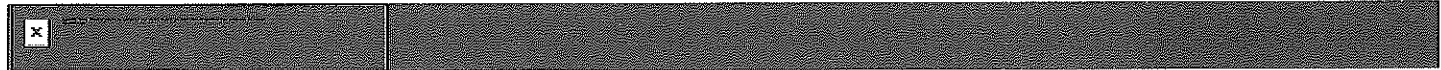


**From:** [REDACTED]noreply+451152296dbb0bfc@formstack.com>  
**Sent:** Wednesday, February 17, 2016 4:29 PM  
**To:** RegReform (ANF)  
**Subject:** A Clearer Code: Regulatory Reform



**Formstack Submission for form A Clearer Code: Regulatory Reform**

Submitted at 02/17/16 4:29 PM

**Name (optional)::** Janet Johnson

**Company/Organization (if applicable) (optional)::** Bolton Agriculture Commission, Chairperson

**Address (optional)::** [REDACTED]

**Primary Phone (optional)::** [REDACTED]

**Email (optional)::** [REDACTED]

**CMR Number (if known): :**

**General Regulatory Themes::** Building Codes/Accessibility Standards

**Please list the Agency or Agencies affiliated with this regulation::**

**Describe the regulatory issue or observation::** Labeling of GMO's.  
GMO's are not thoroughly tested and it appears that much of the testing that is done has been paid for by Monsanto itself, the primary manufacturer of GMO seeds. Monsanto has gone so far as to put many farmers out of business because they were not growing GMO seed. Furthermore, independent research connects GMO food with digestive problems, onset of allergies and many other health problems including poor quality offspring in animals.

**Suggestions for improvements to the regulation::** A Bill to label GMO has been approved by 70% of MA legislators, but failed last year because Speaker DeLeo refused to bring it for a vote. Improvements would include limiting the power of the Speaker of the House, or somehow getting the bill up for a vote and upholding democracy.

Thank you,  
Janet Johnson

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**Formstack Submission for form A Clearer Code: Regulatory Reform**

Submitted at 02/21/16 11:10 AM

**Name (optional)::**

**Company/Organization (if applicable) (optional)::**

**Address (optional)::**

**Primary Phone (optional)::**

**Email (optional)::**

**CMR Number (If known): :** 310CMR10:00 Wetlands Protection

**General Regulatory Themes::** Building Codes/Accessibility Standards

**Please list the Agency or Agencies affiliated with this regulation::** Department of Environmental Protection

**Describe the regulatory issue or observation::** Coastal Floodplains- Regulation of coastal (not inland)floodplains mapped/subject to Conservation Commission regulation, filings, reviews and permit issuances should be deleted from regulation. Although floodplains are listed in the regulations and Wetlands Protection Act as resource areas, there are no performance standards set forth in 310CMR10:00 to protect and in fact cases litigated have documented no real standards under wetland protection to enforce. Title 5 and the Mass Building Code address safety and health standards separately and adequately. Given the lack of standards in 310CMR10:00 local conservation commissions have used home rule petition opportunity to over regulate even prohibit building in coastal floodplains with local wetland bylaw regulations (check Falmouth, etc) creating false wetland standards when issues are really human health and safety which are already addressed by health and building codes.

**Suggestions for improvements to the regulation::** Write in exemption clause for coastal floodplains in wetlands protection regs specifically acknowledging health and building code jurisdiction. If there is specific exemption then local bylaws can not write wetlands performance standards under local wetlands bylaws (home rule petitions). See court and adjudicatory hearing decisions relative to agricultural exemption wording for Mashpee and other local cape decisions.

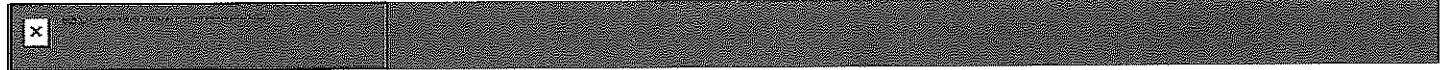
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Submitted at 02/21/16 11:34 AM

**Name (optional)::**

**Company/Organization (if applicable) (optional)::**

**Address (optional)::**

**Primary Phone (optional)::**

**Email (optional)::**

**CMR Number (If known): :** 310CMR10:00 wetlands protection

**General Regulatory Themes::** Building Codes/Accessibility Standards

**Please list the Agency or Agencies affiliated with this regulation::** Department of Environmental Protection

**Describe the regulatory issue or observation::**

Buffer Zone Regulation: Local conservation commissions have used home rule petition authority to regulation buffer zone as a resource area and set their own often times onerous performance standards for work compliance even including the color of paint for buildings, normal house maintenance like sidewall shingle replacement etc. because buffer zones within 100' of a resource area are listed as needing a filing/permit for work. The only performance standard listed in 310CMR10:00 is that work in the buffer zone shall not adversely impact the adjacent resource area. There is no performance standard for protection of the Buffer Zone itself. Specific wording even states that. It is reasonable to expect potential construction/stormwater impact immediately adjacent to the resource area if accident or weather incidences occur maybe. But the use of the state wetlands protection act and regs to overly condition work in the buffer zone that is not in and of itself protected with specific performance standards has been and is being abused the conservation commissions.

