

November 9, 2025

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Re: Proposed changes to 301 CMR 11.00 MEPA Regulations and Proposed Special Review Procedure for Urban Renewal Plans

Dear Ms. Kim:

Thank you for the opportunity to comment on the proposed changes to 301 CMR 11.00 and the Proposed Special Review Procedure for Urban Renewal Plans. I have extensive experience with preparing urban renewal plans (URPs) under MGL Chapter 121B and 760 CMR 12.00, as well as with the subsequent municipal and agency review processes.

I support the proposed changes to 301 CMR 11.00, with some reservations, and I believe a Special Review Procedure (SPR) could be an appropriate choice for a redevelopment authority that prepares a URP with one or more identified development projects. However, for those plans that create a framework for development, but do not detail a specific project, filing an Environmental Notification Form should be sufficient.

### **Special Review Procedure Concerns**

Regarding the proposed SPR, I note a misunderstanding about the order in which a URP currently progresses through the approval process. The draft URP must satisfy four requirements at the municipal level before formal submission to EOHLC (or EOED) for approval: the Redevelopment Authority declares the necessity of the plan and area; the Planning Board finds that the plan conforms to the comprehensive plan for the municipality (and other applicable plans); City Council holds a public hearing (the Massachusetts Historical Commission receives notification of the hearing); and the redevelopment authority's solicitor confirms that the plan is consistent with applicable laws and regulations. Once these actions are complete, the redevelopment authority submits the plan to EOHLC for its review and approval. In the past, this ENF filing was submitted simultaneously with the EOHLC (then DHCD) application, allowing coordination of the review processes. The confusion in the proposed Special Review Procedure may arise because EOHLC recommends an informal completeness review prior to the municipal approval process. MEPA does not have a similar option; therefore, in the past, the ENF was submitted after the municipality approved the URP for submission to EOHLC for formal approval. The

proposed SPR requires that the ENF be filed before the municipal approval process. I suggest that the ENF be filed at the same time that the redevelopment authority sends the draft URP to EOHLC for its informal completeness review.

### **Proposed Amendments to 301 CMR 11: Concerns**

My concern with the proposed amendment to 301 CMR 11.03(12)(b) is that it still creates uncertainty in the approval process, creating the potential for unnecessary delays and increased costs for URPs that are frameworks for development and do not contain specific development projects.

The Commonwealth of Massachusetts has established policies to support housing development, economic growth, and environmental protection. In addition, the Commonwealth has established policies that require consideration of negative impacts on Environmental Justice populations. These goals are not mutually exclusive. Urbanized areas with existing infrastructure (water, sewer, utilities, roads) should be prioritized for infill development of vacant lots, rehabilitation with adaptive reuse of existing buildings, and demolition and new construction for buildings in significant disrepair. If done well, such development practices accomplish the following:

- increase the availability of housing stock that meets building code;
- add jobs, goods, and services where people already live;
- reduce the negative impacts of climate change by upgrading buildings to be more energy- and water-efficient, and sites to manage stormwater and minimize heat impact;
- protect the environment by addressing brownfields in urban areas and minimizing the development of undeveloped land;
- support municipal budgets by increasing the value of properties; and
- improve the quality of life for people in the surrounding area.

This is the purpose of urban renewal and revitalization in the 21<sup>st</sup> century. The Commonwealth has supported this planning process through grants from the Community One Stop for Growth program, the Neighborhood Hub program, the Complete Neighborhoods program, and other funding sources. These funds provide technical assistance to communities, typically through a consultant team that helps the community conduct a planning process, which includes public engagement, and prepare the URP in accordance with MGL Chapter 121B and 760 CMR 12.00.

