HOUSE DOCKET, NO. FILED ON: 1/12/2009

**HOUSE . . . . . . . . . . . . . . No.**

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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 passage 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: |
| Bradley H. Jones, Jr. | 20th Middlesex |
| George N. Peterson, Jr. | 9th Worcester |
| Viriato Manuel deMacedo | 1st Plymouth |

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 778 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and 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:*

SECTION 1. Section 8C of chapter 40 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting the following:—  
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 section 40 of chapter 131, 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.

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