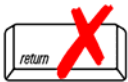


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**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



## A. General Information

Simplified procedures have been created for owners of small residential docks, piers, seawalls and bulkheads to make the license application process easier and less expensive. Residential waterfront property owners should be able to complete and file the Chapter 91 license application without the need for professional assistance. In addition, the costly requirements for professionally prepared Mylar construction plans generally have been eliminated. However, even if your project is eligible for a Simplified license, you may wish to seek a general Waterways license if you desire a license term for a period greater than 15 years. Water-dependent and Nonwater-dependent structures eligible for the Simplified application review process include docks, piers and other small-scale structures that are accessory to residential uses or serve as non-commercial community docking facilities.

Eligible structures must also meet the following size requirements:

- a) pre-1984 existing structures - less than 600 square feet; or
- b) post-1984 existing or new structures - less than 600 square feet, water-dependent and pile supported.

The application review period for a simplified license is at most (according to 310 CMR 9.10(4)) 90 days from the close of the public comment period.

## B. Fee Information

For all Simplified license applications both water dependent and nonwater-dependent, the fee is \$ 75.00. Make Chapter 91 License Application fee payment by check or money order payable to: *The Commonwealth of Massachusetts, MassDEP*. Payment should be submitted with MassDEP's *Transmittal Form for Permit Application & Payment*. This form can be accessed on-line at:  
<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>

Chapter 91 licenses are subject to Tidewater Displacement fees and Commonwealth Tidelands Occupation fees. However, Simplified Licenses must pay only Occupation fees and are exempt from the Displacement Fees. Commonwealth Occupation fees are calculated at \$1.00 per square yard multiplied by the license term, which can be up to 15 years for a simplified license. The applicant will be notified of the amount due following review of the license application.

## C. How to fill out this form

A Chapter 91 license consists of two parts: a text document and a plan. The Simplified License form (starting with version 2/2006) is available to download as a PDF or Microsoft Word document. The applicant can fill out the Word document form on the computer. Once completed by the applicant and reviewed by MassDEP staff, the document becomes the license text. For instructions on how to prepare the accompanying Simplified License Plan, see Section G below. Also, for further information on project eligibility, standards that must be met and other requirements for Simplified licenses, please refer to the Waterways Program regulations at 310 CMR 9.10. The regulations are on-line at:  
<http://www.mass.gov/eea/agencies/massdep/water/regulations/310-cmr-9-00-massachusetts-waterways-regulation.html>

The applicant should fill out only the first two pages of the application. Start by filling in the applicant's name, town or city of residence and the name of the county in which the applicant resides. If the applicant does not reside in Massachusetts, the applicant should fill in the name of the state preceded by "State of" instead of the county. Generally, the

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landowner will be the applicant, but if not, then the landowner must be listed in the appropriate space at the bottom of page 2.

The applicant should indicate whether he/she seeks authorization for: a) maintaining an existing structure, and/or b) constructing and maintaining proposed structures. Below each of these sections there is a list of possible structures for which the applicant can seek authorization. Check all of the applicable structure types. If the existing or proposed structures do not appear on the list but are eligible (according to 310 CMR 9.10) the applicant should check the "other" category and type or write a brief description of the said structure.

The applicant should indicate by checking the appropriate box that the proper local authority has been notified of the application (see Section D on how to give notice according to 310 CMR 9.10(3)(c), (d) and (e)). The applicant must notify the Board of Selectman or the Mayor and City Council of the town or city in which the site is located. If located in a town, the Board of Selectman should be notified; if in a city, the applicant should notify the Mayor and City Council.

The use statement follows. Options are a) maintenance of existing structures, and/or b) construction and maintenance of purposed structures for the uses listed. If the appropriate purpose is not listed in either of these columns use the 'other' category and write or type the existing or proposed use. Following the use statement section, please fill in the name of the waterbody and the town or city in which the site is located.

On the next page the applicant should fill in his/her address and sign the form. If the site address is different from the applicant's mailing address, please fill in the second section. If the applicant is not the owner of the property, please fill in the owner's name at the bottom of this page as well as the agent or engineer representing the owner for this project.

The rest of the form should be left blank. MassDEP personnel will review the information that the applicant entered and will fill out the remainder of the form.