760 CMR 12.01(15) states the following (bolded text is mine):

Massachusetts Environmental Policy Act (MEPA). The Plan must indicate: (a) if review of the Plan under MEPA and implementing regulations is complete; and (b) if review of any known redevelopment project under MEPA and implementing regulations is complete and/or MEPA has issued a Phase 1 waiver with respect to such project(s). If so, include copies of the

MEPA approvals in the Urban Renewal Plan. **If not, DHCD's approval will be issued conditional upon completion of MEPA review.**

*(DHCD has not yet been replaced with EOHLC in 760 CMR 12.00, which was last updated in 2018).*

MGL Chapter 121B, Section 48 states that an urban renewal project cannot be undertaken until the City Council or municipal officers of a town have held a public hearing and the department (EOHLC) has approved the plan. Since EOHLC's approval of the plan is conditional upon the completion of MEPA's review, **the ability of a Redevelopment Authority to act under the plan is contingent upon the cost of and the time it takes to complete such MEPA review.**

This focus on cost and time is critical.

- First, because the focus of a 21st-century URP is to allow the public entity, the redevelopment authority, to address conditions of blight that the private market cannot.
- Second, because public monies fund the cost of the planning process and preparation of the plans.

Uncertainty in the timing and requirements of regulatory review may result in additional costs due to delays in addressing the conditions of blight and from the extra expenses of undertaking analyses and preparing documents that are not necessary for a planning document that sets the framework for development.

I have served as a project manager for the lead consultant firm on over nine URPs, some of which have been fully approved by EOHLC, while others have been delayed due to the changes in MEPA regulations that took effect in 2022. The communities with approved plans filed Environmental Notification Forms (ENFs) with MEPA. Two communities filed Expanded Environmental Notification Forms (EENFs) with MEPA and delayed the preparation of the required SEIRs due to the higher cost of preparing that document. For comparison, the ENFs for the earlier projects cost approximately \$15,000. The estimates for a combined EENF and SEIR process have been around \$75,000 to \$100,000. In one case, the estimated fee for the EENF and SEIR was about twice the cost of preparing the URP. (I hope that, if the regulations change, the framework URPs that have already submitted EENFs will not be required to submit SEIRs – this would be a significant, currently unbudgeted, cost for those plans.)

11.03(12)(b) ENF and Other MEPA Review if the Secretary So Requires now includes URPs and major modifications of such plans have been added to this section. My concern is the uncertainty about whether the Secretary will require an additional review. The funding authority either issues a request for proposals for the plan development or chooses a consultant as part of an on-call contract. In either case, the consultant must propose a scope of work with an associated fee. If the approval process is uncertain, the funding authority and the consultant will need to

revisit the contract and budget after the ENF is filed if the Secretary chooses to require an additional review process. Since the planning process for a URP can take 6-9 months, and the preparation of the draft plan and draft ENF for client review can take several more, such projects typically take at least two fiscal years to complete. The funding paths described above are set by fiscal year; not knowing how much will be needed to complete the process at the time of contract is highly unusual and leads to potential delays mid-project if the funding agency, redevelopment authority, and consultant team have to rescope and find additional funds midway through the process.

A more effective approach, from the perspective of state and municipal funding processes, would be to require that all URPs submit the ENF, which would inform MEPA of the new or modified urban renewal area, the objectives for the area, and the redevelopment authority's anticipated actions to address blighted conditions.

### **Additional Considerations**

A redevelopment authority that plans to prepare a URP that details one or more specific development projects can then exercise the option to use the Special Review Procedure as a strategic choice to streamline the permitting process for future development for which the redevelopment authority is a partner. Allowing this choice also means that a redevelopment authority can plan its budget and process before applying for grants or entering into a contract with a consultant team. Note that not all projects in the URP area will have the participation of the redevelopment authority, and tracking all projects in that URP area could pose a significant administrative burden for that redevelopment authority.

URPs are a critical tool for strategic and catalytic redevelopment of areas that suffer from blighted conditions. Our communities' best interests are served by a permitting process that aligns the goals and policies of the Commonwealth and municipalities by promoting good housing choices, associated economic development, and strong environmental protection through streamlined regulations that require the appropriate level of review at the appropriate time. I believe the proposed revisions to 301 CMR 11.00 and the Special Review Procedure are a positive step forward, and I suggest that you consider requiring only the ENF for all URPs, while allowing the Special Review Procedure as an option for URPs with specific development projects.

Best regards,



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