

# Draft Groundwater Conservation Overlay District (GCOD) Zoning Text Amendment

*July 2025*

This Draft GCOD Zoning Text Amendment proposes largely administrative updates to the process around reviewing Proposed Projects that are subject to GCOD regulations. Newly proposed text is **written in green**, and removed text is **struck through in red**. Annotations throughout this Draft Zoning Text Amendment explain the rationale behind key proposed changes.

## Substantial Changes

- Article 32 - Groundwater Conservation Overlay District

## Supportive Changes

- Article 2 - Definitions
- Article 3 - Establishment of Zoning Districts

## ARTICLE 32 - GROUNDWATER CONSERVATION OVERLAY DISTRICT

### Section 32-1. Statement of Purpose.

The purpose of this article is to prevent the deterioration of and promote the restoration of groundwater levels in the City of Boston. The requirements of this article aim to protect and enhance the City of Boston's areas and structures supported on wood pile foundations that are at risk of ground water depletion, conserve the value and structural integrity of its land and buildings, and reduce surface water runoff and water pollution.

**Commented [1]:** Note: Revision to simplify language.

The purposes of this article are to

- (a) prevent the deterioration of and, where necessary, promote the restoration of, groundwater levels in the city of Boston;
- (b) protect and enhance the city's historic neighborhoods and structures, and otherwise conserve the value of its land and buildings;
- (c) reduce surface water runoff and water pollution; and
- (d) maintain public safety.

### Section 32-2. Definitions.

For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated:

**Commented [2]:** Note: Terms used throughout the zoning code should be incorporated into Article 2 - Definitions.

**Groundwater-Retaining Paving** shall mean paving that

- (a) the Applicant demonstrates, by certification from a Massachusetts registered engineer, or other expert or authoritative body recognized by the Inspectional Services Department, will promote infiltration of rainwater into the ground by capturing within a suitably designed system a volume of rainfall on the lot equivalent to no less than 1.0 inches across that portion of the surface area of the lot to be paved; or
- (b) is designed and constructed pursuant to pertinent specifications approved by the Commissioner of Inspectional Services.

**Commented [3]:** Note: This definition is currently only used in one location, Section 32-5, and is equivalent in meaning to the Article 2 definition for "Permeable Area of Lot."

**Substantially Rehabilitate** shall mean to cause alterations or repairs to be made to a structure or structures within any period of twelve (12) months, if such alterations or repairs cost more than fifty percent (50%) of the physical value of the structure or structures. Physical value shall be based on the assessed value, as recorded on

**Commented [4]:** Note: A proposed update to "Substantially Rehabilitate" in Article 2 incorporates equivalent language.

the assessment rolls of the City as of the January 1 preceeding the date of the filing of an application for a building permit with the Inspectional Services Department.

**Zoning Relief** shall mean any zoning variance, exception, conditional use permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

**Commented [5]:** Note: Term already defined in Article 2.

## **Section 32-2. Designation of Groundwater Conservation Overlay Districts. 32-3. General Requirements and Procedures.**

A Groundwater Conservation Overlay District (GCOD), a type of special purpose overlay district established pursuant to Section 3-1A, shall be potentially applicable in areas ~~within certain downtown, harborpark, and neighborhood districts~~ at risk ~~for~~ of groundwater depletion. ~~To designate an area as a GCOD, the following procedures shall be followed:~~

