

Belle Isle Marsh Protection Guide

*Brought to you by
Friends of Belle Isle Marsh*



Friends of Belle Isle Marsh Mission Statement:

FBIM aims to protect nature that protects us from storms and sea-level rise, serves as a much-needed respite for migrating birds and as a habitat for many species including some on the endangered species list, and provides a beautiful and rare open green space to relax in. FBIM members find meaning in connecting with nature, and we welcome youth, teachers, nature lovers, bird lovers, environmentalists, and particularly, people of less privilege who are more adversely affected by environmental crises, including climate change.

Before You Begin

This guide is intended to help individuals and organizations advocate for Belle Isle Marsh within the context of development and construction affecting the marsh. It can be used for guidance at any point in the development process and should be supplemented by professional advice and good judgement. Please note that ordinances, regulations, procedures, and best practices are subject to change, and this guidebook may not always provide correct or up to date information. The appendix provides resources and helpful links for further clarity on the how-to steps listed in the guide. The links noted in the guide are also listed with the full url so that details can be tracked down if information changes. When using this guide, always check the “last updated” date below. It will help you determine whether further research is needed to be up to date with the topic you are pursuing. Please note that this guide is Boston specific due to time constraints, and can be updated to include information relevant to Winthrop, Revere, and beyond.

Outlined below are the steps of the development review process, with opportunities for advocacy highlighted, and important links included.

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Introduction

This guide was created as part of a two-month long project, and it was a collaborative effort. The information it provides is factual, but it is flavored by the varied perspectives of Friends of Belle Isle Marsh Board Members, a young adult just entering the field of environmental advocacy, and seasoned marsh advocates.

The guide is designed to be grounding, reassuring, and empowering for the advocate. Exploring all of the guidance and rules surrounding the development process can feel overwhelming. There is an abundance of information, and even seasoned advocates often feel like the information they are looking for is buried too deep to find. This guide helps avoid that feeling by focusing on a narrow, and easily actionable topic, and putting all the resources you need to be a successful advocate at your fingertips.

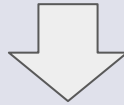
For individuals looking to break into environmental advocacy, or established organizations who want to easily bring in new members, this guide reduces barriers to entry and can hopefully make a first attempt at advocacy approachable and rewarding.

Almost everything mentioned in this guide can be completed from the comfort of your own home – or another spot with good WiFi – and we encourage you to start exploring opportunities to get involved right now! You don't need to start at Step 1, and if you get lost along the way, please reach out to Friends of Belle Isle Marsh, and we would be happy to help you get back on your feet.

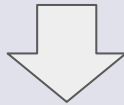
Ask questions, be brave, and good luck advocating!

PROCESS FLOW CHART

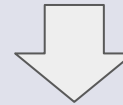
Step 1: Build Consensus



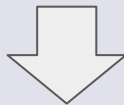
Step 2: Identify a project in time to help the marsh!



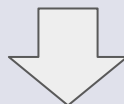
Step 3: Private project initial engagement



Step 3: Public project initial engagement



**Step 4: Engage with the permitting process:
Boston Conservation Commission**



Step 5: Monitoring and Enforcement



Step 1: Internal Goal and Boundary Setting

Considering Priorities, Collaboration, & Compromise

This is an internal step and is critical before entering the development review process. It will prepare you to negotiate successfully, empathize with the needs of other entities, and understand what you can give and get.

Compromise is often necessary throughout this process, and it is better to get some wins than no wins. So, **determine and differentiate between your must haves/hard stops and wants/potential concessions.** While your current focus may be a singular project, these boundaries are likely representative of long term **priorities and values**, so be thorough about this step, and consider having this conversation before an issue even arises.

Most of the engagement opportunities with this process are done remotely, and it is possible for one person to represent the opinions of an organization or group.

However, to do so effectively, that individual needs to have a **thorough understanding of their group's goals and boundaries.**

If you are completing this step as an organization or group, it may be beneficial to bring in an **objective facilitator** who can moderate discussions and record decisions. Generally, a facilitator can increase **efficiency**, ensure a group doesn't get stuck on this step, and help everyone walk away from discussions feeling like the time was **productive.**

If you have completed this step before, repeating it may not be necessary, but be honest with yourself and stay up to date as situations (and people) change. See Appendix G for a pre-advocacy discussion checklist.

Step 2: Identifying a Project That Affects the Marsh

Managing Alerts and Notifications



Unfortunately, there is **no universal way to be notified** of every project, but engaging with projects as early as possible is critical. This section will provide the **resources** you need to stay as on top of it as possible.

Websites & Social Media

Regularly check [this](#) website to view projects currently under review by the Boston Planning Agency (BPA).

Read local newspapers where project notifications will be published. The Boston Conservation Commission posts their notices in the [Boston Herald](#).

Follow the Boston Environmental Department on Instagram at [@bostonenviro](#).

Mailing lists

Receive alerts about projects and hearings by signing up for the following mailing lists:

The Boston Planning Department: Sign up [here](#).

The City of Boston Conservation Commission: Sign up for their newsletter [here](#).

Sign up for any relevant newsletters mentioned [here](#).

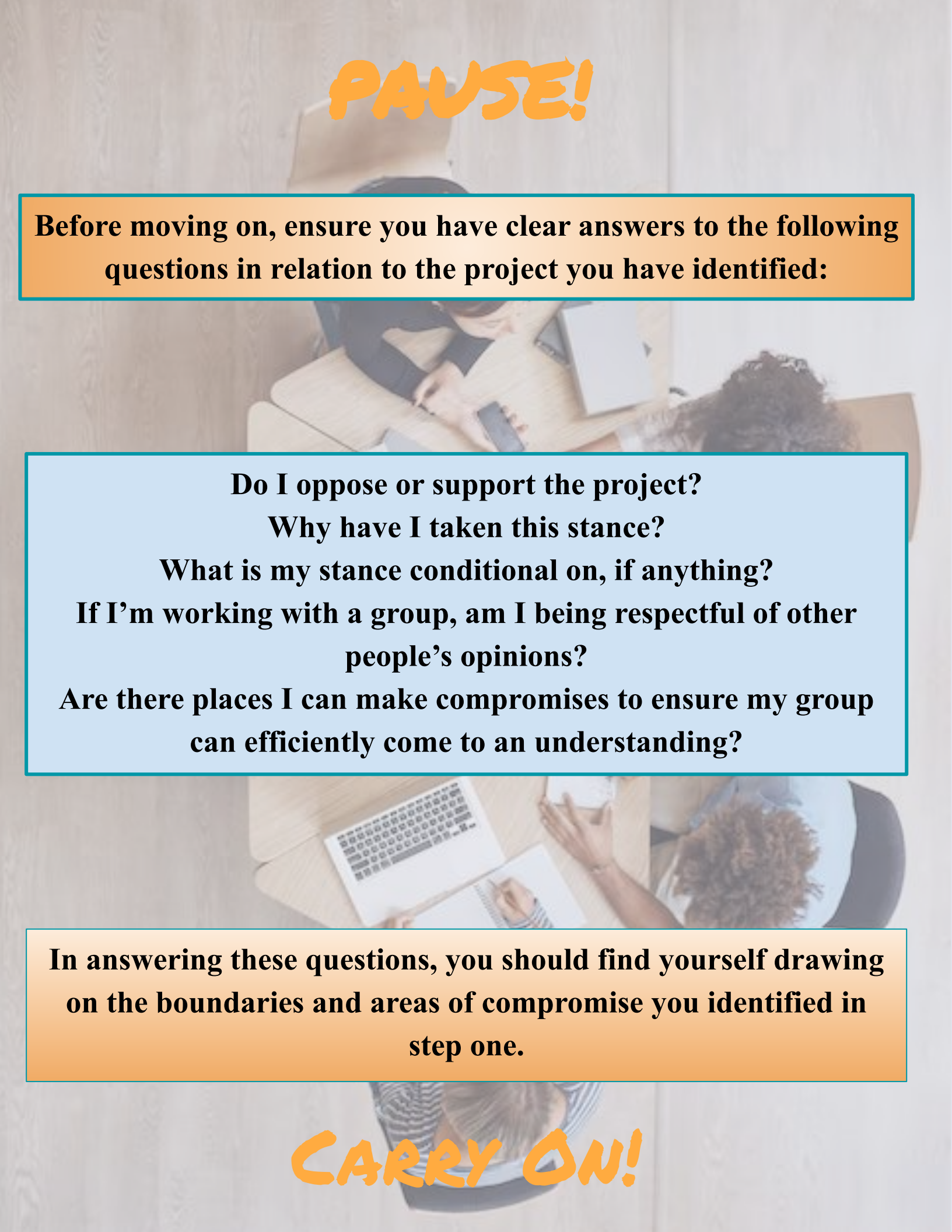
Sign up for Boston Zoning Commission alerts [here](#).

