



August 16, 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: Support of H.2198, An Act Relative to the Protection of Wetlands and Water Resources in Chapter 40B Applications

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

On behalf of OARS and Sudbury Valley Trustees (SVT), we are writing to request your support of H.2198, An Act Relative to the Protection of Wetlands and Water Resources in Chapter 40B Applications. OARS and SVT work to protect water resources and land in the 36 communities of the Sudbury-Assabet-Concord River (SuAsCo) watershed, which includes some of the most expensive real estate markets in the Commonwealth. Affordable housing is a critical need in our region, but it must not be developed at the expense of our already-stressed natural resources, or at the expense of the residents who will live in those affordable housing developments.

As the reality of the climate crisis becomes starker every day, we must acknowledge that the need to protect wetland resources and functioning ecosystems is imperative to the health of our society. Wetlands protect our communities from flooding, safely recharge their drinking water supplies, and protect essential wildlife ecology—these are interests protected under the Wetlands Protection Act. In addition, wetlands ensure that rivers have water in them and adequate flow during droughts which not only protects valuable outdoor recreational activities such as boating and fishing, but also ensures that the rivers can convey waste from our municipal wastewater treatment plants safely to the ocean. It has been shown repeatedly that protecting wetlands is the most cost-effective way to protect our residents. There are many challenges inherent in the development of affordable housing, but competition with the need to protect these essential natural services should not be viewed as the primary one.

Most of the communities in the SuAsCo (27 as of 2019) watershed have adopted local bylaws that restore and/or expand protections for wetlands, streams, and vernal pools to protect essential wetland services and protect their own residents better than the state law can do. This sheer number shows the

high priority of wetland resources to these municipalities. Some also have stormwater bylaws that protect groundwater recharge from contamination and drought—essential for drinking water supplies. These bylaws have been put in place based on municipalities’ deep knowledge of local conditions and ability to assess specific development plans against site conditions. Under Chapter 40B, developers can request waivers from these local bylaws and regulations to build in buffer areas that would be protected under market-rate housing development projects. H2198 would amend Chapter 40B by eliminating the presumption of waiver for bylaws that meet certain guidelines. Zoning boards would still be able to grant waivers if they determined that the waiver would not be detrimental to surface and groundwater resources.

The increasing frequency of both floods and droughts and the resulting cost to local economies and individuals make it more critical than ever that wetland systems are adequately buffered from new development for the sake of the ecosystems as well as the residents of the affordable housing. These are the people who can least afford the costs of flooding. Our most vulnerable residents already suffer disproportionately from inadequate access to open space and other green infrastructure. It is well documented that decreasing tree canopy results in poorer air quality and hotter temperatures that can have short and long-term effects on the residents of those areas. Maintaining adequate vegetated buffers around water bodies and wetlands not only maintains the quality of those waters and decreases the risk of flooding, but improves the overall quality of life for those living in the vicinity.

As noted by others, affordable housing should not be permitted in vulnerable locations where conventional development is not permitted for good reason. Municipal authorities should be allowed to exercise their judgement based on local environmental conditions. We respectfully urge the Joint Committee on Municipalities and Regional Government to provide a favorable report on H.2198, An Act Relative to the Protection of Wetlands and Water Resources in Chapter 40B Applications. Thank you for your consideration of this matter.

Sincerely,



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