



## If I want to testify what should I do?

The public hearing is your opportunity to present your opinion and/or relevant facts on the matter under consideration. Testimony can be made in person, by telephone, or in written form through letters or e-mail. Appearing in person may have the most impact, but requires patience. There is no way to predict accurately the number of persons who may wish to speak at a public hearing.

Planning Board decisions cannot be made on the basis of numerical popularity but on the law as defined in the City's ordinances and State statutes. An example of testimony that is not legally persuasive: "I've talked to everybody in the neighborhood and nobody wants to see this land developed." However, an example that does have legal weight: "The applicant has presented flawed [or insufficient] data for stormwater runoff [or traffic safety, etc.] such that the Board cannot reasonably make a positive finding for that standard." In general the Board has to follow the ordinances in deciding on projects.

### **Organizing your presentation**

Your presentation may be restricted to a limited amount of time so having your message organized is important. The following are some things to consider when preparing your testimony:

- Prepare notes of what you would like to say, or read from a written statement.
- Identify yourself with your name, address, and any affiliation you may have with a relevant group.
- If you have expertise in a particular field relevant to your testimony, advise the hearing body of that expertise.
- If pictures or drawings will help explain the issue, have them available either in a form all can see or in quantities to give to each Board member and project applicant.
- Back up your testimony with factual evidence if it is available. Avoid exaggerations. If you are speculating, say so. If your testimony is your opinion let the hearing body know.
- Try to present information that has not been presented by others.
- In your presentation do not attack any person or group on a personal level. Personalities and motives are not at issue.

### **Hearing Decorum**

Public hearings are official meetings. Such hearings must be fair and impartial. It is important that proponents and opponents to a particular matter conduct themselves with respect and restraint. The Chair is in charge of the public hearing. It is the job of the Chair to make sure that anyone who desires to present testimony has an opportunity to do so comfortably. The Chair cannot allow disruptive behavior, cheering, booing, clapping, waving placards, or anything else that would have the effect of intimidating a person from testifying.

If the audience at a hearing exceeds the seating capacity of the room, the Chair may direct those persons without a seat to leave the room temporarily. As seats become available, people will be allowed to return.

### **Lobbying**

The Planning Board must always be seen as "fair and impartial." Under most circumstances, to achieve a fair due process hearing, no contact with Board members outside the public hearing is allowed.<sup>1</sup>