

By Mrs. Menard of Somerset, petition of Joan M. Menard for legislation to further regulate the issuance of certain notices under the wetlands protection law. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT FURTHER REGULATING CERTAIN NOTICE REQUIREMENTS OF THE WETLAND PROTECTION LAW.

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 40 of chapter 131 of the General Laws is
2 hereby amended by striking out the paragraph inserted by chapter
3 472 of the acts of 1993 and inserting in place thereof the
4 following paragraph: —

5 Any person filing a notice of intention shall give written noti-
6 fication thereof to all abutters of the land where the activity is pro-
7 posed. If the land where the activity is proposed is a parcel of land
8 in a single ownership that is greater than fifty acres in size or, in
9 the case of projects involving public roadways, public transporta-
10 tion, or public utilities, whose longest dimension is greater than
11 one thousand feet, said notification shall be given to all abutters
12 who are located up to one thousand feet from the limits of the pro-
13 posed activity that is subject to the jurisdiction of this section.
14 Said notification shall be given by delivery in hand or sent by cer-
15 tified mail, return receipt requested not fewer than seven days
16 prior to consideration of the notice of intention at a public hearing
17 to abutters at their mailing addresses as shown on the most recent
18 applicable tax list of the assessors. Said notification shall be given
19 at the applicant's expense and shall state the street address and
20 assessors map and lot number of the land where the activity is
21 proposed, a brief description of the work, the date, time, and place
22 of the public hearing, and where copies of the notice of intention
23 may be examined and obtained; except that any person providing

24 copies of the notice of intention hereunder may charge therefor in
25 an amount not to exceed actual costs of copying and postage.
26 Proof of such notification, together with a copy of the notification
27 mailed or delivered, shall be filed with the conservation commis-
28 sion, selectmen, or mayor to whom the notice of intention was
29 given. As used in this paragraph, “abutters” shall mean owners of
30 land, including land located in another municipality, sharing a
31 common boundary or corner in any direction with the land where
32 the activity is proposed as well as owners of land located across a
33 public or private street or way or body of water where the separa-
34 tion caused by said street, way, or body of water is less than one
35 hundred feet. For land in a single ownership that is greater than
36 fifty acres in size or in the cast of projects involving public road-
37 ways, public transportation, or public utilities, whose longest
38 dimension is greater than one thousand feet the separation caused
39 by said street, way, or body of water is less than one thousand
40 feet. As used in this paragraph, “abutters” shall not mean “abut-
41 ters to abutters”. For the purpose of giving notification to owners
42 of units in a condominium established under chapter one hundred
43 and eighty-three A, notification shall be given either to the associ-
44 ation of unit owners or to each unit owner. If a city or town has
45 adopted an ordinance or bylaw under which a person filing a
46 notice of intention must give notification to abutters, and if the
47 legal counsel of the city or town certifies in writing to the depart-
48 ment that the local ordinance or bylaw serves substantially the
49 same purposes as this paragraph, then compliance with the local
50 ordinance or bylaw shall be deemed compliance with this para-
51 graph. For projects of state agencies not subject to local bylaws,
52 the abutter notification provisions of this paragraph shall apply.

1 SECTION 2. The notification required by section one of this
2 act shall not apply to projects of the department of highways.