## **D. Notification Instructions**

It is the applicant's responsibility to notify different entities about this application as listed below and at the bottom of Box A on the license application form. The applicant can either notify the entity by letter or by sending a copy of the completed application form. Notification should include a copy of the plan. If the applicant is not the landowner, the applicant must notify the landowner. The applicant notifies the general public by publishing a Public Notice (see Appendix A) in a newspaper of general circulation. Other entities that must be notified are in the checklist below. Note that some entities must be notified by certified mail.

The applicant must notify the following entities that an application has been submitted either by letter or by sending to that party a copy of the completed license application:

- ☐ Local Conservation Commission (see section below regarding Conservation Commission)
- ☐ Board of Selectman or Mayor and City Council
- ☐ Planning Board
- ☐ Zoning Authority

Also, the applicant must send by certified mail either a letter notifying the following entities that an application has been submitted or by sending a copy of the completed license application:

- ☐ Interested Parties (defined as any person having a recorded easement interest in the property where the structure is or may be located).
- ☐ Landowner, if not the applicant

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☐ Abutters

**PUBLICATION OF PUBLIC NOTICE**

It is the applicant's responsibility to publish a public notice that includes the applicant's name and address, the project location, a description of the project, a statement that written comments will be accepted within 30 days of the Notification Date stated therein. (See a sample Public Notice in Appendix A.) The project is identified in the notice using the transmittal number which is available from the application form. The notice should 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 that will publish the notice to obtain the Notification Date which is the expected date of publication and must be included as part of the notice text. The public notice shall also include the address where comments may be sent, and a statement informing that a municipality, a group made up of ten citizens, or any aggrieved person who submits written comments within the public comment period may appeal the Department's decision.

**COORDINATION WITH CONSERVATION COMMISSION**

Notification and/or approval of the local Conservation Commission is dependent on the Wetlands Protection Act and subsequent regulations. For structures existing before 1963 in coastal wetlands or before 1965 in inland wetlands, local Conservation Commission approval is not required. For structures existing before January 1, 1984, the applicant must notify local Conservation Commission of the application. For structures existing only on or after January 1, 1984, or for proposed structures, applicants must provide an Order of Conditions, a negative Determination of Applicability or a Certificate of Compliance from the Local Conservation Commission.

**PROOF OF NOTIFICATION**

Proof of notification is provided to MassDEP by filling out the last part of BOX A on page two in the license application form. Please check only those entities that apply (according to the information detailed above) once they have been notified of the application. The applicant's signature on the application form confirms that these entities have been notified preferably in writing, or are being notified by the applicant by their being sent a copy of the Simplified License Application form.

**E. Submittal Instructions**

Submit a completed Chapter 91 Waterways License Application together with MassDEP's *Transmittal Form for Permit Application & Payment*. Applicants can access this form on-line as described above under Section B on fee information.

Applications for water-dependent projects located in MassDEP's Southeast and Western Regions should be sent to those regional offices. Water-dependent projects located in MassDEP's Central, Northeast and Boston should be sent to the MassDEP's Waterways Regulation Program in Boston. All Nonwater-dependent applications should be sent to MassDEP's Boston Office at: Department of Environmental Protection, Waterways Regulation Program, One Winter Street, Boston, MA 02108. For a listing of MassDEP Regional Offices, see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>

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**F. 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 written notice of said recordation including: date of recordation and instrument number, name of Registry of Deeds or Land Court where recordation was made. 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. The Renewal fee for Simplified Licenses is \$35. A license is automatically transferred upon a change of ownership of the property for which the license has been deed recorded.

**G. Simplified License Plan Checklist**

Enclose drawings with the Simplified Waterways Application using Appendices B and C as guides. Note: The template in Appendix C can be printed and used a hard-copy form. Also, space permitting, the two views described below can be combined onto one page. (If available, applicants can use existing plot plans or plans submitted with a Notice of Intent under the Wetlands Protection Act.) Drawings should include the following information:

**Plan View**

Please refer to the sample plan drawings included in the appendices.

