

Letter to the Editor: Take another look at 40B law

As my neighbors and I focus on the immediate concerns regarding the Fields of Sherborn development, many battle-weary town members have said "their hands are tied" "there is nothing that can be done" as they watched an old farm torn down by Rising Tide developers to create the infamous Whitney Farms, where only one of the planned 48 units has been sold in two years since building began.

**Dear Senators Ross, Barrett, Spilka, and Hedlund, and
Representatives Linsky, Atkins, Dykema and DeCoste:**

I am reaching out to you from the platform of a concerned citizen just beginning her education regarding perc tests, septic function, well capacity, wetlands, water quality, aquifers and more. I am not an engineer, but an average homeowner who chose to live in a rural setting.

The rural setting requires each homeowner to care for the property they live on, responsible for their drinking water and aware of surrounding wetlands. Our family is conscious of what goes in our septic and doesn't use chemical pesticides or fertilizers, as we are aware what goes on the ground eventually goes in the water we drink and rely on.

I am among neighbors concerned about a new recent proposed Fields of Sherborn 40B housing development planned with 36 2,500-square-foot homes with 84 bedrooms to be built on 6 acres right above the same Bogastow Brook Aquifer and Well 5 which were the center of legal action in August 2000 involving the town of Holliston and a proposed Waste Treatment plan.

As I learn more, I see that this concern is probably old news to many of you. It is a cry shouted many times over the years since Massachusetts General Law Chapter 40B was first enacted in 1969. I also realize attempts to repeal the law failed when it went to state vote in 2011 with 58 percent voting to keep it. The issue is almost everyone agrees there is a need for affordable housing and when a social media campaign engine (such as the one run by Aaron Gornstein, executive director of the Citizens Housing and Planning Association) shouts to unaware voters that 40B is strictly about affordable housing it is bound to win.

Yet 40B has not provided affordable housing relief in the way it was intended. Instead it has become a loophole for developers to purchase previously unbuildable tracts of land at low cost and bypass environmental and zoning legislations to make a profit. In 2007, J. Marlin Hawthorne presented a plan for the Town of Norwell to counter 40B developments and it lays out a number of good arguments.

As my neighbors and I focus on the immediate concerns regarding the Fields of Sherborn development, many battle-weary town members have said "their hands are tied" "there is nothing that can be done" as they watched an old farm torn down by Rising Tide developers to create the infamous Whitney Farms, where only one of the planned 48 units has been sold in two years since building began.

Affordable housing is necessary in this state, but it also needs to make sense and be located in areas with infrastructure such as good public transportation, walking distance to libraries and other vital community resources to enable those meeting the needs of affordable housing access to a good quality of life and not be stuck out in the middle of nowhere. In an urban setting, it makes great sense to encourage a developer building a 100-unit condo building to set aside 20 units for HAC to regulate for affordable housing. The building most likely would be in keeping with its surroundings and each unit is visually the same.

In rural areas outside, especially where homeowners must take responsibility for their own drinking water and septic waste system, building a dense-populated, poorly built development at odds with the surrounding landscape and pushing the boundaries of conservation legislation to protect area water supply is risky business.

In the town of Sherborn, we do have homes which are small and relatively affordable which do not count towards the 10 percent because they are not regulated by HAC.

40B as it is currently written does not work to provide affordable housing. A way to get beyond the "rich town" stereotype and focus on the true environmental concerns is necessary to make any change. My point in reaching out to you is to help re-ignite the conversation and attempt to approach change in a different way than has been tried before.

With great appreciation for your time and consideration,

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