



*The Commonwealth of Massachusetts*  
*Department of Conservation and Recreation*

Office of Dam Safety | 180 Beaman Street | West Boylston, MA 01583  
www.mass.gov/office-of-dam-safety | **Tel:** 617-620-8583

Maura T. Healey  
*Governor*

Kimberley Driscoll  
*Lieutenant Governor*

Rebecca L. Tepper  
*Secretary*

Nicole LaChapelle  
*Commissioner*

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**Subject: Permits Required for Proposed Dam Related Construction  
and/or Maintenance Projects**

Dear Dam Owner,

The Department of Conservation and Recreation (DCR), Office of Dam Safety (ODS) is contacting you to share information pertaining to the potential permits that you may be required to seek and obtain before conducting any work at your dam. Please note, the following list may not include all necessary permits. This list is meant to be a reference guide for informational purposes only. Each project and property are unique. The permits required for any project will be project specific and site specific and will require due diligence on the part of the property owner and/or project proponent.

As a property owner and/or project proponent, it is your responsibility, in conjunction with your chosen engineering consultant, to seek and obtain all necessary local, state, and/or federal permits that may be applicable to the proposed project and/or property on which the project is proposed to take place. It is recommended that you seek the guidance of your chosen engineering consultant and contact your local Conservation Commission Agent as a first step before conducting any work at your dam.

Examples of work that may require a permit includes, but is not limited to:

- Physical work at a dam
- Water level manipulation, including seasonal manipulation
- Conducting repairs or inspection
- Vegetation or invasive species management

M.G.L. Chapter 253 Dam Safety Permit

Any person(s), who proposes to construct, repair, materially alter, breach, or remove a dam, pursuant to M.G.L. Chapter 253, must file with the DCR Commissioner a notice for jurisdictional determination and/or file for a Permit (if applicable). Further, any maintenance work or water level change(s) that affect safety conditions must file for a determination. No work is to commence before a determination is made by the DCR Commissioner (PART A). If the DCR Commissioner determines that the proposed work falls within the jurisdiction of M.G.L. Chapter 253, the dam owner(s) must apply for a Permit (PART B).

The PART A and PART B of the M.G.L. Chapter 253 Dam Safety Permit application are contained within the same document, available for download from the ODS website in both Word document format and pdf format at the following link: [Dam Safety Permit Process](#).

The M.G.L. Chapter 253 Dam Safety Permit application and notices shall be sent by Certified mail or delivered to the following address:

Office of Dam Safety, Permits Section  
180 Beaman Street  
West Boylston, MA 01583

All M.G.L. Chapter 253 Dam Safety Permit applications must comply with design and construction criteria as specified in 302 CMR 10.00: Dam Safety Rules and Regulations effective November 4, 2005. Certain dams and reservoirs as defined in 302 CMR 10.00 are excluded from filing. Also, the approval of the Commissioner shall not apply to small dams or embankments constructed for irrigation, detention, storage tanks, or other purposes that impound less than 15 acre-feet, regardless of height, or are not in excess of 6 feet in height, regardless of storage capacity, provided that any discharge(s) shall not materially affect property.

A copy of the complete Dam Safety regulations 302 CMR 10.00 are also available on the ODS website at the following link: [Dam Safety Regulations](#).

Any action taken by the Commissioner in regard to this application does not release the owner(s) from the requirements of any other law or regulatory authority.

For instructions on how to submit the M.G.L. Chapter 253 Dam Safety Permit application or to have M.G.L. Chapter 253 Dam Safety Permit related questions answered, please contact ODS at [Dam.Safety@mass.gov](mailto:Dam.Safety@mass.gov).

Please note, per 302 CMR 10.15, failure of an owner to obtain a M.G.L. Chapter 253 Dam Safety Permit prior to performing any dam work such as alteration, breach, removal, or substantial repairs will result in fines up to \$5,000.00.

#### Other Potentially Required Permits

In addition to the required M.G.L. Chapter 253 Dam Safety Permit, additional local, state, and federal permits may be required for any project proposed at a dam site. Those additional permits are to be sought directly from the applicable local, state, and federal permitting authority and are not coordinated through the Office of Dam Safety. It is recommended that you seek the guidance of your chosen engineering consultant to ensure all necessary local, state, and federal permits and any required notifications are in place prior to conducting any work.

Common Permits required for work on or near dams may include, but not be limited to, the following:

#### **Municipal Permits:**

- Local Conservation Commission
- Local Board of Health
- Other local municipal bylaws and ordinances may be applicable, depending on the proposed scope of work. This will be municipality and project specific, for example, Planning, Building, and Site Plan review permits.

**State Permits (in addition to M.G.L. Chapter 253 Dam Safety Permit):**

- [Department of Environmental Protection, Wetlands and Waterways Program](#)
  - [Wetlands Permitting Forms](#), required for activities regulated under Wetlands Protection Act, MGL c. 131, s. 40. Please note there are multiple permits listed on this program's webpage.
    - Example: [Chapter 91, The Massachusetts Public Waterfront Act](#)
    - Example: [Section 401 Water Quality Certification](#)
- [Massachusetts Environmental Policy Act \(MEPA\) Office](#)
- [MassWildlife's Natural Heritage & Endangered Species Program \(NHESP\)](#)
- [Massachusetts Historical Commission](#)

**Federal Permits:**

- [US Army Corps of Engineers Regulatory/Permitting Division.](#)
- [Section 404 of the Clean Water Act](#)
- [Section 10 of the Rivers and Harbors Act](#)
- [National Historic Preservation Act \(NHPA\) Section 106 Consultation](#)
- [Section 7 Consultation with the US Fish & Wildlife Service](#)
- [National Pollutant Discharge Elimination System \(NPDES\)](#)

Thank you for your cooperation in ensuring dam safety in the Commonwealth.

Sincerely,

Office of Dam Safety