



Massachusetts Association of Conservation Commissions

protecting wetlands, open space and biological diversity through education and advocacy

July 29, 2025

Via Electronic Mail

JointCommittee.Environment@malegislature.gov

The Honorable Senator Becca Rausch, Senate Chair
Joint Committee on Environment & Natural Resources
State House, Room 215
Boston, MA 02133

The Honorable Representative Christine Barber, House Chair
Joint Committee on Environment & Natural Resources
State House, Room 167
Boston, MA 02133

RE: S.2542 *An Act to build resilience for Massachusetts communities*

Dear Chair Rausch, Chair Barber, and Members of the Committee on Environment and Natural Resources:

Thank you for the opportunity to submit comments on S.2542, *An Act to build resilience for Massachusetts communities* (also known as *the Mass Ready Act*).

The Massachusetts Association of Conservation Commissions (MACC) is a statewide non-profit organization that supports more than 2,000 volunteer conservation commissioners in their mission to preserve wetlands and open space. Each of the 351 cities and towns in Massachusetts has a conservation commission responsible for administering the state Wetlands Protection Act and municipal wetland bylaws and ordinances, as well as managing municipally owned conservation land. Our association protects Massachusetts' natural resources through our education and advocacy efforts, and we have been doing this work since 1961.

The *Mass Ready Act* is a significant bill that proposes \$2.9 billion in authorizations for infrastructure and environmental programs to enhance climate change resiliency. We support funding for the environmental programs in the bill, from parks and recreation, dams, coastal resilience, forests and tree planting, municipal vulnerability preparedness (MVP) programs, biodiversity programs, ecosystem protections, to investments to communities across the state. This important legislation will greatly improve the State's resilience to our changing weather patterns and the impacts they could cause.

MACC supports many of the outside sections in the bill related to the Wetlands Protection Act. We are pleased that many of our suggestions for ecological restoration and permit streamlining to increase the pace of salt marsh and wetland restorations have been included along with permit flexibility for small projects (such as invasive plant management), correcting long-known typographical error in the Act, and changes to notice procedures for public hearings have been included in several outside sections of the *Mass Ready Act*. However, there are many outside sections related to the Wetlands Protection Act that conservation commissions, MACC, and other stakeholders saw for the first time when this bill was published late last month.

We recognize the significant need for housing in the Commonwealth. However, we reject the false equivalency between development and infrastructure projects such as roads, bridges, and housing, and those that propose nature-based solutions, ecological restoration, and climate resilience. We strongly support efforts to streamline permitting for wetland restoration projects. We also support the acceleration of the development of affordable housing and clean energy projects. However, these must not come at the expense of Massachusetts' vital natural resources, particularly wetland and aquatic ecosystems that are central to the purpose of this legislation. Any acceleration of permitting processes must be carefully crafted to avoid weakening the environmental safeguards that protect our communities, housing, ecosystems, and climate resilience efforts. The new energy siting law provides a framework for *site suitability* that avoids, minimizes and mitigates impacts to sensitive resources; we recognize that site suitability is unfortunately not included in the priority housing process.

We urge the legislature to ensure a transparent, public process to define “priority housing” projects, which the current language does not express, with the explicit aim of supporting affordable housing that sustains both people and nature. Finally, any streamlining proposals must be aligned with Chapter 91 and existing environmental laws that safeguard our public trust resources.

This bill eliminates or diminishes some local guidance and public input provisions which we do not support.

- The definition of Priority Housing has not been included in the bill, and it will be determined by state agencies later, via guidelines, but without any public input, which would be available through the process of promulgating regulations.
- We do not support the recommendation to eliminate local wetland bylaws/ordinances for municipal culvert projects. Instead, we urge retaining local wetland bylaws/ordinances for the important local input and environmental knowledge.
- The proposed change in the wetland appeals process will be significantly more costly and slower for municipalities if appeals are directed to Superior Court. Currently, appeals go to MassDEP, who have legal counsel and environmental specialists on staff to deal with such appeals efficiently.
- There is a need for additional review and input of these proposed changes in the Wetland Protection Act before this bill is passed.

The following sections outline our specific comments related to outside sections of the *Mass Ready Act*. These comments have been developed from many MACC members across Massachusetts including Newton, Bellingham, Monterey, Lexington, Arlington, Dracut, Stow, Orleans, Ipswich, Leverett, Holyoke, Weston, and Monterey.

Support for Outside Sections of the *Mass Ready Act*

SECTION 48 Notices

This section proposes allowing submitting notices to conservation commissions and MassDEP via electronic delivery, drastically reducing printing costs, mailing costs and a reduction of the use of paper, saving applicants considerable expenses.

- *MACC supports this section.*
- **Selectmen references.** *MACC recommends revising all references to “selectmen” be revised to “select board” throughout MGL Ch 131 Section 40.*

SECTION 49 - Abutter Notifications

SECTION 49 reduces the abutter notification from those abutters within 1,000 feet of a linear project to 100 feet of the linear project, consistent with the abutter notification requirements in 310 CMR 10.05(4).