**Commented [6]:** Note: Renumbering throughout based on removed/added sections.

**Commented [7]:** Note: Section now clearly indicates where GCOD is designated in the City.

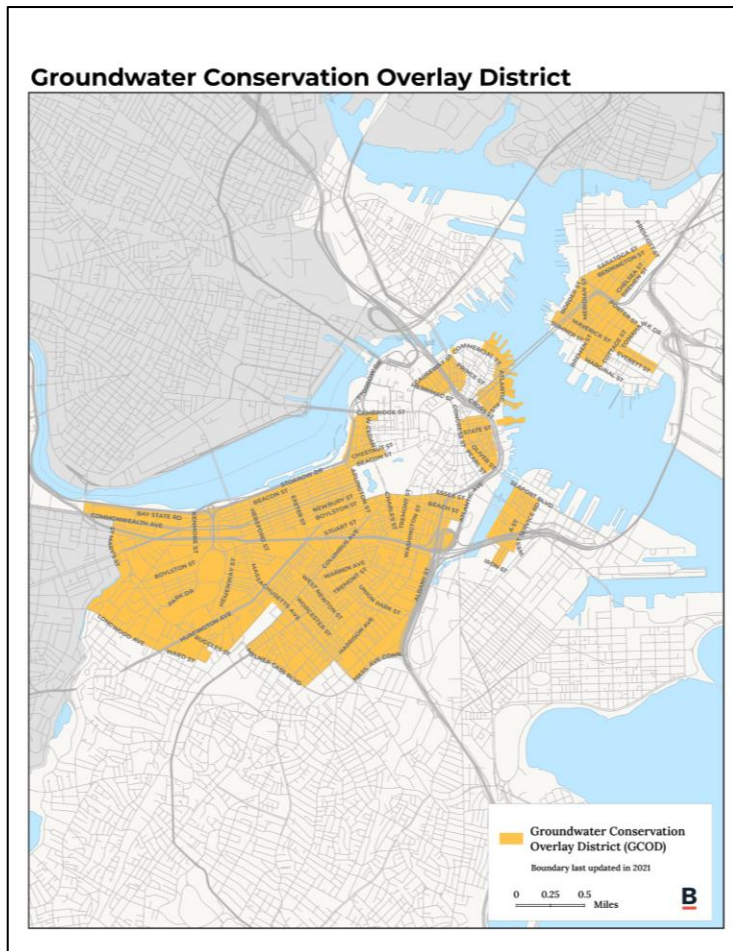
- ~~1. The Boston Redevelopment Authority shall make a recommendation to the Zoning Commission that a certain area within a district or neighborhood experiencing or subject to the potential of harmful groundwater depletion be designated as a GCOD in order to promote the purposes set forth in this article.~~
- ~~2. Upon a favorable recommendation by the Boston Redevelopment Authority, the Zoning Commission may designate an area as a GCOD.~~
- ~~3. In an area designated as a GCOD, an applicant for a building or use permit for any Proposed Project subject to the requirements of this article shall obtain a conditional use permit pursuant to the procedures set forth in Article 6 or carry out such Proposed Project in a manner consistent with the provisions of this article, as applicable.~~

The geographic area of the district may be indicated by the designation of “Groundwater Conservation Overlay District” or the abbreviation “GCOD” on any official zoning map of the City of Boston.

**Commented [8]:** Note: Superfluous language removed that explains how to propose a zoning map amendment, which is described elsewhere in the Code as it is the same process for all other Articles.

An official zoning map indicating the locations of GCOD can be referenced below as well as in the All Zoning Maps section of the Boston Zoning Code as the Article 32 Map.

**Commented [9]:** Note: Simplifies language and provides a clear visual of the GCOD area when someone reads the Article.



Groundwater Conservation Overlay District (Article 32 Map)

### Section 32-3. Dig Down, Lot Coverage, and Paving Projects.

**1. Applicability for Dig Down, Lot Coverage, and Paving Projects.** Any Applicant seeking a building permit for a Proposed Project within a Groundwater Conservation Overlay District shall be subject to the requirements of this Section 32-3 where such Applicant seeks:

- (a) the erection or extension of any structure designed or used for human occupancy or access, mechanical equipment, or laundry or storage facilities, including garage space, if such construction involves the excavation below grade to a depth equal to

**Commented [10]:** Note: New section describing the three types of projects that are required to get conditional use permits from the Zoning Board of Appeal.

or below eight (8) feet Boston City Base (other than where such excavation is necessary for, and to the extent limited to, compliance with the requirements of this article).

- (b) the erection or extension of any structure, where such new structure or extension will increase the Lot Area covered by the Ground Floor of each building on the lot by more than fifty (50) square feet; or
- (c) any new or replacement paving of an existing paved surface.

**2. Procedure for Permitting Dig Down, Lot Coverage, and Paving Projects.** The Applicant shall submit a GCOD certification pursuant to Section 32-3.3 with the Applicant's notice of appeal to the City of Boston Zoning Board of Appeal. Following receipt of the Applicant's notice of appeal, the issuance of a conditional use permit shall be conditioned upon a staff review of the Applicant's GCOD certification by representatives from the Inspectional Services Department, Boston Water & Sewer Commission, and Boston Groundwater Trust. Should such review by any of the staff find that the Proposed Project's GCOD certification does not comply with the standards of Section 32-3.3, it will be regarded as non-compliance, which will result in a refusal of approval for the issuance of a conditional use permit.