- ☐ Drawings must be prepared on the 8.5 X 11 inch paper. Please use the Sample Template provided as Appendix C of these instructions.
- ☐ A 1-inch margin should be left at the top edge of each drawing for purposes of reproduction and binding. A 1/2 inch margin is required for the three other edges.
- ☐ A complete title block on each drawing submitted should identify the project and contain the name of the waterway, the name of the applicant, the number of the sheet and the total number of sheets in the set, and the date the drawing was prepared.
- ☐ North Arrow
- ☐ Locus Map - A locus map shall be included, depicting the subject property in relation to the surrounding area. This may be prepared as illustrated on the Sample plan, in the upper right-hand corner or the applicant may simply photocopy a street map circle the property and label it.
- ☐ Scale – All drawings shall be in a suitable scale (e.g. 1 inch = 40 feet) and the scale should be indicated on each sheet of the plan.
- ☐ Subject property – Illustrate as much of the subject property as possible, including any residence , adjacent streets, property lines, and the tax assessor's information (map number).
- ☐ Mean high and low water lines – The mean high water (MHW) and mean low water (MLW) lines must be clearly delineated. In inland waters, such as ponds and non-tidal

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rivers, the ordinary high and low water shorelines (OHW and OLW) should be used. Color shading cannot be used because the Department reproduces the plans. Please use dashed or dotted lines, or crosshatching where necessary. (See definitions of "High Water Mark" and "Low Water Mark" at 310 CMR 9.02, C.91 Regulations).

- ☐ Licensed activities – All structures and/or fill to be licensed must be clearly depicted, accompanied by their dimensions. Linear distances, in feet, must be provided from the structures to each property line along the waterway and residence.
- ☐ Abutters – Abutters' names must appear in the lower left-hand block, and the corresponding number (1, 2, or 3, etc.) should be placed on the appropriate lot location.
- ☐ Title Block– Prepare the lower-middle and right-hand blocks as indicated on the Sample template (Appendix C).

**Profile View**

- ☐ Profiles – Bottom and bank profiles should be delineated as accurately as possible.
- ☐ Mean high water (MHW) and mean low water (MLW) lines – MHW and MLW (or ordinary high and low water lines (OHW/OLW) must be illustrated. The elevation of MLW may be given as 0.0 ft. Elevations for MHW and all other structures should then be given relative to MLW.
- ☐ Licensed activities – All structures and/or fill to be licensed must be clearly depicted. Dimensions of piles, and any other structures not indicated on the first sheet(s), must be provided with the Cross-section view.
- ☐ Title Blocks – the lower middle and right-hand blocks shall be prepared as indicated on the Sample template (Appendix C).

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**Appendix A: Simplified License – Sample Public Notice**

You must fill in your information in place of the text showing in brackets. Refer to the first page of the License application/text. The application number will be supplied by MassDEP.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERWAYS REGULATION PROGRAM**

**Notice of License Application pursuant to M. G. L. Chapter 91  
Waterways License Application Number [ *Your Transmittal #* ]  
[ *Project Name* ]**

**NOTIFICATION DATE: [ *Date of Publication* ]\***

Public notice is hereby given of the application by [ *Applicant's name* ] to [ *maintain an existing or construct and maintain a proposed* ]: [ *pier/dock, boat ramp, ramp, float(s), pile(s), boat lift, boat house, retaining wall/seawall, bulkhead, rip rap, groin(s), residential, NWD building, other* ] at [ *Site address of structures, City/Town, State, County* ].

The Department will consider all written comments on this Waterways application received by within 30 days subsequent to the "Notification Date". Failure of any aggrieved person or group of ten citizens or more to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c). The group of citizens must include no less than five citizens who are residents of the municipality in which the proposed project is located.

Additional information regarding this application may be obtained by contacting the Waterways Regulation Program at 617-292-5929. Project plans and documents for this application are on file with the Waterways Regulation Program for public viewing, by appointment only, at the address below.

