

Public Hearing Guide

Tips for Board, Committee & Commission Members

Open the Item

- The Chair or a designated member reads in the agenda item/legal notice and opens the hearing.
- The Chair moves the members and the public through the meeting, allowing for presentations, questions, comments, and deliberation. All comments from all participants should be directed to the Chair and all participants should wait until the Chair recognizes them to speak.

Assign Members

- For each item, the Chair should assign members after the item is read in, including elevating alternate members as necessary.
- If the members present and voting are the bare minimum needed to approve an application, the applicant should be afforded an opportunity to schedule a continued hearing at which absent members can participate.
- Any member recusing themselves should turn off their microphone and video, or ask Channel 18 staff to move them into the waiting room.

Presentation by Project Proponent

- The project proponent traditionally provides the opening presentation. They have the “burden of proof” and must demonstrate to the Board that approval is warranted.

Chair Acknowledges Members for Questions and Clarifications

- The Chair may then want to provide the Board the opportunity to ask questions or ask for clarifying information from project proponent or their experts.

Staff Presents Reports or Input

- The Chair may want to ask staff or other consultants or technical experts for presentation of reports.

Public Comment

- For public hearings with many in attendance who wish to provide public comment, the Chair may lay out ground rules for the hearing, while balancing the need to ensure that the public has adequate opportunity to express their views.
- When opening public comment, speakers should be reminded by the Chair to state their name and address for the record. The Chair may also want to remind speakers to mute the broadcast of the meeting on TV or online when they are speaking.
- The Chair may wish to acknowledge or read written public comment.

Additional Questions and Clarifications for Project Proponent

- After all members of the public who wish to comment have been heard, the Chair may provide the proponent with the chance to respond. The Chair may also allow for additional questions for the proponent, staff, or other parties.

Deliberation

- After presentations, public comments, and questions, the Board may wish to have a focused discussion on the merits or shortcomings of a proposal, considering the required findings or guidelines for making a decision.

Decision/Vote

- Reference the voting requirement guide if you have any questions about votes required to carry a motion.
- Only assigned members who have been present at all hearings should vote on an item. A member who has been absent at one meeting may certify they have viewed the video/minutes of the hearing and be eligible to vote; this opportunity may only be used once per item. Consult staff for additional guidance and procedures.
- All votes should be done by a roll call of members.

Voting Procedures

1. Member obtains recognition by the Chair and then makes motion
2. Another member seconds the motion
3. Chair restates the motion
4. The motion is discussed
5. **Motions & Votes on Amendments to the Motion, if any**
6. A roll call vote is taken
7. Chair announces the result of the vote

More on Public Hearings

A public hearing (distinguishable from the public comment portion of hearing) represents the collection of facts the Board will consider when making a decision on an application. A public hearing should be kept open if there is more information to be put on the record, when the Board has questions, and while debate, comment, or argument from hearing participants is ongoing.

Closing a public hearing concludes the proceedings and no further submittals or information can be accepted. Once the hearing is closed, members can only deliberate amongst themselves, and get limited clarifying information from staff; there can be no further questions or comments to or from the applicant or other participants.

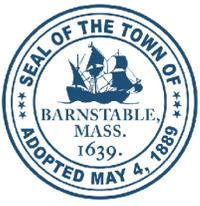
If there are outstanding questions, or additional information necessary needed by the Board that cannot be provided at a meeting, the public hearing should be continued to a date and time certain. If the Board is seeking additional information, clearly articulating those requests is encouraged.

It is not necessary for the Board to vote on an application before the close of a public hearing; a vote can be held at a subsequent duly posted meeting at which the Board can discuss their decision (with no one else participating). In many cases, it is customary for a public hearing to be in effect concluded once the Board votes on a matter.

Reference: Handbook of Massachusetts Land Use and Planning Law, Mark Bobrowski

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