

# TOWN OF FALMOUTH ZONING BOARD OF APPEALS

## Hearing Process

- a. All hearings are advertised and held in accordance with the Open Meeting Law;
- b. All application files are open to the public for review prior to and after the hearing;
- c. Everyone attending a hearing is asked to show respect and courtesy by:
  - 1. Silencing cell phones and other electronic devices;
  - 2. Listening to applicants, witnesses and the Board;
  - 3. Refraining from private conversations in the hearing room or outside of the hearing room;
  - 4. Refraining from making derogatory statements; and
  - 5. Exiting the hearing room quietly.
- d. All hearings are recorded (and most are televised) to insure a true and accurate record.
- e. After the Clerk reads the application into the record the Applicant or her/his previously appointed agent will briefly summarize the application and why relief should be granted in accordance with specific sections of the Zoning By-law. (Note, new information provided at a hearing may result in a continuance. All material should be provided to the Board at least one week prior to the hearing).
- f. The Clerk reads all referrals (recommendations) received from pertinent Town Departments.
- g. The Clerk provides information on correspondence received.
- h. The Zoning Administrator will provide any updates and alert the Board to any issues to be considered.
- i. Board Members will ask questions of the Applicant.
- j. The public will be asked for comment if applicable. Individuals recognized by the Chair will be asked to step forward to the lectern (if physically able), identify themselves for the Board and state if in opposition, in support or seeking clarification. Only brief, unrepeatable testimony relevant to the zoning issues of the application will be allowed. The Chair will assist. Statements are to be made to the Board. Please refrain from conversations with the Applicant or the audience. The Board may ask questions of the speakers. Please note public comment on variance applications will be limited to the legal standards set forth in the statute and by-law.
- k. At the close of the hearing, the Board will thoroughly discuss the Application. Based on testimony and the Board's discussion, the applicant may wish to modify the request or withdraw the request. Following discussion, several options are available to the Board including:
  - 1. **Continuation:** Should the Board determine that additional information is required; the hearing would be continued to a date certain. The Applicant may be asked to supply the Board with further facts, which can be reviewed by the public in the Zoning Office. The Applicant could also request a continuance;
  - 2. **Vote to close the hearing:** The Board will close the Hearing if it is satisfied that all relevant testimony has been received. Once the hearing is closed, no new testimony will be allowed, however the Board may seek clarification from the Applicant or advice from Town Counsel. After the hearing is closed, the Board has several options including:
  - 3. **Take action:** After a full discussion of the application, the Board shall make findings and vote to approve or deny the application. It takes affirmative votes of four voting members to approve a motion for a Special Permit, Variance or Appeal. Three affirmative votes are required for a Comprehensive Permit;
  - 4. **Take the matter under advisement:** In cases where documentation is complex or new documentation has been provided at the hearing or based on testimony, the Board may wish to further review testimony and documentation before rendering a decision. The Board will take action at a subsequent Public Meeting, but not at an advertised hearing as all testimony has been received;
  - 5. **Request a draft motion from the Zoning Administrator:** In some cases, the Board may vote to request the Zoning Administrator to draft a motion for review by the Board. The Board will take action at a subsequent Public Meeting, but not at an advertised hearing as all testimony has been received.