**Commented [11]:** Note: Procedure here maintains the need to go to the ZBA for conditional use.

**3. Certification of Standards for Dig Down, Lot Coverage, and Paving Projects.** To obtain a conditional use permit that is required for any Proposed Project subject to this Section 32-3, the Applicant shall provide a GCOD certification from a Massachusetts registered engineer, or other expert or authoritative body recognized by the Inspectional Services Department, that the Proposed Project complies with the following requirements:

- (a) Such Proposed Project promotes infiltration of rainwater into the ground by capturing within a suitably-designed system a volume of rainfall on the lot equivalent to no less than 1.0 inches across that area of the lot occupied by structures or otherwise impervious surface, except in the case of a proposed Institutional Project not otherwise part of an Institutional Master Plan, then that portion of the surface area of the lot to be occupied by the Proposed Project; and
- (b) Such Proposed Project results in no negative impact on groundwater levels within the lot in question or adjacent lots, subject to the terms of any
  - (i) dewatering permit or
  - (ii) cooperation agreement entered into by the Proponent and the Boston Redevelopment Authority, to the extent that such agreement provides standards for groundwater protection during construction.

An Applicant's compliance with Subsection (a) of this Section 32-3.3 in itself will not be deemed to be evidence of the Applicant's compliance with Subsection (b) of this Section 32-3.3.

Such GCOD certification shall include drawings and specifications for the Applicant's proposed rainwater infiltration system, and state the substance of the facts and opinions upon which it is based and a summary of the grounds for each opinion. In this regard, the Applicant bears the specific burden of demonstrating that the Proposed Project will not result in a negative impact on groundwater levels within the lot or adjacent lots. With respect to a Proposed Project for a one, two, or three-unit residence, the Applicant may demonstrate presumptive compliance with the rainwater capture requirements of Subsection (a) of this Section 32-3.3 by designing and constructing such system pursuant to pertinent specifications approved by the Commissioner of Inspectional Services.

#### **Section 32-4. Substantial Rehabilitation.**

**1. Applicability for Substantial Rehabilitation.** Any Applicant seeking a building permit for a Proposed Project within a Groundwater Conservation Overlay District shall be subject to the requirements of this Section 32-4 where such Applicant seeks to:

- (a) Substantially Rehabilitate any structure.

**2. Procedure for Permitting Substantial Rehabilitation Projects.** The Applicant shall submit a GCOD certification pursuant to Section 32-4.3 with the Applicant's building permit application to the Inspectional Services Department. Following receipt of the Applicant's building permit application, the issuance of any such building permit shall be conditioned upon a staff review of the Applicant's GCOD certification by representatives from the Inspectional Services Department, Boston Water & Sewer Commission, and Boston Groundwater Trust. Should such review by any of the staff find that the Proposed Project's GCOD certification does not comply with the standards of Section 32-4.3, it will be regarded as non-compliance, which will result in a refusal of approval for the issuance of a building permit by the Inspectional Services Department.

**3. Certification of Standards for Substantial Rehabilitation.** To obtain a building permit for any Proposed Project subject to this Section 32-4, the Applicant shall provide a GCOD certification from a Massachusetts registered engineer, or other expert or authoritative body recognized by the Inspectional Services Department, that the Proposed Project complies with the following requirements:

- (a) Such Proposed Project promotes infiltration of rainwater into the ground by capturing within a suitably-designed system a volume of rainfall on the lot equivalent to no less than 1.0 inches across that area of the lot occupied by structures or otherwise impervious surface, except in the case of a proposed Institutional Project not otherwise part of an Institutional Master Plan, then the lot area occupied by the structure to be Substantially Rehabilitated; and
- (b) Such Proposed Project results in no negative impact on groundwater levels within the lot in question or adjacent lots, subject to the terms of any

**Commented [12]:** Note: New section that now states Substantial Rehabilitation projects do not need a conditional use permit, but rather go through a standard building permit process. These projects still need approval from the Boston Groundwater Trust and the Boston Water and Sewer Commission.

**Commented [13]:** Note: Procedure here means all other projects do not need to go to the ZBA, but rather follow the standard building permit process.

- (i) dewatering permit or
- (ii) cooperation agreement entered into by the Proponent and the Boston Redevelopment Authority, to the extent that such agreement provides standards for groundwater protection during construction.

An Applicant's compliance with Subsection (a) of this Section 32-4.3 in itself will not be deemed to be evidence of the Applicant's compliance with Subsection (b) of this Section 32-4.3.

