties' respective legal arguments. Legal arguments going to the merits of the application should be made in writing for consideration by the DRB during its deliberations.

11. All parties will have a full and fair opportunity to present their case. Evidentiary issues will be addressed in a manner consistent with the DRB's Rules of Procedure and Chapter 36 of Title 24, with the DRB Chair or Vice-Chair ruling on the relevance and scope of the evidence as necessary and appropriate.

DATED at Stowe, Vermont, this 4 day of June, 2024.

Drew Clymer, Stowe DRB Chair

## Exhibit A

July 16, 2024  Dimensional Requirements, Dimensional Waivers, Section 4.23,	<ol> <li>Applicant to present evidence and testimony</li> <li>DRB to examine Applicant's witnesses</li> <li>Interested persons to cross-examine Applicant's witnesses</li> <li>Interested persons to present evidence</li> <li>DRB to examine interested persons witnesses</li> <li>Applicant to cross-examine interested persons witnesses</li> </ol>	Pre-filed testimony due no later than Friday July 5th.	
Section 4.23, Section 13- PUD, Section 12- Source Protection; Section 3.7(4)(A)	7. Applicant and interested persons may present any rebuttal testimony		
August 6, 2024	<ol> <li>Applicant to present evidence and testimony</li> <li>DRB to examine Applicant's witnesses</li> </ol>		
Conditional Use Standards (except for Section 3.7(4)(A)) & Official Map	3. Interested persons to cross-examine Applicant's witnesses  4. Interested persons to present evidence  5. DRB to examine interested persons witnesses  6. Applicant to cross-examine interested persons witnesses  7. Applicant and interested persons may present any rebuttal testimony	Pre-filed testimony due no later than Friday July 26th.	
September 3, 2024 Subdivision Standards	<ol> <li>Applicant to present evidence and testimony</li> <li>DRB to examine Applicant's witnesses</li> <li>Interested persons to cross-examine Applicant's witnesses</li> <li>Interested persons to present evidence</li> <li>DRB to examine interested persons witnesses</li> <li>Applicant to cross-examine interested persons witnesses</li> <li>Applicant and interested persons may present any rebuttal testimony</li> </ol>	Pre-filed testimony due no later than Friday August 23rd.	
September 17, 2024 Closing Statements	Closing statements from all parties		