

HOUSE No. 5385

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 29, 1972.

The committee on Natural Resources and Agriculture, to whom was referred the petition (accompanied by bill, House, No. 3586) of Robert D. Wetmore and another that the Department of Public Works be required to consider certain additional factors before granting licenses for work in tidelands, report recommending that the accompanying bill (House, No. 5385) ought to pass.

For the committee,

STEVE T. CHMURA

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Two.

AN ACT REQUIRING THE DEPARTMENT OF PUBLIC WORKS TO CONSIDER CERTAIN FACTORS IN LICENSING PROPOSED WORK IN TIDELANDS.

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 14 of chapter 91 of the General Laws,
2 as appearing in the Tercentenary Edition, is hereby amended
3 after the word "may" in line 1 the words: — upon payment of a
4 fee of one hundred dollars.

1 SECTION 2. Chapter 91 of the General Laws is hereby
2 amended by adding to section 14 the following paragraph: —
3 The decision as to whether a license will be granted shall be
4 based, after consultation with such other departments or agencies
5 of the commonwealth which have jurisdiction by law or special
6 expertise with respect to the proposed work or its impact, on an
7 evaluation of all relevant factors including, but not limited to,
8 navigation, pollution, natural resources, marine fisheries and
9 wildlife, historic preservation and scenic protection, recreational
10 opportunities including access to the water and the water's edge,
11 provision for park land and private and public open spaces and
12 the general public interest including the public benefits to be
13 realized from the licensing of the proposed work. Upon full
14 consideration of all relevant factors and after a public hearing,
15 the department shall determine whether, in the public interest, a
16 license shall be issued and, when granting a license, the
17 conditions, if any, to which it will be subject in view of its
18 evaluation of said relevant factors. The provisions of chapter 30A
19 shall apply to public hearings held under this section.

1 SECTION 3. The provisions of Section 14 of chapter 91 of
2 the General Laws, inserted by section 1 of this act, shall take
3 effect on January 1, 1973.