

HOUSE No. 2104

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers

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 relative to the preservation of wetlands and water resources in Chapter 40B applications.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/18/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/31/2023</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/16/2023</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Hampden</i>	<i>1/2/2024</i>

HOUSE No. 2104

By Representative Rogers of Cambridge, a petition (accompanied by bill, House, No. 2104) of David M. Rogers, Vanna Howard and Patrick Joseph Kearney relative to municipal natural resource protection bylaws or ordinances and the preservation of wetlands and water resources in certain housing applications. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2198 OF 2021-2022.]

The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**
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An Act relative to the preservation of wetlands and water resources in Chapter 40B applications.

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 23 of Chapter 40B of the General Laws is hereby amended by inserting after the
2 last sentence in the first paragraph the following:-

3 The denial of waivers from provisions of municipal natural resource protection bylaws or
4 ordinances adopted and approved pursuant to section 32 of chapter 40 and administered by a
5 municipal conservation commission established under section 8C of chapter 40, and any
6 regulations properly adopted thereunder, shall be presumed to be consistent with local needs,
7 provided that the purpose of said provisions of such bylaws, ordinances or regulations is the
8 protection and/or promotion of Waters of the Commonwealth as defined in section 26A of

9 chapter 21 and any regulations adopted thereunder, including wetlands, surface waters and
10 groundwater.