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NOTICE REGARDING CERTIFICATE OF THE
SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ESTABLISHING A *[PROPOSED]* SPECIAL REVIEW PROCEDURE

PROJECT NAME: Urban Renewal Plans
PROJECT MUNICIPALITY: Statewide
PROJECT WATERSHED: Statewide
EEA NUMBER: 16996
PROJECT PROPONENT: Executive Office of Housing and Livable Communities and
Executive Office of Economic Development
DATE NOTICED IN MONITOR: September 10, 2025

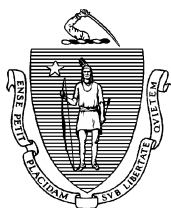
Notice is hereby given that the Secretary proposes to issue a Special Review Procedure (SRP) to guide MEPA review of new urban renewal plans (URPs) and major modifications to an existing urban renewal plan approved by the Executive Office of Housing and Livable Communities (EOHLC) and Executive Office of Economic Development (EOED). A **draft SRP** is hereby published in the Environmental Monitor for public comment.

As explained in the draft SRP, this process is intended to streamline the review of new URPs, and major modifications thereto, where the URP sets forth only a conceptual plan for future development without any immediate projects proposed. Because no construction activity is imminent, the likelihood of Damage to the Environment is low and an EIR would not be required, except at the discretion of the Secretary. If individual projects are later proposed, either by a third-party developer or the urban renewal agency directly, separate MEPA reviews would be conducted for those projects and standard rules for MEPA review would apply. By contrast, a URP that includes a master development plan with immediate plans for development would be treated as a standalone project and standard rules, including MEPA review thresholds, would apply to the entirety of the master development plan. The draft SRP sets forth proposed rules for review of URPs, or major modifications thereto, and any subsequent filings required under the SRP.

The MEPA Office has also proposed amendments to its regulations at 301 CMR 11.00 (available at <https://www.mass.gov/regulations/301-CMR-1100-mepa-regulations>), which provide that URPs and

similar planning initiatives, where the project consists of a planning document with no independent work, project or activity proposed that would exceed any other MEPA review thresholds, are not presumed likely or reasonably likely to cause damage to the environment, and would require only ENF review, except at the discretion of the EEA Secretary. This change would achieve a similar outcome as the SRP, but through a formal regulatory amendment under M.G.L. c. 30A. By contrast, the SRP includes additional details for filing content and timing, which cannot be readily achieved through a regulatory change.

The MEPA Office is seeking comment on whether the proposed regulations or the SRP is preferred, and on the substance of the draft SRP. The comment period for the draft SRP (currently through October 31, 2025) is set to align with the comment period for the proposed regulations. The MEPA Office plans to adopt *either* the regulatory changes or an SRP after considering comments received, and will finalize its approach in consultation with EOHLC and EOED.



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*****DRAFT FOR PUBLIC COMMENT*****

[DATE]

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Executive Office of Economic Development
DATE NOTICED IN MONITOR: September 10, 2025

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G.L. c. 30, ss. 61-62L) and Section 11.09 of the MEPA regulations (301 CMR 11.00), I hereby propose to issue this Special Review Procedure (SRP) to guide MEPA review of new urban renewal plans or major modifications to an existing urban renewal plan approved by the Executive Office of Housing and Livable Communities (EOHLC) and Executive Office of Economic Development (EOED). This draft SRP is hereby published in the Environmental Monitor for public comment.

