



Honorable Lori Ehrlich
House of Representatives
State House
Boston, MA 02133

Subject: Testimony in favor of H.2198

Dear Representative Ehrlich:

Thank you for the opportunity to testify in favor of H.2198 on July 27, 2021. The Manchester Essex Conservation Trust strongly supports bill H.2198. I would like to illustrate an example of a current 40B conflict with local wetlands regulations - a situation that would directly benefit from this bill.

Our land trust has a long history of conservation, and even more importantly, of working cooperatively with the towns of Manchester and Essex to further multiply conservation efforts, under the guidance of the State's preservation of natural resources goals. The local wetlands bylaws in the town of Manchester reflect the local values, extensive research, and progressive attitudes of the municipality towards the protection of the environment, and particularly wetlands, as well as the hard work and diligence of the Conservation Commission members in creating and upholding these bylaws.

Over 1,500 acres of conservation land in a nearly contiguous block have been protected in perpetuity by the Town of Manchester, The Trustees of the Reservations, Essex County Greenbelt Association, and the Manchester Essex Conservation Trust. Nearby, additional conserved land brings the total conserved land to over 3,000 acres. Large sections of this land have been designated as Critical Natural Landscape, and as Core Habitat in the State's habitat conservation programs. Threatened species and Species of Special Concern abound in this area. In good faith, the Manchester Essex Conservation Trust and the town of Manchester have worked together to purchase and protect this land, parcel by parcel, in support of the state's objectives to conserve Areas of Critical Environmental Concern and BioMap2 habitat.

At this time, a large, 136 unit, 40B development threatens this historic conservation area, with 19 waivers to the local wetland bylaws underpinning the planned development, adherence to which would render this project unaffordable. It is only the anticipated waivers, which could be achieved at the Zoning Board of Appeals or later appeals stages, that allow this project to be buildable. Sawmill Brook, which is adjacent to the proposed development, is designated as a coastal cold water fishery supporting sea-run brook trout. Many highly productive vernal pools surround the project area and are interspersed within the project area. We believe these

resources deserve all of the protections that would be afforded by the local wetlands bylaws which have received strong support from the community.

Our concerns include the proposed on-site wastewater treatment plant, with structures running through a vernal pool resource, and a leach field within the no-disturb boundaries of a vernal pool resource area that would otherwise be protected under the local bylaw. We're concerned that the wastewater treatment plant may not sufficiently control PFAS levels that may find their way into the nearby conservation land, and Sawmill Brook for which drinking water connections have been recognized. The upland habitats of the vernal pools, protected by local law, where the specialized amphibians live during several months of the year, will be "blasted" away in many areas across the project site, to bring the site, which is a large granite hill, down to the level of the project site. Impervious surfaces, stormwater runoff, and cutting acres of trees will contribute to thermal pollution in the conservation wetland areas and Sawmill Brook. Artificial retention ponds will provide a disconnect between the vernal pools and riparian habitats and the upland habitat wildlife that they currently support. Upholding the local bylaws would mitigate these impacts.

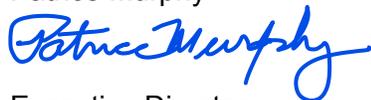
Allowing the local wetland bylaws to be waived will not only impact this project and the nearby conservation land - this will have an impact throughout communities across the state by driving up the perceived value of previously unbuildable lots, which have remained undeveloped due to environmental sensitivity, local wetland bylaws, and affiliated development costs. Land trusts and towns cannot afford to purchase parcels for conservation if land values become hyper-inflated by the proposed 40B developments in areas that would be otherwise unbuildable under local bylaws. Certainly, the originators of the 40B regulations did not anticipate how the regulations might be used to exploit the undeveloped, critically sensitive tracts of land to the detriment of the environment, especially in the climate situation that we are finding ourselves in.

Manchester Essex Conservation Trust recognizes the need for affordable housing. We believe that compromising local wetlands bylaws and sacrificing water resources that protect the quality of drinking water and environmentally sensitive habitat is not the way forward. Instead, we support other, less impactful approaches. These include providing a clear path to allow existing housing that has been deed-restricted as affordable and has an approved Fair Housing Marketing Plan, to be provisionally added to the Subsidized Housing Inventory.

Thank you for the opportunity to testify in support of H.2198 on behalf of the Manchester Essex Conservation Trust.

Respectfully,

Patrice Murphy



Executive Director

Manchester Essex Conservation Trust

