

THE PROJECT REVIEW PROCESS – AN EXPLANATION OF TERMS*

PROCESS:

Large projects are subject to the Article 80 Large Project Review process by the The Boston Redevelopment Authority (BRA) d/b/a **Boston Planning & Development Agency (BPDA)**.

The major steps in their Large Project Review are as follows. Opportunities for public comment are afforded throughout the process.

Applicant files Letter of Intent (LOI) describing the project.

Applicant files a Project Notification Form (PNF) which further describes the project and is available for public comment.

If required by the BPDA, applicant may need to submit a Draft Project Impact Report (DPIR), which provides additional analysis and is available for public comment.

If required by the BPDA, applicant may need to submit a Final Project Impact Report (FPIR) to provide additional analysis. This addresses concerns raised by the DPIR and is available for public comment.

Once review of the FPIR is complete, the BPDA will issue a final directive called and Adequacy Determination, which requires a vote of the BPDA Board. The Board may choose to approve a project, not approve it, or approve it with conditions.

<http://www.bostonplans.org/projects/development-review/large-projects>

In addition, projects may be subject to the State's **Massachusetts Environmental Policy Act (MEPA)** process if, among other reasons, they involve air rights over Commonwealth owned land. **The MEPA Office** is the staff of the Secretary of Energy & Environmental Affairs responsible for daily implementation and administration of the MEPA review process. The staff, headed by the Assistant Secretary for Environmental Impact Review (also known as the MEPA Director), consists of environmental analysts and administrative support persons. The MEPA Office reviews Environmental Notification Forms (**ENF**) and Environmental Impact Reports (**EIR**); makes recommendations to the question; interprets the MEPA regulations; and publishes the Environmental Monitor (see below).

TERMS:

Below you will find explanations that may help you to understand the alphabet soup of terms involved in the process, listed in roughly the chronological order in which they will be applied by the City and by the State. (For a City of Boston glossary of terms see <http://www.bostonplans.org/about-us/glossary#LOI>)

Article 80 – adopted in 1996 by the Boston Redevelopment Authority to establish a development review process for large projects (more than 50,000 square feet), small projects (greater than 20,000 square feet), planned development areas.

<http://www.bostonplans.org/projects/development-review/what-is-article-80>

The Civic Vision – In 1998 then-Mayor Menino commissioned a group to craft a vision for the air rights over the Boston Extension of the Massachusetts Turnpike. It is a comprehensive plan for transportation, economic development, and open space with a goal of re-integrating the urban fabric to fulfill the needs of residents, businesses, and local institutions.

<http://www.bostonplans.org/getattachment/f7188bb6-c25e-4e8d-86b1-b3244fa49762>

The Boston Redevelopment Authority (BRA) d/b/a **Boston Planning & Development Agency (BPDA)**, is the urban planning and economic development agency for the City of Boston.

<http://www.bostonplans.org/about-us>

Department of Energy and Environmental Affairs (EEA) - Department of Energy and Environmental Affairs manages the State MEPA process through the **MEPA Office**, usually in parallel with the BPDA Article 80 process. The MEPA Office is the staff of the Secretary of Energy & Environmental Affairs responsible for daily implementation and administration of the MEPA review process. The staff, headed by the Assistant Secretary for Environmental Impact Review (also know as the MEPA Director), consists of environmental analysts and administrative support persons. The MEPA Office reviews Environmental Notification Forms (ENF) and Environmental Impact Reports (EIR); makes

recommendations to the question; interprets the MEPA regulations; and publishes the Environmental Monitor.

<https://www.mass.gov/orgs/executive-office-of-energy-and-environmental-affairs>); makes recommendations to the question; interprets the MEPA

regulations; and publishes the Environmental Monitor.

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Letter of Intent (LOI) – a document from a project developer (e.g. “proponent”) that triggers the formation by the BPDA of a Civic Advisory Committee (CAC).

Citizens Advisory Committee (CAC) – The body, consisting of representatives of various residential, commercial, and institutional groups (including NABB) as well as several non-group related residents and ex-officio elected officials, that is mandated in accordance with legislation around MBTA-related projects to review projects and advise the government bodies that have ultimate approval authority. See Special Review Procedures, section 11.0 (3):

<https://www.mass.gov/regulations/301-CMR-1100-mepa-regulations#11-07-eir-preparation-and-filing>

Impact Advisory Group (IAG) – mandated under the BPDA’s Article 80 process to recommend appropriate strategies to mitigate the social and environmental impacts of projects reviewed under Article 80. May be the same as the CAC for some projects. Consists of community members nominated by the mayor.

Project Notification Form (PNF) – This document is submitted by the proponent and is the formal start of the public comments process. It describes the planned project, including with architectural renderings and plans, and gives some preliminary information on anticipated impacts in areas that are specified to be studied under Large Project zoning rules. Public comments are meant to inform the BPDA of areas for which it should request further study via its Scoping Determinations. The BPDA may also determine that the PNF is adequate and recommend approval to the BPDA Board.

