

July 19, 2021

Senator John Cronin
24 Beacon Street
Room 504
Boston, MA 02133

Dear Senator Cronin,

I am writing in support of Bill H2198, An Act Relative to the Protection of Wetlands and Water Resources in Chapter 40B Applications. This bill addresses a concerning loophole in M.G.L. c.40B law regarding affordable housing built near wetlands and other environmentally sensitive areas.

Chapter 40B law was enacted to address the shortage of affordable housing in the Commonwealth by “reducing regulatory barriers” and allowing developers to waive certain aspects of municipal zoning bylaws through the Comprehensive Permitting Process. However, these waivers are allowing developers to “squeeze in” development on environmentally sensitive, often wet land that local bylaws have deemed cannot safely support it. This threatens the health of Massachusetts residents in towns such as Bolton who have private septic systems and private wells and rely on local setback and offset restrictions to protect our drinking water. State septic and wetlands standards are not adequate protection against the contamination that these high-density developments contribute to the land they are being built on. There are 50 Massachusetts towns that do not have a public water supply.

I am a proponent of affordable housing development and recognize the importance of 40B law as part of the solution to our State’s current housing crisis. However, the recent proposal, under 40B law, of Still River Commons in Bolton, MA greatly concerns me. The proposed development site (approximately 1 acre) has been described by experts as a “wet site”, a “tight site”, a site with “high groundwater” and a “peninsula surrounded by wetlands.” The site has a perennial stream which is subject to flooding and runs directly into State protected land designated as an Area of Critical Environmental Concern (ACEC). The development will also alter the 100-year flood zone. The project includes four homes (only one of which will be Affordable), on manmade upland that will require significant filling, mounding and structural retention in order to comply with Title V law. There are no guarantees that the septic and stormwater systems, assuming they are maintained correctly over the years, won’t negatively affect the groundwater, private wells and wetlands resources that they are so close to. The town of Bolton has denied this project through the Comprehensive Permit process and the proposed development now sits in appeal with DEP.

Bill H2198 is an important public safety initiative that seeks to protect the State’s environmentally sensitive areas that directly affect the quality of our local drinking water. I urge you to support Bill H2198. Thank you for your time and consideration. Please feel free to contact me should you have any questions.

Respectfully,

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