



**Massachusetts Association of Conservation Commissions
INFORMATION REGARDING CONSERVATION COMMISSION MEETING PROCEDURE
IN LIGHT OF CORONAVIRUS CONCERNS**

March 13, 2020

MACC has received a number of questions regarding conservation commission meeting and hearing procedures in light of coronavirus concerns. MACC's understanding of the relevant requirements (and the status of any changes) is summarized below. Please note that this information is provided for the convenience of our members and should not be construed as legal advice; please check with your Town Counsel or City Solicitor for specific advice.

Open Meeting Law Requirements

On March 12, the Governor used his emergency powers to issue an [order](#) temporarily suspending certain requirements of the Open Meeting Law for in-person attendance at meetings. First, a local board does not have to conduct meetings in a location physically accessible to the public, as long as it makes adequate provision to ensure public access to its deliberations through alternative means (such as audio or video conferencing). Second, a local board may allow remote participation in a meeting by all members; neither a quorum nor the chair is required to be physically present at a specified meeting location. The order contains important further details and requirements regarding use of these modified procedures, so be sure to review it carefully.

Canceling or Postponing a Meeting

Any meeting that does not include any public hearings may be canceled (with notice posted in appropriate locations, including the meeting location). If a meeting that a commission wishes to cancel or postpone does include a public hearing, some important considerations apply regarding statutory deadlines and public notice requirements.

- Legislation may be drafted to waive statutory deadlines for action such as those in the Wetlands Protection Act. However, until any such legislation is passed (or the Governor issues an applicable emergency order), the WPA deadlines are in effect (21 days from receipt of a Notice of Intent to open a hearing and 21 days to issue an Order of Conditions; 21 days from receipt of a Request for Determination of Applicability to issue a Determination of Applicability). If a meeting that the commission wishes to cancel or postpone includes a public hearing, we suggest that commission staff reach out to the applicant and get agreement to continue the hearing and waive the statutory deadlines to the extent necessary. If the applicant does not agree to an extension of the statutory



deadlines, the hearing can only be continued to a date within the statutorily required time frame. Verbal agreement to an extension of deadlines should be subsequently memorialized in writing.

- In order that any interested members of the public are duly informed about the continuance of a public hearing, the meeting on the originally scheduled date should be opened in order to announce the continuance of the hearing to a future date certain. It is MACC's understanding that fewer than a quorum (or a commission staff member delegated authority by the Chair) can open the meeting for the sole purpose of announcing continuation of public hearings. If a hearing cannot be continued to a future date certain, or if no one is available to open the meeting and continue the hearing, the publication and mailing of the required hearing notice will need to be repeated once a new date is set.

We will provide updates as we receive them.