HOUSE DOCKET, NO. 2443 FILED ON: 1/20/2011

HOUSE . . . . . No. 3121

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:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	*20th Middlesex*
Donald F. Humason, Jr.	*4th Hampden*
F. Jay Barrows	*1st Bristol*
George T. Ross	*2nd Bristol*
Donald H. Wong	*9th Essex*
Sheila C. Harrington	*1st Middlesex*
Matthew A. Beaton	*11th Worcester*
Kimberly N. Ferguson	*1st Worcester*
Paul K. Frost	*7th Worcester*
Paul Adams	*17th Essex*
George N. Peterson, Jr.	*9th Worcester*
Elizabeth A. Poirier	*14th Bristol*
Viriato Manuel deMacedo	*1st Plymouth*

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HOUSE . . . . . No. 3121

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 3121) 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.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *750* OF 2009-2010.]

The Commonwealth of Massachusetts

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:

SECTION 1. Section 8C of chapter 40 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting at the end of thereof the following:-

A conservation commission may administer and enforce a local wetlands ordinance or by-law that is adopted by a municipality, only to the extent that it imposes standards or other requirements that are more stringent than or otherwise exceed those set forth in section 40 of chapter 131 and the department of environmental protection regulation promulgated pursuant to section 40 of chapter 131, and only if, prior to adoption by a municipality, the department of environmental protection shall review and approve any such proposed local wetlands ordinance or by-law based upon findings that the proposed ordinance or by-law has a generally recognized scientific basis, is a recommended best management practice technique, and is warranted given the unique resources that the local ordinance or by-law identifies as being in need of special or enhanced protection in that municipality.

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