



Massachusetts Association of Conservation Commissions 2011-2012 Legislative Priorities

The Massachusetts Association of Conservation Commissions (MACC) builds support for community conservation and environmental stewardship by working with state agencies, legislators, the courts, partner nonprofits, the general public and thousands of our constituent conservation commissioners from every city and town in the Commonwealth. MACC is dedicated to educating and supporting Conservation Commissions and promoting protection of wetlands and other water resources in every corner of the state. We advocate on behalf of all environmentally-concerned citizens to help them preserve our critical natural resources for future generations. MACC respectfully requests your sponsorship of the following bills:

Establish Effective Financial Penalties for Environmental Violations of the Law

MACC supports *An Act Relative to the Effective Enforcement of Municipal Ordinances and Bylaws*, which would permit the Superior Court to assess civil penalties for violations of municipal ordinances and bylaws and increase at their discretion based on case-specific factors the fines that may be assessed from a maximum of \$300 to \$1,000 per violation. Fines for such violations have not been increased in more than thirty years. The legislation would help local governments implement important land use laws and deter or punish the most serious violators but does not grant cities and towns unilateral authority to assess penalties; rather fines would only be assessed by courts after a finding of guilt or liability under a local law.

Chief Sponsor: Senator James B. Eldridge

Assist Local Government in Preserving Open Land and Recreational Resources.

The Community Preservation Act (CPA) has been passed by 147 cities and towns. CPA helps communities preserve open space and historic sites, and create affordable housing and recreational facilities. MACC supports *An Act to Sustain Community Preservation* which would increase the annual minimum state match to each CPA community to 75%. When originally passed and through 2007 the state match was 100%. In 2009 it was reduced to 30%, calling into question the continued viability of this valuable program. The funds to provide for a more realistic match would be derived from increased recording fees collected at the state's Registries of Deeds, with a cap on each instrument. A state match would allow towns to protect natural resources for future generations and would encourage additional cities and towns to adopt CPA.

Chief Sponsors: Senator Cynthia Stone Creem, Representative Stephen Kulik

Protect our Water

MACC supports *An Act Relative to Sustainable Water Resources*. This bill would amend the Water Management Act to ensure adequate water flow and water levels vital for the protection and propagation of fish, other species and aquatic habitat. It would authorize water suppliers to charge a small fee to residents and businesses for any new water withdrawal capacity to fund land acquisition for wellhead and water supply protection, construction of facilities for local recharge of storm water and waste water treatment, reuse of water and retrofitting via low impact development methods and water saving devices. Finally, the bill augments the options offered to dam owners by the Office of Dam Safety to promote removal in environmentally sensitive areas as an alternative to the repair of failing dams.

Chief Sponsor: Senator James B. Eldridge

Modernize Local Zoning and Energy Planning

The *Comprehensive Land Use Reform and Partnership Act* modernizes zoning and planning statutes to help communities improve their quality of life across Massachusetts. The legislation enables and authorizes cities and towns to take a diversity of steps consistent with the Commonwealth's nationally-recognized, and economically-promising "green" initiatives, including authority to : regulate maximum house size; adopt zoning codes to promote walkable neighborhoods; institute Transfer of Development Rights bylaws to protect natural resources and move development to appropriate locations; expand the use of cluster development to protect open space within residential developments; protect open space in developments five units or larger in all zoning districts with minimum one acre lot size; mandate low impact development techniques to replenish groundwater in all developments greater than one acre; and permit renewable and alternative energy facilities in a more predictable fashion. These changes are long overdue; MACC strongly supports passage of this legislation.

Chief Sponsor: Senator James B. Eldridge

Prevent Sale or Misuse of Designated Public Lands

Article 97 of the Massachusetts Constitution grants citizens the right to enjoy publicly owned natural resources. The Article requires that public land acquired for conservation not be used for other purposes or otherwise disposed of without a two-thirds vote of each branch of the Legislature. Unfortunately, conversion of such land, often for uses driven by short-term expediency or budgetary concerns, has been sanctioned year after year by the Legislature without appropriate examination, evaluation of alternatives and debate. The *Public Lands Preservation Act* would enable the Legislature to approve a change in use or disposition of Article 97 land only when there is no feasible alternative and only if replacement land of equivalent acreage, market value and natural resources value is provided. Flexibility in local decision-making is nonetheless retained as the replacement land requirement is waived where a disposition of buildings leads to no significant, permanent physical changes in land.

Chief Sponsors: Senator James B. Eldridge, Representative Ruth B. Balse