Sign up for newsletters provided by elected officials representing your municipality and state district.

Relationships

Project managers, especially those in government, frequently reach out to known stakeholders when they are starting a project IF they know the stakeholders and how to contact them. Make connections!

Engage with your neighborhood association and encourage others to do the same. The BPA is required to notify the relevant neighborhood association(s) when they are reviewing a new project.

A background image showing a group of people sitting around a light-colored wooden table, working on papers and laptops. The image is slightly faded and serves as a backdrop for the text boxes.

PAUSE!

Before moving on, ensure you have clear answers to the following questions in relation to the project you have identified:

Do I oppose or support the project?

Why have I taken this stance?

What is my stance conditional on, if anything?

If I'm working with a group, am I being respectful of other people's opinions?

Are there places I can make compromises to ensure my group can efficiently come to an understanding?

In answering these questions, you should find yourself drawing on the boundaries and areas of compromise you identified in step one.

CARRY ON!

Step 3: Initial Project Engagement

When to Show Up



This step may be the **most important** for several reasons. The biggest reason is that project managers are most likely to **consider and incorporate feedback in early stages of a project**.

This is also the step where the process **temporarily diverges**. Many private projects are subject to the [Article 80 review process](#), whereas government projects are not. This means that engagement with the initial stages of a government project looks different than engagement with the initial stages of a private project.



©N. St. George

Initial Engagement with a Government Project

Not subject to Article 80, government project engagement opportunities will **differ by project**. However, government project advocacy is still worth pursuing, even though the process is different. Common forms of engagement opportunities include **public meetings, public comment periods, and surveys**. Be on the lookout for these opportunities, and when they arise, provide as much feedback as you think is necessary. If you are part of an organization, be sure to get **agreement from others in the group** in line with your organization's bylaws before representing the organization by yourself. If you are advocating as an individual, **be prepared to provide your name and general address** since the government project owners are interested in understanding the opinions of members of the community living in the general area of the project.



How to Find out About Project Engagement Opportunities:

State Projects

Explore the [Mass.gov](https://www.mass.gov) website using the search bar.

Visit [this](#) page to see MassDOT projects and studies, and sign up for their news and project updates [here](#).

Visit [this](#) page for MassDEP events, and sign up for their news and updates [here](#).

Visit [this](#) page for DCR news, events, and contact info.

City Projects

Check the City's project tracker linked [here](#).

Tip: Try applying the "East Boston" neighborhood filter to start

Most project web pages provide a place to submit written comments.

Both

Your relationships with city and state employees.

Sign up for alerts mentioned in step 2.

Proactively reach out to a department to schedule an informal check-in.

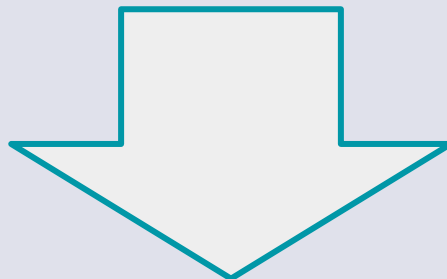
Initial Engagement with a Private Project

Most non-governmental projects greater than 20,000 square feet in the City of Boston are **subject to [Article 80](#)**, which is a **review process conducted by the Boston Planning Agency**. This process is the primary hurdle for a new development, and includes several **opportunities for public comment**. Within this process, there are different tracks depending on the size of the project. See Appendix E to learn more about the different tracks. At the end of several phases of review, the BPA board will decide whether to approve the project, approve it with conditions, or reject the proposal entirely.

If a private **project is fewer than 20,000 square feet**, there are fewer opportunities for initial engagement. However, these projects still must obtain permits, and **neighborhood or abutter meetings** are the best way to engage prior to Zoning board review. Abutter notifications are best obtained by working with the **Department of Conservation and Recreation**, (DCR) since the DCR is the official abutter for Belle Isle Marsh, as well as other open space throughout the Commonwealth. If the project at all affects the marsh, developers will also most likely need a Conservation Commission permit. See step four for more information.



Find a project going through this process through [this](#) webpage. On a project's specific page, you will find a timeline that includes public meeting dates and comment period deadlines. These are important. Put them on your own personal calendar with reminders! **Below is an overview of different methods to engage with the review process.** You can choose what works for you, but having all your bases covered is good.



Submitting Public Comments

During the review process of a project, there will be a public comment period, usually thirty days. Pay attention to deadlines listed on the page for your project.

Comments can be submitted to The Boston Planning Department two ways:

You can visit [this](#) webpage and find the project you are interested in. Click on it. Scroll to the bottom of the project specific page where you will find a comment submission form. To submit in a language other than English, email planningwebcontent@boston.gov.

You can also submit comments via mail.

If you have questions, you can call The Boston Planning Department at 617.722.4300 M-F, 9:00 AM - 5:00 PM



Working with City Councilors

City councilors can write letters to the BPA board expressing their, and their constituents', stances on projects. You can contact a councilor to request a letter. Belle Isle Marsh falls within Boston City Council District 1, which is currently represented by Gabriela Coletta Zapata. You can contact her at Gabriela.Coletta@boston.gov or 617-635-3200. There are also four at-large city councilors whose contact information can be found [here](#).

Winthrop and Revere residents can reach out to the Winthrop Town Council at TOWNCOUNCIL@WINTHROPMA.GOV and Revere Mayor Patrick Keefe, Jr and/or Elle Baker in Open Space and Environmental Planning, at revere.org.

Engaging with Neighborhood Groups

As previously noted, the BPA is required to notify neighborhood groups of relevant projects they are reviewing.

If a neighborhood group votes to support or oppose a project, the BPA board will take it under consideration when taking their vote. In this way, being engaged with your local neighborhood group, and encouraging others to do the same, can both help you get early notification of a project, and provide you with an additional channel to advocate for the marsh.

Attending Public Meetings

There should be at least one public meeting dedicated to every project. Simply attending is good, as it can provide you with more information and demonstrate engagement.

However, providing feedback during these meetings is also important. If you can, come to the meeting with a short comment prepared. You can find events related to a specific project on the project's [page](#) or through [this](#) list of BPA events.

The Boston Zoning Commission is also involved in approving some projects. They hold public hearings which can be found [here](#).

