

HOUSE No. 750

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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

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