



Massachusetts Municipal Lawyers Association

MMLA MUNICIPAL MINUTE

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Greetings, and welcome to this issue of the MMLA Municipal Minute, our e-newsletter to you, our Massachusetts Municipal Lawyers Association (MMLA) membership. Make sure to click the hyperlinks below for more information about a particular topic or matter.

Upcoming Programs and Events:

- **MBTA Community Zoning: Today (12-2pm; Zoom)**. There is **still time** to register [here](#) for this program to discuss the [draft guidelines](#) issued by the Department of Housing and Community Development (DHCD) for compliance under new [Section 3A of the Massachusetts Zoning Act](#). These guidelines were recently submitted for public comment (comments due March 31, 2022) and address the requirement for as of right multi-family housing in at least one zoning district in so-called MBTA communities. Please email any questions for the panel to MMLA Executive Director/Secretary-Treasurer Jim Lampke (jlampke@massmunilaw.org). Also, **see page 3 below** (Other News and Reminders) for information about how you can be involved with the MMLA's Working Group for submitting comments on these DHCD guidelines.
- **20th Annual Municipal Law Conference 2022: Wednesday, March 16, 2022 (9am-5pm; Zoom)**. Register on the [MCLE website](#) for the annual Municipal Law Conference covering the latest developments in municipal law. MMLA and MMA co-sponsor this annual program, which provides essential updates on recent developments from the Legislature, government regulators, and the courts on many areas of public sector law. This year's program will address new and evolving developments regarding the public records, open meeting, land use and zoning, environmental laws, public employment law, cybersecurity and data breaches, and 2nd Amendment, home rule and gun regulation. It will also feature a presentation on administrative law.
- **March Executive Board Meeting: Thursday, March 10, 2022 (12:30-2pm; Zoom)**. MMLA members are welcome to attend monthly Executive Board meetings, held on the second **Thursday** of each month. To attend, please contact MMLA Executive Director/Secretary-Treasurer Jim Lampke (jlampke@massmunilaw.org).

Recent Decisions and Legislative Developments of Note:

- [White v. Board of Health of Dennis \(Massachusetts Appeals Court, February 4, 2022\)](#) – This Rule 23.0 decision concerned an abutter’s challenge, brought under M.G.L. c. 249, § 4, to a local board of health’s recommendation to a planning board related to a special permit application for an affordable housing development under a local zoning bylaw. The Appeals Court determined that the recommendation was not an independently appealable final decision and therefore the Superior Court should have dismissed the appeal for lack of subject matter jurisdiction.
- [Roy v. Town of Winchendon \(Massachusetts Appeals Court, February 14, 2022\)](#) – This Rule 23.0 decision deals with the discretionary function and original cause immunities under Section 10(b) and (j) of the Massachusetts Tort Claims Act, respectively. The Appeals Court affirmed the Superior Court’s grant of summary judgment under Section 10(j) because the challenged conduct involved a failure to act (*i.e.*, a failure to escort an individual to a door), rather than affirmative conduct.
- [Senate Bill 2660 \(SB2660\)](#) – An Act relative to social equity and host community agreements in the cannabis industry. This proposed bill was referred to the Senate Committee on Ways and Means on February 7, 2022.
- [House Bill 4345 \(H4345\)](#) – An Act making appropriations for the fiscal year 2022 to provide for supplementing certain existing appropriations and for certain other activities and projects. This bill includes, among other sections, provisions dealing with remote notarization, virtual public meetings, and remote participation and quorum requirements at town meetings. It passed the House and Senate and was laid before the Governor on February 3, 2022. On February 12, 2022, the Governor approved the bill in part and returned the bill in part to the House with vetoes and amendments to certain sections (but not the foregoing sections affecting municipal government). A copy of the Governor’s message is [here](#).

Do you have any decisions that you would like to share with the MMLA membership and/or have posted on the MMLA website, such as recent federal or state court or administrative decisions? Note that the MMLA is looking to create a database of notable Supervisor of Public Records decisions, which are presently unavailable through a publicly available online search platform – we welcome your submissions. Please send an email containing any recent decisions that you would like to spotlight, to massmadmin@massmunilaw.org.

Recent Additions to Members Library:

Do you have any templates, forms, or other sample documents you would like to include in the MMLA Members Library? If so, please forward any materials to an email containing any recent decisions to massmadmin@massmunilaw.org.

Other News and Reminders:

- The MMLA is assembling a Working Group (a/k/a MBTA Multi-Family Zoning Working Group) comprised of MMLA members to review DHCD's guidelines under Section 3A of the Zoning Act and work on the MMLA's comments to these guidelines (to be submitted on or before the **March 31, 2022** comment deadline). All MMLA members are **welcome and invited to serve** on the MBTA Community Guidelines Working Group (for example, by providing feedback and input, assisting with drafting the MMLA's written comments, reviewing comments, or assisting in any other way). Please contact MMLA President Brandon Moss (brandonhmoss@gmail.com) if you are interested in serving on this Working Group.
- Nominations are underway to serve as an MMLA officer or director for the July 1, 2022-June 30, 2023 membership year. If you are interested in nominating yourself or another MMLA member for consideration, please contact MMLA President Brandon Moss (brandonhmoss@gmail.com).
- The MMLA has posted employment opportunities on its website for:
 - [Town of Falmouth – Associate Town Counsel](#)
 - [City of Lawrence – Assistant City Attorneys \(Second Assistant City Attorney \(Labor\) and Third Assistant City Attorney\)](#)
 - [Department of Housing and Community Development – Counsel II](#)
 - [Miyares and Harrington LLP](#)
- The MMLA is exploring a software/application solution to streamline membership renewals and records. One of the solutions being explored is [Wild Apricot](#). If you have familiarity or experience with Wild Apricot, the MMLA would like to hear from you. Please email MMLA WebTech Committee Chair Bob Ritchie (bobritchie@comcast.net).
- The Massachusetts Supreme Judicial Court (SJC) Standing Committee on Lawyer Well-Being focuses on ensuring that all Massachusetts lawyers achieve a healthy, positive, and productive balance of work, personal life, and health. The Standing Committee recently issued its [2021 Annual Report](#). In addition, you can access the Standing Committee's most recent Legal Well-Being News (February 2022) [here](#). Please continue to stay tuned for upcoming MMLA lawyer well-being programming.
- On February 1, 2022, the SJC Standing Committee on Lawyer Well-Being released a voluntary, confidential Independent Survey of MA Attorney Well-Being, which is available [here](#) and should take 10-15 minutes to complete. This survey should have also been separately emailed to you by the Standing Committee. For questions about the survey, please email MALawyerWellBeing@norc.org.

Do you have any news or other information that you would like to share with the MMLA membership? For example, do you have any recent achievements, MMLA members in the news, or promotions or career opportunities? If so, please send an email to massadmin@massmunilaw.org.

This newsletter is sent as a service to our membership. If you would like to update your contact information or city/town affiliation, please visit the [MMLA website](#).

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