



Tips for public hearings

Effective Commissions Maintain Good, Respectful Relationships

Much of what a conservation commission does involves dealing with people, either in groups or as individuals. The people may be town residents at town meeting; board of selectmen; planning board; state agency employees; developers, their engineers or other consultants; abutters concerned about a proposed development; or landowners who wish to undertake a project, who own land on which there is an easement, or from whom the commission wishes to acquire an easement or property. Commissions may find themselves dealing with the same individuals wearing different “hats”: a select board member may be an abutter to a proposed development for example. A few suggestions:

- Consider in advance who is likely to oppose an initiative and why, and figure out how to respond to their arguments or allay their concerns.
- Respect that others have different goals.
- Try to look at the issue from the potential opponent’s point of view. For example, a developer may want the maximum return from developing a parcel, and may have already spent considerable dollars on permitting and studies; a landowner may worry that a proposed ordinance will reduce the value of their property; a selectman may be concerned with keeping local property taxes low; a fellow conservation commissioner may want to preserve all undeveloped land. Understanding the other person’s interest in a topic can help determine how to approach them.
- Listen carefully to what is being said and try to understand why.
- Be pleasant, polite and positive. Approaching a person, board, or agency employee with a negative or angry attitude, either in words or demeanor, is likely to evoke a similar reaction – and unlikely to achieve the desired result.
- Do not assume opponents or those who make adverse decisions are malevolent; they may not be aware of all facts or may have misunderstood arguments.
- Do not criticize other boards, groups, or individuals; instead focus your criticism at ideas. Practice the art of disagreeing without being disagreeable: adversaries in one instance may be allies in the next.
- Respect that other boards have processes that they must follow according to law.
- When a project succeeds, always credit those who assisted; they will be more likely to help next time.

Public hearings

The powers of a conservation commission are largely advisory; its decisions usually are recommendations to other government bodies with decision-making authority. A commission is *required* to hold a public hearing before using money from the conservation fund to “purchase any interest in real property or for a contribution to a qualified organization for the purchase of property interests under [RSA 36-A:4-a, I\(b\)](#),” ([RSA 36-A:5, II](#)). Notice for such public hearings must conform to [RSA 675:7](#): it must be posted in 2 public places and published in a newspaper “of general circulation in the municipality” at least 10 calendar days before the public hearing, counting neither the day of posting nor the day of the hearing.



Tips for public hearings

The only other statutory mention of conservation commission public hearings is in [RSA 482-A:11](#), III, on dredge and fill applications filed with Department of Environmental Services' Wetlands Bureau: *"In connection with any local investigation, a conservation commission may hold a public informational meeting or a public hearing, the record of which shall be made a part of the record of the department."*

A commission may wish to solicit opinions through a public hearing or informational meeting on issues other than land acquisition or dredge and fill applications. An informational meeting is less formal than a public hearing. In the former, a proposal is explained and those present, whether attendees or meeting sponsors, are invited to ask questions and discuss the proposal. The reason to hold such a meeting is to ensure a proposal is completely understood. Modifications may be made in a proposal as a result of the meeting, but its objective is not usually to decide on the merits of the proposal.

The reason for a public hearing is to help members of the commission make a decision based on the most complete information, therefore the commission should not make a decision prior to the public hearing. At a public hearing, a proposal is presented, and opponents and proponents state their views. Members of the commission may question speakers directly, but others should address questions to the commission chair.

A public hearing might proceed as follows:

- The chair opens the hearing and asks the secretary to call the roll of the commission members, so that the record will reflect those present.
- Members of the conservation commission may ask questions at any time.
- Speakers should identify themselves as they rise to speak for the record.
- The applicant describes the proposal.
- Those in favor of the proposal speak.
- Those opposed to the proposal speak.
- Those neither in favor nor opposed speak.
- The applicant is allowed to present a rebuttal to the opponents' arguments.
- If appropriate, an opponent may be invited to offer a rebuttal.
- The chair may summarize arguments pro and con to clarify issues.
- If a summary is made, those who may dispute its accuracy should have a chance to do so.
- The chair closes the hearing.

Depending on the subject, this format may need modification.

A conservation commission may be asked for a recommendation on an issue. A public hearing may be the fastest way to learn all points of view. With no specific proposal, there would be no proponents or opponents. After opening the hearing, the chair should state the purpose of the hearing, and then provide an opportunity for all to express their views.