Step 4: Permit Process Engagement

The Boston Conservation Commission

In this step, government and private projects, which are now approved by the BPA, once again converge. In order for a project to move forward, a number of permits need to be secured. The permit that is most consistently relevant to Belle Isle Marsh comes from **the Boston Conservation Commission (BCC)**. The BCC is tasked with upholding and enforcing the **Massachusetts Wetlands Protection Act and its regulations** (See Appendices A and B), as well as the **Boston Wetlands Ordinance and its regulations** (See Appendices C and D). For our purposes, this is important because anyone wanting to do work on, in, affecting, or within 100 ft of a marsh must obtain a permit, called an **Order of Conditions (OOC)**, from the

BCC. It is obtained by project owners via an application called the Notice of Intent, (NOI). Although the NOI can be lengthy, it identifies what variances are being sought by the project owner and therefore can provide a cross check of items that the Conservation Commission will need to review. Details about the NOI can be found [here](#). If the project owners are unsure if their project needs a permit from the BCC, they can request a Determination of Applicability before going through the due diligence of filing the NOI.

Procedure:

Project teams in need of an OOC will submit a Notice of Intent or Request for Determination of Applicability to the BCC. Within twenty-one days of receipt of the request, the BCC will hold a **public hearing** where they hear a proposition from the developer, ask their own questions, and **provide opportunities for the public to ask questions and voice concerns or support**. When those steps are complete, the BCC commissioners will either take a vote to issue/reject a permit, or to extend the hearing to a later date (usually if the commissioners need more information).

Hearings for the BCC are typically held **every other Wednesday at 6pm ET**, but check [this](#) website to be sure. They are **virtual** and recorded for public record. Notices of hearings and their agendas must be published at least seven days in advance, so check back regularly and click on a specific meeting to view its details.

Engaging in this process is critical. If you later decide to appeal a BCC decision, you will eventually be required to show that you engaged at this stage. The BCC requests that if possible, **comments should be submitted** in advance of a hearing. Do this. Comments can be submitted **via email** to cc@boston.gov. You can, and should, **also speak up during the hearing** when the board asks for comments or questions on the project of concern. It is always best to submit comments both orally and in writing.

In your comments you can **reiterate concerns** already expressed by the Conservation Commissioners, **express new concerns**, **ask for more information**, and/or **ask for a specific condition to be added to the OOC**. The board has a standard OOC, but it can be edited at their discretion. You can view the standard OOC [here](#). Suggesting a new condition is a good way of making sure your concern is heard, and also providing a potential solution for the Commissioners to consider.

Public Q&A

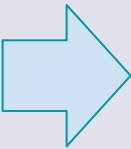
Members of the public may submit any comments or questions by "raising their hand", typing in the chat box, via email at cc@boston.gov.



The BCC will **issue their OOC within twenty-one days** of closing the public hearing. OOCs are sent to the applicant and not published publicly. However, they are public record. You can see an OOC through a request to the BCC, or a public records request. **If you plan to appeal an OOC, or are considering it, proactively request that the BCC send you the OOC when it is issued.**

Appealing a Conservation Commission Decision

If you are satisfied with the decision the BCC issues for your project, that is great! If not, it is important to **act fast and appeal the decision**. Timelines to file an appeal are as short as ten days from the issuance of the OOC, which is a very short amount of time for your group to research, write, and reach consensus on the final appeals submission. Because the BCC is in charge of upholding regulations from both the City of Boston and the Commonwealth of Massachusetts, there are **two different ways to appeal**. If you are considering either appeals route, you should **consult a policy or legal professional** to limit unintended consequences and ensure the process is completed correctly, while taking full advantage of legal marsh protections.



This is a point where you should **pause and revisit step one**. Check in with yourself and/or your organization. **Does continuing into the appeals process align with your goals?** Do you have adequate funding to pay for the appeal and for legal fees if you choose to use an attorney? If you feel an appeal might not be the right option for you, consider a request for mitigation from the project owner, such as a **Community Benefit Agreement (CBA)**, as an alternative. A CBA is a less confrontational option with fewer potential legal consequences, and in some cases, more potential for creating wins for the marsh.



Appeals Pathway 1: *The Suffolk County Superior Court*

If you believe the BCC has failed to uphold municipal legislation or regulations, you should appeal to The Superior Court. You must file your appeal within sixty days of the BCC issuing their decision. This appeals process is governed by M.G.L.c. 249, § 4, which can be viewed [here](#). This option is used infrequently.



Appeals Pathway 2: *The Massachusetts Department of Environmental Protection (MassDEP)*

If you believe the BCC has **failed to uphold state legislation or regulations**, you should **appeal to MassDEP**. This appeal must be filed within ten days of the BCC issuing their decision. If your appeal is successful, MassDEP will issue a Superseding Order of Conditions.

To file an appeal, your request for a Superseding Order of Conditions, along with the appropriate filing fee and [forms](#), must be delivered by hand or certified mail to the [Northeast Regional MassDEP](#) office within **ten days** of the BCC issuing their OOC. You must, at the same time, send copies of your appeal via certified mail or hand delivery to the BCC and the permit applicant.

Appeals can be filed by the permit applicant, the owner, any person/party aggrieved by the OOC, any owner of land abutting the land subject to the OOC, or any 10 residents of the city or town in which such land is located. More than one appeal can be filed for a single project, so one strategy may be to have as many of the above listed groups file appeals as possible. No work can be done on the development while an appeal is ongoing, and if you've filed an appeal, it is advisable to check the project work site from time to time to make sure everything is on hold while the appeals process is underway.

If an appeal contains all necessary information to make a decision, MassDEP will issue a **Superseding Order of Conditions** within seventy days of receipt of the appeal. They also have the ability to issue a Superseding Determination of Applicability, where applicable, which would overturn the BCC's decision on whether a project requires a BCC permit.

If you are unhappy with the result of the initial appeal, you can further escalate to an administrative hearing. You can only utilize this option if you previously participated in the process, and an appeal notice must be filed within ten days of MassDEP issuing their initial decision. This option is more legal, detailed, and difficult. You should consult outside legal and/or policy counsel before engaging with this step, and engage in internal conversations to ensure this option aligns with your goals and/or those of your organization.



Note:

Projects must obtain many permits beyond the Conservation Commission, and there are opportunities for public engagement within most permitting processes. If you are working to continue a fight against a project outside of just the Conservation Commission permit, or if you have specific concerns that fall outside of the BCC's jurisdiction, look into which other permits a project manager is obtaining, and engage with those processes. One example of a different permit that is usually very relevant comes from the Boston Water and Sewage Commission. Massachusetts' Stormwater Handbook and accompanying Compliance Handbook can be found [here](#).

Step 5: Monitoring and Enforcement

Getting the most out of your efforts while maximizing your time

There are still critical steps to protecting the marsh after a project has been completed. Even if you haven't completed any previous steps in this guide, you can jump in here and make a big impact.

Wetland protection legislation and regulations, and OOC permits, **can always be enforced**. Both the BCC and MassDEP can revoke permits, impose fines, and/or take legal action in the case of violations. If you believe a project is violating City of Boston legislation or regulations, an OOC, or Boston-specific components of a Superseding OOC, **contact the BCC** at cc@boston.gov. If a project is violating state legislation, regulations, or a Superseding OOC, it is more appropriate to **contact MassDEP**. You can make a report to MassDEP through a form on [this](#) page (the wetland specific form is linked [here](#)) or by emailing esf.hotline@mass.gov.

When you encounter a violation, **report it right away!** Don't hold on to something and expect it to be usable later. There is a statute of limitations of three years. [Gather and report as much information as possible, and if it is something you can photograph, do it.](#) Never trespass, don't confront violators directly, and don't harm the marsh yourself.

Step five is another good place to **revisit step one** and have an internal conversation about priorities. For example, some organizations choose to take a very proactive approach to monitoring, functioning like a watchdog. Others decide that that kind of action is not worth the time. **Make a decision about how you want to execute this step, taking into consideration your relative success in previous steps.**

Be proactive and don't look away or give up on protecting the marsh just because a project is complete.

