



Protecting our water, our land, our communities

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Submitted via email to:

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

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

RE: Testimony in Support of *An Act Relative to the Protection of Wetlands and Water Resources in Chapter 40B Applications (H.2198)*

Dear Chair Cronin, Chair Erlich, and Joint Committee on Municipalities and Regional Government Members,

The Nashua River Watershed Association writes to request your support for H. 2198, *An Act Relative to the Protection of Wetlands and Water Resources in Chapter 40B Applications*. While we recognize the housing shortage in the Commonwealth and the pressing need to address housing for the most vulnerable residents among us, we do not believe it should be addressed at the expense of sensitive natural resources. Indeed, the matter can be framed as an environmental justice issue, in which housing considered affordable is built on land for which environmental protections for the neediest populations are waived.

The purpose of the Wetlands Protection Act is to regulate activities affecting protected areas that contribute to the following interests: protection of public and private water supply; protection of ground water supply; flood control; storm damage prevention; prevention of pollution; and, protection of wildlife habitat, fisheries, and shellfish habitat.

Communities throughout our region grapple with how to protect vital resources while undertaking 40B projects. We cite as examples two 40B projects: Goodridge Brook Estates in Lancaster, and Still River Commons in Bolton. The Lancaster project received a waiver from the ZBA to Lancaster's 200 ft. riverfront protection area. Analysis by a hydrologist indicates runoff to Goodridge Brook would increase by 50% with the impervious surfaces proposed, and detention basins adjacent to the wetlands and sensitive 500+ ft. vernal pool (Outstanding

Resource Waters) will cause groundwater mounding and detrimental altering of the wetlands system. Runoff would also negatively impact Goodridge Brook as a coldwater fish resource stream. The project is currently under two appeals, one for the Comprehensive Permit, and another by the Conservation Commission, who denied the Order of Conditions.

The one-acre site in Bolton has been described as “a peninsula surrounded by wetlands,” that will require significant filling to create upland for the four houses, and associated septic systems. The Town of Bolton has denied the project under the Comprehensive Permit process and the project is under appeal at the DEP. NRW believes the towns should retain the right to enforce their wetlands bylaws in the face of ill-conceived projects adjacent to sensitive wetland resource areas.

Additionally, we would like to point out that Greenfields development of residential housing and commercial ventures is the least desirable placement for such: our sensitive wetlands, fields, forests and open spaces are too valuable from a nature's services perspective to be forever destroyed. The most preferable location for development is the rehabilitation of existing unused infrastructure such as the many vacant mill buildings in many of our region's towns and cities.

Upholding the Wetlands Protection Act is critical at this juncture as the impacts of a changing climate become more obvious. Increases in extreme rain events are predicted with climate change. Wetlands and buffer zones around them are the natural sponge to absorb excess rainwater, improve water quality, and infiltrate rainwater for needed groundwater supplies. Flooding and overwhelmed stormwater systems result where protections for natural wetlands systems have been skirted. Environmental regulations for such projects are all the more important in the face of climate change to ensure equity in fair housing and environmental protection.

We encourage the Joint Committee on Municipalities and Regional Government to report favorably on H. 2198. Thank you for the opportunity to comment.

Sincerely,



Elizabeth Ainsley Campbell
Executive Director



Martha S. Morgan
Water Programs Director



Al Futterman
Land Programs Director