

Accompanying the sixth recommendation of the Department of Public Health (House, No. 89). Natural Resources.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Sixty-Seven.

AN ACT RELATING TO THE PROTECTION OF FLOOD PLAINS.

*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 117C of chapter 131 of the General Laws is hereby  
2 amended so as to read as follows:— *Section 117C.* No person  
3 shall remove, fill or dredge any bank, flat, marsh, meadow or  
4 swamp bordering on any inland waters without filing written  
5 notice of his intention to so remove, fill or dredge, including  
6 such plans as may be necessary to describe such proposed ac-  
7 tivity, with the board of selectmen in a town or the mayor of  
8 a city, and with the state departments of public works, public  
9 health and natural resources. Such notice shall be sent by  
10 registered mail at least thirty days prior to any such removing,  
11 filling or dredging. The selectmen or mayor, as the case may  
12 be, shall hold a public hearing on said proposal within ten days  
13 of the receipt of said notice, and shall notify by mail the person  
14 intending to do such removing, filling or dredging, and the state  
15 departments of the time and place of said hearing. The select-  
16 men or mayor may recommend such protective measures as  
17 may protect the public interest. The department of public  
18 works shall determine whether the proposed activity would  
19 violate any provisions of chapter ninety-one and shall take  
20 such action as may be necessary to enforce such provisions.  
21 The department of public health shall determine whether the  
22 proposed activity would adversely affect the public health  
23 and shall, by written order signed by the commissioner of public

24 health impose such conditions as may be necessary to protect  
25 the public health, and the work shall be done in accordance  
26 therewith. If the area on which the proposed work is to be  
27 done is determined by the department of natural resources to  
28 be essential to proper flood control, the department shall by  
29 written order signed by the commissioner impose such condi-  
30 tions as may be necessary to protect such interests, and the  
31 work shall be done in accordance therewith. The provisions  
32 of this section shall not apply to areas established by the water  
33 resources commission as flood plain zones. Land used for agri-  
34 cultural purposes shall be exempt from the provisions of this  
35 section. The provisions of this section shall not apply to any  
36 work done under the provisions of clause (36) of section five of  
37 chapter forty, chapter two hundred and fifty-two, or any special  
38 act. The commissioner may, by rule or regulation, exempt from  
39 this section such other uses as he may deem not inconsistent  
40 with the purposes of this section, but any such rule or regulation  
41 shall be adopted only with the approval of the commissioner of  
42 public health. Whoever violates any provision of this section  
43 shall be punished by a fine of not more than one hundred dollars  
44 or by imprisonment for not more than six months, or both, and  
45 the superior court shall have jurisdiction in equity to restrain a  
46 continuing violation of this section.