Environmental Notification Form (ENF) – submission of this document, similar to the BPDA’s **PNF**, begins the State’s MEPA review process. Public

comments serve a similar purpose to those on the PNF. Generally the MEPA and BPDA processes run concurrently for major projects.

<https://www.mass.gov/guides/environmental-notification-form-enf-preparation-and-filing>

Typical review period for an ENF is 30 days from date of publication in the Environmental Monitor. It includes a 20 day public comment period.

<http://eeaonline.eea.state.ma.us/eea/emepa/emonitor.aspx>

Scoping Determinations – The BPDA (for the PNF) and the Secretary of the Department of Energy and Environmental Affairs (EEA) MEPA Office (for the ENF) will issue scoping determinations that will lay out the detailed studies that the proponents must conduct to determine the impacts that the planned project will have. Often, they will direct the proponent to study whether a defined change in scope or design will lead to a reduced impact.

Draft Project Impact Report (DPIR) – this document addresses the issues raised by the BPDA in its scoping determination. This is often the lengthiest and most detailed document prepared during the review process. It is subject to a public comment period after it is filed.

Draft Environmental Impact Report (DEIR) – Similarly, this document addresses the issues raised in the MEPA scoping determination and is subject to public comment. After public comments on the ENF, MEPA will issue a Certificate on the ENF stating whether a draft EIR is required and, if so, identify the scope. Because the issues to be addressed are generally similar, although each process has some categories of issue that are not covered in the other, the proponent will sometimes issue the same document as both the DPIR and the DEIR. <https://www.mass.gov/guides/environmental-impact-report-preparation-and-filing>

Final Project Impact Report (FPIR) – A possible requirement during the Article 80 process. If, following the review of a project's PNF and DPIR, the BPDA finds that further study of certain impact areas is required, the BPDA may request an FPIR. The FPIR includes more detailed analysis of project impacts and may be commented on by the BPDA, city agencies, and the public before the BPDA can issue its Adequacy Determination. Often the BPDA will waive this step.

Final Environmental Impact Report (FEIR) – Similar to the FPIR and similarly often waived by the MEPA Office. If the MEPA office finds that substantive issues remain unresolved in the EIR and a FEIR is required, the public comment period following its submission closes 30 days after publication in the Environmental Monitor. The Secretary of EEA will then issue a decision within 7 days whether the FEIR complies with MEPA regulations.

<https://www.mass.gov/guides/environmental-impact-report-preparation-and-filing>

Floor area ratio (FAR) is the ratio of a building's total floor area (gross floor area) to the size of the piece of land upon which it is built. The terms can also refer to limits imposed on such a ratio through zoning.

Boston Civic Design Commission (BCDC) – This group of design professionals critiques the aesthetics of proposed development projects to ensure they have a positive impact on the city's public realm. It makes recommendations to the BPDA on the quality of the design solutions offered by the project. Its recommendations are advisory.

<http://www.bostonplans.org/planning/urban-design/boston-civic-design-commission>

Planned Development Area (PDA) – This is a provision in the Boston Zoning Code that allows the adoption of special zoning for large (over an acre) or complex projects that may be well-suited to a location but cannot be accommodated by the general underlying zoning for the area.

<http://www.bostonplans.org/projects/development-review/planned-development-areas>

Boston Zoning Commission (BZC) - This 7-member body must approve all requests for conditional use permits, variances, permission to expand/change nonconforming uses, and similar zoning relief, including a new or modified PDA.

<http://www.bostonplans.org/zoning/zoning-commission>

Boston Zoning Board of Appeal (ZBA) – This body rules on requests for deviations to the Boston Zoning Code if they do not involve a change in zoning. Abutters can appeal ZBA decisions with which they disagree to the court

system, however, qualifying for the legal standing as an “abutter” required to do so may be difficult. <http://www.bostonplans.org/zoning/zoning-board-of-appeals>

Boston Parking Freeze – This long standing environmental rule sets a limit on the total number of public parking spaces in the area east of Massachusetts Avenue. It does not apply to spaces that are not available to the general public.

Boston Groundwater Conservation Overlay District (GCOD) – This provision of the Boston Zoning Code is administered by the Boston Groundwater Trust. It requires a project that meets certain criteria to demonstrate that it is designed so that it cannot cause a reduction in groundwater levels on site or on adjoining lots and to capture a specified amount of precipitation for recharge into the ground.

<http://www.bostongroundwater.org/overview.html>

Inclusionary Development Policy (IDP) - the City's program to leverage private development to preserve access to affordable housing opportunities in all of Boston's neighborhoods. The BPDA implements the **(IDP)** in collaboration with the city's Department of Neighborhood Development and Office of Fair Housing and Equity, toward achieving the goals. This policy was last revised by Mayor Walsh in 2015 and is currently under review for possible new revisions.

<http://www.bostonplans.org/housing/overview>

On the NABB website you can find lists of and links to Other Neighborhood Associations, Other Activist Groups, Preservation Groups, and Local Business Groups that can be involved the above-described processes:

<http://www.nabbonline.com/links>