| **MBTA Communities Public Comment Form** | | |
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| **Role** | **Feedback Topic** | **Written Comments** |
| Massachusetts Resident | Environmental issues  Historic Districts  Other: Impact on Massachusetts Agricultural Preservation Restriction (APR) Investments | Towns use local zoning and investments in the Massachusetts Agricultural Preservation Restriction (APR) program to preserve its culture by protecting agricultural heritage, rural character, and community identity.  When a town invests in the local APR, it permanently restricts residential and commercial development.  The MBTA Communities Act will negatively affect a town's APR plans by increasing development pressure on agricultural lands, creating zoning conflicts, straining local resources, and eroding community support for preservation efforts.  The MBTA Communities Act will alter the rural character and scenic beauty of towns, which are key cultural and economic benefits of the APR Program. If agricultural lands are rezoned or developed, the cultural and environmental benefits of APR could be diminished.  If residents perceive the MBTA Communities Act as a threat to their quality of life or local identity, they will become less supportive of land preservation initiatives like APR.  This will weaken community backing for future APR projects, making it harder to secure funding or political support. |
| Massachusetts Resident | Definitions  Other: MBTA Communities Act is Redundant & Radical | Existing affordable housing laws have been codified in Massachusetts General Law by the General Court over the years. Why not work through existing laws to achieve EOHLC goals?  MGL Chapter 161A primarily deals with the regulation, management, and funding of the Massachusetts Bay Transportation Authority (MBTA).  Laws specifically designed to address affordable housing:  1) Chapter 40B (Comprehensive Permit Act): Allows developers to bypass local zoning if less than 10% of a municipality's housing is affordable, promoting affordable housing development (20-25% of units must be affordable).  2) Chapter 40T (Publicly-Assisted Housing): Defines and governs publicly-assisted housing, ensuring affordability and tenant protections for subsidized units.  3) Chapter 121B (Housing and Urban Renewal): Establishes local housing authorities to develop and manage public and affordable housing, with provisions for tenant protections and innovative housing projects.  We don't need a radical subversion of Chapter 161A - MBTA a transportation service law which is intended for TRANSPORTATION initiatives, not housing. |
| Massachusetts Resident | Other: EOHLC's Failure to Address Public Safety and Infrastructure Concerns | The EOHLC has failed to adequately consider the public safety implications of implementing high-density zoning in small towns. Such zoning could increase the risk of accidents, congestion, and emergency response delays, as these areas are not typically designed to handle significantly  higher population densities.  Small towns often have limited and aging water and sewer systems which have reached capacity. In fact, Rehoboth only has well water and septic systems for both residential and commercially zoned properties. The proposed zoning changes by EOHLC do not account for the potential overwhelming of these infrastructures. Without upgrades, the existing systems could lead to public health crises, including  water contamination or sewage overflows, directly contradicting the aim of sustainable development. |
| Massachusetts Resident | Other: Lack of Genuine Emergency | The EOHLC's declaration of an emergency appears to be at odds with its operational inefficiencies and the political context in which it was made.  This situation could reflect broader issues in policy implementation and governmental transparency in Massachusetts, especially concerning critical areas like housing policy.  **Lack of Genuine Emergency Resulting From**  *Political Motive Over Actual Need:* The declaration of an emergency by EOHLC is suggested to be politically motivated rather than driven by an immediate, tangible crisis like a natural disaster or public health emergency. A genuine emergency would typically involve an immediate threat to public safety or welfare, such as the need for rapid response to a natural disaster or a health crisis like a global pandemic. Instead, the housing situation, does not present the same level of immediate urgency that would typically justify bypassing standard regulatory procedures.  *Procedural Deficiencies:* The EOHLC had ample time, over two years, to address known deficiencies in its guidelines or regulations. The failure to act in this timeframe suggests that the emergency declaration might be more about circumventing due process and public scrutiny than addressing an urgent crisis. This delay in action raises questions about the urgency of the situation and the agency's management capabilities.  **Housing Policy as a Political Tool**  Declaring an emergency in this context could be perceived as a strategic move to enact policies or changes without the usual public and legislative oversight. This could be aimed at pushing through reforms or regulations that might face opposition or require extensive negotiation under normal circumstances, thus framing the issue in a way that demands immediate action.  **Backlog and Decision Delays**  The EOHLC's responsibility includes reviewing and deciding on municipal compliance with housing policies, particularly those related to zoning and housing development. The 78 applications pending review, some for over a year, indicates significant operational inefficiencies or perhaps an intentional slowdown. This backlog directly contradicts the narrative of an urgent housing crisis where one would expect swift action to address housing needs.  **Contradiction to the Emergency Claim**  If there were a genuine emergency necessitating immediate action, one would expect expedited processes to facilitate quick solutions, such as approving housing developments or zoning changes to increase housing stock. Instead, the delays in decision-making suggest either mismanagement, lack of resources, or a different set of priorities that don't align with the urgency claimed in the  emergency declaration.  **Implications of Lack of True Emergency**  Public Trust and Policy Effectiveness to manage effectively when a true housing crisis is undermined. It can also lead to skepticism about the government's use of emergency powers, suggesting they might be invoked for convenience rather than necessity.  Policy and Legal Challenges questions the validity of the emergency declaration under Massachusetts law, particularly if it's seen as an attempt to bypass procedural requirements of the Administrative Procedures Act or other regulatory frameworks.  Delays in processing municipal applications could hamper local efforts to address housing shortages, potentially leading to further exacerbation of the housing crisis rather than resolution, as municipalities might be left in limbo regarding their compliance with state mandates. |
