



**WAREHAM**  
Massachusetts

**Wareham Planning Board**  
**Public Hearing Guidance and Best Practices**

Date: xx/xx/xxxx

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# Public Hearing Guidance

## Public hearing procedural guidance

1. A motion, second and vote is required to open a public hearing for the first time
  - a. The legal notice that was advertised shall be read prior to the motion, second and vote
2. A motion, second, and vote should be used, as a best practice, to open a continued public hearing
3. A motion, second and vote is required to close a public hearing
  - a. Once a public hearing is closed, discussion, questions, negotiations are terminated.
  - b. Next step is a decision by the governing agency within 65 days
4. A motion, second and vote is required to continue a public hearing
  - a. Topics should be identified for future hearings, with target dates
  - b. The date of continuation of the hearing must be part of the motion

## Public hearing operational guidance

1. Applicant presentation
2. Questions and comments
  - a. Governing agency
  - b. Consulting Town Engineer
  - c. Director/Assistant Director of Planning and Development
3. Public comments
  - a. Public input should not occur without applicant representation
  - b. All questions from the public should be directed thru the chair
  - c. Speakers should be allowed one 3 minute opportunity to address the governing agency, which may extended at the discretion of the chair
  - d. Repeated discussion on the same topic should be minimized and may be terminated by the chair
  - e. Public input may be concluded, if in the opinion of the chair, all relevant information has been heard
4. The governing agency must either continue or close the public hearing
  - a. Continued public hearings must have a target date
  - b. Continued public hearings must be requested by the applicant

## **Continuance request of a previously scheduled public hearing guidance**

1. Requests for a continuance prior to the start of a previously scheduled public hearing must be presented to the governing body of the public hearing at the scheduled hearing.
  - a. Requests to the Planning Office for a continuance prior to the scheduled hearing should be accepted, but not guaranteed. Applicants should be informed that the request for continuance will be heard by the governing agency at the scheduled public hearing date, where a decision will be made.
  - b. Requests for a continuance should include the reasons for the continuance, the requested date for the hearing to be continued to, and the topics that the applicant will be addressing at the hearing.
2. After discussion and review of the continuation request, including dates and topics for the continued hearing, the governing body can accept or deny by motion, second and vote.
  - a. If accepted
    - i. No project discussion between governing body and applicant should take place
    - ii. No public input should occur
    - iii. The new hearing date should be part of the motion
  - b. If denied
    - i. The public hearing is held
    - ii. Given that the governing agency is intending to close the hearing, public input could be considered by the chair, even if the applicant chooses not to attend.
    - iii. A motion, second and vote is required to close a public hearing, and the 65-day clock to decision begins

## **Public hearing continuance best practices**

1. At the completion of a public hearing that will be continued, the governing agency and applicant should determine when the next public hearing will be, and which topics will be addressed. A key factors driving this should be the availability of information requested by the governing agency.
2. If, after the agenda has been posted which announces a new or continued public hearing, the applicant requests a continuance voiding that hearing, the governing agency should post on a known public forum the fact that a continuance will be requested. This will allow the public the best data available in determining if they wish to attend.

## **Representation and Absence guidance**

An applicant may appear in his own behalf, and/or be represented by an agent or attorney. In the absence of any appearance without due cause on behalf of an applicant, the board may decide on the matter using the information it has otherwise received.

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## Revision History

11/14/21 – Initial Draft

11/19/21 – Update based on town council input

11/23/21 – added statement about reading the legal notice to open a hearing

11/27/21 – added section on representation and absence

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