



February 28, 2025

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Daniel J. Padien  
Waterways Program Chief  
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### RE: A Better City's Comments on Designated Port Areas (DPAs) Regulations

Dear Chief Padien:

On behalf of A Better City's nearly 130 member businesses and institutions, thank you for the opportunity to provide comments on pending regulations associated with Section 295 of the Mass Leads Act. We appreciate the leadership of the Massachusetts Department of Environmental Protection and Department of Coastal Zone Management in incorporating climate resilience regulations into the governance of Designated Port Areas (DPAs). As you may know, many of A Better City's member businesses and institutions are climate resilience leaders who work in the South Boston/Seaport DPA, the East Boston DPA, and the Mystic River DPA, in particular.

We offer recommendations for your consideration regarding: encouraging co-benefits in resilient designated port area project implementation; clarifying "net loss" within Section H; ensuring DPA regulations maintain opportunities for water-dependent uses and economic development; convening DPA environmental justice and developer focus groups; convening statewide focus groups on funding mechanisms for DPA upgrades; establishing a resilient permitting working group or commission; and expanding the scope of the Massachusetts Community Climate Bank to fund resilience.

Thank you for your ongoing leadership—we remain ready to partner on the implementation of climate resilience solutions. Please reach out to Isabella Gambill ([igambill@abettercity.org](mailto:igambill@abettercity.org)) with any comments or questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Isabella Gambill".

Isabella Gambill  
Assistant Director of Climate, Energy, & Resilience  
A Better City

Enclosures: 1

Cc: Chief Melissa Hoffer, Secretary Rebecca Tepper, Assistant Secretary Mia Mansfield

## **A Better City's Recommendations for Designated Port Areas (DPA) Regulations**

- **Encouraging Co-Benefits in Resilient Designated Port Area Project Implementation:** A Better City appreciates the inclusion of climate resilience criteria as they relate to the development of regulations for Designated Port Areas (DPAs) in Section 295 of the Mass Leads Act, specifically the inclusion of coastal flood resilience in Section D, and inland neighborhood resilience to flooding in Section G. A Better City strongly recommends expanding these criteria within pending DPA regulations to encompass more holistic approaches to climate resilience across multiple climate hazards, including coastal and stormwater flooding, storm surge, extreme heat, drought, and high-velocity wind. Additionally, A Better City recommends encouraging further co-benefits from DPA projects across climate benefits, community benefits (like enhanced public access to the waterfront), preservation of water-dependent uses, and local economic development.
- **Clarifying “Net Loss” Within Section H:** Section H within Section 295 of the Mass Leads Act references “an assessment of new and adjacent areas that could be added to designated port areas to reduce net loss of acreage.” Given emerging biodiversity policies in Massachusetts that may incorporate principles of “no net loss” of biodiversity, it would be helpful to clarify in DPA regulatory language whether the reference to reduction of net loss of acreage in the implementation of Section 295, Section H, also encompasses loss of associated biodiversity located within DPA acreage.
- **Ensuring DPA Regulations Maintain Opportunities for Water-Dependent Uses and Economic Development:** A Better City strongly supports the maintenance of DPAs as areas that help to activate the fishing, shipping, and other maritime industries in Greater Boston, as well as their role in maintaining economic activity for the region, and future role as areas for climate resilience enhancement. A Better City recommends emphasizing the maintenance of DPAs as hubs for water-dependent uses and maritime activity, alongside climate resilience, throughout pending regulatory language associated with Sections A-H, Section 295 of the Mass Leads Act. Such regulations would help to maintain the Greater Boston region as globally competitive and vibrant, while also helping to protect the neighborhoods behind DPAs by providing broader climate resilience enhancements that go beyond DPA property boundaries. Finally, A Better City recommends ensuring that pending regulatory language for DPAs aligns with the climate resilience and other co-benefits associated with Chapter 91 and parallel resilient policy implementation, including the maintenance of waterfront property for a blend of uses.
- **Convening DPA Environmental Justice and Developer Focus Groups:** To better understand the needs, challenges, and goals of community groups, waterfront developers, and maritime businesses, A Better City strongly recommends hosting DPA focus groups on pending regulatory language. Three inner harbor DPAs exist in Boston that abut environmental justice neighborhoods, with long-standing climate and public health challenges needing prioritized investment. Waterfront developers have also expressed concerns and challenges with climate resilient project implementation, due to their inability to get such projects permitted.
- **Convening Statewide Focus Groups on Funding Mechanisms for DPA Upgrades:** In addition to hosting focus groups with environmental justice organizations and community leaders, as well as private developers, as mentioned above, it would be helpful to host state-level focus groups to solicit community input and discuss potential funding mechanisms and opportunities for DPA implementation, including the recommendations for a DPA decarbonization finance assistance program and DPA resiliency grant program to help maritime businesses implement climate initiatives, as recommended in the Boston Waterfront Partners’ [\*Strengthening the Urban Harbor: Policy & Investment Recommendations for Boston’s Working Ports\*](#) report.
- **Establishing a Resilient Permitting Working Group or Commission:** Innovative permitting strategies will be needed to build the coastal resilience projects required to protect and enhance our commercial districts and employment hubs, including within and adjacent to operational DPAs. A Better City recommends forming a



Resilient Permitting Commission or Working Group, similar and parallel to the Commission on Clean Energy Permitting and Siting, to explore how to accelerate and improve permitting for resilient infrastructure projects and development projects in Massachusetts, and when needed, to explore amendments to existing permitting regulations. This would allow direct engagement with climate resilient project developers early in the regulatory process to help identify solutions, alongside community leaders, stage agency partners, and resiliency experts. Such a Commission would benefit from the participation of A Better City members and staff, as reflected in our role on the ResilientCoasts Task Force, as well as our members' role in the Wharf District Council, the Green Ribbon Commission's Coastal Resilience Working Group, and other groups. If possible, A Better City could co-chair this Commission with a peer environmental organization, and membership of the Working Group could include peer environmental, conservation, and transportation organizations and state agencies, including the Massachusetts Bay Transportation Authority, Boston Waterfront Partners, municipal planning organizations, economic development councils like the Seaport Economic Council, and transportation management agencies. Committee representatives should include those engaged in the implementation of parallel resilience regulatory processes, including: the Wetlands Protection Act (310 CMR 10), the Boston Wetlands Ordinance, Chapter 91 (310 CMR 9.00), the Massachusetts Environmental Policy Act (301 CMR 11.00), the Massachusetts Building Code (780 CMR), Historic Resources (Section 106), and representatives relative to City of Boston resilience project approvals (like the Office of Climate Resilience, Public Improvement Commission, Transportation Department, Fire Department, and Parks and Recreation).

- **Expanding the Scope of the Massachusetts Community Climate Bank to Fund Resilience:** As Climate Chief Hoffer acknowledged in the 2023 Climate Chief Report, even if Massachusetts could leverage the full potential of federal funding like Inflation Reduction Act funds in Massachusetts, then there would still be a 70-90% funding gap for implementing climate solutions. A Better City strongly recommends expanding the scope and scale of the Massachusetts Community Climate Bank to also fund climate resilience alongside affordable housing decarbonization, which would help to attract additional private capital to climate solutions in Massachusetts, including funds for the implementation of waterfront climate resilience initiatives in and adjacent to DPAs.