

Massachusetts House of Representatives Bill Summary

Bill #: H.2242

Title: An Act providing for more efficient wetlands

Sponsor: Rep. James Arciero

Committee: Municipalities and Regional Government

Hearing Date: July 22, 2025

Prior History: Refile of H.2016 (2023-2024; study) and H.2129 (2021-2022; study)

Current Law: Chapter 40 concerns the powers and duties of cities and towns.

- Section 8C of MGL authorizes a city or town to establish a conservation commission and lists the powers and duties of that commission.
- Section 32 establishes the procedure for which the Attorney General reviews proposed by-laws.

Chapter 131 of MGL is the Wetlands Protection Act.

- Section 40 states that no person shall remove, fill, dredge, or alter any land that borders waters unless they receive permission to do so from the local conservation commission. This section also establishes the procedure for which an individual may request permission to remove, fill, dredge, or alter any land bordering waters.

310 CMR 10.00 is the Wetlands Protection Act Regulations. These regulations establish procedures for conservation commissions and Massachusetts Department of Environmental Protection (DEP) to follow for the issuing of permits for work in areas protected under the Wetlands Protection Act.

Summary: Section 1 amends Chapter 40 Section 8C of MGL by inserting new language that authorizes a conservation commission to administer and enforce a local wetlands ordinance or by-law that is adopted by a municipality only if it imposes standards or other requirements that are more stringent than those set forth in the Wetlands Protection Act.

Prior to the adoption by a municipality, the ordinance or by-law must be reviewed and approved by DEP as an ordinance or by-law that has a generally recognized scientific basis, is a best practice technique, is necessary to protect unusual local resources that warrant special or enhanced protection and does not conflict with the Wetlands Protection

Act. Appeals of a decision made under a local wetlands ordinance or by-law shall be made to the DEP in accordance with the Wetlands Protection Act and regulations in 310 CMR 10.00.

This legislation appears to have the effect of limiting the power of local conservation commissions to enforce local wetlands ordinances or bylaws that exceed state requirements and standards.