

**March 30, 2020**

**COVID-19 Guidance from DEP**

**MACC Information**

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**Massachusetts Association of Conservation Commissions**

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Dear Friends and Members:

Massachusetts Association of Conservation Commissions (MACC) staff & Board of Directors hope you are staying safe during this time of COVID-19 emergency declaration. We are including the following information in this email blast:

- **MassDEP's new Guidance on Wetland Submissions during COVID-19 Emergency**
- **Update on Deadlines** (Governor Baker's Emergency Declaration #17; update on Legislation moving through Massachusetts House of Representatives and Senate)
- **Registry of Deeds & Signature Updates**
- **MACC Remote Office & Contact Information**

**Wetlands Protection Act Submissions to MassDEP**

MassDEP's new guidance for conservation commission submittals is reprinted in its entirety (below). Here is a link to additional information on the MassDEP website [HERE](#)

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**Guidance to Conservation Commissions for Submissions During MassDEP Office Closure**

**As of March 28, 2020**

Dear Conservation Commissioners and Agents:

We hope that you and your families, friends, and colleagues are doing well during this trying time. MassDEP is aware of the operational challenges Conservation Commissions (ConComs) are facing due to various constraints related to the Commonwealth's COVID-19 emergency.

The Baker-Polito Administration is taking steps to provide relief to cities and towns during this period, including an [emergency order](#) suspending certain provisions of open meeting law. In addition, Governor Baker proposed emergency legislation which, if passed, will provide ConComs with relief from certain mandated deadlines (e.g. requirement to conduct public hearing within 21 days of receipt of a Notice of Intent [NOI]) and allow for electronic filing and signatures in certain circumstances: "[An Act to further address challenges faced by municipalities, school districts and state authorities resulting from COVID-19](#)".

MassDEP staff are currently working remotely and the Wetlands Program is “open for business.” However, our offices are physically closed until further notice per the Governor’s order, so wetlands staff have limited access to the mail. We have developed guidance (outlined below) for ConComs to assist in implementing the Wetlands Protection Act during this period.

We are also in communication with MA Association of Conservation Commissions (MACC) and MA Society of Municipal Conservation Professionals (MSMCP) and will continue to coordinate and share relevant information as it becomes available. Any new or updated guidance from MassDEP will be posted on our website <https://www.mass.gov/guides/wetlands-information>

*As always, if you have an emergency, please call MassDEP's 24 Hour Spill/Emergency Line at 888-304-1133 to report a spill/emergency at any time.*

**1.** Note: for all regulatory filings discussed below, incoming mail will be processed as expediently as possible, however hand delivery is not currently an option at any of MassDEP’s offices.

**2.** MassDEP asks ConComs’ assistance in communicating the following guidance to Applicants, who are required by the regulations to submit their wetlands filings via certified mail or hand delivery, to follow the guidance below to avoid utilizing hand delivery.

a. In addition to the regulatory filing requirements, MassDEP recommends that Requests for Determination of Applicability (RDAs) and Notices of Intent (NOIs) be sent by email to MassDEP, in accordance with the additional guidance below. (For NOI filings made through eDEP, email should be sent in addition to the eDEP filing.)

**3.** For Conservation Commissions:

a. In addition to the regulatory filing requirements, MassDEP recommends that Determinations of Applicability (DOA), Orders of Conditions (OOC), and Orders of Resource Area Delineation (ORADs) be submitted by email in accordance with the additional guidance below. (For OOC and ORAD filings made through eDEP, email should be sent in addition to the eDEP filing.)

b. To reduce confusion during this interim period, when filing these documents in accordance with the regulatory requirements, please send the emailed copy at the same time.

c. For emailed documents, the subject line should read as follows:

TOWN NAME – RDA or DOA - Street Address - Applicant Name

TOWN NAME - NOI - Street Address -Applicant Name

TOWN NAME - OOC or ORAD - MassDEP 7-Digit File Number

d. Note: the maximum file size MassDEP can receive is 15MB. For emailed submissions that exceed 15MB (e.g. NOIs), please break them into more than one email, with each email having the same subject line shown above, with 1, 2, 3...etc. at the end.

e. All forms above sent by email should be directed to MassDEP regional offices at the following email addresses:

Northeast: [NERO\\_NOI@mass.gov](mailto:NERO_NOI@mass.gov)

Southeast: [SERO\\_NOI@mass.gov](mailto:SERO_NOI@mass.gov)

Central: [CERO\\_NOI@mass.gov](mailto:CERO_NOI@mass.gov)

Western: [WERO\\_NOI@mass.gov](mailto:WERO_NOI@mass.gov)

**4.** General note regarding 401 Water Quality Certification (401WQC) submissions: Consistent with the intent of the Governor's [proposed legislation](#) MassDEP recommends that submissions related to:

a. 401WQC dredge permit applications be submitted by email to the Boston-based dredge program at: [David.W.Wong@mass.gov](mailto:David.W.Wong@mass.gov) with the following subject line format: TOWN – 401 WQC DREDGE – Transmittal #

b. 401 WQC fill/excavation permit applications be submitted to the regional email address shown in #3e above with the following subject line format: TOWN NAME- [401 WQC Fill/Excavation BRP WW 10, 11 or other]-Transmittal #

As always, for general questions to the Boston Wetlands Program, please email us at [dep.wetlands@mass.gov](mailto:dep.wetlands@mass.gov). We appreciate your cooperation during these difficult times. For further information on the Commonwealth's COVID-19 response, please visit <https://www.mass.gov>.