- *MACC supports this change. This corrects a (likely) typographic error in the Act.*

SECTION 50 - Administrative Approvals

This section codifies the process of requesting and issuing Determinations as noted in 310 CMR 10.05(b). This section also proposes allowing administrative approval by conservation staff and representatives where there is no staff, for certain (smaller) projects that would not have a negative impact on wetlands, or their ability to protect the eight or nine “Interests” (purposes) of the Act.

This action has been previously requested by conservation staff and MACC; it will result in improved timeframes for approval of those particular projects, reduced costs for applicants, reduced time spent during public meetings, and reduced paperwork necessary to issue the decision.

- *The proposed language is not clear about when the Department, rather than the commission, will issue such a decision.*
- *The phrase “or by the Department” in Line 1501 should be deleted.*
- *MassDEP, MACC, Massachusetts Society of Municipal Conservation Professionals (MSMCP), and other wetlands experts should continue to collaborate on the “types of proposed work” to be included for administrative approvals in the Wetland Regulations.*

SECTION 51 – Public Notifications

This section allows public notification of the project through the municipal website in addition to the newspaper legal notice option. This will save applicants’ permit application costs, as well as potentially creating a shorter timeframe for review since many conservation commission deadlines are partly determined by the date of the legal notice deadline. This revision also benefits the many municipalities that no longer have a local newspaper or are paying extremely expensive fees to post in a larger regional newspaper.

- *MACC supports this change.*
- *This change to public notifications could benefit from additional stakeholder input.*

SECTION 51 – Climate resilience added as the 9th Interest of the Wetlands Protection Act

Section 51 adds a 9th Interest of the Act, for “resilience for climate change”. Climate resilience is extremely important to address impacts due to flooding, sea level rise, and changes in precipitation during severe storm events.

The creation of a general permit would facilitate permitting for climate resilience projects, consolidate the number of permits needed, reduce the cost and timeframe to obtain a permit, and in turn, reduce the costs for municipalities, land trusts, state agencies etc. to then implement the project. Consolidating climate resilient projects will help meet the Commonwealth’s goals of increasing the pace of conservation and Executive Order No. 618 regarding Biodiversity.

- *MACC supports a climate-related interest in the Act.*
- *This section will benefit from additional stakeholder input to clarify this interest.*

SECTION 61 – Flood Risk Notifications

This section requires notifications to property buyers and renters about floodplain and the flood-risk potential of the property.

- *MACC supports this proposal.*

SECTION 74 – Precipitation Data

There are many aspects of SECTION 74 that need improvement, but the parts of the section that reference scientific standards, guidelines and projected precipitation data are important sections. We note that guidelines that will clarify portions of the SECTION will be conducted without public input, and those parts of SECTION 74 should be modified.

- *MACC supports the scientific-based projected precipitation data to be included.*
- *The phrase in Line 1876 might be improved as the “best scientific information available”.*

Concerns for Outside Sections of the *Mass Ready Act*

There are some deeply concerning sections of the proposed legislation amending MGL Ch. 131 Section 40, that are inconsistent with the purposes of this law and the overall theme of the *Mass Ready Act*. The Wetlands Protection Act is a pre-construction review of activities that could pose a risk for damaging natural resources and impairing the ecosystem services provided (e.g. clean water and air, preventing flooding, pollution and storm damage prevention, etc. – also known as the “Interests of the Act”) and under the Commonwealth’s stewardship. Housing is one type of project, among many, that requires conservation commission review if proposed within a jurisdictional resource area.

While we agree that permit streamlining is appropriate for smaller projects with minimal anticipated impacts on resource areas, construction projects such as housing should not be removed from jurisdictional review. Housing projects can have potential negative environmental impacts and should continue to be evaluated at the local level, with public participation. Housing projects, like all types of development projects, should adequately demonstrate there will be no negative impacts on natural resources. Housing projects are not climate resilient or nature-based solution projects and should not be included in these sections of the amendments as they are proposed. Our specific concerns are outlined below.

SECTION 12 – Exempts Priority Housing and Nature Based Solutions from EIRs

This section would remove the 2022 requirement for an Environmental Impact Report (EIR) for projects in or near Environmental Justice (EJ) communities for both housing and restoration projects. Housing projects should be required to have siting requirements added to this and other outside sections related to the Wetlands Protection Act.

- *MACC opposes this change for housing and construction projects because unlike restoration projects that improve the environmental surroundings of the EJ areas, construction activities have the potential to impact the communities during and after the construction activities.*

SECTION 31- New Chapter 91 General Permits and Licenses for Restoration (and other activities)

This section proposes changes for salt marsh/ecological restorations and nature-based solutions, as well as Priority Housing. There are many important improvements in this section that MACC supports, but we request modifications to improve these processes further. This section does not define what is included in Priority Housing, and there is no public process for developing the definitions or the guidelines.

