



*The Commonwealth of Massachusetts*

HOUSE OF REPRESENTATIVES  
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February 7, 2017

Mr. Michael Busby  
Massachusetts Housing Finance Agency  
One Beacon Street  
Boston, Mass 02108

*RE: River Marsh Village, MH #916*

Dear Mr. Busby,

I am writing to submit public comment on the Site Approval application of River Marsh LLC for a 68-unit development in the town of Pembroke.

This proposal raises significant environmental, health and safety risks and I respectfully request that MassHousing deny this application. Here is a summary of my concerns and objections:

**Traffic and safety risks.** The proposal would overtax existing road infrastructure and exacerbate traffic and safety issues at the intersection of Route 139 at Water and Cross streets. These two side streets are the only points of egress and cannot safely handle the increased traffic loads this development would require.

A Route 139 traffic corridor study by the Old Colony Planning Council highlighted issues with this intersection: "Roadway curvature, a skewed geometric layout, and roadside vegetation and fencing significantly obstruct sight lines at this intersection."<sup>1</sup>

The study reports a Level of Service (LOS) for afternoon traffic at the Water Street intersection as Category F, the lowest rating possible. "This condition exists wherever the amount of traffic approaching a point exceeds the amount that can traverse the point, resulting in lengthy queues and delay."<sup>2</sup>

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<sup>1</sup> "Route 139 Corridor Study", Old Colony Planning Council, 2010, prepared under Contract with the Massachusetts Department of Transportation, 52455, page 85.

<sup>2</sup> IBID, from Highway Capacity Manual, definition on page 39.

Those traffic issues are based on 2010 data and do not account for recent commercial expansion abutting the area, nor a new 48-unit assisted living development located off Cross Street slated to open this fall. Accordingly, there is credible evidence to suggest that traffic and safety concerns are worse than even this data represents. This neighborhood has reached a saturation point and cannot safely accommodate added volume.

**Health and environmental risks.** The proposal directly abuts the North River and sensitive wetlands. Portions of the proposed development lie within the North River Protected Corridor and the Natural Heritage and Endangered Species Priority Habitat. The project would cover over 30 acres of wetlands that have for decades been deemed unbuildable land.

Stormwater runoff and wastewater could directly impact wetlands, vernal pools, and the North River itself. A proposed treatment system will treat approximately 15,000 gallons of wastewater per day and require crossing wetlands. As the North & South Rivers Watershed Association has wisely pointed out, millions of the Commonwealth's tax dollars have already been invested to protect this historic watershed and prevent precisely the kind of ecological damage this kind of intense development could create.

**Town has already taken significant steps to meet affordable housing goals** According to the most recent Subsidized Housing Inventory (SHI) from DHCD, the town of Pembroke is within 0.4% of the Commonwealth's ten percent affordable housing goal, one of the few suburban communities to approach this metric. Moreover, a recently approved 40B project in the Birch Street area of Pembroke (Copperwood Circle) will add another 36 units of housing. (This development is not included in the current SHI.) Clearly the community has embraced the underlying Chapter 40B goal of ensuring a diversity of affordable housing options.

**Application missing required elements under 760 CMR 56.04 (2)**

This development does not meet the standards set forth in 760 CMR 56.04 for issuing a project eligibility letter. Required elements under 760 CMR 56.04 (2) are missing, including portions of elements (c) and (g). Moreover some of the plans submitted rely on data that is 15 years old.

**Application does not meet standard of 760 CMR 56.04 (4)**

A determination of project eligibility requires a finding under subsections (b) and (c) that the site is "generally appropriate for residential development". Factors to be considered include "building massing, topography, environmental resources, and integration into existing development patterns." Based on any objective measurement of these factors this application fails to meet that burden.

The 40B law was designed to be a shield to protect affordable housing from unreasonable local objections but in the present case it is being wielded as a sword. This proposed

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development would, at most, add nine (9) units to the town's Subsidized Housing Inventory and come at a steep price to the environment, neighborhood and public safety.

For the reasons cited above, and others expressed by the Pembroke Board of Selectmen, the North & South Rivers Watershed Association and numerous residents, neighbors and other stakeholders, I respectfully request that MassHousing not issue a Project Eligibility letter for the River Marsh Village development.

Should you have any questions please do not hesitate to contact my office at 617-722-2210 or via email at [josh.cutler@mahouse.gov](mailto:josh.cutler@mahouse.gov).

Thank you for your time and attention.

Warmest regards,



REP. JOSH S. CUTLER  
Sixth Plymouth District

cc: Lew Stone, Chairman, Pembroke Board of Selectman  
Frank Baldassini, Chairman, Pembroke Board of Zoning & Building Appeal