Purpose of the SRP

Section 45 of Chapter 121B of the Massachusetts General Laws, originally enacted in St. 1969, c. 751, provides that “[i]t is hereby declared that substandard, decadent or blighted open areas exist in certain cities and towns in this commonwealth [and] that each constitutes a serious and growing menace, injurious and inimical to the safety, health, morals and welfare of the residents of the commonwealth.” The section declares that the “redevelopment of land in decadent, substandard and blighted open areas *in accordance with a comprehensive plan* to promote the sound growth of the community is necessary in order to achieve permanent and comprehensive elimination of . . . substandard conditions,” and that the “acquisition, planning, clearance, conservation, rehabilitation or rebuilding of such [] areas *for residential, governmental, recreational, educational, hospital, business, commercial, industrial or other*

purposes, including the provision of streets, parks, recreational areas and other open spaces, are public uses and benefits for which private property may be acquired by eminent domain or regulated by wholesome and reasonable orders, laws and directions and for which public funds may be expended for the good and welfare of this commonwealth.” *Id.* (emphasis added.)

Section 46 of Chapter 121B, in turn, establishes the powers of an urban renewal agency to carry out the purposes of the relevant provisions of the General Laws. Section 48 provides that no urban renewal project may be undertaken until “(1) a public hearing relating to the urban renewal plan for such project has been held after due notice before the city council of a city or the municipal officers of a town and (2) the urban renewal plan [] has been approved by the municipal officers and the department [now, Executive Office of Housing and Livable Communities (EOHLC)].” Pursuant to recent legislation enacted under Article 87 of the amendments to the Massachusetts constitution (St. 2023, c. 7)—which established EOHLC as a separate entity from the Executive Office of Economic Development (EOED)—M.G.L. c. 121B, § 48 was amended to state that “whenever an urban renewal plan entails the renewal of an area *exclusively or primarily through the development of commercial or industrial uses*, [EOHLC] shall assign the responsibilities of this paragraph to the secretary of [EOED], with written notice to the applicant,” and that “[u]pon such assignment the secretary of economic development shall exercise all authority and assume all responsibilities of [EOHLC].” *Id.* (emphasis added).

MEPA review is required where there is “Agency Action” and one or more review thresholds in 301 CMR 11.03 are met or exceeded. For urban renewal plans (URPs), Agency Action exists in the form of action by an urban renewal agency, which acts through a redevelopment authority or housing authority of a municipality,¹ as well as approval by EOHLC or EOED under M.G.L. c. 121B, § 48. With respect to review thresholds, MEPA regulations were amended in 1998 to incorporate a series of thresholds that dictate whether MEPA review is required. One such review threshold relates to urban renewal plans, or major modifications thereto, approved under M.G.L. c. 121B as follows:

301 CMR 11.03(1)(b)

7. Approval in accordance with M.G.L. c. 121B of a New urban renewal plan or a major modification of an existing urban renewal plan.

Because Agency Action exists and at least one review threshold is implicated, MEPA reviews of urban renewal plans under M.G.L. c. 121B have been conducted for many years. Examples of prior reviews include urban renewal plans for Watertown (EEA #1070), Cambridge (EEA #1891), Springfield (EEA #3305/10639), Worcester (EEA #15637), Everett (EEA #15414), and Quincy (EEA #16670).² Some URPs include plans for public infrastructure improvements to be implemented by an urban renewal agency or municipality (such as roadways, parks and open space, and stormwater upgrades),

¹ As stated in M.G.L. c. 121B, § 9, an urban renewal agency having the power to carry out duties under M.G.L. c. 121B shall be a redevelopment authority or housing authority formed under M.G.L. c. 121B, §§ 3 and 4. A municipality authority created (as here) by special or general law is considered an “Agency” under MEPA. See M.G.L. c. 30, § 62; see also 301 CMR 11.02 (defining “Agency” to include a “municipal redevelopment agency created or acting in accordance with . . . M.G.L. c. 121B”); Boston Preservation Alliance, Inc. v. Sec. of Env. Affairs, 396 Mass. 489, 497-98 (1986) (noting status of former Boston Redevelopment Authority as “Agency” under MEPA).

² Information on prior URP reviews can be found on the MEPA project search page (search by project type) at <https://eeaonline.eea.state.ma.us/EEA/MEPA-eMonitor/search> (project type “Master Plans -Urban Renewal Plan”) or prior MEPA Oracle search page at <https://eeaonline.eea.state.ma.us/eea/emepa/searcharchive.aspx> (project type “Redevelopment”).

and others may include master development plans, *e.g.*, Kendall Square in Cambridge (EEA #1891) (proposing over 1 million gross square feet of development through a master developer).

