

# SHAPING THE FUTURE OF YOUR COMMUNITY

## CHAPTER 2

### *Who's Who of Local, Regional, State, Federal Management and Environmental Agencies*

**Massachusetts has a long and proud tradition of *home rule*; a provision established under Massachusetts General Laws (MGL) Ch. 40 Section 21**

**<http://www.mass.gov/legis/laws/mgl/40-21.htm>. Localities control all areas of law not specifically assumed by the state. As a result, much of the responsibility for land use management is at the local level.**



**However, many of the locally administered land use bylaws and ordinances are based on state laws and regulations that establish a general regulatory framework under which municipalities establish their own specific ordinances and bylaws.**

**For example, the state Subdivision Control Act and the Zoning Act provide the general framework for communities to establish local subdivision and zoning ordinances, bylaws, and regulations.**

#### **Local Government is Key**

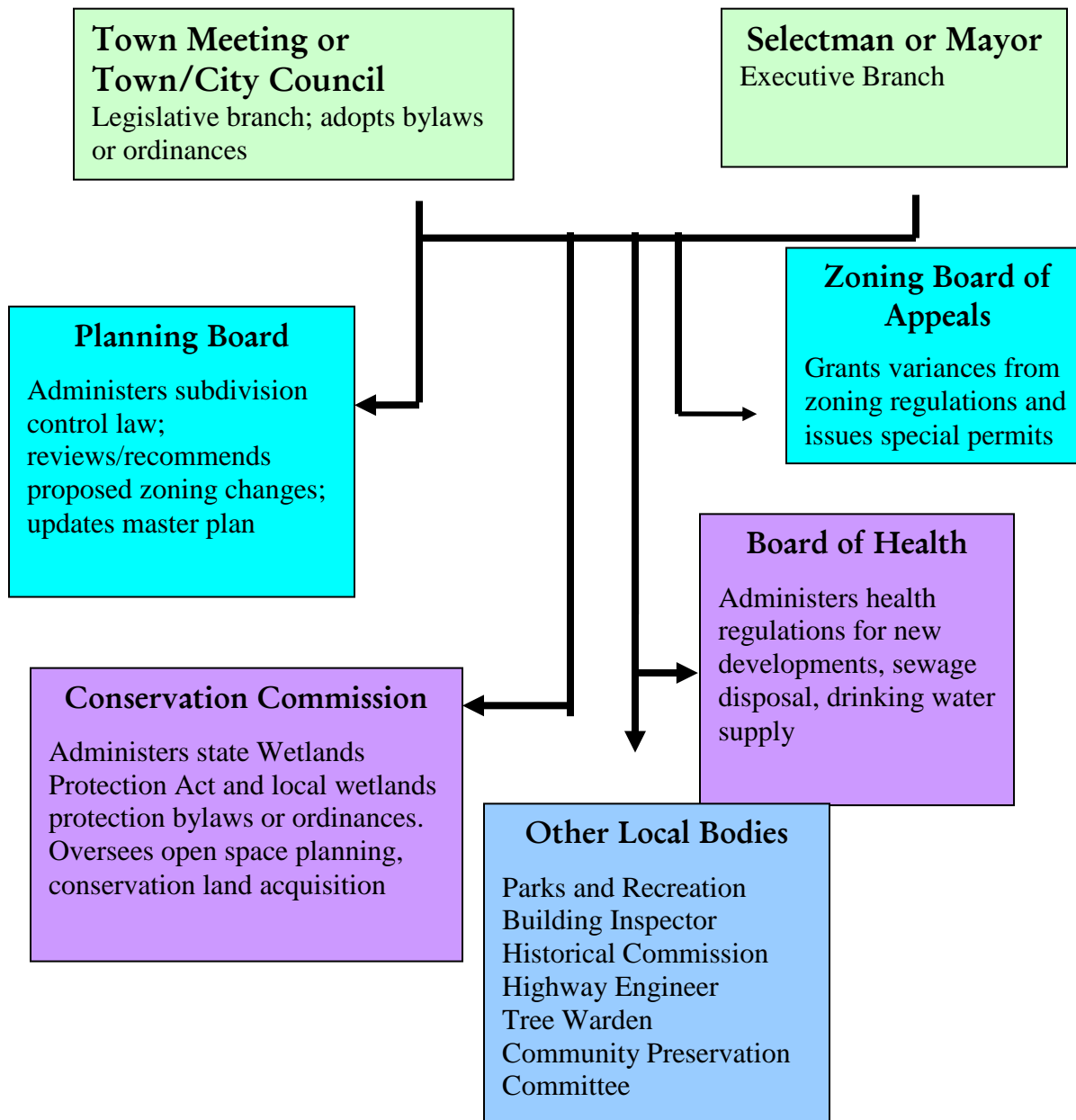
Most municipal governments in Massachusetts are one of two types—town governments and city governments.

