HOUSE DOCKET, NO. 1920 FILED ON: 1/20/2011

HOUSE . . . . . No. 1132

The Commonwealth of Massachusetts

PRESENTED BY:

Robert F. Fennell

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:	DISTRICT/ADDRESS:
Robert F. Fennell	*10th Essex*

HOUSE DOCKET, NO. 1920 FILED ON: 1/20/2011

HOUSE . . . . . No. 1132

By Mr. Fennell of Lynn, a petition (accompanied by bill, House, No. 1132) of Robert F. Fennell relative to providing for more efficient wetlands. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

SECTION 1. Section 8C of Chapter 40 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following paragraph:—

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 said section 40, 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.

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, provided that, within one year from the effective
15 date of this act, the department of environmental protection makes the findings set forth in
16 section 1 with respect to the particular ordinance or bylaw and municipality in question.