Such GCOD certification shall include drawings and specifications for the Applicant's proposed rainwater infiltration system, and state the substance of the facts and opinions upon which it is based and a summary of the grounds for each opinion. In this regard, the Applicant bears the specific burden of demonstrating that the Proposed Project will not result in a negative impact on groundwater levels within the lot or adjacent lots. With respect to a Proposed Project for a one, two, or three-unit residence, the Applicant may demonstrate presumptive compliance with the rainwater capture requirements of Subsection (a) of this Section 32-4.3 by designing and constructing such system pursuant to pertinent specifications approved by the Commissioner of Inspectional Services.

#### **Section 32-4. Applicability.**

~~Any Applicant seeking a building permit for a Proposed Project within a Groundwater Conservation Overlay District shall be subject to the requirements of this article where such Applicant seeks~~

- ~~(a) the erection or extension of any structure, where such new structure or extension will occupy more than fifty (50) square feet of lot area;~~
- ~~(b) the erection or extension of any structure designed or used for human occupancy or access, mechanical equipment, or laundry or storage facilities, including garage space, if such construction involves the excavation below grade to a depth equal to or below eight (8) feet above Boston City Base (other than where such excavation is necessary for, and to the extent limited to, compliance with the requirements of this article);~~
- ~~(c) to Substantially Rehabilitate any structure;~~
- ~~(d) any paving or or other surfacing of lot area.~~

~~The following Proposed Projects shall, however, be exempt from the provisions of this article:~~

- ~~1. Any Proposed Project for which a building permit has been issued prior to the first notice of hearing before the Zoning Commission for adoption of this article,~~

**Commented [14]:** Note: Moved applicability into earlier sections and split between "dig-down" projects and "other projects."

provided that construction work under such permit is commenced within six months after its issue, and the work proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances;

2. Any Proposed Project located within an area designated as a GCOD after January 1, 2007 for which application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of such GCOD map or text amendment;
3. Any Proposed Project for which the Board of Appeal has granted Zoning Relief prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that such Proposed Project is not thereafter modified or amended subject to further Zoning Relief; and
4. Any Proposed Project that the Boston Redevelopment Authority has approved pursuant to Article 80B (Large Project Review), any Proposed Project for which the Boston Redevelopment Authority has approved a planned development area development plan, or any Proposed Institutional Project for which the Boston Redevelopment Authority has approved an institutional master plan, prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that such Proposed Project, planned development area development plan, or institutional master plan is not thereafter modified or amended subject to further Boston Redevelopment Authority approval.
5. Any proposed project subject to an Institutional Master Plan which includes provisions for Boston Water and Sewer, Boston Groundwater Trust and/or Boston Planning and Development Agency to review and approve groundwater conservation, recharge and/or treatment measures for such projects (which review and approval may be in the form of a written determination that the standards for Article 32 have been met, or other such form as prescribed in the underlying Institutional Master Plan).

#### **Section 32-5. Specific Requirements:**

The specific requirements of this Section 32-5 shall apply to any Proposed Project subject to these Groundwater Conservation Overlay District regulations pursuant to Section 32-4.

1. Any of the improvements specified in Sections 32-4(a)-(c) shall require a conditional use permit.
2. Any paving or other surfacing of lot area subject to Section 32-4(d) must employ Groundwater-Retaining Paving, as defined in Section 32-2.

**Commented [15]:** Note: Language no longer necessary because this Article has been in effect for several years.

**Commented [16]:** Note: Removed because this language is repetitive in the context of the existing Applicability and Standards sections.



### **~~Section 32-6. Standards.~~**

~~To obtain a building conditional use permit from the Board of Appeal, the Applicant shall show that the Proposed Project complies with the following requirements, in addition to the standards set forth in Article 6:~~

- ~~(a) provision that any Proposed Project promote infiltration of rainwater into the ground by capturing within a suitably designed system a volume of rainfall on the lot equivalent to no less than 1.0 inches across that area of the lot occupied by structures or otherwise impervious surface, except in the case of a Proposed Institutional Project not otherwise part of an Institutional Master Plan, then that portion of the surface area of the lot to be occupied by the Proposed Project (or, in the case of a Proposed Project for a Substantial Rehabilitation, the lot area occupied by the structure to be Substantially Rehabilitated), which requirement may be reduced by the Board of Appeal only if, and to the extent that, the Applicant demonstrates this ratio cannot feasibly be achieved using techniques and materials appropriate to the Proposed Project and the lot upon which it is located, and additionally provides appropriate alternate mitigation; and~~
- ~~(b) provision that any Proposed Project result in no negative impact on groundwater levels within the lot in question or adjacent lots, subject to the terms of any
  - ~~(i) dewatering permit or~~
  - ~~(ii) cooperation agreement entered into by the Proponent and the Boston Redevelopment Authority, to the extent that such agreement provides standards for groundwater protection during construction.~~~~