Learn more about enforcement [here](#).



Tips, Tricks, and Advice

For Community Groups

Trust, transparency, and communication are key. Be honest, know why you do things (and communicate it), admit when you are wrong, give as many people as possible a seat at the table, and try to understand where others are coming from. Building connections and combining perspectives helps you get things done effectively, efficiently, and creatively.

Language is powerful. Choose your words carefully, and avoid trigger words by knowing your audience.

For your organization to be successful in the long-term, the organization must be multilingual and multigenerational. Perspectives might need to change, and bringing in new perspectives is hugely beneficial. Build an organization that can exist without you.

Marsh advocacy will be more successful if people understand the significance of the marsh. Continue outreach that focuses on how the marsh is critical to our health and our defenses against rising sea levels.

You can request interpretation for Conservation Commission hearings at no cost. Just let them know the Friday before the hearing!

A united voice is most powerful. See your organization as part of a coalition, and make sure you are plugged into networks and regional initiatives.

If time is limited, it may be best to share the responsibility of receiving alerts and notifications. The most valuable notifications can be discussed and finalized, and each responsible alert person can work with a group lead to create a notification report that is issued at an agreed upon frequency.

Bringing people into the marsh is the best way to form a relationship between them and the space. A relationship inspires advocacy. To get more young people in the marsh, focus on bringing in interns and reaching out to parents.

Remember that the state government is responsible for the entire state, not just Boston. At the state level there are more competing interests, and a fairly common anti-Boston sentiment. To get things done, you must build consensus and be clever about broadening issues to make them applicable state-wide. This might be tricky, but don't lose hope! State action may take longer, but when it happens, it is much more impactful.

If you don't like something, communicate your feelings, but also how you want it fixed. Presenting a solution makes it more likely that the problem will get fixed.

You should always be working multiple angles at once. For example, if you are advocating to tighten pet restrictions in the marsh, it would also be beneficial to lobby for the creation of new dog parks and open spaces in the city. A comprehensive approach to advocacy can help get more people on board.

When making contact with a group or organization, find the person who is as closely tied to your issue as possible. They will be the best person to help you. For members of congress, reaching out to staff is most efficient, and many people reply to cold emails.

Consider creating a new email account to sign up for all the alerts, so you have it all in one place and don't get overwhelmed.

Lobby for money in the budget for groups like FBIM and things like the Municipality Vulnerability Preparedness Action Grant.

Always be thinking about how to get from the short term to the long term. Break down your long term vision into achievable steps, and remember that small wins help maintain engagement. It can be hard to get the attention of higher-ups on long term issues because they must consider more pressing issues happening today. So be clever. For example, you can loop long term climate resilience into a short term project.

Tips, Tricks, and Advice

For Individuals

Trust, transparency, and communication are key. Be honest, know why you do things (and communicate it), admit when you are wrong, give as many people as possible a seat at the table, and try to understand where others are coming from. Building connections and combining perspectives helps you get things done effectively, efficiently, and creatively.

Language is powerful. Choose your words carefully, and avoid trigger words by knowing your audience.

If you don't like something, communicate your feelings, but also how you want it fixed. Presenting a solution makes it more likely that the problem will get fixed.

Consider creating a new email account to sign up for all the alerts so you have it all in one place and don't get overwhelmed.

You can request interpretation for Conservation Commission hearings at no cost. Just let them know the Friday before the hearing!

You can use computers at public libraries for free to join meetings or submit comments.

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Being proactive is never bad, but remember that it is another human being you are communicating with. People are most willing to collaborate when they feel their position has been heard and that constructive dialogue is possible.

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Conclusion

We sincerely hope that this guide opens doors for you, your organization, and our community as a whole. Our goal is to make environmental advocacy more accessible, and we invite you to join us in working towards that goal by utilizing this guide, telling people you know about the guide and what you learned, and allowing your curiosity to expand beyond the confines of this project's scope.

This guide is by no means perfect, nor is it entirely complete. In the future, we hope to translate it into several different languages to make it more accessible. We also want to note that things continue to change, and this guide, eventually, will need to be updated. Plans are in place for updating Article 80 and the WPA Regulations in the near future, so be on the lookout for those changes to ensure you have the most up to date information.

Thank you for advocating for the critical resource that is Belle Isle Marsh, and we hope that you continue to seek out opportunities to do so.

A photograph of a snowy roof with a wooden fish sculpture and a letter 'S' on the left, and a snowy owl perched on the right. The word 'Appendix' is centered in the middle of the image.

Appendix

Appendix A

Wetlands Protection Act Summary

Wetlands Protection Act: Title XIX, Chapter 131, Section 40 of the Massachusetts General Laws - [Full Text Here](#)

Key Idea: You can not remove, fill, dredge, or alter a bank or coastal wetland without filing a Notice of Intent (NOI), creating plans that detail the effects of the project on the environment, receiving and complying with an OOC, and waiting for appeal periods to lapse.

Process:

- The applicant submits an NOI to the Conservation Commission (CC) with jurisdiction over their project location. To submit an NOI, you ideally have obtained all other necessary city/local permits, and/or can provide proof of application
- The same NOI needs to be sent to all abutters within 100ft of the project site
- Within twenty-one days of receipt of the NOI, the CC will issue a determination of whether The WPA is applicable to the project and hold a public hearing
 - Notice of the hearing time and location must be given no fewer than 5 days prior via publication in a widely circulated paper and mailing of notice to applicant, board of health, and planning board of city/town
 - For any decisions to be made, a quorum of board members must be present
 - The CC can enter private land for the purpose of their duties
- The CC determines whether the project “is significant to public or private water supply, to the groundwater supply, to flood control, to storm damage prevention, to prevention of pollution, to protection of land containing shellfish, to the protection of wildlife habitat or to the protection of fisheries or to the protection of the riverfront area consistent with” the previously listed purposes. If they determine it is significant, within twenty-one days of the hearing they issue an OOC to protect the described interests, and all work on the project must be done in accordance with those conditions. If they determine that it is not significant, the applicant will be notified within twenty-one days of the hearing.
 - Existing and “lawfully located” facilities that are used to provide key services to the public, may be maintained, repaired, or replaced (but not enlarged or substantially changed) without going through this process.

Appeals to MassDEP:

If the CC fails to meet any of the twenty-one day deadlines, or if an order is issued, the applicant, any person aggrieved by said commission's order or failure to act, or any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which said land is located, may, within ten days of the order being issued or failure to act occurring, request that MassDep determine whether the project is significant according to the same interests considered by the CC. The commissioner of MassDEP, or their designee, may also make the same request. If you make such a request to MassDEP, you must also send a copy of your request to the CC. If the person making the request is not the applicant, a copy must also be sent to the applicant.

MassDEP will notify you within thirty days if your request is in bad form, or lacking information. Otherwise, they will issue a determination with conditions within seventy days of receipt of your request, signed by the commissioner or their designee.

If MassDEP issues a determination, it supersedes any determination made by the CC, but no work on the project may commence until ten days after the issuance of the order. A request for a Superseding Order of Conditions may be withdrawn in writing at any time before the department issues a determination. The request for withdrawal is effective upon receipt by MassDEP. However, the commissioner or their designee can decide to continue with the determination regardless of the withdrawal, so long as they notify parties of their decision within ten days of receipt of the request for withdrawal.

Appendix A - Continued

Beginning Work:

No work proposed in any notice of intention can begin until the final order, determination or notification with respect to such work has been recorded in the registry of deeds, or if the land affected thereby be registered land, in the registry section of the land court for the district wherein the land lies. If the final order, determination or notification requires the recording of a plan which (1) shows the location of the work, (2) is prepared by a registered professional engineer or land surveyor and (3) is in recordable form, no work proposed in the notice of intention shall be undertaken until such plan has been recorded in the registry of deeds or, if the land affected thereby is registered land, in the registry section of the land court for the district wherein such land lies.

