



The Honorable John J. Cronin, Chair
Senate Committee on Municipalities and Regional Government
24 Beacon St, Room 504
Boston, MA 02133

The Honorable Lori A. Ehrlich, House Chair
House Committee on Municipalities and Regional Government
24 Beacon St, Room 504
Boston, MA 02133

Re: Testimony in support of H.2198, An Act Relative to the Protection of Wetlands and Water Resources in Chapter 40B Applications

August 31, 2021

Dear Chair Cronin, Chair Ehrlich, and Members of the Joint Committee on Municipalities and Regional Government:

Thank you for the opportunity to comment on and express support for H.2198, *An Act Relative to the Protection of Wetlands and Water Resources in Chapter 40B Applications*. Our organization feels strongly that H.2198 corrects a deficiency in 40B and is necessary for the protection of the local environment and our most vulnerable residents.

The Mystic River Watershed Association (MyRWA), was founded in 1972 to protect and restore the river, its tributaries, and watershed lands for the benefit of present and future generations. The Mystic River Watershed includes the communities of Arlington, Belmont, Boston, Burlington, Cambridge, Chelsea, Everett, Lexington, Malden, Medford, Melrose, Revere, Stoneham, Wakefield, Wilmington, Winchester, Winthrop, and Woburn. A staff of 12 and thousands of volunteers, work to improve water quality and habitat throughout the watershed with scientific monitoring, restoration, climate resiliency projects, stewardship, education, and advocacy.

As part of our work, MyRWA is regularly in dialogue with municipalities and developers on appropriate limits that can foster economic development, the development of affordable housing and protect natural resources. This organization, and our community of supporters are very supportive of the development of affordable housing and regularly request that development along river ways include affordable housing as part of the development mix.

The M.G.L. Chapter 40B, s 20-23 ("Chapter 40B) statute has long created a conundrum for our organization. As noted, we have long supported the development of affordable housing, as environmental justice is a special concern of our watershed and we identify equity and justice as critical for a 'healthy' watershed. But the 40B statute has pitted environmentalists against affordable housing in the local public policy realm (recent cases in Arlington and Winchester in our watershed).

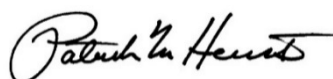
The 40B statute waived local regulations to overcome zoning and density objections. Inadvertently, 40B also waived local environmental regulations (e.g. local wetlands bylaws). These local wetland bylaws and regulations have played a vital role in protecting the limited remaining acreage of wetlands, buffer and riverine buffers. In fact, the local wetland bylaws and regulations prevented other forms of development on the land, making the land cheaper. But as 40B waived these protections, this cheap land is available to 40B developers to build very large and impactful developments in the most sensitive areas (e.g. Mugar Property).

Chapter 40B also puts our most vulnerable residents in harms way. Local environmental laws and regulations not only protect the natural environment, but also public health and safety. As climate change impacts increase with more intense storms, floods, heat waves and droughts, it is more important than ever that affordable housing (and all construction) abide by municipal wetlands protection bylaws, ordinances, and regulations. Waiving local environmental protections allows development to extend through wetlands buffers, eliminating protections for environmental health and residents. These projects are the sites that will be most vulnerable to our future flooding events.

The 40B statute is an important law that provides much needed affordable housing but also causes deleterious impacts to wetlands, streams and riverfront. We can fix this. The solution is presented in H2198, that would amend Chapter 40B by preserving local discretion to enforce wetlands or water resources protecting bylaws in the Chapter 40B developments.

We respectfully urge the Joint Committee on Municipalities and Regional Government to provide a favorable report on H.2198. Thank you for your consideration. Please do not hesitate to contact us with questions or comments at (781) 316-3438 or patrick.herron@mysticriver.org.

Sincerely,



Patrick Herron
Executive Director, Mystic River Watershed Association