- *MACC supports much of Section 31.*
- *MACC suggests that Section 31, Lines 925 – 944 should be modified to put some of the details into regulations, rather than in the statute.*
- *MACC recommends a public process to modify SECTIONS 12, 31, 50, 51, 73 and 74.*

SECTION 51 -Priority Housing Projects

This section (lines 1545-1546) includes currently undefined priority housing projects that would receive General Permits. The term “Priority Housing” has not yet been defined; it will be determined by state agencies later and through guidance – without any public input – rather than through regulations – a process that provides for public input. Housing projects are not related to climate resilience project types listed (nature-based solutions, ecological restoration and wetland resilience projects). The phrase “or priority housing projects consistent with commonwealth land use planning and housing strategies and plans” should be deleted from this section. Housing is not a climate resilient project.

- **Site Suitability.** *There is a need for including site suitability considerations in outside sections of this bill. Unlike the Governor’s Clean Energy Infrastructure Siting & Permitting Commission (where there were many stakeholders from the solar developers, state regulators, environmental nonprofits, municipal representatives [including MACC], and others), these Outside Sections with Priority Housing Projects added to the Wetlands Protection Act, do not include any reference to Site Suitability. There is no mention of avoiding-minimizing-mitigating impacts to the environment and sensitive receptors for Priority Housing.*
- **Local Wetland Bylaws.** *We note that the Commission that wrote the “Unlocking Housing Report” did not have environmental stakeholders in that process, and as a result, site suitability and other environmental factors do not appear to have been fully considered. The report recommends not following local wetland and wastewater bylaws and ordinances. We strongly oppose eliminating local bylaws from future housing construction permitting. Permit streamlining can be implemented but new construction must not be located in areas where it will be vulnerable to future flooding and effects of climate change. There needs to be a balance, and these changes will not provide balance without additional clarifications to these proposed sections.*
- **Additional Input is needed.** *We strongly urge this Committee to meet with MACC and other stakeholders to modify several outside sections of the Mass Ready Act (specifically SECTIONS 12, 50, 51, 73 and 74).*

SECTION 51 -Appeals of certain wetland permitting projects

In lines 1623 -1636 of this section, appeals of certain wetland permitting projects would move from the MassDEP to Superior Court. This would have significant cost and time implications for the municipality. Transferring wetland permitting appeals from DEP to Superior Court will impose significant demands on staff time and costs for counsel by municipalities, applicants and residents to go through litigation in Superior Court rather than through the existing administrative process through a regional MassDEP office. MassDEP is better versed in the nuances of Wetlands Protection Act than Superior Court judges.

- *MACC opposes moving the wetland appeals directly to Superior Court because of increased costs and no assurance of reduced timelines.*
- *Additional discussion with stakeholders (MassDEP, MACC, MSMCP, others) should take place to seek a better solution.*

SECTION 73- Priority Housing Projects; Nature Based Solutions Projects

This section allows for creation of guidelines regarding “priority housing types” and “nature-based solutions projects” in MGL Ch 131 Section 40. It further states that these guidelines will be created by the secretaries of EEA, housing and livable communities and the commissioner of MassDEP, and that guidelines will be developed by the Secretary of EEA in consultation with the commissioners of environmental protection, fish and game, and the director of coastal zone management. There is no public input provided for creating these important definitions and guidelines.

- *Guidelines should be created in consultation with municipal conservation stakeholders at MACC and the Massachusetts Society of Municipal Conservation Professionals (MSMCP) and other stakeholders. Proposed guidelines should have a public comment process to define “priority housing” and how it impacts natural resource protection. All housing projects should receive full review under the Wetlands Protection Act in order to protect sensitive wetland resources and ensure new housing construction is resilient to climate change and not susceptible to flooding. Alternatively, the Guidelines could be incorporated into a regulatory process, with a public comment period.*

SECTION 74 - Exemption from Local Wetland Bylaws and Ordinances

This section will expedite permitting certain culvert projects (both new and replacement projects). It will create a general permit which the local conservation commission will be required to issue within 42 days after the filing of a complete Notice of Intent. This section also seeks to exempt the general permit from local wetland bylaws/ordinances, even if the permit is for municipal culvert replacement. Massachusetts residents have voted and approved home rule petitions in more than 220 of the 351 municipalities and should not be removed by any state authority. Municipal bylaws and ordinances have the ability to grant waivers for portions of a bylaw/ordinance that exceeds the general permit requirements listed in subsection (b).

- *We do not support the elimination of compliance with local wetland bylaws for municipal culvert projects (or for other Wetland Protection Act projects). Instead, we urge retaining local input and knowledge in the statute.*

There is a need for additional review and input for these proposed changes to the Wetland Protection Act before this bill is passed. We recognize and appreciate the significant amount of work it took to draft and finalize the *Mass Ready Act*. We all share a genuine desire for protecting our environment while streamlining processes but not at the expense of natural resource protection. Additional refinements are needed to strengthen S.2542 with respect to the Wetlands Protection Act. MACC stands ready to assist in this process.

Please contact our office at (617) 489-3730 with any questions. Thank you for your consideration of these issues.

Sincerely,



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