



July 27, 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:

We request your support of H.2198, *An Act Relative to the Protection of Wetlands and Water Resources in Chapter 40B Applications*. We recognize the significant and continuing need for affordable housing in the Commonwealth, and we support programs that facilitate development of affordable homes when appropriately sited. Unfortunately, affordable housing units developed in wetlands, within floodplains, or in areas with poor drainage or high groundwater could have the unintended consequence of exposing residents to elevated risks of flooding and poor water quality - problems exacerbated by climate change. For decades, Environmental Justice communities have suffered disproportionately from poor land use practices, and those inequities should not be further perpetuated by overriding local wetlands protections.

Local environmental laws and regulations are designed to protect the natural environment, water quality, public health, safety, and welfare for all communities, including those living in affordable homes. 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. Wetlands and wetland buffer zones enhance flood storage capacity, protect water quality, sequester carbon, and help minimize impacts from severe storms. Green spaces and vegetated buffers adjacent to wetlands and waterways allow for the recharge of stormwater into the ground, minimize heat island effects, protect drinking water supplies, and provide areas for outdoor recreation and habitat.

Waiving local environmental protections allows development to extend through wetland buffers, which are adjacent to surface water and into wetlands, eliminating protections for residents and environmental health. Removal of mature trees and wetland vegetation and soils, installation of extensive impervious pavement and buildings, and placement of stormwater management facilities

and septic systems close to waterbodies and wetlands can have serious impacts both on-site, downgradient, and downstream. If local environmental safeguards are not consistently applied, construction can exacerbate:

- Flooding of the property and nearby areas, which poses a hazard to residents and first responders;
- Contaminant migration to surface water and drinking water supplies;
- Heat island effects;
- Increased exposure to mosquitoes; and
- Isolation of the properties during severe storms and floods, and during emergency conditions.

Currently, 40B projects circumvent local wetlands laws, which exacerbates existing inequities and detrimentally impacts environmental justice populations. Climate change makes it even more important to make sure local environmental laws and regulations are applied consistently when siting affordable housing units, just as they are for all other forms of development. Affordable housing should not be permitted in vulnerable locations where conventional development is not permitted.

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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