

LISCIOTTI DEVELOPMENT

Via email: MEPA-regs@mass.gov
Rebecca Tepper, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street
10th Floor
Boston, MA 02114

Re: Proposed Amendments to 301 CMR 11.00

November 6, 2025

Dear Secretary Tepper:

This letter will provide comments on the proposed regulatory amendments to 301 CMR 11.00 to streamline MEPA review of qualifying housing and mixed-use projects to meet the Commonwealth's housing production goals. The amendments propose to streamline MEPA review of qualifying housing projects with the goal of aligning with actions to boost housing production as outlined in the Comprehensive Housing Plan for 2025-29, as well as corresponding recommendations of the Unlocking Housing Production Commission formed in 2024.

I appreciate the Administration's efforts to address regulatory barriers to building housing and to propose streamlining measures. While the draft MEPA rules offer some opportunities to streamline MEPA review, I believe the approach should go further. The following areas should be considered for streamlining.

While the draft proposal addresses unintended recent obstacles to reviewing Urban Renewal Plans in Gateway Cities, the draft rules should go further by providing additional relief specifically for housing in Gateway Cities that otherwise meet local planning goals.

I propose eliminating the mandatory requirement for a full Environmental Impact Review in 310 CMR 11.06(7) for Housing Projects within one mile Designated Geographic Areas of Environmental Justice Areas, and especially for housing projects serving Gateway Cities. First, the one mile radius brings in too many projects that are not likely to have impacts on EJ areas and needs to be re-evaluated. I would note that housing projects already have significant local review and opportunity for public input through reviews by planning and zoning boards and, where applicable, conservation commissions. These projects are different than commercial or industrial projects obtaining state issued permits where the state agency action might be the only approval needed. A mandatory EIR, and accompanying EJ protocol requirements, adds process of very limited value for housing projects which are subject to significant local review.

Second, as drafted, the regulatory revisions would remove the mandatory EIR requirements only for housing projects meeting the seven criteria listed in proposed section 11.02(c). The limitations include the size of housing projects. While the five to ten acre limit in proposed

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section 11.02(c)1.c. may benefit urban projects in the Eastern part of the state, many of the multi family housing projects being developed in other parts of the state (which otherwise would meet the density requirements the regulations seek) are on larger parcels. Inclusion of larger projects that meet density goals that meet the density goals of the community should be allowed, particularly in Gateway communities.

I would also propose eliminating the mandatory threshold for MEPA review for state financial assistance for projects, particularly in Gateway Cities. This assistance is typically submitted by the municipality on its own or in cooperation with a project proponent. Given the extensive review during the application process, MEPA review is not necessary.

Finally, the proposal does not address one of the main reasons why so many projects end up requiring MEPA review and in many cases full EIRs. An appeal of a Conservation Commission Order triggers MEPA review, even when it is the only state approval required. While the issues in a wetland appeal are limited to those before the wetlands program at DEP, the requirement to file at a minimum an ENF, and in many cases an EIR under newer protocols, makes the process involved, time consuming and expensive. The logic of exempting one home from review, as proposed in these regulatory changes, should apply to larger projects as well. We would propose the regulations to be amended to not require a MEPA filing in cases where the only state action triggering jurisdiction is the appeal of a local Conservation Commission Order. Those issues can be well addressed and more appropriately suited to be handled by MassDEP in its review of the Order of Conditions.

I would be happy to discuss these comments with you further.

Sincerely,



Gregg Lisciotti
Lisciotti Development Corporation