- *Town* governments are usually guided by boards of selectmen (the “executive branch”) and a town meeting (the “legislative branch”). A few towns have town councils.
- *City* governments are guided by mayors (the “executive branch”) and city councils/boards of aldermen (the “legislative branch”).

The citizens involved in town meeting or the members of the city council approve any changes in the local ordinances or bylaws and appropriate money for capital expenditures including land acquisition for conservation purposes.

Both towns and cities have boards that implement state and local regulations. Local boards are responsible for much of the day-to-day administration of municipal policy and land use controls. Specific responsibilities and duties vary by community. In some smaller communities, the selectmen, mayor or city council, or special municipal boards or employees may have special permitting responsibilities usually assigned to a local board.

## Local Government Organizational Chart



## **Town Meeting or City Council**

Communities in Massachusetts practice a more-or-less pure form of democracy. Many towns hold regular and special town meetings when every eligible voter can vote on important affairs of the town, including any changes in local ordinances or bylaws and appropriation of money for the operating budget as well as capital expenditures such as land acquisition. These are called open town meetings. Some towns have a representative form of town meeting where elected members vote rather than the general public. Some city councils have special permit granting authority. These are called “Representative Town Meetings.” A few large towns have town councils with elected members. Cities have city councils comprised of elected representatives that vote on city ordinances and many other aspects of city business.

## **Board of Selectmen or Mayor**

Boards of selectmen and mayors are the local executive branch of government elected by citizens of the towns and cities respectively. They are responsible for administering the essential functions of the municipality such as selecting appointed officials, hiring staff, and paying bills. They may issue permits such as earth-removal permits for gravel pits, or operating permits for junkyards. In some communities, the selectmen also have special permit issuance authority.

## **Planning Board**

The planning board is made up of five to nine people who are appointed or elected. It is responsible for administering laws related to the subdivision of land. The planning board develops and updates the community’s master plan, recommends changes in the zoning laws to the city council or town meeting, and may grant special permits in cases for which standard regulations and permits do not apply.

## **Zoning Board of Appeals**

The zoning board of appeals grants variances from the zoning regulations and, in some communities, issues special permits. It also grants comprehensive permits for affordable housing, known as 40B projects, and hears appeals from decisions of the building inspector.

## **Conservation Commission**

All 351 municipalities in Massachusetts have established local conservation commissions of five to seven appointed (or, rarely, elected) volunteers. The conservation commission is responsible for local administration of the state’s Wetlands Protection Act. In communities that have their own local wetlands protection laws, the conservation commission also administers local permitting.

The conservation commission is also responsible for open space planning, and acquisition and stewardship of municipal land set aside for conservation through direct ownership or through conservation restrictions. In some communities, an Open Space Committee may fulfill some of these duties. Nonprofit local land trusts also are involved in open space planning and management.

### **Board of Health**

Local boards of health are responsible for protecting public health. Sewage disposal (Title 5) and the supply and quality of drinking water are the two health regulations governing most new development. Boards of health also regulate sewer connections and “public-nuisance” activities such as the transport and disposal of refuse.

### **Other Local Bodies**

Other local boards and bodies also play roles in local land use management and natural resource conservation. The parks or recreation department may maintain and operate significant community properties. The building inspector issues building permits and enforces zoning provisions. The historical commission researches, preserves, and protects historical and archaeological resources in the community. The highway superintendent or municipal engineer is responsible for road maintenance and issuing driveway permits. The tree warden regulates tree cutting on public lands and along roads. The finance committee makes recommendations on expenditures, including funding for land acquisition. The community preservation committee reviews and makes recommendations on funding for projects relating to affordable housing or the preservation of historical sites and open spaces. Made possible by the Community Preservation Act (<http://www.communitypreservation.org/>), which must be voluntarily adopted by participating communities, funding is acquired through a surcharge on property taxes as well as matching funds from the state.

## **REGIONAL, STATE, AND FEDERAL ROLES IN LAND MANAGEMENT**

### **Regional Roles**

Under Massachusetts General Laws (MGL) Chapter 40B, all cities and towns are assigned to a regional planning district and implementing agency composed of representatives from each member community. In Massachusetts, 13 regional planning agencies (RPAs) serve as land use planning service bureaus on regional issues; most offer planning assistance to municipalities for a fee. The powers of the RPAs vary across the state, depending on their authorizing statutes—on Cape Cod and Martha’s Vineyard, for example, the RPAs have land use permitting authority. The RPAs are typically the regional transportation planning agency and regional Geographic Information System (GIS) data center. You can find the RPA for your community on the state (<http://www.mass.gov/>) website and link to your community profile from the Local Government scroll-down menu.

## Shaping the Future of Your Community — Who's Who

Massachusetts also has many private watershed associations that work on regional land use management issues on a watershed basis. Some of them also provide technical assistance to communities and plan for regional land and resource protection. The Massachusetts Watershed Coalition (<http://www.commonwaters.org/>) website has links to each specific watershed association.

