



10/7/2025

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Planning Board and Select Board
Town of Norton
70 E Main Street
Norton, MA 02766

Re: 9/30/25 Open Meeting Law Violation

Dear Chairs of the Planning Board and Select Board,

As a resident of Norton, I unfortunately am writing to formally lodge another complaint under the Massachusetts Open Meeting Law, M.G.L. c. 30A, §§ 18–25, this time regarding actions taken during the joint public meeting of the Planning Board and Select Board on September 30, 2025, which I believe violated the rights of a fellow resident to participate in open government, as articulated in *Barron v. Kolenda*, 491 Mass. 408 (2023).

At timestamp 59:00 of the recorded video of this meeting, the Planning Board Chair opened the floor for public comments on the agenda item being discussed.¹ A resident, participating via Zoom, raised their digital hand to contribute to the discussion. Once technical issues on the Boards' end were resolved, the resident began speaking with the Board members, explaining their availability was limited and respectfully requested to speak at that moment to share their concerns regarding the agenda item. The Chair initially set a three-minute limit for their remarks but after the resident stated they needed more than 3 minutes, the Chair then asked "How many minutes do you need? 10 or 15?" The resident again stated they would need more than three minutes to fully address their concerns. The Chair responded with a dismissive "Let's go," in a manner that appeared discourteous and contrary to the Board's obligation to foster public participation.

Approximately two and a half minutes into the resident's comments, the Town Manager interrupted to note three minutes had passed. The resident was then abruptly informed by the Chair they had only "one more minute" to speak, despite the Chair's earlier remarks of 10 or 15 minutes available for the resident to address their concerns to the Boards. It appears the desire to cut off the resident's time was due to the resident's claims of improper notice to residents by the Planning Board, regarding the agenda item that was being discussed. As the resident continued

¹ <https://www.youtube.com/watch?v=MAAH0BYxhbc&t=3544s>

speaking about the agenda item, a Select Board member and the Planning Board Chair interrupted, prompting the resident to have to respond to statements these members had just made. While the resident was addressing these Board members' remarks, another Select Board member requested the Chair terminate the resident's opportunity to speak, and the resident's microphone was subsequently muted, preventing them from completing their comments and engaging in any further discussion with the Boards.

I believe this conduct constitutes a violation of the Open Meeting Law. As established in *Barron v. Kolenda*, 491 Mass. 408 (2023), when public comment is allowed, restrictions on that speech cannot be content or viewpoint-based and must not violate Articles 16 and 19 of the Massachusetts Declaration of Rights. The arbitrary curtailment of the resident's comments, particularly when they were addressing the agenda item and within the time frame initially stated by the Chair, undermines this decision. The inconsistent application of time limits, coupled with the failure to clearly communicate or fairly enforce them, deprived the resident of their right to engage in "uninhibited, robust, and wide-open debate" on matters of public concern (*Van Liew v. Stansfield*, 474 Mass. 31, 39 (2016)). In my opinion, the resident was prevented from speaking because their statements were inconvenient or uncomfortable to certain board members, and therefore, viewpoint discrimination occurred.

Moreover, I believe the dismissive tone of the Chair and the act of muting the resident's microphone created a "chilling effect" on public participation, discouraging civic engagement and is therefore contrary to the Open Meeting Law's purpose of ensuring transparency and accountability in government proceedings (*Commonwealth v. Lucas*, 472 Mass. 404 (2015)). Such actions are antithetical to the open meeting law's intent for public bodies "to allow for as much public participation as time and circumstances permit."²

To remedy this alleged violation, I respectfully request the following:

1. Inclusion of this complaint on the agendas of the next public meetings of both Boards and a formal acknowledgment from both Boards that the resident's rights to public participation were improperly restricted during the September 30, 2025 meeting.
2. A detailed written explanation of the procedures that will be implemented to ensure public comment periods comply with the Open Meeting Law, including clear and consistent guidelines for time limits and participant engagement.
3. Mandatory retraining, authorized by the attorney general, for all members of the Planning Board, Select Board, and the Town Manager on the requirements of the Open Meeting Law, with a focus on fostering public participation and maintaining respectful meeting conduct.

² <https://www.mass.gov/info-details/frequently-asked-questions-about-the-open-meeting-law>

This letter serves as a formal complaint to be addressed in accordance with the procedures outlined in the Open Meeting Law. A copy has been forwarded to the Attorney General's Division of Open Government for their review and consideration.

Thank you for your attention to this matter. I trust the Boards will take appropriate steps to ensure compliance with the Open Meeting Law and to uphold the principles of transparent and inclusive governance for all residents of Norton.

Sincerely,

[REDACTED]

cc: Office of the Attorney General, Division of Open Government