~~The certification, together with the drawings and specifications for the Applicant's proposed rainwater infiltration system, shall be submitted by the Applicant with the Applicant's notice of appeal, and it shall state the substance of the facts and opinions upon which it is based and a summary of the grounds for each opinion. In this regard, the Applicant bears the specific burden of demonstrating that the Proposed Project will not result in a negative impact on groundwater levels within the lot or adjacent lots. An Applicant's compliance with Subsection (a) of this Section 32-6 in itself will not be deemed to be evidence of the Applicant's compliance with Subsection (b) of this Section 32-6. With respect to a Proposed Project for a one, two, or three family residence, the Applicant may demonstrate to the Board of Appeal presumptive compliance with the rainwater capture requirements of Subsection (a) of this Section 32-6 by designing and constructing such system pursuant to pertinent specifications approved by the Commissioner of Inspectional Services.~~

**Commented [17]:** Note: Removed section, but moved language to new sections for standards.

### **~~Section 32-7. Designation of Groundwater Conservation Overlay Districts.~~**

~~The geographic areas and zoning districts shown on Appendix A hereto are subject to the provisions of this article.~~

### **~~Section 32-8. Regulations.~~**

~~The Boston Redevelopment Authority may promulgate regulations to administer this article.~~

### **~~Section 32-9. Enforcement.~~**

~~The Commissioner of Inspectional Services shall not issue any building or use permit for a Proposed Project that is subject to but fails to comply with the provisions of this article.~~

### **~~Section 32-10. Severability.~~**

~~If any provision or section of this article shall be held invalid by any court of competent jurisdiction, such provision or section shall be deemed separate and apart from the remaining provisions of this article, and such remaining provisions and sections shall continue in full force and effect.~~

**Commented [18]:** Note: Removed because this is template language used throughout many articles that is not needed for enforcement of the article.

## **ARTICLE 32 -- APPENDIX**

### **~~Appendix A to Article 32 Groundwater Conservation Overlay District~~**

~~Groundwater Conservation Overlay District~~

**Commented [19]:** Note: The appendix was a separate section that linked to the GCOD map, which is now recommended to be visually accessible within the main body of Article 32.

## ARTICLE 2 - DEFINITIONS

### Section 2-1. Meaning of certain words and phrases.

**Substantially Rehabilitate.** To cause alterations or repairs to be made to a structure or structures within any period of twelve (12) months, if such alterations or repairs cost more than fifty percent (50%) of the physical value of the structure or structures. Physical value shall be based on the assessed value, as recorded on the assessment rolls of the City as of the January 1 preceding the date of i) notice to the Boston Redevelopment Authority of a Substantial Rehabilitation project pursuant to Section 80B-2.4, or ii) the date of the filing of an application for a building permit with the Inspectional Services Department for all other Substantial Rehabilitation projects. ~~the filing of a Project Notification Form for Large Project Review, pursuant to Section 80D-5.1.~~

**Commented [20]:** Note: Moving the definition for Substantial Rehabilitation from current GCOD Article and adding it to the broader definition in Article 2, and updating the Article 80 reference to be consistent with recent Article 80 modernization changes.

## ARTICLE 3 - ESTABLISHMENT OF ZONING DISTRICTS

### Section 3-1A. Special Purpose Overlay Districts.

**I. Groundwater Conservation Overlay District.** All or part of a district where structures supported on wood pile foundations are known or thought to be known may be established as a Groundwater Conservation Overlay District, the regulations of which are set forth in Article 32. ~~All or portions of one or more downtown, Harborpark, or neighborhood districts at risk for groundwater depletion may be established as a Groundwater Conservation Overlay District when the Zoning Commission determines that this designation is necessary to promote the purposes stated in Section 32-1. The requirements and regulations for Groundwater Conservation Protection Overlay Districts are set forth in Article 32.~~

**Commented [21]:** Note: Revision to simplify language.