

# ARTmorpheus

## Public Art in the City of Boston: An Overview of Permitting Procedures

*As of January 2014*



A 70' x 70' painted mural by Matthew Ritchie on the Dewey Square Air Intake Structure.

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This ARTMORPHEUS project began in the spring of 2013 and was initiated to facilitate knowledge sharing and spur improvements to the public art permitting process in Boston. The project was conducted by Abigail Geroux, Esq., Fellow, Center for Law and Social Responsibility, New England Law, Boston, under the direction and auspices of ARTMORPHEUS. Special thanks to Karin Goodfellow, Boston Arts Commission, Sheryl Howard, Esq., Krokidas & Bluestein, LLP and the Center for Law and Social Responsibility, New England Law | Boston.

The following overview is but one part of a series of documents. Additional materials produced include a flowchart, outline, and detailed paper. The combination of these documents serves to convey and explain the public art permitting process in detail. Approval is required for any academic, commercial or noncommercial use. However, personal use is highly encouraged, especially by artists. For further information, please contact Liora Beer, Executive Director, at [beer@artmorpheus.org](mailto:beer@artmorpheus.org) and Abigail Geroux at [abigailgeroux@gmail.com](mailto:abigailgeroux@gmail.com).

Boston's permitting process for public art requires approvals by numerous city agencies. "Public art" can encompass any physical piece, such as a statue or a mural, located on either publicly or privately owned property.<sup>1</sup> You must take six basic steps to permit public art in the City of Boston. These steps are detailed below and identify the city agencies you will encounter during the approval process. Bear in mind that this overview is simply a guide, and specific permitting processes in particular cases may vary.

### **Six Basic Steps to Permit Public Art in Boston**

1. Obtain approval from the **landlord or city department** who controls the land.
2. Obtain approval from the **Boston Arts Commission (BAC)**.
3. Obtain approval from any applicable **architectural or historic district**.
4. Obtain approval from the Special Events office of the **Mayor's Office of Arts, Tourism, and Special Events (MOATSE)** or the **Public Improvement Commission (PIC)**.
5. Obtain approval/permits from **other departments as required** by MOATSE or PIC.
6. Determine if you need a **parking space** to install or de-install the public art piece.

### **Public Art Permitting Process**

#### **1. Obtain Approval from the Landlord or City Department who is in Control of the Land**

##### *Where is the proposed site for the Public art piece?*

First you need to identify a specific location for the public art piece and obtain approval from the private landlord or the public agency managing the space. For example, if the site is in a park, you need permission from the City's Parks and Recreation Department before requesting approval from other city agencies. Other agency land could include: Rose Kennedy Greenway, Office of Construction and Property Management, Public Works, Massachusetts Bay Transportation Authority, and Boston Redevelopment Authority.

##### **a. Office of Property and Construction Management**

##### *Is the proposed site for the public art piece in City Hall or in the Faneuil Hall Area?*

If the proposed site for the public art piece is in Faneuil Hall, Sam Adams Park, City Hall Plaza, City Hall Lobby, City Hall Flag Poles, or North Stage, you need permission from the Office of Property and Construction Management. The application [form](#) should be submitted 30 days in advance.

Property & Construction Management

1 City Hall Square, Room 811

Boston, MA 02201

T: 617.635.4100

F: 617.635.3250

[www.cityofboston.gov/propertymanagement](http://www.cityofboston.gov/propertymanagement)

[PropertyManagement@cityofboston.gov](mailto:PropertyManagement@cityofboston.gov)

##### **b. Boston Parks and Recreation**

##### *Is the proposed site for the public art piece in a city park?*

If the proposed site for your public art piece is in a city park, playground, square, historic burying ground, active cemetery, golf course, or urban woodland, you need to complete The Parks and

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<sup>1</sup> While all art placed on public property requires city permitting, art placed on private property may also require permits depending on the neighborhood (Architectural or Historic Districts) or size of the art piece (Boston Redevelopment Authority, Inspectional Services Department-Building).

Recreation Department [Special Event Permit Application](#). The application is for events rather than public art, so you may want to contact the office before completing the application.

Parks & Recreation  
1010 Massachusetts Avenue, 3rd Floor  
Boston, MA 02118  
T: 617.635.4505  
F: 617.635.3173  
[www.cityofboston.gov/parks](http://www.cityofboston.gov/parks)  
[Parks@cityofboston.gov](mailto:Parks@cityofboston.gov)

## 2. Obtain Approval from the Boston Arts Commission (BAC)

### *Is the proposed site for the public art piece located on City of Boston Property?*

All art located on publicly owned land must receive approval from the BAC. The BAC has two major types of approvals: temporary and permanent. Fill out the [Temporary Art application](#) for art on display for less than 18 months. Temporary approval usually requires at least 30 days' notice and is handled at an administrative level, which in most cases only requires a meeting with the BAC's administrator. Fill out the [Permanent Art application](#) for all art on display for longer than 18 months. Permanent approval requires multiple meetings with the BAC and a formal presentation to the BAC board in a public hearing.