Any site where work is being done which is subject to this section shall display a sign of not less than two square feet or more than three square feet bearing the words, "Massachusetts Department of Environmental Protection File Number...." and the sign shall display the file number assigned to the project.

If the department of environmental protection finds that any proposed work would violate the provisions of chapter ninety-one, it shall proceed immediately to enforce the provisions of said chapter.

Within twenty-one days of receiving a request from the applicant or land owner, whichever body issued the final order must issue a certificate of compliance that states that the activity, or portions thereof, has been completed in accordance with such order, if the activity, or portions thereof, do in fact comply with the final order.

Exceptions:

The provisions of this section shall not apply to any mosquito control work done under the provisions of clause (36) of section five of chapter forty, of chapter two hundred and fifty-two or of any special act; to maintenance of drainage and flooding systems of cranberry bogs, to work performed for normal maintenance or improvement of land in agricultural use or in aquacultural use; or to any project authorized by special act prior to January first, nineteen hundred and seventy-three.

An NOI is not needed for emergency projects necessary for the protection of the health or safety of the commonwealth which are to be performed or which are ordered to be performed by an agency of the commonwealth or a political subdivision thereof. The CC certifies projects to be emergencies. If the CC doesn't act within twenty-four hours of receipt of an emergency certification request, the Commissioner or their designee can certify a project as an emergency. The work done cannot extend beyond the period needed to resolve the state of emergency.

The commissioner can declare a severe weather emergency which allows work to be done to protect the health or safety of MA residents. The declaration will specify what work is allowed, any mitigation requirements, notification requirements, and the geographic and time scope of the declaration. No emergency shall be longer than three months unless extended by the commissioner. The CC in the area and the general public will be notified. The department can still enforce everything not altered by declaration.

Violations and Enforcement:

If you purchase or inherit property where a violation of this act or any related order has occurred, you must comply with the act/order or restore such real estate to its condition prior to any such violation. However, there is a statute of limitations of three years. The AG, MassDEP commissioner, a city/town, an owner/occupant of property affected by changes, or ten residents of MA, may petition a court with equity jurisdiction to issue orders to restrain and remedy violations.

The MassDEP Commissioner can make rules/regs to effectuate the purposes of this section. A conservation commission and its agents, officers, and employees; the commissioner, his agents and employees; environmental officers, and any officer with police powers may issue enforcement orders directing compliance with this section and may undertake any other enforcement action authorized by law. Any person who violates the provisions of this section may be ordered to restore property to its original condition and take other actions deemed necessary to remedy such violations.

No person shall remove, fill, dredge or alter any area subject to protection under this section without the required authorization, or cause, suffer or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with an enforcement order issued pursuant to this section.

Whoever violates any provision of this section, (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both such fine and imprisonment; or (b), shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation.

Appendix B

Wetlands Protection Regulations Explanation

310 CMR 10.00: Massachusetts Wetlands Protection Regulations - [Full Text Here](#)

Purpose: The purpose of 310 CMR 10.00 is to define and clarify the process by establishing standard definitions and uniform procedures by which conservation commissions and the Department may carry out their responsibilities under the WPA.

Essentially, these regulations are very specific rules created by MassDEP to help them, and conservation commissions statewide, to better, and more uniformly, enforce the Wetlands Protection Act. Regulations provide very clear instructions and **every detail is important**. To get a good big picture understanding of their intentions, you should read the summary of the Wetlands Protection Act. However, **because the detail within these regulations is so critical, summarizing them beyond what is already provided under the WPA summary is not beneficial.**

Instead, use the “find on page” function by hitting “ctrl” and “f” on your keyboard at the same time. This allows you to **search for key terms and sections** that are critical to your situation. Also, **refer to the annotated table of contents below** to see what an exploration of these regulations may help you better understand. A few practical details have also been pulled out and noted below.

Contents

Regulations for All Wetlands

10.01: Introduction and Purpose

10.02: Statement of Jurisdiction

Content notes: Which areas and activities are subject to regulations, defines the buffer zone

10.03: General Provisions

Content notes: Burden of proof, Burden of going forward, Presumption about the state environmental code, Point-source Discharges, Presumption of Significance, Application of Herbicides, Fees

10.04: Definitions

Content notes: This is a very helpful section!

10.05: Procedures

Content notes: Administrative details, Determinations of Applicability, Notices of Intent, Abutter information and details, Public hearings, Orders of Conditions, Orders of Resource Area Delineation, Appeals, Extensions of orders, Certificates of Compliance, Variance, Permitting of test projects

10.06: Emergencies

Content notes: Rules for emergencies and emergency projects

10.07: Compliance with M.G.L. c. 30, §§ 61 through 62H

10.08: Enforcement Orders

10.09: Severability

10.10: Effective Date

10.11: Actions Required Before Submitting a Notice of Intent for an Ecological Restoration Project

10.12: Notice of Intent for an Ecological Restoration Project

10.13: Eligibility Criteria for Restoration Order of Conditions

Content notes: Includes additional eligibility criteria for Tidal Restoration Projects and Rare Species Habitat Restoration, among other things.

10.14: Restoration Order of Conditions

Appendix B - Continued

Contents Cont.

Additional Regulations for Coastal Wetlands

Note: Each of these sections is relatively short and follows pretty much the same format of Preamble, Definitions, Regulations.

10.21: Introduction

10.22: Purpose

10.23: Additional Definitions for 310 CMR 10.21 through 10.37

10.24: General Provisions

10.25: Land under the Ocean

10.26: Designated Port Areas

10.27: Coastal Beaches

10.28: Coastal Dunes

10.29: Barrier Beaches

10.30: Coastal Banks

10.31: Rocky Intertidal Shores

10.32: Salt Marshes

10.33: Land under Salt Ponds

10.34: Land Containing Shellfish

10.35: Banks of or Land under the Ocean, Ponds, Streams, Rivers, Lakes or Creeks that Underlie Anadromous/Catadromous ("Fish Run")

(10.36: Reserved: Variance Provision is found at 310 CMR 10.05(10))

10.37: Estimated Habitats of Rare Wildlife (for Coastal Wetlands)

Additional Regulations for Inland Wetlands

Note: Belle Isle Marsh is a Coastal Wetland, so this section is less relevant, if at all. Each of these sections is relatively short and follows pretty much the same format of Preamble, Definitions and Boundaries, Presumption(s), and General Performance Standard(s).

10.51: Introduction

10.52: Purpose

10.53: General Provisions

10.54: Bank (Naturally Occurring Banks and Beaches)

10.55: Bordering Vegetated Wetlands (Wet Meadows, Marshes, Swamps and Bogs)

10.56: Land under Water Bodies and Waterways (under any Creek, River, Stream, Pond or Lake)

10.57: Land Subject to Flooding (Bordering and Isolated Areas)

10.58: Riverfront Area

10.59: Estimated Habitats of Rare Wildlife (for Inland Wetlands)

10.60: Wildlife Habitat Evaluations

Content notes: Measuring Adverse Effects on Wildlife Habitat, Wildlife Habitat Characteristics of Inland Resource Areas, Restoration and Replication of Altered Habitat

A few helpful and generally applicable points:

- Any activity within 100 feet of the marsh is subject to regulations and projects within that area must submit NOIs. This area is called the “**buffer zone**”
- Generally, the applicant has the **burden of proof**, trying to show that a resource area is not significant, or that their project won’t cause it harm. If you request that the CC regulate an area outside of a resource area or buffer zone, you have the burden of proof to show that that area is significant.
- All **time periods** of ten days or less are computed only using business days and begin the first day after the issuance of a decision. All other specified time periods are computed using calendar days, unless the last day falls on a Saturday, Sunday or legal holiday, in which case the last day shall be the next business day following.

