

HOUSE No. 391

The Commonwealth of Massachusetts

PRESENTED BY:

James Arciero

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing for more efficient wetlands.

PETITION OF:

NAME:

James Arciero

DISTRICT/ADDRESS:

2nd Middlesex

HOUSE No. 391

By Mr. Arciero of Westford, a petition (accompanied by bill, House, No. 391) of James Arciero relative to providing more efficient wetlands. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 665 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act providing for more efficient wetlands.

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 Massachusetts General Law as appearing
2 in the 2012 official edition, is hereby amended by inserting after the second paragraph the
3 following paragraph:-

4 A Conservation Commission may administer and enforce a local wetlands ordinance or
5 by-law that is adopted by a municipality, only to the extent that it imposes standards or other
6 requirements that are more stringent than or otherwise exceed those set forth in Wetlands
7 Protection Act (G.L. Ch. 131 § 40) and regulations (310 CMR 10.00) thereunder, and only if,
8 prior to adoption by a municipality, the Department of Environmental Protection shall review
9 and approve any such proposed local wetlands ordinance or by-law based upon findings that the
10 proposed ordinance or by-law has a generally recognized scientific basis, is a recommended best

11 practice technique, is necessary to protect unusual local resources that warrant special or
12 enhanced protection, and does not conflict with the Wetlands Protection Act (G.L. Ch. 131 § 40)
13 and regulations (310 CMR 10.00) thereunder. An appeal of a decision made under a local
14 wetlands ordinance or by-law shall be made to the Department of Environmental Protection in
15 accordance with the Wetlands Protection Act (G.L. Ch. 131 § 40) and regulations (310 CMR
16 10.00) thereunder.