

From: [Michael Behrendt](#)
Subject: Rules of Procedure - comment by Beth Olshansky
Date: Tuesday, August 27, 2019 10:51:27 AM

To the Planning Board,

Please see the email from Beth Olshansky below. I think that she makes a good point. Here are the current provisions:

- I. *[For hearings in general] Public Hearings. The Planning Board will not accept any public input after a public hearing has closed, including verbatim transcripts of statements made at the public hearing. However, for administrative matters (master plans, site plan regulations, etc.) the Planning Board may, on a case-by-case basis, prior to closing the public hearing, provide that the record remain open for a limited period of time after the public hearing closes to accept any additional input. (See below, for public hearings related to quasi-judicial matters.):*

The public is welcome to submit information via emails and letters on matters prior to the opening of a public hearing and while the public hearing is open. This correspondence will be posted and forwarded to the Planning Board.

6. *[For quasi judicial applications] Public Hearings. A public hearing shall not be scheduled, advertised and held unless an accepted application is in full conformity with the Board's requirements, except for Design Review applications as provided herein. The Planning Board will not accept any public input after the public hearing has closed, including emails and letters and verbatim transcripts of statements made at the public hearing. However, the Planning Board may, on a case-by-case basis, prior to closing the public hearing, provide that the record remain open for a limited period of time after the public hearing closes to accept verbatim submissions only.*

Here is the proposed provision in the current draft:

- 5.4 Public Submission of Information. *The public is welcome to submit information via emails and letters prior to the opening of a public hearing and while the public hearing is open. This correspondence will be posted on the website and forwarded to the Planning Board.*

The Planning Board will not accept public input after a public hearing has closed, including verbatim transcripts of statements made at the public hearing. However, for administrative matters, such as zoning amendments, amendments to site plan regulations, and master plans, the Planning Board may, on a case-by-case basis, provide that additional written input be submitted for a limited period of time after the public hearing is closed. This allowance must be stated prior to closing the public hearing.

I suggest changing the second paragraph of the proposed provision as follows:

The Planning Board will not accept public input after a public hearing has been closed except for the following:

- a) Verbatim transcripts of statements made at the public hearing may be submitted up until any time on the next business day following the public hearing (or for a longer period of time if so specified by the Planning Board prior to closing the public hearing).*
- b) For administrative matters (See Section 8.2), the Planning Board may, on a case-by-case basis, provide that additional written input may be submitted for a limited period of time after the public hearing is closed. This allowance must be stated prior to closing the public hearing.*

Michael Behrendt

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From: Beth Olshansky [mailto: Beth.Olshansky@comcast.net]
Sent: Monday, August 26, 2019 8:23 PM
To: Michael Behrendt
Subject: Re: Proposed Rules of Procedure

Dear Members of the Durham Planning Board,

I appreciate the time and care that has gone into refining the PB Rules of Procedure. The clarity will be helpful moving forward.

There is one sentence in the section on **5.4 Public Submission of Information** that I don't understand the rationale for and would hope that the PB would reconsider:

"The Planning Board will not accept public input after a public hearing has closed, **including verbatim transcripts of statements made at the public hearing.**"

I take issue with the second part of the statement (bolded by me for emphasis). I ask that the PB consider the following:

Over the past 20 years, I have participated in many public hearings. Because I wish my perspective to be part of the public record and become available for PB members to review,

I often send in a letter ahead of the public hearing (knowing that it is possible that the public hearing will be closed that evening). During the public hearing process, I listen

to comments and new information presented by members of the public and/or perhaps by the developer. Often I hear something that alters my opinion. My letter, and the perspective presented in it, may no longer be valid. When I get up to speak, I alter my comments based upon the new information I have learned. In this circumstance I would like to be able to go home and revise my letter so that the letter that will be posted online (and even possibly reviewed by some PB members prior to making a determination), accurately reflects my evolving perspective. The current rules of procedure do not allow for this.

I don't understand what the harm would be of allowing revisions to previously submitted letters or verbatim transcripts of statements made at the public hearing to be submitted by a date and time certain, for instance 9:00 or 10:00 AM the following morning? What is the rationale for not allowing verbatim transcripts of statements made at the public hearing along as citizens are given a clear window for the submittal?

I respectfully request that the PB reconsider the bolded portion of the regulation noted above and revise it to read:

"The Planning Board will not accept public input after a public hearing has

closed. **Verbatim transcripts of statements made at the public hearing will be accepted until xx:xx AM the following morning.**"

Sincerely,

Beth Olshansky
122 Packers Falls Road