

**Nantucket and Madaket Harbors Plan
State v. Local Approval**

State Approval (Municipal Plan)	Local Approval
Benefits	Benefits
If goal is to obtain all approvals available	
Necessary if wish to “substitute” local standards for certain state standards in C. 91 regulations pertaining to non-water dependent uses (310 CMR 9.51(3)).	Do not see need for substitutions; usually done to accommodate higher density
Can add specificity to “discretionary” standards in C. 91 regulations	
Coordinate local and state decision making	Certain degree of coordination can be achieved with a locally-approved plan
Utilize state authorities to help implement local objectives	DEP has the ability to consider provisions of a locally approved plan in its decision making on a C. 91 license application
State approved plan does not erode local authority, it enhances it. State gains no additional control over municipality	
Considerations	Considerations
Need to meet with state to review scope and process as soon as possible; one requirement will be formation of a harbor plan committee	Before state approval takes affect, local implementing measures, e.g., regulations must be adopted (true for both state or local approval, regulations should match plan goals)
Plan process potentially more extensive and approval will take longer, up to a year	If town maintains moratorium or prohibits new docks in harbors, and enacts zoning to protect the harbor, less potential need for state-approved plan
More costly	
C. 91 authority applies only in filled and flowed tidelands	