**Suggestions for improvements to the regulation::**

Either define the Buffer Zone as a resource area or exempt it. If Buffer Zone is to be defined as resource area (maybe only make it 50' wide zone) then set specific performance standards and define level of info required to document compliance; not a commission wish list but an applicant checklist. Then for all other adjacent areas beyond 50' (not 100') exempt. The recourse for the conservation commissions and DEP is that if they contend the work occurring adjacent to a resource area is adversely effecting the resource area (or

protected standards within newly defined buffer zone) the that agency must document adverse impact with technical information including scientific studies, engineering, studies, etc to the same verifiable standards they have and/or will require of landowners. The costs of work required by commissions and DEP for buffer zone work that is not in a resource area and not the subject of performances standards other than no adverse impact to a resource area has been horrific in terms of dollars and time spent The burden of proof should shift to the permitting agency if work occurring in area with no performance standards within its own footprint. If standards set for an area within 50' then exempt areas beyond that until and/or unless regulatory agency can prove impact as stated above. If exempt areas then commissions can not regulate further under home rule petition/wetlands bylaws given past rulings/decisions by courts and adjudicatory hearings.

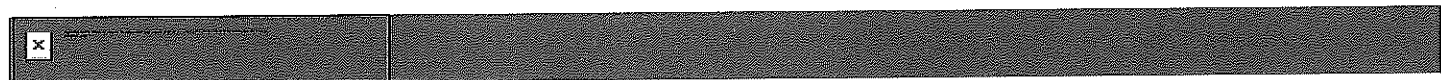
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## Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 02/21/16 11:48 AM

**Name (optional)::**

**Company/Organization (if applicable) (optional)::**

**Address (optional)::**

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**Email (optional)::**

**CMR Number (If known): :** 310CMR10:00

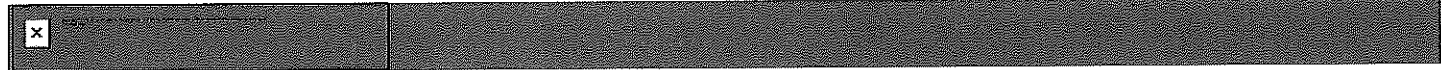
**General Regulatory Themes::** Building Codes/Accessibility Standards

**Please list the Agency or Agencies affiliated with this regulation::** Department of Environmental protection

**Describe the regulatory issue or observation::** 310CMR10:00 provides wording for septic system review. Basically septic systems in buffer zones that comply with Title 5 should only be reviewed for construction impacts not prevention of pollution i.e. water quality issues. However if any component of system in a resource area then hands off for review and ability to regulate anything under local wetlands bylaw (home rule petition). Given recent changes in Title 5 review/authority at local levels, changes seem appropriate in 310CMR10:00 as well.

**Suggestions for improvements to the regulation::** Change wording so that if all components of septic system installation are tanks and/or sleeved pipes then exempt all but construction impacts for septic systems whether in buffer zones or resource areas. Local Boards of Health can now permit tight tanks for effluent. Tight tanks and sleeved piping pose no real threat to any wetlands protection standards except maybe construction impacts on very temporary basis. Local commissions under local wetland bylaws (home rule petition) are requiring I/A systems where BOH isn't; restricting number of bedrooms where BOH isn't; not permitting repairs where BOH isn't, etc. If there is an exemption for tight tanks and sleeved systems in 310CMR10:00 then local bylaw/home rule petition authority should be overcome. Look at recent court/adjudicatory hearing decisions relative to conservation commission authority when state exemption in place. Closed systems will not adversely impact resource areas or interests of wetlands protection. Redundant to Board of Health regulations not necessary and review is generally by non qualified persons.

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## Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 02/21/16 11:50 AM

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**Company/Organization (if applicable) (optional)::**

**Address (optional)::**

**Primary Phone (optional)::**

**Email (optional)::**

**CMR Number (If known): :** 310CMR10:00

**General Regulatory Themes::** Building Codes/Accessibility Standards

**Please list the Agency or Agencies affiliated with this regulation::** Department of Environmental Protection

**Describe the regulatory issue or observation::** It is a mistake to limit review on to wetland regulations. Over the years the DEP Wetlands Division has issued many "policies" that also should be reviewed.

**Suggestions for improvements to the regulation::**

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