Notwithstanding the history of URP reviews under MEPA, EOHLC and EOED, as approving agencies, indicate that the complexity of reviews has increased in recent years, in part, due to the effect of St. 2021, c. 8, *An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy* (the “2021 Act”). Among other things, the 2021 Act created a new requirement for any project “likely to cause Damage to the Environment” and proposed within a “Designated Geographic Area” (DGA) (1 or 5 miles) of Environmental Justice (EJ) Populations to file an Environmental Impact Report (EIR) under MEPA. Because the phrase “likely to cause Damage to the Environment” is defined in MEPA regulations to mean any of the review thresholds in 301 CMR 11.03, a project exceeding *any* review threshold is now required to file an EIR, if proposed near EJ Populations. By contrast, prior to 2021, a project (as here) that exceeded the so-called “ENF” thresholds required the filing of an Environmental Notification Form (ENF) for a 30-day review, and an EIR only *at the discretion* of the EEA Secretary. EOHLC and EOED also indicate that, in contrast to historical practice, many modern-day URPs no longer present a specific and immediate development plan to be implemented by an urban renewal agency, and, instead, typically include only a conceptual plan for future development, together with any planned public actions to promote private investment and redevelopment in the urban renewal area. Accordingly, the URPs, as planning documents, are unlikely to implicate any other review thresholds, such as land alteration or traffic generation, which may independently require EIR review.³

SPECIAL REVIEW PROCEDURE

In light of this history of URP reviews and recent developments set forth above, EOHLC and EOED have cooperated with the Secretary to establish an SRP under 301 CMR 11.09, which provides that, “[w]ith the consent of the Proponent, and after consulting with any Participating Agency, the Secretary may establish a Special Review Procedure for a Project, notwithstanding the other provisions of 301 CMR 11.00.” 301 CMR 11.09(1). An SRP may be established for the “implementation of a program, the promulgation of new or revised regulations, or the development of a policy,” 301 CMR 11.09(4)(a), or for any other Project, 301 CMR 11.09(4)(e). The Project here shall constitute the procedures for new URP or major modifications thereto approved by EOHLC and EOED, and may include individual URPs developed by urban renewal agencies.

The SRP is intended to streamline the review of new URPs, and major modifications thereto, where the URP sets forth only a conceptual plan for future development without any immediate projects proposed. Because no construction activity is imminent, the likelihood of Damage to the Environment is low and an EIR will not be required. If individual projects are later proposed, either by a third-party developer or the urban renewal agency directly, separate MEPA reviews shall be conducted for those projects and standard rules for MEPA review shall apply. By contrast, a URP that includes a master development plan with immediate plans for development shall be treated as a standalone project and standard rules, including MEPA review thresholds, shall apply to the entirety of the master development plan. As indicated below, the urban renewal agency shall coordinate with future project proponents, to

³ Indeed, a review of MEPA databases indicates that a handful of the numerous URP reviews conducted since at least 1998 resulted in scoping for EIR, most likely because those plans presented specific development plans that exceeded additional review thresholds. *See, e.g.*, Watertown (EEA #1070); Cambridge (EEA #1891); Worcester (EEA #15637); Carver (EEA #15639); Springfield (EEA #10639).

the extent feasible, to disclose the cumulative impacts of redevelopment defined in the urban renewal plan proposed within the urban renewal area (URA) over time. Any urban renewal agency wishing to proceed under this SRP shall sign an acknowledgement agreeing to comply with the procedures set forth herein. With these provisions, I find under 301 CMR 11.09(1) that this SRP serves the purposes of MEPA, including providing meaningful opportunities for public review, analysis of alternatives, and consideration of cumulative environmental impacts.