Appendix C

Boston Wetlands Ordinance Summary

ORDINANCE PROTECTING LOCAL WETLANDS AND PROMOTING CLIMATE CHANGE ADAPTATION IN THE CITY OF BOSTON - [Full Text Here](#)

Premise: The City of Boston is concerned about climate change and protecting wetlands, which they identify as a key tool to fighting the effects of climate change. This ordinance acts as a Boston-only addition to the WPA and its regulations, tightening restrictions. In practice, its main immediate purpose is to provide more structure and guidance for the Boston Conservation Commission (BCC).

They identify the following specific **resource area values to protect with this ordinance**: protection of the public or private water supply and quality; protection of the public and private groundwater supply and quality; short term and long term coastal and stormwater flood control, erosion and sedimentation control; storm damage prevention, including coastal storm flowage; protection of surface water supply and quality, including water pollution control; flood conveyance and storage; protection of fisheries, land containing shellfish, wildlife habitat, rare and endangered plant and animal species and habitat, wetland plant habitat, and recreation, and to protect the health, safety, and welfare of the public and to mitigate impacts from climate change.

The Ordinance includes a **section with definitions**, which may be helpful to you.

Boston Specific Additions to the Permit Process (Different from WPA):

- The BCC can allow **electronic** delivery of required forms (rather than just by mail or hand)
- Applications must consider the **effects of climate change** on the project site and integrate climate resilience and adaptation into the project when possible. The BCC will explicitly consider this in permit issuance
- The BCC may impose reasonable fees upon applicants for the purpose of securing **outside consultants** including engineers, wetlands scientists, wildlife biologists, or other experts in order to aid in the review of proposed projects. However, an applicant may withdraw their permit application within 5 days of receiving notice of additional fees.
- The BCC can waive fees for government projects or projects that further resource areas
- **Hearings** for different projects can be combined into one [And in practice, they are!]
- The BCC can decide they need to continue a hearing for a project for any reason, but a common reason is feeling that they need more information
- Notice of hearings must not only published in a paper, but also on the BCC's website
- Hearings must be conducted in accordance with the Boston Open Meeting Law
- The same project notice given to the BCC must be given to **abutters**, and abutters to abutters (within 300 ft), even if they are across a body of water or in a different municipality. If a project is within 300 ft of **another municipality**, the permit applicant must also give this municipality's CC notice of the project.
- The BCC will try not to prevent projects that benefit the resource areas or whose sole purpose is to address climate resiliency. Usually the projects that do so are identified by Climate Ready Boston (or similar successor initiative)
- The BCC can issue a **permit denial** if denial is necessary to preserve environmental quality of either or both the subject lands and contiguous lands. The BCC is further empowered to deny a permit for failure to meet the requirements of this Ordinance; for failure to submit necessary information and plans requested by the Conservation Commission; for failure to meet the design specifications, performance standards and other requirements in regulations of the Conservation Commission; for failure to avoid or prevent significant or cumulative effects upon the Resource Area Values protected by this Ordinance; or where no conditions are adequate to protect those values, in its sole discretion as the issuing authority.
- The BCC's goal is preventing resource area loss by ensuring as little change as possible is made. In some cases when changes must be made the BCC may require **mitigation**, which may include replication of wetlands (under very strict guidelines).
- The BCC may require an **inventory and analysis** of hydrology, vegetation, wildlife, and wildlife habitat of the project area, to be paid for by the applicant, whenever it deems appropriate.
- Projects in or bordering **Areas of Critical Environmental Concern** (as designated by MA Secretary of Energy and Environmental Affairs) are subject to the highest level of scrutiny by the BCC and the BCC can recommend that the mayor/city council designate separate areas of environmental concern.
- The BCC shall presume that all areas meeting the definition of **vernal pool**, including the adjacent area known as "vernal pool habitat", perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence which demonstrates that it does not provide essential habitat functions.

Appendix C - Continued

Boston Specific Additions to the Permit Process (Different from WPA) Cont. :

- The BCC may require that an applicant submit to the BCC a **Resources Management Plan** that adequately describes measures at the site intended to protect and enhance site resources and to eliminate, mitigate, or minimize project impacts. The Commission may require that the Resources Management Plan include a detailed budget and identify the entity legally responsible for implementing the Plan.
- Activities and their ancillary uses in **FEMA Velocity zones** which result in alterations to vegetative cover, interruptions in the supply of sediment to other wetland resources, or changes to the form or volume of a dune or beach that will have an adverse effect on said landform's ability to provide storm damage prevention and flood control are, therefore, prohibited.
- A BCC permit is **valid for three years**, but can be extended for an additional three year period with proper notice and a public hearing.
- The Order of Conditions shall be **recorded in the County Registry of Deeds or Registry District of the Land Court**, where appropriate, prior to the commencement of any of the proposed activities regulated by the Order of Conditions. No work shall commence until proof of recording is provided to the Commission. If work is undertaken without the applicant first recording the permit, the Conservation Commission may issue an enforcement order.
- The Commission may **revoke** a permit, order, determination, or decision issued under the Ordinance, but only for violation of this Ordinance and only after notice of violation to the permittee and abutters, and after a properly noticed public hearing. The Commission may establish written policies and procedures with respect to permit revocation, including provision for sufficient written warning and opportunity to cure.
- **Amendments** to permits, orders, and determinations shall be handled in the manner set out in the Wetlands Protection Act regulations and policies thereunder.

Other Important Notes:

- After public notice and public hearing, the BCC can make and amend rules and regulations to enforce this ordinance
- For all proposed **reference maps** delineating resource areas, the Commission shall conduct a public rulemaking process
- Unless otherwise stated in this Ordinance or in the rules and regulations made under this Ordinance, the definitions, procedures, and performance standards of the WPA and Regulations as most recently promulgated shall apply
- To **ensure a permit is upheld**, the CC may require: Some sort of security deposit (bond, money, or other securities); a conservation restriction, easement, or other covenant enforceable in a court of law; any other method
- The applicant for a permit has the **burden of proving** that the work proposed in the permit application will not have unacceptable significant or cumulative adverse effect upon the Resource Area Values protected by this Ordinance. Failure to provide adequate evidence to the Conservation Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.
- Work or activity specified in a request or application to the BCC shall meet, at a minimum, the **best management practices for stormwater management** as set forth in the Stormwater Management Standards of the Massachusetts Department of Environmental Protection and any separate standards and guidelines prepared by the City and the Boston Water and Sewer Commission.
- For Superior Court Appeals, look at M.G.L. c. 249, § 4.
- Without BCC permission, no one can do anything to wetlands, or the area within 100 ft of them ("**Buffer Zones**") (except Land Subject to Coastal Storm Flowage and the Coastal Flood Resilience Zone). Other areas are also protected, but are not relevant to the scope of this project. Collectively, the protected areas are known as "resource areas protected by the Ordinance" or "**resource areas.**"
- **Negative effects** of changes to buffer zones might be: erosion, siltation, loss of groundwater recharge, degraded water quality, loss of wildlife habitat, degradation of wetland plant habitat, alteration of hydrology, soil contamination, and proliferation of invasive plants.
- Within twenty one (21) days of commencement of an **emergency project** (as defined by WPA), a permit application must be filed. If this, or other requirements, aren't met, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

Enforcement:

Key: No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this Ordinance, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this Ordinance.

