

May 20, 2020

Planning Board  
8 Newmarket Road  
Durham, NH 03824

RE: *Continued Public Hearing - **Mill Plaza Redevelopment**. 7 Mill Road. Continued review of formal application for: 1) Site plan and 2) Conditional Use for mixed use redevelopment project and activity within the wetland and shoreland overlay districts...*

*Topic of this letter: **Public hearings process, agenda setting: Room for improvement***

Greetings,

At the continuation of the public hearing for the Mill Plaza held on May 13 the Chair allowed the applicant to speak but not a single member of the public, who were queued up in the Zoom waiting room, some having spent hours to prepare their comments, some delaying their bedtimes, and no doubt all frustrated by the turn of events.

I believe that it is up to the Town Planner and the Chair to set a reasonable agenda. Even so, I would have hoped that Board members would ask that during a public hearing some time be allotted to at least a few public comments.

It is not that I don't recognize the challenges of continuing a public hearing on this enormously complex and important application. But while it is only during a public hearing that experts are invited to present reports, it is precisely during that same meeting that residents should be allowed to respond.

I refer the Board to a *Town & City Magazine* article titled "Running a Smooth Public Hearing," by attorney C. Christine Fillmore:

"There is one important difference between a public meeting and a public hearing. At a public meeting, the board holding the meeting is there to conduct its own business and usually is not required to accept public comment. On the other hand, the purpose of holding a public hearing is for the government to obtain public testimony or comment on a particular matter."

It appeared to me that on May 13 the Board in effect "conducted its own business," making a decision on how to proceed (voting whether to require a different, independent economic/ fiscal analysis) without hearing first from the public.

Of course, all of us non-Board members can mutter, "If I ran the zoo...." Most of us are glad that we don't. However, we do trust each of you to help keep the ship on its course.

Sincerely yours,

Robin