

Special Use Permit Quasi-Judicial Public Hearing Procedures

1. The Chair or Town Attorney takes a moment to explain the general rules and proceedings of a quasi-judicial hearing (sworn testimony; competent, substantial and material evidence; hearsay).
2. The Chairman opens the Public Hearing for the case.
3. Any Board member that has had any communication or knowledge of the case prior to the meeting, should disclose that at this time.
4. The Chairman asks that anyone who wants to speak on the case come up to be sworn in. This includes the Planner, the applicant, and anyone who even thinks they may have a comment or question about the case.
5. The Clerk has everyone place their left hand on the Bible and raise their right hand, asks them, "Do you swear to tell the truth, the whole truth, and nothing but the truth?" Then everyone returns to their seat.
6. The Chairman asks the Planner to present the staff report and related exhibits.
7. The Planner presents the staff report and related exhibits and answers any technical questions the Board may have.
8. The Chairman then asks for anyone who wishes to speak in favor of the application to come forward. This generally starts with the applicant.
9. The Chairman then asks for anyone who wishes to speak against the application come forward.
10. After those in opposition speak, the applicant is be given a chance for rebuttal.
11. Only factual testimony and evidence should be considered. Emotional and non-factual testimony should be disregarded.
12. Once everyone that wished to speak has spoken, the Chairman closes the Public Hearing and open discussion among Board members.
13. The Board discusses the evidence as it relates to the findings-of-fact and any possible conditions that could be imposed to further ensure that the findings are met. The applicant has to agree with the conditions imposed.
14. Findings should be voted on individually. The Chair should call for a vote on each finding.
15. Based on the on the voting regarding findings, the Chairman calls for a motion to approve or deny the SUP. If all of the findings are met, the SUP should be approved. If even one is not met, then the SUP should be denied.
16. In a motion to approve, any conditions of approval should be included in the motion.
 - **Example motion to Approve:** "I make a motion to approve the Special Use Permit since on all of the findings-of-fact are met, with the condition that a 10 foot buffer be added to the east side of the property."
 - **Example motion to Deny:** "I make a motion to deny the Special Use Permit since findings #1 and #3 are not met."
17. Once a motion is seconded, the Chairman calls for a vote. A simple majority is required for approval.