Boston Art Commission  
Mayor's Office of Arts, Tourism & Special Events  
Karin Goodfellow  
Boston City Hall Room 802  
Boston, Massachusetts 02201  
T: 617. 635.3245  
F: 617.635.1850  
[art@publicartboston.com](mailto:art@publicartboston.com)

## 3. Obtain Approval from any Applicable Architectural or Historic Districts

### *Is the proposed site for the public art piece located in an architectural or historic district?*

Many areas in downtown Boston are subject to a neighborhood architectural or historic district. These agencies are concerned with maintaining a neighborhood's aesthetic continuity. These agencies may require approval before any permanent or temporary art work is installed, even if the site is on private property. To determine whether architectural or historic district approval will be required, find the proposed installation site on [this map](#), and see if it falls within a neighborhood architectural or historic district. If you are unsure, contact the Landmarks Commission office.

Landmarks Commission  
1 City Hall Square, Room 805  
Boston, MA 02201  
T: 617.635.3850  
F: 617.635.3435  
[BLC@cityofboston.gov](mailto:BLC@cityofboston.gov)

#### 4. Obtain Approval from MOATSE or PIC

##### *Will the public art piece be displayed for over 18 months?*

Depending on the type of public art, temporary (under 18 months) or permanent (over 18 months), the BAC will direct you to obtain approval from either the Mayor's Office of Arts, Tourism, and Special Events (MOATSE) or the Public Improvement Commission (PIC).

##### **MOATSE-Temporary Art**

MOATSE has a [Special Events Application](#) (SEA) which must be submitted at least 15 days before the public art installation for both publicly or privately owned property. Earlier submissions are encouraged for larger projects. MOATSE's process will differ depending upon whether the art will be "in, on or over" the public way.

If the artwork *will not be* "in, on or over" the public way, meaning on a road or sidewalk, then MOATSE will set-up an informal meeting to discuss potential safety issues and any other permits you will need from other agencies.

If the artwork *will be* "in, on or over" the public way, then MOATSE will set-up an inter-departmental hearing to discuss safety concerns and identify other permits you will need. These departments can include: Inspectional Services Department (Building and Health), Boston Police Department, Boston Fire Department, Emergency Management Systems, Office of Property and Construction Management (discussed above), Boston Transportation Department, Boston Parks and Recreation (discussed above), Department of Public Works, and the Mayor's Office of Consumer Affairs and Licensing Division.

Arts, Tourism & Special Events

1 City Hall Square, Room 802

Boston, MA 02201

T: 617.635.3911

F: 617.635.4428

[www.cityofboston.gov/arts](http://www.cityofboston.gov/arts)

[Arts@cityofboston.gov](mailto:Arts@cityofboston.gov)

[SpecialEvents@cityofboston.gov](mailto:SpecialEvents@cityofboston.gov)

##### **PIC-Permanent Art**

Approval from the Public Improvement Commission (PIC) is a longer process which can take up to 4 months before final approval is received, but well-prepared applicants could obtain approval within one month. First, contact the PIC to set up an initial meeting and to get a better sense of the process for your particular piece of public art. For public art, you will need to complete the [specific repair application](#). You may need to obtain other permits or approvals from the following agencies: Boston Redevelopment Authority, Boston Transportation Department, Inspectional Services Department (Building), Boston Water & Sewer Commission, Public Works Department Lighting Division, and Boston Parks and Recreation. The PIC will then schedule a public hearing to vote on your application.

Public Improvement Commission

1 City Hall Square, Room 801

Boston, MA 02201

T: (617) 635-4960

[PIC@cityofboston.gov](mailto:PIC@cityofboston.gov)

<http://www.cityofboston.gov/boardsandcommissions/PIC.asp>

For information regarding all other types of permitting contact:

Permitting Division  
Public Works Department  
1 City Hall Square, Room 714  
Boston, MA 02201  
T: (617) 635-4909  
F: 617.635.7499  
[www.cityofboston.gov/publicworks](http://www.cityofboston.gov/publicworks)  
[PublicWorks@cityofboston.gov](mailto:PublicWorks@cityofboston.gov)

## 5. Obtain Approval/Permits from Other Departments as Required by MOATSE or PIC

In the early approval stages of both MOATSE and the PIC, both agencies identify the other agency approvals you need before either office (MOATSE or PIC) gives final approval for the public art piece. The following lists some of these agencies, but you may encounter other agencies depending on your public art piece.

### a. Inspectional Services Department-Building

#### *Does your public art piece involve a structure?*

The Inspectional Services Department (ISD) requires permits for any “structure,” which can include: “a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, mast for radio or the like.” ISD has two types of permits: [short form](#) and [long form](#). ISD exempts certain structures from requiring a building permit. If the public art piece is less than 8 feet tall, a permit may not be required. However, it is best to meet with ISD to determine if a permit is required and which application is necessary.