The procedures for filing documents under the SRP shall be as follows:

URP with no immediate individual projects proposed

- A new URP or major modification under M.G.L. c. 121B that functions as a planning document with no immediate projects proposed shall file an ENF for review in accordance with 301 CMR 11.05, and an EIR shall not be required except at the discretion of the Secretary, notwithstanding 301 CMR 11.06(7)(b).
- The ENF shall be filed as early as practicable during development of the new URP or major modification, but, in any event, no later than 30 days prior to submitting the plan to the applicable municipality for a final vote. If EOHLC/EOED approval is sought prior to obtaining a final vote from the municipality, then the ENF shall be filed no later than 30 days prior to submitting the plan for EOHLC/EOED approval. EOHLC/EOED is encouraged to include the MEPA Office in pre-filing consultations with the urban renewal agency.
- The ENF shall include all information and attachments required for a standard ENF (except to the extent modified in this SRP), and shall attach a copy of the draft URP or major modification, if available at the time of the ENF filing. A description of proposed land uses and development strategy for the URA shall be provided consistent with EOHLC/EOED requirements, together with any available information on potential impacts such as estimates of total land alteration, traffic, water/wastewater usage, etc. The ENF shall also detail public infrastructure improvements known at the time of the ENF, to be undertaken directly by the urban renewal agency or municipality to help achieve the objectives of the plan, including roadway improvements, parks/open space, and water/wastewater/stormwater infrastructure, and estimate the impacts associated with such improvements. The ENF shall describe any measures that will be taken to avoid or minimize environmental impacts, including, through design guidelines for sustainable and climate resilient design of future development. Unless the Secretary exercises discretion to require EIR review, MEPA review will close after review of the ENF.
- If the URA is located within one mile of EJ Populations, the ENF shall describe all public involvement measures taken to meaningfully engage such populations, provided that such measures shall not be required for any EJ Populations located outside the boundaries of the municipality covered by the URP. The ENF shall include description of the public outreach process followed by the urban renewal agency in developing the new URP or major modification, such as the activities of any local Citizen Advisory Committees.
- The ENF shall include a narrative description of any Environmental Burdens or Environmental Benefits that may result for the EJ Populations within one mile of the URA from implementation of the URP or major modification.
- Advance notification of the ENF shall be provided at least 14 days prior to filing, and such time period shall suffice to satisfy the requirements of 301 CMR 11.05(4)(b). Notice of this SRP was provided currently with publication in the Environmental Monitor to a list of community-based

organizations (CBOs) and tribes/indigenous organizations provided by the MEPA Office, in recognition of the extended comment period afforded for the draft SRP.

- All filings shall comply with MEPA regulations and protocols in effect at the time of filing, subject to any modifications authorized under this SRP. The ENF shall not be subject to MEPA EJ protocols related to public involvement or analysis of impacts to EJ Populations, except as specified in this SRP.

Individual projects proposed to implement URP

- Individual projects that are later proposed to implement the new URP or major modification shall be subject to standard rules for MEPA review, based on required Agency Actions and applicable review thresholds. Each ENF filing shall be assigned a new EEA#, but linked administratively to the EEA# corresponding to the URP filing. If required to undertake EIR review, the final or single EIR shall provide Draft Section 61 Findings for the relevant permitting agencies and final mitigation commitments to be implemented by the proponent.
- Individual projects generally shall not be deemed “related” for purposes of applying anti-segmentation provisions under 301 CMR 11.01(2)(c). However, multiple projects included in common land disposition agreements or proceeding on a similar time frame may be deemed related. In the event of uncertainty, the proponent of each project is encouraged to consult with the MEPA Office for further guidance.
- For each ENF filing for an individual project, the urban renewal agency shall coordinate with the project proponent, to the extent feasible, to provide an updated accounting of redevelopment completed by the urban renewal agency’s disposition of parcels identified in the urban renewal plan, together with other redevelopment, if known, and estimated cumulative impacts of all redevelopment to date, as of the time of the ENF filing. This information shall be incorporated into the ENF filing by the project proponent.
- All filings shall comply with MEPA regulations and protocols in effect at the time of filing, subject to any modifications authorized under this SRP.

