

Honorable Senator and Representatives –

The Town of Walpole needs your help. As you may recall Walpole currently has five (5) 40B projects in the pipeline with the Walpole ZBA ranging from 8 units to 300 units. Last night the Walpole ZBA heard testimony from the developers who are pushing the 300 unit project on Summer St. in Walpole. The Developer has informed the ZBA that he is no longer willing to grant an extension for testimony to be heard and that he is requiring that the hearing be closed. The current 40B law requires that if the applicant is no longer willing to grant on a time extension for testimony to be heard the ZBA, the ZBA must close the hearing and begin the process of deliberating and issuing a decision. The ZBA would have 40 days to issue the extension in normal circumstances however with the current COVID guidelines we are operating under the ZBA would have 45 days after the termination of the state of emergency to issue a decision. The public record is clear, the ZBA has worked diligently to learn how to operate virtually and have been actively reviewing substantive issues related to this proposal.

The reason I am writing to you is because what is pending at the state house, would amend the 45 day requirement and insert the following words:- December 1, 2020, unless such date is extended by a waiver from the secretary of housing and economic development (Section 19). I implore you PLEASE do not allow this language to move forward. This language is signaling to developers that they can take advantage of the situation created by the pandemic and skirt local processes by creating a fast track option for review at the Housing Appeals Committee, effectively removing local review from these projects. Given Walpole's situation with 40B applications, this new legislation could jeopardize the procedural due process rights of abutters impacted not only by the Summer Street development, but also those impacted by any of the other 40B applications submitted to the Town. The town has been proactively reviewing projects virtually, but the reality is, virtual hearings take longer and require more meetings and thus more time. This is not about delaying affordable housing, but ensuring an adequate and fair hearing process for the community.

Thank You,

Tina Shaughnessy

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