

Massachusetts Department of Environmental Protection
Bureau of Water Resources – Waterways Regulation Program
Chapter 91 WW 06/WW 12 Simplified License Application/Renewal

Special Note: Inland Structures that do not need a Chapter 91 License.

If your application is for an inland structure that is not located on a pond listed on the [Great Pond](#) list or on a river or stream not located in Chapter 91 jurisdiction you do not need a Chapter 91 authorization. For any questions please contact MassDEP Waterways Staff at: DEP.Waterways@mass.gov or 617-292-5929.

*The Chapter 91 regulations specify that if a structure meets the eligibility requirements of the **General License Certification** it is required to be authorized through that process. Please complete the Pre-Application form and review the construction standards to determine whether a project is eligible for the Simplified Application.*

A. General Information

Simplified procedures have been created for owners of certain small residential docks, piers, seawalls and bulkheads. Applicants for projects that meet the standards for a Simplified License should generally be able to complete and file the Chapter 91 license application without the need for professional assistance. Professionally prepared Mylar construction plans are not typically required. However, even if your project is eligible for a Simplified license, you may wish to seek a Standard Waterways license if you are seeking a license term longer than 15 years. Water-dependent and nonwater-dependent structures eligible for the Simplified application review process include certain docks, piers and other small-scale structures that are accessory to residential uses or that serve as non-commercial community docking facilities.

B. Fee Information

The fee is \$75 for a Simplified License (WW 06) and \$35 for a Simplified License Renewal (WW 12).

Simplified Licenses/Renewals are subject to Commonwealth Occupation fees which are calculated at \$1.00 per square yard multiplied by the license term (up to 15 years). The applicant will be notified of the amount due (if any) following Department review of the license application.

C. Notification Instructions

WW 06

Prior to initiating the online application it is the applicant's responsibility complete the notification actions specified below.

PUBLICATION OF PUBLIC NOTICE

It is the applicant's responsibility to enter all of the required information into the public notice template. (See the Public Notice Template in the Instructions Document) The project is identified in the notice using the Pre-Application number for the WW 06 and project address. The notice is required to be published by the applicant in a newspaper of general circulation in the area where the project is located. The applicant should call ahead to the newspaper to identify the appropriate Notification Date to be listed in the Public Notice, which is the date of publication.

NOTICE TO PARTIES OF PUBLIC NOTICE AND PLANS

The entities that must be notified are in the checklist below. Note that some entities must be notified by certified mail.

- MassDEP Waterways Program (dep.waterways@mass.gov) or 1 Winter Street, Boston, MA 02108
- Mayor and City Council or Select Board

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- Planning Board
- Zoning Authority
- Local Conservation Commission

The applicant must send **by certified mail, return receipt requested** a copy of the Public Notice and project plans to:

- Landowner, if not the applicant
- Interested Parties (any person having a recorded easement interest in the property where the structure is or may be located).
- Abutters (the owner of land that shares, along the water's edge, a common boundary or corner with a project site, as well as the owner of land that lies within 50-feet across a water body from such site.
Ownership shall be determined according to the records of the local tax assessor's office.

COORDINATION WITH CONSERVATION COMMISSION

Notification and/or approval of the local Conservation Commission is dependent on the Wetlands Protection Act regulations relative to the project.

- Structures/fill existing before 1963 in coastal wetlands or before 1965 in inland wetlands, local Conservation Commission approval is not required.
- Structures/fill existing before January 1, 1984, the applicant must notify local Conservation Commission of the application.
- Structures existing on or after January 1, 1984, or for proposed structures, applicants must obtain an Order of Conditions, a negative Determination of Applicability or a Certificate of Compliance from the Local Conservation Commission and provide that with the Simplified License application.

PROOF OF NOTIFICATION

The applicant identifies that proof of notification has been completed for each of the required entities in the online application form and certifies the notification by their signature on the "Proof of Signature" document that will be emailed to them after preliminary review of the application by the Department

WW 12

Prior to initiating the online application it is the applicant's responsibility to notify the prescribed municipal parties about the application by *sending a copy of the Notification and project plans*. The project is identified in the notice using the issued license number being renewed and project address. Additional notice may be required if determined appropriate by the Department. Instructions will be provided if additional notice is required.

NOTICE TO PARTIES OF NOTIFICATION FORM AND PLANS

The entities that must be notified are in the checklist below.

- MassDEP Waterways Program (dep.waterways@mass.gov) or 1 Winter Street, Boston, MA 02108
- Mayor and City Council or Select Board
- Planning Board
- Local Conservation Commission

PROOF OF NOTIFICATION

The applicant identifies that proof of notification has been completed for each of the required entities in the online application form and certifies the notification by their signature on the "Proof of Signature" document that will be emailed to them after preliminary review of the application by the Department

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D. Following receipt of license

LICENSE RECORDATION

The Chapter 91 license and plan must be recorded at the Registry of Deeds within the property's chain of title within 60 days of the date of issuance. The Licensee is required to provide MassDEP with notice of said recordation as prescribed in the "Recording Information Amendment" process. Failure of the Licensee to record said license and plan within this 60-day period will render the license VOID.

LICENSE RENEWAL AND/OR TRANSFER

A Chapter 91 Waterways license may be renewed if the structure remains sound and conforms to the construction plans in the original application. A valid license is automatically transferred upon a change of ownership of the property that the license has been recorded against.

COMPLIANCE

The Licensee, within sixty (60) days of completion of the licensed project, shall submit a written statement to the Department that the project has been completed in substantial conformance with the conditions and plans of said license, or a copy of the Certificate of Compliance for this project issued pursuant to the Wetlands Protection Act (if the project was previously issued an Order of Conditions or Superseding Order of Conditions under said Act).