Inspectional Services Department  
1010 Massachusetts Avenue, 5th Floor  
Boston, MA 02118  
T: 617.635.5300  
F: 617.635.5660  
[www.cityofboston.gov/isd](http://www.cityofboston.gov/isd)

### b. Boston Redevelopment Authority

#### *Is the public art piece part of a larger development project or could be considered a sign?*

The Boston Redevelopment Authority (BRA) may become involved in large development projects or for the installation of signs for advertising purposes. Development projects that meet the location and size requirements under Article 80 of the Boston Zoning Code must complete large scale and small scale review. Both require a site plan approval. Generally, the installation of a piece of permanent art would not, by itself, meet the minimum size requirements for BRA review, but could be reviewed as part of a larger development project. Often times, the BRA will request review of either the BAC or the applicable neighborhood or architectural district. Additionally, the BRA is also involved when a business would like to install a sign announcing its presence to the public.

Boston Redevelopment Authority  
One City Hall Square  
Boston, MA 02201

T:(617)722-4300  
F:(617)248-1937  
<http://www.bostonredevelopmentauthority.org>

**c. Department of Transportation**

*Is the proposed site for the public art piece on a sidewalk?*

You need Boston Transportation Department (BTD) approval for any public art that is in the public right-of-way. BTD will allow public art on sidewalks when: there is sufficient space for pedestrians, the art will not pose any safety concerns, and conforms to current American Disabilities' Act standards. Currently, the BTD requires an unobstructed sidewalk width of at least five feet. There is no application or permit for placing public art on sidewalks. Most likely this is an informal approval process occurring in conjunction with Public Works.

Transportation Department  
1 City Hall Square, Room 721  
Boston, MA 02201  
T: 617.635.4680  
F: 617.635.4295  
[www.cityofboston.gov/transportation](http://www.cityofboston.gov/transportation)  
[BTDCityofBoston@cityofboston.gov](mailto:BTDCityofBoston@cityofboston.gov)

**d. Department of Public Works**

*Does the public art piece project “in, on, or over the public way”?*

You will need a projection [permit](#) if the public art will project “in, on, or over the public way,” except for projections less than 12 inches “into or over” the public way (including a sidewalk or street).

Public Works  
1 City Hall Square, Room 714  
Boston, MA 02201  
T: 617.635.4900  
F: 617.635.7499  
[www.cityofboston.gov/publicworks](http://www.cityofboston.gov/publicworks)  
[PublicWorks@cityofboston.gov](mailto:PublicWorks@cityofboston.gov)

**e. Boston Water & Sewer Commission**

*Does the public art piece affect any sewer, storm drain or is it a fountain?*

Approval by the Boston Water and Sewer Department (BWS) is needed in only one instance: if the public art will affect the “use of public and private sewers and storm drains in the City of Boston.” The BWS does have regulations concerning decorative fountains and recreational spray and sprinkler pools. Although no permit appears to be required, it would be best to follow the requirements set out in the regulations.

Boston Water and Sewer Commission  
980 Harrison Avenue  
Boston, MA 02119  
T: 617-989-7000  
[www.bwsc.org](http://www.bwsc.org)

## **f. Public Works Department-Lighting Division**

### *Does the public art piece require lighting?*

The lighting division of the Public Works Department approves all street lighting in Boston which includes “design, specifications, construction, and maintenance methods.” The lighting division has no application procedure; such requests may be included in the permit application of Public Works for a site “in, on, or over the public way.”

Public Works  
1 City Hall Square, Room 714  
Boston, MA 02201  
T: 617.635.4900  
F: 617.635.7499  
[www.cityofboston.gov/publicworks](http://www.cityofboston.gov/publicworks)  
[PublicWorks@cityofboston.gov](mailto:PublicWorks@cityofboston.gov)

## **6. Obtain a moving permit to install or de-install the public art piece**

### *Will the art piece require a dedicated parking spot to install or de-install the piece?*

Once you have received all of the necessary permits, you must determine if the art piece will require a dedicated parking space to install or de-install the piece. If a parking space is required, the first step is to obtain a bond (which functions as insurance). For a bond, you pay a small fee to a third party who will pay the city for any damages caused during the installation of the art piece. Second, you must apply for a street occupancy permit with the Boston Transportation Department at least 3 days before the proposed date of installation. With BTB’s approval, the third step is to obtain the actual permit from Public Works. Note that there are additional requirements and fees when the parking space is metered.

For questions about traffic approval, scheduling, parking meters, or signage, contact BTB at:

Transportation Department  
1 City Hall Square, Room 721  
Boston, MA 02201  
T: 617.635.4675 or 617.635.4680  
F: 617.635.4295  
[www.cityofboston.gov/transportation](http://www.cityofboston.gov/transportation)  
[BTB@cityofboston.gov](mailto:BTB@cityofboston.gov)

For all other questions including bonds, fees, moving permits, etc. contact PWD at:

Public Works  
1 City Hall Square, Room 714  
Boston, MA 02201  
T: 617.635.4909 or 617.635.4910  
F: 617.635.7499  
[www.cityofboston.gov/publicworks](http://www.cityofboston.gov/publicworks)  
[PublicWorks@cityofboston.gov](mailto:PublicWorks@cityofboston.gov)