

By Mr. Lane of Essex, petition of David J. Lane for legislation to further define procedures involved in the protection of floor plains, sea coasts and other wetlands. Natural Resources and Agriculture.

**The Commonwealth of Massachusetts**

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

AN ACT FURTHER DEFINING PROCEDURES INVOLVED IN THE PROTECTION OF FLOOR PLAINS, SEA COASTS AND OTHER WETLANDS.

*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 forty of chapter one hundred and thirty-one of the  
2 General Laws, as amended, is hereby amended by adding after  
3 the eighteenth paragraph of the said section the following new  
4 paragraph:

5 The notice of intention required in the first paragraph of this  
6 section shall not apply to an applicant wishing to pursue  
7 maintenance dredging projects wherein the license or licenses  
8 have been previously issued by the Division of Waterways  
9 formerly of the Department of Public Works and now of the  
10 Department of Environmental Quality Engineering, for a period  
11 not longer than ten years to be measured from the date of the  
12 applicant's petition describing the area to be dredged. However,  
13 such applicant shall file a written notice by certified mail to the  
14 Conservation Commission or if none, to the Board of Selectmen  
15 in a town or mayor as the case may be, of the city in which the  
16 land upon which such activity is proposed is located, of the  
17 applicant's intention to fill or dredge under such license or  
18 licenses as hereinbefore described. Such notice shall contain the  
19 name and address of the applicant.

20 If the Conservation Commission or if none, the Selectmen or  
21 Mayor as the case may be, fails to notify the applicant at the  
22 applicant's address within ten days of the receipt of the notice of  
23 intention of the said applicant of the specific objections to the  
24 commencement of such dredging fill or maintenance dredging

25 contemplated under the said license or licenses, then the applicant  
26 may commence such work as contemplated under such license or  
27 licenses without any further notice to other agencies of the  
28 commonwealth.

29 If the Conservation Commission or if none, the Selectmen or  
30 Mayor as the case may be, cite specific objections to the  
31 applicant's intention, then such Conservation Commission or if  
32 none, Selectmen or Mayor as the case may be, may order a  
33 hearing as provided in paragraph eleven of this section and in  
34 such case of a hearing, all other pertinent provisions of this  
35 section shall apply to the applicant's proposed project.