| Massachusetts Resident | Other: Circumvention of Public Notice and Comment Process | **Circumvention of Public Notice and Comment Process**  Under the Massachusetts APA, when state agencies like EOHLC propose new regulations, they are required to engage in a public notice and comment period. This process ensures that the public, stakeholders, and interest groups have an opportunity to review the proposed regulations, submit their comments, and influence the final regulatory text. This is a cornerstone of democratic governance, providing transparency and allowing for public scrutiny and input.  **Emergency Regulations Following the SJC Milton Decision**  The "emergency regulations" were introduced shortly after a significant legal decision by the Massachusetts Supreme Judicial Court (SJC) in the case of Milton. This decision likely invalidated certain guidelines or previous regulations set by EOHLC. In response, EOHLC issued new regulations under the guise of "emergency" measures.  The problem highlighted here is that these emergency regulations were nearly identical to the ones invalidated by the court, suggesting they were not new solutions but rather an attempt to reintroduce the same rules under a different label. This action can be seen as an attempt to sidestep the judicial ruling rather than genuinely addressing the issues pointed out by the court.  **Lack of Meaningful Public Input**  These regulations were passed without adhering to the APA's requirement for public engagement. This could mean that the public was not given adequate time to review the regulations, provide comments, or that the process was rushed to the point where public input could not effectively influence the outcome.  **Undermining the Democratic Process**  By bypassing public participation, EOHLC's actions undermine the democratic process where laws and regulations should ideally reflect the will and input of the governed. This circumvention can lead to policies that do not have broad public support or understanding, potentially leading to further legal challenges or public dissatisfaction.  **Violation of Statutory Requirements**  The APA mandates specific procedures for transparency, including public notices, hearings, and comment periods. By not following these steps, EOHLC not only potentially infringes on legal obligations but also sets a precedent that might encourage other agencies to bypass these democratic safeguards when convenient. |
| Massachusetts Resident | Other: Disproportionate Zoning Mandates | The zoning mandates under the MBTA Communities Act, when applied to areas like Rehoboth, highlight a **disconnect between policy intent and practical implementation**. This act requires cities and towns served by the MBTA to have at least one zoning district where multi-family housing is permitted by right, aiming to increase housing density near transit hubs. The goal is to promote sustainable urban development by reducing car dependency and encouraging the use of public transportation.  **Geographical Disconnect:** Rehoboth is located five miles from the nearest MBTA station. This distance significantly diminishes the practical benefits of zoning for multi-family housing intended to be transit oriented. Residents in Rehoboth would not realistically use public transit daily due to the impractical commute, leading to continued reliance on personal vehicles.  **Car Dependency:** Even with zoning changes that allow for multi-family housing, the lack of effective public transit options means that these new developments do not achieve the environmental and urban planning benefits intended by the Act. Residents would continue to drive, negating the act's aim to reduce traffic and emissions.  **Infrastructure Mismatch**: Local infrastructure in Rehoboth is not prepared for increased density. Roads, sewage, water supply, and other municipal services might not have the capacity to support higher population densities without significant upgrades, which could be costly and not immediately feasible. WE HAVE ONLY WELL WATER AND SEPTIC FOR RESIDENTIAL AND COMMERCIAL PROPERTIES.  **Unjust Application:** The inclusion of communities like Rehoboth under such mandates can be seen as disproportionate because the policy's benefits (increased housing options near transit) do not match the community's reality. This leads to local resistance, as residents perceive the changes as imposed without considering local conditions.  **Economic and Social Impact:** Forcing zoning changes in less suitable areas can lead to economic strain on local governments due to the need for infrastructure expansion. Socially, there might be community backlash against perceived external impositions that do not align with local needs or lifestyles.  **One-Size-Fits-All Approach:** The critique here would be that the Act applies a uniform policy across diverse locales without enough flexibility to account for significant variations in geography, existing infrastructure, and community needs.  **Need for Tailored Solutions:** There's a call for a more nuanced approach where zoning laws consider the actual transit connectivity and local infrastructure capabilities. This might involve different criteria for zoning mandates based on actual transit usage or distance from transit facilities. |