

Keep Planning Moving

Seek advice of your local counsel if you have any questions regarding Open Meeting Law, convening public hearing/meetings and acting upon applications during this time under the Governor's Order, posted at <https://www.massmunilaw.org/wp-content/uploads/2020/03/AGs-Guidance-on-OML-3.31.20.pdf>

If you can postpone your public hearings/meetings, lawyers from [KP Law](#), a law firm that provides municipal law services to communities in the Commonwealth, suggest you should seriously consider doing so.

The American Planning Association – Massachusetts Chapter and Massachusetts Association of Planning Directors co-hosted a webinar entitled “*Keeping Planning Responsive During COVID-19*” on March 27, 2020. To listen to the webinar, view the PowerPoint and hand-outs on Open Meeting Law, Public Records Law and Land Use Permitting, visit www.apa-ma.org.

With regards to current law, as proposed legislation may change this, Planning Boards and Boards of Appeal should be operating under same deadlines and same requirements as outlined in Massachusetts General Law:

- Accepting applications
- Open and conduct public hearings
- Vote
- File decisions

Some reminders and suggestions regarding important roles of Planning Boards and Boards of Appeals

ACCEPTING APPLICATIONS

- Boards must still accept applications, even as Town and City municipal offices are closed.
 - o Dropbox for physical delivery place for public (Police Dept., etc.) where applicants can drop off.
 - o Create protocol where someone can retrieve materials at COB daily.
 - o Date stamp, as appropriate, creating transparent log of submissions and for good record keeping where immediate access to the municipal office may not be a reality.
- Dropbox (physical filing) policy should exist outside of regular mail or email to municipal offices.
- Email does not legally comply with current statutes.
- Be careful of application milestones and deadlines to ensure no constructive grant of application.

OPEN MEETING LAW

- Gov. Baker Order: “Order Suspending Certain Provisions of the Open Meeting Law”
 - Order is in effect until the end of the emergency declaration
 - Allows public bodies to meet in locations other than public spaces
 - Virtual Meetings
 - Allows all members of the public body to participate
 - In absence of real-time virtual public access, complete transcript or recording, should be posted to the municipal website as soon as possible.
 - Should provide “adequate alternative means of public access”
 - Applicant, and any member of the public who wishes to participate must be provided the opportunity.
 - Up to Boards to decide whether conducting a public hearing will ensure full participation
 - Proper notification needs to take place – abutters, public notice, etc.
 - Explanation of how meeting will take place – Chair should state that at the top of the meeting.

DELIBERATIONS, DECISIONS, APPEALS

- Board should deliberate following close of public hearing
- Roll call votes
- Authorization of Board Member (usually Chair) or staff person to sign decision as approved by the Board
- Decision should include process for appeals that need to be filed by Town/City Clerk (similar to dropbox outside of municipal office – different than process of receiving mail or email)

PVPC acknowledges the challenges that some of our member municipalities will face when it comes to engaging with their neighbors and community. Here are some additional resources that can help at this time.

We have also prepared a flier that provides some suggestions on how we can continue to flatten the coronavirus curve of infections and still effectively engage your residents and stakeholders.

[MassPlanners Listserve](#) – If you are not already subscribed, you should sign up to receive emails that address and use the collective knowledge of municipal planners and Board Members, alike. Especially during this crisis, there are up-to-date guidelines and suggestions that could be helpful. There are also almost daily updates on the actions of the Commonwealth to address the situation related to municipal functions that our communities provide.