- The BCC, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties and may make or cause to be made such examinations, surveys, or sampling as the BCC deems necessary.
- Can enforce via letters, phone calls, and electronic communication, violation notices, fines, noncriminal citations, and civil and criminal court actions
- Upon request of the BCC, the Corporation Counsel shall take legal action for enforcement under civil law; the Chief of Police shall take legal action for enforcement under criminal law; and municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the BCC in enforcement.

Appendix D

Boston Wetlands Regulations Explanation

[Full Text Here](#)

Purpose: The purposes of these regulations are to define and clarify the process [established in the Ordinance] by establishing additional definitions, performance standards, and uniform procedures by which the Commission shall carry out its responsibilities under the Ordinance.

Essentially, these regulations are very specific rules created by the Boston Conservation Commission to help them better, and more uniformly, enforce the Boston Wetlands Ordinance. Regulations provide very clear instructions and **every detail is important**. To get a good big picture understanding of their intentions, you should read the summary of the Boston Wetlands Ordinance. However, **because the detail within these regulations is so critical, summarizing them beyond what is already provided under the Ordinance summary is not beneficial**.

Instead, use the “find on page” function by hitting “ctrl” and “f” on your keyboard at the same time. This allows you to **search for key terms and sections** that are critical to your situation. Also, **refer to the annotated table of contents below** to see what an exploration of these regulations may help you better understand.

CONTENTS

PART I. PURPOSE AND PROCEDURES

Section I. Introduction, Authority, and Purpose

Content notes: Disregard, summarized above

Section II. Jurisdiction

Content notes: Which areas and activities are subject to these regulations

Section III. General Provisions

Content notes: Presumption of Significance, Burden of Proof, Burden of Going Forward

Section IV. Promulgation of Regulations

Section V. Definitions

Section VI. Procedures

Content notes: Request for Determination of Applicability, Determination of Applicability, Abbreviated Notice of Resource Area Delineation, Notice of Intent, Abutter Notices, Public Hearings and Meetings, Orders of Conditions Regulating Work, Denials, Other OOC details, Certificate of Compliance, Emergency Certifications

Section VII. Fees

Section VIII. Exemptions

Section IX. Right of Entry

Section X. Enforcement

Section XI. Security

Section XII. Appeals

Section XIII. Severability

Appendix D - Continued

Contents Cont.

PART II. PERFORMANCE STANDARDS FOR RESOURCE AREAS

Section XIV. Isolated Vegetated Wetlands

Content notes: Definition and boundaries, Presumption, Performance Standards - (BIM is not an IVW)

Section XV. Vernal Pools & Vernal Pool Habitat

Content notes: Definition and boundaries, Presumptions, Performance Standards

Section XVI. Replication & Restoration

Content notes: How wetland replication and restoration should be done and how it should be monitored/recommended by the BCC

Section XVII. Land Subject to Coastal Storm Flowage

Content notes: Special considerations for impacts of climate change, Definitions and Boundaries, Presumption, Performance Standards, Redevelopment Within Previously Developed LSCSF

Section XVIII. RESERVED

Important Piece Taken from the Ordinance:

“In evaluating the project and prior to issuing any permit, the Commission shall consider cumulative loss, degradation, isolation, and replacement or replication of such protected resource areas at the project site, resulting from past activities, whether by the applicant or any prior property owner and whether permitted, unpermitted, or exempt. The Commission shall also consider individual and cumulative adverse impacts on protected resources arising from reasonably foreseeable future activities when evaluating a project application.”

Appendix E

Article 80 Summary

[Full Text Here](#)

Article 80 is intended to provide public comment opportunities and ensure that projects are in the best interest of the community – although many different needs must be balanced. Article 80 differentiates between large project review, small project review, planned development area review, and institutional master plan review. The Boston Planning Agency (BPA), formerly Boston Redevelopment Authority, is in charge of the review process.

General notes for Large projects, PDAs and IMPs:

- Whenever the BPA receives documents from an applicant, they must publish notice within 5 days in a “newspaper of general circulation in the City and shall give such notice in writing to all public agencies of the City.” They must also send a copy of the document(s) to the relevant neighborhood group(s). Copies must also be available at the BPA office.
- Notice of any hearing before the BPA will be published in a “newspaper of general circulation in the City” and notice in writing will be given to all public agencies of the City
- Public comments must be submitted in writing in a timely manner
- You can request any submitted documents from the BPA and they will make the applicant send them to you. For some documents, they are allowed to charge you for reproduction cost.
- BPA can occasionally change timelines, but if they do so, must publish notice

Large Project Review Process:

There are very specific requirements about what qualifies as a large project. It depends on the neighborhood and proposed construction, but generally any changes affecting 50,000+ sq ft gross area are large projects. In some cases projects of 10,000+ sq ft of gross area qualify and in other cases, usually less invasive projects, there must be change in at least 100,000 sq ft of gross area.

In the large project review process, the BPA considers transportation, environmental protection, urban design, historic resources, infrastructure systems, site plan, tidelands, Development Impact Project, AFFH Assessment Component, Accessibility Component, Smart Utilities Component, and Resilience. However, they can waive or modify requirements within these categories for certain industrial buildings or to preserve/create affordable housing.

The review process begins with an optional, but recommended, pre-review meeting between the BPA and the applicant to discuss the process and plans. After this meeting, the applicant will file all required documents with the BPA, including a Project Notification Form (PNF). This triggers the publication of a public notice and public comments must be submitted within 30 days of the notice. Within 45 days of BPA receipt of the PNF, the BPA issues scoping determination which essentially outlines areas of impact and what needs to be studied, analyzed, and mitigated. If they determine there is adequate information on the impacts of the project at this stage, they can waive further review and the scoping determination will include conditions for mitigation. In this case, the scoping determination goes into effect 19 days after issuance. Notice of issuance will be published and the public has 14 days to comment (only with new info not previously commented).

If it is a development impact project, there will be a public hearing prior to scoping determination issuance. If further review is not waived, the applicant then drafts and submits a project impact report (impacts and mitigation). Notice will be published and public comment opens, closing 15 days before BPA must issue the Preliminary Adequacy Determination (PAD). At this time, the BPA reviews the Draft Project Impact Report (DPIR) and public comments and issues a PAD within 45-90 days of DPIR receipt (depends on project size). If they determine the DPIR is good, they can waive further review and the PAD will include conditions for mitigation. In this case, PAD goes into effect 19 days after issuance, notice of issuance will be published and the public has 14 days to comment (only with new info not previously commented). If it is a development impact project, there will be a public hearing prior to PAD issuance.

If further review is not waived, the applicant files a Final Project Impact Report (FPIR). Notice will be published and public comment opens, closing 15 days before BPA must issue the Adequacy Determination (AD). The BPA issues the AD within 45-90 days of FPIR receipt. In issuing the Adequacy Determination, the Boston Redevelopment Authority shall approve, conditionally approve, or disapprove the Final Project Impact Report. If it is a development impact project, there will be a public hearing prior to the AD issuance.

If a project is denied, the applicant can re-submit and go through the process again. If a project is approved, the applicant then draws up and submits project plans that comply with the AD. If they do comply, the BPA Director will issue a certificate of compliance and the next phases of building may commence.

Appendix E - Continued

Planned Development Area (PDA) Master and Development Plans:

PDA Master and Development Plans must satisfy the same Environmental Protection, Green Building and Net Zero Carbon, AFFH Assessment Component, Accessibility Component, and Smart Utilities Component requirements as in Large Project Review.

