



November 10, 2025

MEPA Office

Tori Kim, MEPA Director

Executive Office of Energy and Environmental Affairs (EEA)

100 Cambridge Street, 10th Floor

Boston, MA 02114

Delivered electronically via email to MEPA-regs@mass.gov

Re: NMCOG comments on proposed amendments to Massachusetts Environmental Policy Act (MEPA) regulations at 301 CMR 11.00 et seq.

Dear Director Kim,

On behalf of the Northern Middlesex Council of Governments (NMCOG), thank you for the opportunity to provide comments on the proposed amendments to Massachusetts Environmental Policy Act (MEPA) regulations at 301 CMR 11.00 et seq.

NMCOG is the regional planning agency serving nine municipalities in the Greater Lowell region: Billerica, Chelmsford, Dracut, Dunstable, Lowell, Pepperell, Tewksbury, Tyngsborough, and Westford. Established under M.G.L. c. 40B, NMCOG supports its member communities in transportation, housing, land use, economic development, environmental sustainability, and intermunicipal collaboration.

NMCOG strongly champions the Healey-Driscoll Administration's goal of expanding housing production and reducing barriers to project permitting while maintaining strong environmental protection. The proposed MEPA updates represent an essential step toward a more predictable, efficient, and transparent review process that aligns with statewide housing, climate, and equity priorities and are a key recommendation from the *Building for Tomorrow* report by the Unlocking Housing Production Commission on which our Executive Director proudly served.

We commend EEA for introducing streamlined review pathways for predominantly residential projects, including those that meet density and environmental safety thresholds. By allowing many housing projects to proceed with an Environmental Notification Form (ENF) rather than a full Environmental Impact Report (EIR), EEA is enabling local and regional partners to deliver needed housing more quickly and cost-effectively, particularly in Gateway Cities and Environmental Justice (EJ) communities where capacity is often limited.

The proposed MEPA updates appropriately emphasize that qualifying projects should be:

- Housing-centered devoting a majority of floor area to residential uses;
- Dense – meeting defined minimum density thresholds by housing type, density thresholds should be monitored to ensure they do not unintentionally incentivize downzoning or project designs that remain just below the streamlined eligibility threshold;

- Infill-focused – limiting disturbance of previously undeveloped land and protecting farmland soils, carbon-rich areas, and rare species habitat;
- Resilient – avoiding high flood and erosion hazard areas while complying with ASCE 24-24 for redevelopment;
- Energy-efficient – meeting or exceeding current state energy performance standards and consistent with the Stretch Energy Code where adopted;
- Adequately served by utilities – not requiring new interbasin transfers or expanded fossil fuel infrastructure; and
- Accessible – located near transit and designed to minimize Average Daily Trips (ADT) generated by new traffic.

As a regional planning agency, NMCOG's comments below focus on municipal complementarity and implementation feasibility.

Support for Streamlined Review and Predictable Timelines

NMCOG advocates for the proposed thirty-day ENF review period for qualifying residential and urban renewal projects. Shorter, well-defined timelines will reduce uncertainty and help communities align MEPA review with local permitting, infrastructure planning, and housing initiatives funded through programs such as MBTA Communities and Community One Stop for Growth. NMCOG recommends clarifying the rationale for including single-family housing under the exemption framework to ensure that MEPA streamlining prioritizes the production of higher-density, infill, and multi-family housing consistent with state housing goals.

Need for Clear Coordination with Local and Regional Planning

To ensure consistency, EEA should provide clear guidance on how MEPA thresholds and mapping (e.g., flood hazard areas, EJ designations) interact with existing local and regional planning tools such as Hazard Mitigation Plans, Municipal Vulnerability Preparedness Action Grants, and Open Space and Recreation Plans. Municipal planners and Conservation Commissions must be able to verify eligibility efficiently without duplicating reviews. Guidance should also clarify how MEPA's infill provisions will identify and protect lands with high agricultural or ecological value, ensuring that housing growth complements ongoing efforts to preserve working lands and carbon-sequestering landscapes.

Coordination with Utility and Infrastructure Providers

Housing and supporting infrastructure must evolve in tandem. EEA should work closely with utilities such as National Grid, Eversource, Unitil, and other state and local infrastructure agencies to align MEPA review with long-range capital and utility planning. Many communities are experiencing constraints in electric and gas distribution, water and wastewater capacity, and stormwater management, which can limit the feasibility of housing production, even for projects that qualify for streamlined MEPA review.

Early coordination among MEPA, developers, municipalities, and infrastructure providers would:

- Identify capacity limitations and potential upgrade timelines early in project scoping;

- Encourage co-investment in grid modernization and electrification upgrades that support both housing and climate goals;
- Ensure stormwater and wastewater systems can accommodate increased density while meeting MS4 and Clean Water Act standards; and
- Support transit-oriented and infill development by coordinating with MassDOT and regional transit authorities to assess multimodal access.

Regional Planning Agencies can facilitate this coordination by helping communities assess infrastructure readiness, prioritize capital investments, and communicate local constraints to state agencies and utility partners. EEA should also clarify what level of consultation with MassDOT, the MBTA, or other transit providers is expected under the new regulations, particularly for communities outside the MBTA service area.

Technical Assistance for Municipal Implementation

NMCOG recommends EEA pair regulatory streamlining with targeted technical assistance, including staff training and mapping support, to help municipalities interpret new thresholds, integrate MEPA data into local permitting workflows, and communicate these changes to developers and the public. Regional planning agencies are well-positioned to assist with this coordination.

Balancing Housing Production and Environmental Resilience

NMCOG supports the proposed exclusion of high-hazard and flood-prone areas from streamlined eligibility. We encourage EEA to maintain flexibility for redevelopment projects in previously developed areas that can achieve flood-resilient design consistent with the American Society of Civil Engineers (ASCE) ASCE 24-24 standards. This approach supports both resilience and the reuse of underutilized land in already urbanized settings.

While NMCOG supports including energy efficiency as a qualifying factor, linking eligibility for streamlined MEPA review to compliance with the Stretch Energy Code could unintentionally disadvantage builders and municipalities that have not yet adopted the Stretch Code. Many smaller or lower-capacity communities face staffing and funding limitations that delay adoption, despite broad support for improving building performance. EEA should consider providing flexibility for projects that meet or exceed baseline energy performance standards through alternative measures, or pair this criterion with technical and financial assistance to help all communities achieve comparable outcomes.

NMCOG also recommends reviewing the revised thresholds for new parking and energy generation facilities to ensure that they do not disproportionately affect multifamily or mixed-use housing projects that otherwise meet the intent of the streamlined review.

Equity and Environmental Justice Considerations

NMCOG recognizes the continued integration of EJ principles within MEPA review as a critical foundation for equitable planning and project development. Streamlined processes should retain requirements for early,

accessible public engagement and ensure that housing production advances equitable outcomes across communities of varying capacity.

NMCOG appreciates EEA's leadership in modernizing MEPA to meet current housing, infrastructure, climate, and equity goals. We look forward to continuing to work with the Commonwealth to ensure that these updates translate into practical, implementable improvements for municipalities across the Greater Lowell region.

NMCOG supports EEA's commitment to ensuring that the proposed amendments to MEPA regulations advance housing production, environmental protection, and equity in a complementary and practical manner for communities across Massachusetts. We thank EEA for their leadership and appreciate the opportunity to comment on this critical regulatory update. Please contact Meghan Tenhoff, Principal Planner – Sustainability, at mtenhoff@nmcog.org with any questions regarding NMCOG's comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Raitt", is positioned above the printed name.

Jennifer Raitt
Executive Director