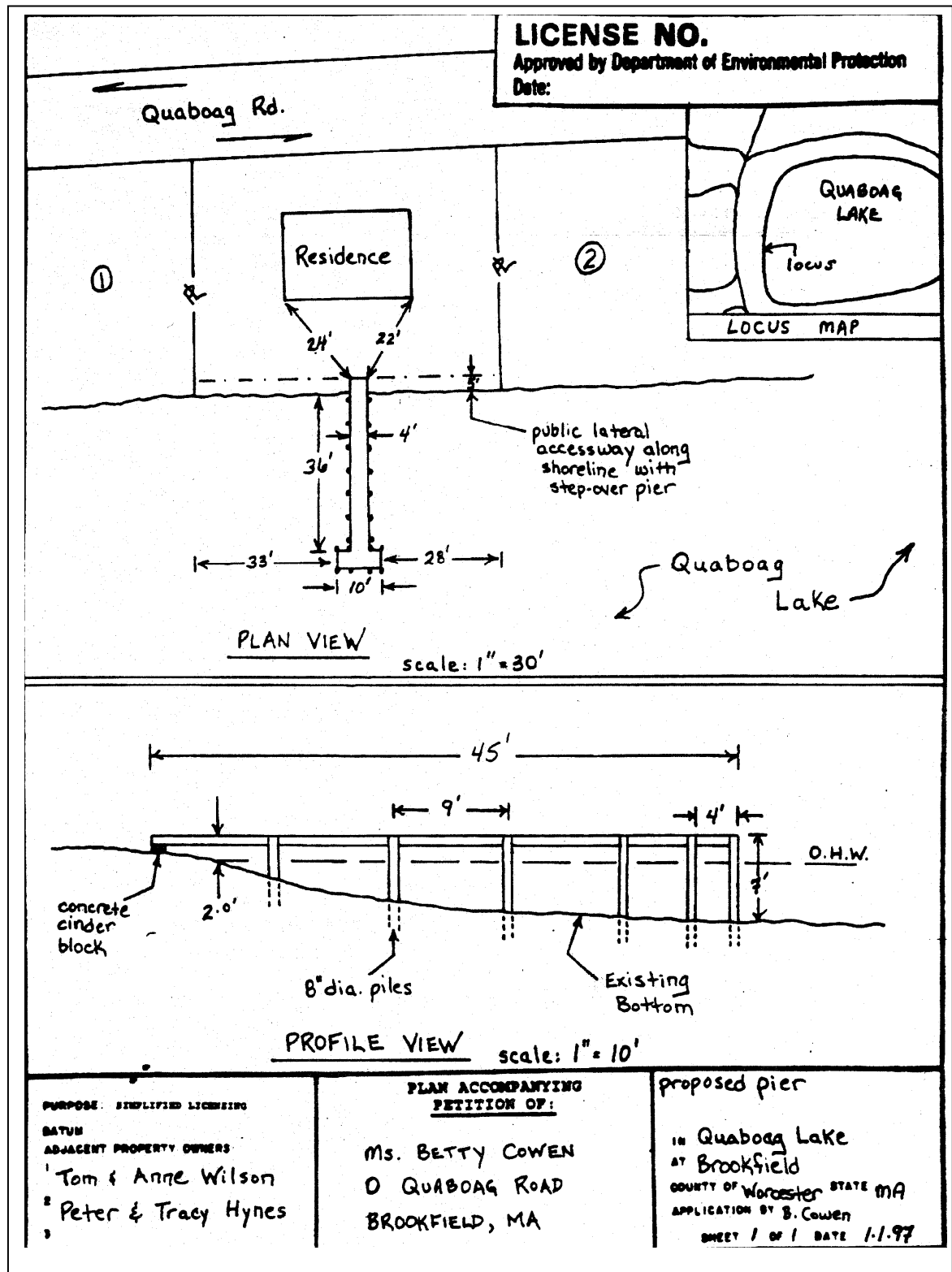
Written comments must be addressed to: MassDEP's Waterways Regulation Program [ *select Boston, Southeast or Western Regional office\*\** ] located at [ *insert mailing address of the appropriate regional office* ].

\* The applicant should call ahead to the newspaper that will publish the notice to obtain the Notification Date which is the expected date of publication and must be included as part of notice text.

\*\* Depending on the location of the project the comments should be sent to MassDEP's Boston, Southeast or Western office <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>.

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Appendix B: Simplified License – Sample Plan



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Appendix C : Simplified License Plan – Sample Template

<div style="border: 1px solid black; padding: 5px; width: fit-content; float: right; margin-top: 10px;"> <b>License No.</b>           Approved by Department of Environmental Protection          Date:       </div>		
Purpose: Simplified Licensing  Adjacent Property Owners: 1. _____ 2. _____ 3. _____ 4. _____	Plan accompanying petition of: _____ _____ _____ _____ _____	Project Description: _____ _____ In _____ At: _____ County of: _____ State: _____ By applicant _____ date: _____ sheet: ____ of ____