



neponset river

WATERSHED ASSOCIATION

Officers & Board

*Kyle McBurney,
President, Milton*

*James Green,
VP, Canton*

*Jerry Hopcroft,
Treas., Norwood*

*Heather Audet,
Secretary, Norwood*

*David Biggers,
Canton*

*Stephen Brayton,
Dedham*

*Susan Olson
Drisko, Sharon*

*Jennie Goossen,
Westwood*

*Michael Jaillet,
Foxborough*

*Ardis Johnston,
Stoughton*

*Taber Keally,
Milton*

*Paul Lauenstein,
Sharon*

*Maria Lyons,
Dorchester*

*Martha
McDonough,
Readville*

*Robert McGregor,
Sharon*

*Brendan
McLaughlin,
Milton*

*Raushanah
Muhammad,
Hyde Park*

*Richard O'Mara,
Dorchester*

*Bill Pastuszek,
Colrain*

*Hung Pham,
Dorchester*

*Suzanna Sullivan,
Canton*

*William Wiseman,
Walpole*

August 31, 2021

Via Electronic Mail

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. Ehrlich, House Chair
House Committee on Municipalities
and Regional Government 24
Beacon Street, Room 504
Boston, MA 02133

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

Dear Chairpersons Cronin and Ehrlich:

The Neponset River Watershed Association (NepRWA) is a nonprofit conservation organization working to clean up and protect the Neponset River, its tributaries and surrounding watershed lands. In furtherance of our mission, we support *H.2198, An Act Relative to the Protection of Wetlands and Water Resources in Chapter 40B Applications*, and respectfully urge you to report it favorably out of your committee.

As a general matter, we understand that Massachusetts has a housing crisis, and strongly support the creation of more affordable housing near transportation hubs. Such development protects the environment by increasing housing density and reducing sprawl so open space and other natural resources may be preserved. Properly planning and siting these developments is even more important now as we realize the impacts of climate change, and the need for communities to ensure they are resilient to those impacts.

Climate change has resulted in a significant alteration of precipitation patterns, leading to more frequent and severe storms, as well as more frequent and severe drought. Protecting wetlands and floodplains is one of the most straightforward strategies we have to mitigate severe flooding and also improve communities' resilience to extreme heat, storms and severe weather, and drought. These resources are also part of the system that feeds our drinking water supplies, helping to sustain adequate clean water for all to use.

State environmental law provides a baseline level of protection for most wetlands, streams, and rivers; however, in many cases, it doesn't go far enough. For that reason, many municipalities across the state have adopted more protective local

wetlands and stormwater bylaws. In fact, NepRWA actively works with our watershed communities to enhance local protections for water and other natural resources because their value is irreplaceable and their preservation is critical to sustaining a habitable Commonwealth into the future.

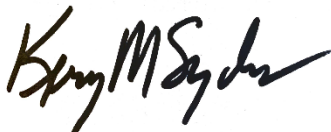
Chapter 40B was designed to break down exclusionary zoning practices by allowing developers to acquire waivers from certain local bylaws in order to improve the affordable housing stock in communities that lacked it. These waivers extend to local protections for important local environmental resources. In practice, this has provided some developers with an economic incentive to target inexpensive, environmentally-sensitive properties for 40B development, even though these same properties would otherwise be subject to development restrictions (or even be rendered undevelopable). In other words, because environmentally-protected land is generally less expensive to purchase, it is more attractive to developers who can use Chapter 40B to obtain waivers from the same restrictions that make the land cheap—putting our most environmentally-sensitive areas at risk, and potentially endangering the very residents these developments are supposed to benefit.

Driving affordable housing units to wetlands, floodplains and areas with poor drainage are a disservice to both the residents and the environment. For decades, Environmental Justice communities have suffered disproportionately from inappropriate development—and they will continue to suffer if affordable housing development is incentivized in areas that are unsafe and disproportionately impacted by climate change. There is no shortage of land in the Commonwealth that has already been altered and is available for redevelopment. Those are the areas that should be prioritized for affordable housing.

In sum, exempting Chapter 40B projects from standards that protect the environment undermines the critical work communities are doing to improve climate resilience, protect drinking water quality, and restore ecological health within their watersheds. These exemptions only benefit the developers who profit from these projects, and perpetuate inequities for our most vulnerable residents. We therefore respectfully urge you to report H.2198 favorably from committee.

Thank you for your consideration of this matter. Should you have any questions or if I can provide any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerry Malloy Snyder". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Kerry Malloy Snyder, JD
Advocacy Director