

**Winchester Planning Board
Procedures for Public Hearings
Special Permits, Site Plan Review, and Variances**

Adopted by the Planning Board 8/27/2019

1. Opening of Hearing

- a) Chair calls the meeting to order: “Welcome to a public hearing of the Winchester Planning Board. Please sign in.”
- b) If the meeting is being recorded, restate that it is being recorded for the benefit of those who have come just for the hearing.

2. Meeting Purpose

Chair states the purpose of the public hearing or reads aloud the legal notice.

3. Rules and Procedures

- a) Chair announces the following:
 - 1. “When you begin to speak, please state your name, company if applicable, and address for the record.”
 - 2. “Please direct your comments and questions to the chair.”
 - 3. “Speakers are asked to come to the table to address the board and shall leave the table when finished.”
- b) Chair has the right to exclude irrelevant, immaterial, or repetitive information.
- c) Chair shall maintain decorum and may have unruly persons removed.

4. Presentation by Applicant

- a) Chair introduces the applicant.
- b) The applicant is given 15 minutes to present the project. An extension of up to 10 minutes may be allowed at the chair’s discretion.

5. Memos and letters

List any memos or letters received by the Board and summarize them.

6. Comments from Town Staff and Other Boards

The Board reviews comments from the Engineering Department, the Department of

Public Works, the Health Department, the Planning Department, the Winchester Historical Commission, the Design Review Committee, and other agencies.

7. Opening of Public Comment Period

- a) Chair opens hearing to public comment and asks the audience how many people wish to speak in favor and how many wish to speak in opposition, and whether any of those speakers represent three or more parties, and who those parties are.
- b) Time limits for all speakers are as follows:
 - 1. Each speaker is given 5 minutes, with an extension of no more than 2 minutes allowed at the chair's discretion.
 - 2. A representative of three or more people may be given 15 minutes to speak, with an extension of no more than 10 minutes at the chair's discretion.
- c) Opponents and proponents will take turns speaking until the Board is satisfied that all views have been heard. Opponents will go first.

8. Board Discussion

Board members begin their initial discussion.

9. Determination of Need of Consultants

The Board votes on whether outside consultants (under MGL Ch. 44 §53g) are necessary based on the review and testimony presented.

10. Questions of the Applicant

- a) Board members ask questions of the applicant.
- b) Audience members ask questions of the applicant or the Board. Questions are limited to 3 minutes each. Chair reminds audience that questions must be addressed to the chair.

11. Determination of Continuation of Hearing

The hearing may be continued to a time certain to allow more time for testimony and for expert reviews to be prepared and presented.

12. Closing of Public Comment Period

Board moves and votes to end public input.

13. Board Deliberates

Board begins deliberation. Board members may seek clarifying information from all parties.

14. Board Votes

- a) As set forth in MGL Ch. 40A, §9, Special Permits, “a vote of at least four members of a five member board” is required for approval of a Special Permit.
- b) A vote of at least four members of the Board is required for approval of a variance.
- c) Three members of the Board present constitute a majority of the Board. The affirmative vote of three members is required to approve the Site Plan review.
- d) The Board may vote to:
 1. Approve the project, with or without conditions;
 2. Deny the project, with or without prejudice;
 3. Accept, with or without prejudice, the applicant’s offer to withdraw, if proffered.
 - A Withdrawal or a Denial **with** Prejudice assumes that the same or very similar project would be denied and that a significantly different project should be pursued by an applicant.
 - A Withdrawal or a Denial **without** Prejudice assumes that the same or very similar project could be applied for and potentially approved with or without conditions.
 - A hearing to determine if a newly proposed project is significantly different from a previous application is warranted whenever a vote **with** prejudice occurred for that application.