The review process begins with an optional, but recommended, pre-review meeting between the BPA and the applicant to discuss the process and plans. The applicant then files their PDA master/development plan with the BPA which triggers the publication of public notice. Public comments must be submitted in writing to BPA within 45 days of public notice of plan submission. Between 60-90 days after the plan is filed, the BPA will either “authorize its Director to petition the Zoning Commission to approve the plan and designate the area of the Proposed Project or Master Plan development concept as a Planned Development Area, or shall conditionally approve the plan, or shall disapprove the plan. Before it issues its decision, the Boston Redevelopment Authority shall (1) hold a public hearing, for which it shall publish notice pursuant to [Section 80A-2](#), (2) allow for written and electronic comment and issue written responses, individually or in the aggregate, to comments received no later than three business days before the date of a public hearing and (3) consider all public comments received.” In the case of the Zoning Commission taking charge, they will also consider the project, likely holding a hearing. If everyone approves the project, the applicant must then obtain a certification of consistency from the BPA director to begin construction.

Institutional Master Plan (IMP) Review:

Note: Small institutions are exempt from this process.

The review process begins with an optional, but recommended, pre-review meeting between the BPA and the applicant to discuss the process and plans. After this meeting, the applicant will file all required documents with the BPA, including an Institutional Master Plan Notification Form (IMPINF). This triggers the publication of a public notice and the public comment period opens. Public comments must be submitted in writing to BPA within 30 days of public notice of IMPINF. Within 45 days of BPA receipt of the IMPINF, the BPA issues a scoping determination which essentially outlines areas of impact and what needs to be studied, analyzed, and mitigated. The applicant then submits an IMP that meets the scoping determination requirements. Notice is published and a 60 day public comment period opens. A public hearing is held, and within 90 days of IMP receipt, an Adequacy Determination is issued by the BPA. The project is then handed off to the Zoning Commission who also holds a public hearing before issuing a decision on the project. If both the BPA and Zoning Commission approve the project, the applicant must then obtain a certification of consistency from the BPA director to begin construction.

Small Project Review Process:

In the small project review process, the BPA considers requirements in the following categories: design, site plan, comprehensive sign design, resilience, and net zero carbon. Generally, small projects are projects that add 15+ dwelling units and/or affect at least 20,000+ sq ft.

The process begins when an application is submitted. The BPA provides notice to the relevant neighborhood group that an application has been submitted. Then, the BPA reviews the proposal and determines if it meets requirements. In this process, they consider a recommendation from the Boston Environmental Department. If the project is approved, a certification of approval is obtained and construction can commence.

General note for all projects: You can appeal if a permit is denied, but not if it is granted.

Appendix F

Full List of URLs Linked

In Order of Appearance

Step 2:

<https://www.bostonplans.org/projects/development-projects>
<https://www.bostonherald.com>
<https://www.bostonplans.org/about-us/get-involved>
<https://www.boston.gov/departments/environment/boston-conservation-commission>
<https://newsletters.boston.gov/subscribe>
<https://www.bostonplans.org/planning-zoning/zoning-commission>

Step 3:

<https://www.bostonplans.org/projects/development-review/what-is-article-80>
<https://www.boston.gov/departments/boston-digital-service/project-search>
<http://MASS.gov>
<https://www.mass.gov/massdot-projects-and-studies>
<https://public.govdelivery.com/accounts/MADOT/subscriber/new>
<https://www.mass.gov/massdep-meetings-events-hearings>
<https://www.mass.gov/info-details/sign-up-subscribe-or-follow-massdep>
<https://www.mass.gov/orgs/department-of-conservation-recreation>
https://library.municode.com/ma/boston/codes/redevelopment_authority?nodeId=ART80DEREAP
<https://www.bostonplans.org/projects/development-projects>
<https://www.bostonplans.org/projects/development-projects>
<https://www.bostonplans.org/projects/development-projects>
<https://www.boston.gov/departments/city-council>
<https://www.bostonplans.org/news-calendar/calendar>
<https://www.bostonplans.org/planning-zoning/zoning-commission>

Step 4:

<https://www.mass.gov/how-to/wpa-form-3-wetlands-notice-of-intent>
<https://www.boston.gov/public-notice?page=0>
<https://docs.google.com/document/d/1iDnriAybvODjsSb7xmjYiARcUDBk6HBY/edit?usp=sharing&ouid=116812619043876887899&rtpof=true&sd=true>
<https://malegislature.gov/Laws/GeneralLaws/PartIII/TitleIV/Chapter249/Section4>
<https://www.mass.gov/info-details/massdep-northeast-regional-office>
<https://www.mass.gov/how-to/wpa-form-5-order-of-conditions#:~:text=Appeals%20of%20the%20Order%20of%20Conditions&text=Such%20a%20request%20must%20be,of%20issuance%20of%20the%20Order.>
[https://www.mass.gov/guides/massachusetts-stormwater-handbook-and-stormwater-standards#:~:text=XLS%2039%20KB\)-,Applicable%20Regulations,Stormwater%20Management%20Updates%20Advisory%20Committee](https://www.mass.gov/guides/massachusetts-stormwater-handbook-and-stormwater-standards#:~:text=XLS%2039%20KB)-,Applicable%20Regulations,Stormwater%20Management%20Updates%20Advisory%20Committee)

Appendix F - Continued

Step 5:

<https://www.mass.gov/info-details/filing-environmental-complaints>

<https://www.mass.gov/forms/environmental-complaint-form#form1>

<https://www.mass.gov/how-to/report-environmental-violations#:~:text=Phone.esf.hotline@mass.gov>

<https://www.mass.gov/files/documents/2016/08/pz/wenfman.pdf>

WPA:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXIX/Chapter131/Section40>

WPA Regs:

<https://www.mass.gov/regulations/310-CMR-1000-wetlands-protection-act-regulations>

Boston Wetlands Ordinance:

https://www.boston.gov/sites/default/files/file/2019/12/Boston%20Wetlands%20Ordinance_0.pdf

Boston Wetlands Regs:

https://www.boston.gov/sites/default/files/file/2022/02/Final%20Wetlands%20Regulations%202_9_2022_0.pdf

Article 80:

https://library.municode.com/ma/boston/codes/redevelopment_authority?nodeId=ART80DEREAP

https://library.municode.com/ma/boston/codes/redevelopment_authority?nodeId=ART80DEREAP_IIRELAPRPLDEARPLINMA PLAPREBOREAUVO_AGEPR_S80A-2PUNOCO

<https://www.bostonplans.org/getattachment/bb9b2684-3d2b-4824-9d58-c01ded3338f4>

<https://www.bostonplans.org/getattachment/1662c8d7-30bd-4704-96da-dc4bb3fc461c>

Appendix G - Pre-Advocacy Discussion Checklist

Considering Priorities, Collaboration, & Compromise

If you are completing this step as an individual advocate, consider outlining the following:

- ☐ What specific issue concerns you?
 - ☐ What might happen if your concern is not addressed?
 - ☐ How much time can you spend on this concern, and can you attend key meetings?
Note that if you can't attend certain meetings, you can still advocate, and this guide tells you how.
 - ☐ What are the top priorities you think will address your concern, and how could they be implemented?
 - ☐ If your top priorities are not addressed, what do you feel would be a reasonable substitute or compromise that will help?
-

In addition to the considerations outlined above, organizations should consider the following:

- ☐ Does everyone in the group agree on the major concern and are they in line with the organization's mission and objectives? Is the concern outlined specifically enough so that an actionable plan can be considered by the developers and permit approvers?
- ☐ What are the top three priorities to resolve the concern, from the group perspective? If the group does not agree on the top priorities, it is important for the group to agree that the final top priority list is at least supportable by everyone.
- ☐ Is there someone in the group who can research questions? Is someone available to attend meetings?
- ☐ If time and resources are limited, is this concern worth taking on by the group? If it is agreed that some action should be taken, but time is limited, the group should identify what action is possible in the time allotted
- ☐ What is the group's compromise plan if the full request is not granted? Is there time to pursue this compromise plan?