

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

**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**

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**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 2006 Official  
2 Edition, is hereby amended by inserting the following:—  
3 A conservation commission may administer and enforce a local wetlands ordinance or by-law  
4 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 enforceable to the  
14 extent allowed by section 1 of this Act, provided that, within one year from the effective date of  
15 this act, the department of environmental protection makes the findings set forth in section 1 with  
16 respect to the particular ordinance or by-law and municipality in question.