URP with master development plan with immediate projects

- A new URP or major modification that includes a master development plan with immediate projects proposed—either by the urban renewal agency or a third-party master developer—shall be treated as a standalone project and standard rules for MEPA review shall apply. In particular, mandatory EIR shall be required if all projects proposed under the master development plan would cumulatively exceed mandatory EIR thresholds in 301 CMR 11.03, or if EIR is otherwise required under 301 CMR 11.06(7). If a Scope for EIR is issued, the master development plan shall be assigned a new EEA# for purposes of subsequent EIR review, and the new EEA# shall be linked administratively to the EEA# corresponding to the URP filing.
- To the extent the urban renewal agency or master developer seeks to phase implementation of the master development plan, this SRP shall allow for filing of an Expanded ENF (EENF) filing with a request that individual projects be reviewed separately, provided that the EENF include a conceptual “full-build” analysis with estimates of the cumulative impacts of the entire master development plan. The EENF Certificate may allow for review of future phases through one or more Project Commencement Notices (PCNs) without the need to request a Phase 1 Waiver for each individual project or phase. Each phase shall be reviewed without regard to whether any

individual project meets or exceeds MEPA review thresholds, and any change to the master development plan itself shall be reviewed as a Notice of Project Change (NPC).

- All filings shall comply with MEPA regulations and protocols in effect at the time of filing, subject to any modifications authorized under this SRP.

Citizens Advisory Committee

The MEPA regulations at 310 CMR 11.09(3) allow for the establishment of a Citizens Advisory Committee (CAC) to assist with public and agency review and comment. In light of the public involvement requirements in this SRP and the requirement for a public hearing under M.G.L. c. 121B, I find that a CAC is not warranted under MEPA to support the SRP or MEPA review.

Circulation Requirements

Any ENF for a new URP or major modification submitted under this SRP must be circulated in accordance with 301 CMR 11.16, and any NPCs filed for material changes to the new URP or major modification shall be circulated in accordance with 301 CMR 11.10. Any ENF or PCN filed for individual projects, as well as any EIRs submitted for development projects, must be circulated in accordance with 301 CMR 11.16. Any NPCs filed for material changes to previously reviewed projects shall be circulated in accordance with 301 CMR 11.10.

Term of SRP and Modification

This SRP shall take effect upon the last dated signature below, and remain in place unless terminated by the Secretary. If EOHLC or EOED wish to modify any provision in this SRP, it may submit correspondence requesting such modification. The Secretary will then review the request and issue an amendment to the SRP if appropriate, and may elect to publish the request for modification for public comment.

This SRP shall apply to new URPs or major modifications to be submitted for approval by EOHLC or EOED after the effective date of the SRP. If an urban renewal agency that filed an ENF prior to the effective date wishes to proceed under the provisions of this SRP, it may file an NPC with a request to rescind a Scope previously issued; provided, however, that the urban renewal agency is directed to consult with the MEPA Office prior to filing any such NPC.

Conclusion

The signatures below indicate consent to the establishment of a Special Review Procedure and the provisions outlined herein. Any urban renewal agency wishing to proceed under this SRP must include in its ENF filing a signed acknowledgment and agreement to follow the procedures herein, and such acknowledgment shall be appended to the application to EOHLC/EOED for approval of the new URP or major modification. This SRP, including any future amendments, shall be posted on the MEPA website for future reference.

Date

Rebecca Tepper, Secretary
Executive Office of Energy and Environmental Affairs

Date

Edward M. Augustus Jr., Secretary
Executive Office of Housing and Livable Communities

Date

Eric Paley, Secretary
Executive Office of Economic Development

Comments received:

RLT/TTK/ttk