

# HOUSE . . . . . No. 750

## The Commonwealth of Massachusetts

PRESENTED BY:

**Bradley H. Jones, Jr.**

*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 passage of the accompanying bill:

An Act providing for more efficient wetlands protection by avoiding unnecessary duplication in local wetlands ordinances or bylaws .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Viriato Manuel deMacedo	1st Plymouth
Bradley H. Jones, Jr.	20th Middlesex
George N. Peterson, Jr.	9th Worcester
Paul K. Frost	7th Worcester
Susan Williams Gifford	2nd Plymouth
Bradford R. Hill	4th Essex
Elizabeth Poirier	14th Bristol
Richard J. Ross	9th Norfolk
Todd M. Smola	1st Hampden
Robert S. Hargraves	1st Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 778 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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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 appearing in the 2006 Official  
2 Edition, is hereby amended by inserting the following:—  
3 A conservation commission may administer and enforce a local wetlands ordinance or by-law  
4 that is adopted by a municipality, only to the extent that it imposes standards or other  
5 requirements that are more stringent than or otherwise exceed those set forth in section 40 of  
6 chapter 131 and the department of environmental protection regulation promulgated pursuant to  
7 section 40 of chapter 131, and only if, prior to adoption by a municipality, the department of  
8 environmental protection shall review and approve any such proposed local wetlands ordinance  
9 or by-law based upon findings that the proposed ordinance or by-law has a generally recognized  
10 scientific basis, is a recommended best management practice technique, and is warranted given  
11 the unique resources that the local ordinance or by-law identifies as being in need of special or  
12 enhanced protection in that municipality.

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