### State Roles

Massachusetts has a number of programs and incentives to assist municipalities and regions in planning and applying smart growth tools. The state environmental agencies that play the most prominent roles in environmental regulation and management are in the Executive Office of Energy and Environmental Affairs (EOEEA <http://www.mass.gov/envir/>). The state's Department of Housing and Community Development (<http://www.mass.gov/dhcd>) and other agencies also provide tools and support for community planning and land use regulation.

The EOEEA offices include the following.

#### Coastal Zone Management

<http://www.mass.gov/czm/czm.htm>(coastal planning and technical assistance)

#### Division of Conservation Services

<http://www.mass.gov/envir/dcs/default.htm>  
(open space planning, conservation restriction, and grants programs)

#### Mass Environmental Policy Act

<http://www.mass.gov/envir/mepa/index.htm>  
(review of large development proposals)

#### Mass Environmental Trust

<http://www.agmconnect.org/massenvironmentaltrust/default.htm>  
(a fund that provides environmental grants)

#### Mass Geographic Information System

<http://www.mass.gov/mgis/massgis.htm>  
(Computerized mapping with many types of data available online)



EOEEA departments include the following.

#### Agricultural Resources

<http://www.mass.gov/agr/>

#### Department of Public Utilities

<http://www.mass.gov/dpu>

#### Division of Energy Resources (DOER)

<http://www.mass.gov/doer/>

#### Conservation and Recreation

<http://www.mass.gov/dcr/>

(acquires and manages state parks and recreational resources)



### **Environmental Protection**

<http://www.mass.gov/dep/dephome.htm>

(provides regulatory oversight of wetlands, tidelands, permits for public water supplies and sewers, air quality, waste handling and disposal facilities, hazardous spill management and waste site cleanup)

### **Fish and Game**

[http://www.mass.gov/dfwele/dpt\\_toc.htm](http://www.mass.gov/dfwele/dpt_toc.htm)

(regulates activities in rare species habitats and other wildlife management including hunting and fishing, and runs a Riverways Program)

### **Federal Roles**

The federal agencies that play the most prominent roles in environmental regulation and management are the following.

The U.S. Army Corps of Engineers

<http://www.usace.army.mil/>

U.S. Fish and Wildlife Service

<http://www.fws.gov/>

U.S. Environmental Protection Agency

<http://www.epa.gov/>

National Oceanic and Atmospheric Administration

<http://www.noaa.gov/>

Key federal laws include the following.

- National Environmental Policy Act
- Coastal Zone Management Act
- Clean Water Act
- Endangered Species Act

See chart of Federal, State and Local Environmental and Land Use Laws and Regulations for more information on these and other laws.

Federal laws generally regulate large, publicly funded activities but can apply to many midsize projects. Some federal agencies acquire land or provide technical and acquisition assistance to municipalities and nonprofit organizations to assist with land conservation or restoration. Examples include National Wildlife Refuges managed by the U.S. Fish and Wildlife Service in Massachusetts and funding assistance for wetlands restoration provided by several federal agencies.

### **Useful Links**

Massachusetts General Laws (MGL) Ch. 40 Section 21

<http://www.mass.gov/legis/laws/mgl/40-21.htm>

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Massachusetts General Laws (MGL) Ch. 111

<http://www.mass.gov/legis/laws/mgl/gl-111-toc.htm>

Community Preservation Coalition

<http://www.communitypreservation.org/>

Massachusetts Official Website

<http://www.mass.gov/>

Massachusetts Watershed Association

<http://www.commonwaters.org>

Massachusetts Executive Office of Energy and Environmental Affairs

<http://www.mass.gov/envir/>

Massachusetts Department of Housing and Community Development

<http://www.mass.gov/dhcd>

Massachusetts Office of Coastal Zone Management

<http://www.mass.gov/czm/czm.htm>

Massachusetts Division of Conservation Services

<http://www.mass.gov/envir/dcs/default.htm>

Massachusetts Environmental Policy Act

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Massachusetts Environmental Trust

<http://www.agmconnect.org/massenvironmentaltrust/default.htm>

Massachusetts Geographic Information System

<http://www.mass.gov/mgis/massgis.htm>

Massachusetts Department of Agricultural Resources

<http://www.mass.gov/agr/>

Massachusetts Department of Public Utilities

<http://www.mass.gov/dpu/>

Massachusetts Department of Energy Resources

<http://www.mass.gov/doer/>

Massachusetts Department of Conservation and Recreation

<http://www.mass.gov/dcr/>

Massachusetts Department of Environmental Protection

<http://www.mass.gov/dep/dephome.htm>

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Massachusetts Department of Fish and Game

<http://www.mass.gov/dfwele/index.htm>

Massachusetts Riverways Program

<http://www.mass.gov/dfwele/river/>

U.S Army Corps of Engineers

<http://www.usace.army.mil/>

U.S. Fish and Wildlife Service

<http://www.fws.gov/>

U.S. Environmental Protection Agency

<http://www.epa.gov/>

National Oceanic and Atmospheric Administration

<http://www.noaa.gov/>