

HOUSE No. 778

By Mr. Jones of North Reading, petition of Bradley H. Jones, Jr., and others relative to the protection of wetlands under certain ordinances or by-laws in cities and towns. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

PETITION OF:

Bradley H. Jones, Jr.	Robert S. Hargraves
Mary S. Rogeness	Karyn E. Polito
George N. Peterson, Jr.	Susan Williams Gifford
John A. Lepper	Richard J. Ross
Viriato Manuel deMacedo	Paul J. P. Loscocco
Paul K. Frost	Donald F. Humason, Jr.
Elizabeth A. Poirier	Todd M. Smola

In the Year Two Thousand and Seven.

AN ACT PROVIDING FOR MORE EFFICIENT WETLANDS PROTECTION BY AVOIDING UNNECESSARY DUPLICATION IN LOCAL WETLANDS ORDINANCES OR BYLAWS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 8C of Chapter 40 of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by
3 inserting the following:—
4 A conservation commission may administer and enforce a local
5 wetlands ordinance or by-law that is adopted by a municipality, only
6 to the extent that it imposes standards or other requirements that are
7 more stringent than or otherwise exceed those set forth in Section 40
8 of Chapter 131 and the department of environmental protection reg-
9 ulation promulgated pursuant to Section 40 of Chapter 131, and only
10 if, prior to adoption by a municipality, the department of environ-
11 mental protection shall review and approve any such proposed local
12 wetlands ordinance or by-law based upon findings that the proposed
13 ordinance or by-law has a generally recognized scientific basis, is a
14 recommended best management practice technique, and is warranted

15 given the unique resources that the local ordinance or by-law identi-
16 fies as being in need of special or enhanced protection in that munic-
17 ipality.

1 SECTION 2. Ordinances or by-laws effective as of the date of
2 this act shall be enforceable to the extent allowed by section 1 of this
3 Act, provided that, within one year from the effective date of this
4 act, the department of environmental protection makes the findings
5 set forth in section 1 with respect to the particular ordinance or by-
6 law and municipality in question.