

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

**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**

**In the Year Two Thousand Eleven**

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 2008  
2 Official Edition, is hereby amended by inserting at the end of thereof the following:-

3 A conservation commission may administer and enforce a local wetlands ordinance or  
4 by-law 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  
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.