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**MACC notes:** The MassDEP email addresses have an **underscore (underline, “\_”)** between the Regional Abbreviation and NOI: it is not a space in the email address.

Northeast: [NERO\\_NOI@mass.gov](mailto:NERO_NOI@mass.gov)

Southeast: [SERO\\_NOI@mass.gov](mailto:SERO_NOI@mass.gov)

Central: [CERO\\_NOI@mass.gov](mailto:CERO_NOI@mass.gov)

Western: [WERO\\_NOI@mass.gov](mailto:WERO_NOI@mass.gov)

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**Update on Deadlines**

On March 26, 2020, Governor Baker signed Emergency Order #17 providing relief to municipalities related to hearings, decisions, appeals, and other deadlines. See the Order [HERE](#)

Governor Baker also issued an Emergency Order on March 12, 2020, providing relief from the Open Meeting Law requirements. See the Order [HERE](#)

MACC has supported House Bill 4580 (and the revised bill, H4598), related to municipal deadline relief. As soon as MACC hears of a final bill, we will notify you.

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## **Registry of Deeds & Signature Updates**

MACC has been hearing from our members asking if electronic signatures are being accepted. Our advice is for you to check with your Registry of Deeds to confirm that the Registry does (or does not) accept electronic signatures.

In addition, here is information from Massachusetts Society of Municipal Conservation Professionals (MSMCP):

### **Registry of Deeds and Signature updates**

Several Conservation Agents have updated MSMCP with information regarding what their Registry of Deeds will accept regarding signatures (Thank you Falmouth, Framingham, and Worcester!!).

**Barnstable County:** Falmouth received the following response from the Barnstable Register of Deeds. Our Conservation Commission voted to authorize the Conservation Administrator to physically sign on behalf of individual Commissioners. “In order for the Registry of Deeds and the Land Court Registration District to accept such filings we will need the authorization vote you referenced to be registered in our Land Court section. All future filings signed under the auspices of that vote need to include a reference to the document number of that vote to establish signing authority. The reference to the registered vote will suffice for Registry of Deeds recordings so as to avoid the expense of recording the vote on the Deeds side. However, you are free to record the vote on the recorded side as well if you so choose.”

**Middlesex County:** Middlesex County does not accept non-inked (i.e. digital) signatures. Framingham spoke with an employee at the Middlesex Registry of Deeds. The Registry would not accept digital signatures. Original, ink signatures only.

Framingham explained the Barnstable County’s approach. The individual they spoke to indicated that as long as a vote is taken by the Commission at a public hearing and recorded at the Land Court Division, then any Order referencing said vote can have the Agents of the Commission sign on behalf of the Commission. (perhaps also reference the roll-called votes by each member in the Order as well to be safe).

Since Determinations of Applicability are not recorded at the Registry, and there is no provision in the WPA requiring hand-written signatures, digital signatures for said Determinations is (likely) acceptable.

**Worcester County:** The agent in Worcester spoke with the Registry of Deeds in Worcester on 3/27/20 and they are NOT accepting digital signatures - only ink.

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## **MACC Remote Offices & Contact Information**

**Although our offices in Belmont are temporarily closed during the COVID-19 state of emergency, we** are working remotely to answer your questions, plan upcoming webinars, and supporting legislation to provide relief from Wetland Protection Act deadlines. We welcome your emails; we love to hear from you.

[staff@maccweb.org](mailto:staff@maccweb.org) - This is the best email to use for Helpline questions (and general Q&A).

[lindsay.martucci@maccweb.org](mailto:lindsay.martucci@maccweb.org) - Membership, Dues, Sponsorships, General Questions, eHandbook subscriptions, MACC Quarterly Magazine, Orders,

[joey.wigglesworth@maccweb.org](mailto:joey.wigglesworth@maccweb.org) - Program & General Questions, Registrations, Connectivity issues with Website and Handbook, Communications, Orders

[michele.girard@maccweb.org](mailto:michele.girard@maccweb.org) - Educational Program Questions, Registrations,

[Dorothy.mcglincy@maccweb.org](mailto:Dorothy.mcglincy@maccweb.org) - MACC General Questions, legislative efforts, Operations

[Candace.domos@maccweb.org](mailto:Candace.domos@maccweb.org) - Finance and Accounting, Invoice Questions and Payments

Keep up with your social distancing, get outside when you can, and use this time to catch up on your Fundamentals Training, eHandbook Reading, and enjoying MACC's Lunch & Learn programs!

Be Safe. - Dot McGlincy, MACC Executive Director

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