



THE ARGUMENT

Should the state do away with Chapter 40B?

NOVEMBER 22, 2014

Yes

Jonathan Witten, of Duxbury, a lawyer and land-use planner who teaches at Boston College Law School and Tufts University's Department of Urban and Environmental Policy and Planning

Supporters of the comprehensive permit statute rely on tired rhetoric: Opponents of Chapter 40B projects are "NIMBYs" and "snobs." But the truth is that the statute is driven by those who have long fed at the trough of 40B -- the "pigfest," as it was characterized by the Commonwealth's former inspector general.

The statute is punitive; it obliterates local land-use and fiscal control and imposes a one-size-fits-all policy that insults the distinctions among the state's 351 municipalities.

Although cloaked in unassailable objectives, the statute perversely attempts to cram city-like densities and large-scale infrastructure into suburban and rural towns. It has no roots in land-use planning principles, no counterpart in the nation, and results in the destruction of neighborhoods and marginal lands from Gloucester to the Berkshires.

The solution is easy. States as diverse as California and Rhode Island build more affordable housing than Massachusetts through burden sharing between the developer and the



HANDOUT

Jonathan Witten

community. Unlike Chapter 40B — which is nothing more than a gift of taxpayer dollars to private developers — these states, and many others, require developers to participate in the creation of affordable housing, not just profit from it.

© 2018 Boston Globe Media Partners, LLC