



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

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Town of Webster  
Planning Department

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

March 28, 2018

### Webster Planning Board

350 Main St.

Webster, MA 01570

### Re: Local Planning Board Responsibilities Regarding Chapter 91 General License Certifications

Dear Planning Board,

As you may be aware, the Massachusetts Department of Environmental Protection (MassDEP) administers the Massachusetts Public Waterfront Act (M.G.L. C. 91A, §18), commonly referred to as "Chapter 91." The Chapter 91 law is intended to:

- Protect and promote the public's interest in the waterways of the Commonwealth;
- Protect the public health, safety and general welfare as it may be affected by any project in tidelands, Great Ponds and non-tidal rivers and streams;
- Ensure that public rights to fish, fowl and navigate are not unreasonably restricted and that unsafe or hazardous structures are repaired or removed;
- Protect the legal rights of adjacent waterfront property owners to approach their land from the water;
- Support public and private efforts to revitalize unproductive property along urban waterfronts, in a manner that promotes public use and enjoyment of the water.

As the trustee of Chapter 91's mandate, MassDEP is responsible for licensing all structures, filling, and uses associated thereto, including docks and piers **within** tidelands, Great Ponds, and navigable rivers.

In May of 2017, a new type of Chapter 91 License---the General License Self-Certification--- was made available to eligible owners of small, non-commercial, residential docks and piers. The General License Certification (GLC) provides owners of such small docks and piers with a streamlined, simplified, and less expensive process for licensing their structures.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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As described in the statute, local Planning Boards have a key role in the licensing and permitting process for Chapter 91. The Chapter 91 law gives Planning Boards the opportunity to review and provide input to MassDEP for any Chapter 91 license or permit before it is issued. Now under the new GLC option, the Planning Board may elect to have a more significant role in the Chapter 91 licensing/permitting process. This change gives the Planning Board the opportunity to provide input to MassDEP if desired. Under the GLC option, the applicant is required to send to your Board a "Statement" or copy of their completed self-certification form *and* a Public Notice describing their project.

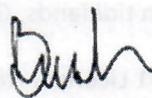
Therefore, your Board will most likely receive copies of the GLCs (or "Statements") and Public Notices in the upcoming months as residential dock and pier owners pursue their self-certifications in time for the 2018 boating season. Your Board does not need to provide comments to MassDEP on these projects unless there are specific relevant concerns you want to bring to our attention.

#### **What are the Documents that the Planning Board Will Receive and What Does the Board Need to Do?**

1. The Planning Board will receive a "Statement" of the project with a site plan from the GLC applicant. This Statement will likely be a completed copy of the GLC application form (BRP WW 24) with the site plan (i.e., sketch of dock/pier and subject parcel -including a description of the proposed use, location, dimensions, setbacks, mode of work to be performed).
2. Along with the Statement, the Planning Board will receive a copy of a Public Notice in a newspaper of local circulation that describes the project. The Public Notice will state that any public concerns or issues raised in response to the Public Notice should be directed to the Planning Board (i.e., through written comments). The Board does NOT have to conduct a Public Hearing in response to the Public Notice. The Board has 45-days from their receipt of the Statement and Public Notice to comment to MassDEP's Waterways Program staff (Chapter 91).
3. If MassDEP receives no comments from your Board and the project meets the GLC eligibility requirements (*see MassDEP link below*), MassDEP will stamp and affirm the self-certification form and send it to the applicant/Licensee to register at their Registry of Deeds.
4. Once MassDEP affirms the self-certification, there is **NO** appeal option for the GLC.

You should also be aware that all GLCs will need other municipal approvals such as from the conservation commission and for coastal projects - a sign off from the Zoning Enforcement officer before MassDEP affirms it. We encourage you to go to our website at: <https://www.mass.gov/how-to/ww-24-general-license-certification> to help you more thoroughly understand the Chapter 91 General License self-certification process and if you have any additional questions contact Nancy Lin, MassDEP's Wetlands and Waterways Outreach Manager at: [Nancy.Lin@state.ma.us](mailto:Nancy.Lin@state.ma.us) or at (617) 556-1109. Thank you for your attention to this matter.

Sincerely,



Ben Lynch  
Section Chief  
MassDEP's Waterways Regulation Program