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In Pepperell, a burst of 40B plans, to mixed reviews

A proposal OK'd, another criticized

By Matt Gunderson, Globe Correspondent | September 6, 2007

Take a glance at an assessor's map in Pepperell, said Selectman Darrell Gilmore, and you will see a frontier of sorts -- a vast array of large, undeveloped lots.

Perhaps that's one reason the town is seeing a bump in housing development this year, he says. But Gilmore's broader concern is not why the housing spurt is occurring but how the town can best minimize its adverse effects.

Two developers are pushing ahead plans under the state's Chapter 40B affordable-housing law that would combine for a total of 124 new single-family homes in town. Town Administrator Robert B. Hanson said a third development, slated for Park Street, is also pending on the sidelines and is anticipated to add about 35 units.

Though both officials insist they are not overly concerned about the volume of new housing hitting the town and its impact on local schools and services, Gilmore said he is nonetheless worried about the proposal for rural Bayberry Street, where a developer is planning 68 single-family houses, of which 17 would be sold at affordable rates.

He said he and many neighbors fear this development would inundate Pepperell's back roads with traffic, changing the character of the small town on the New Hampshire border.

"I don't think you should be putting a city atmosphere in the middle of the country," said Gilmore. "When it comes down to it, I'm for responsible 40B" -- which he defined as development in a more urban setting built with input from the community.

Town officials say the more palatable development in Pepperell is taking place closer to town, where the Board of Selectmen voted unanimously last week to endorse a 56-unit 40B development off Nashua Road.

Hanson said that project is well situated on a main road in town -- an "ideal location" for a large-scale housing development.

A total of 14 homes would be affordable, helping to boost the town's stock of affordable housing. The market rates would also be moderate, at just under \$300,000 on average, which helps fill another housing need in town, he said.

"It's a decent proposal in an appropriate location and of an appropriate magnitude," Hanson said.

Interactions between developers and towns over 40B proposals are usually not so harmonious, however. Boston suburbs have struggled for years to cope with Chapter 40B, often called an anti-snob zoning law.

Designed to prod cities and towns to create more affordable housing, the 1969 statute allows developers to skirt zoning requirements in exchange for building a percentage of their developments as affording housing. But the exemption sometimes results in highly dense housing developments.

Because of its distance from Boston, Pepperell has lagged behind other communities in seeing such developments, and only last year did the Zoning Board of Appeals approve a four-unit 40B project, the town's first in recent memory, say local officials.

Responding to the increased interest in 40B projects from developers, town officials last year adopted a so-called affordable-housing plan, a document that will enable Pepperell to turn away 40B developers if it is making progress toward having 10 percent of its housing stock as affordable housing.

For Pepperell and its population of just over 12,000, the quota is currently 391 units. The town has 122 subsidized units that count toward the quota, and under the plan, Pepperell has to generate 29 units of affordable housing annually to be able to regulate 40B projects.

But even if Pepperell is making progress in creating affordable housing, it's too late to deny the developments pending before the town, because those were submitted before the plan was in place, said Hanson.

The recent spike in housing developments in Pepperell is unusual, at a time when most local planning offices are seeing stagnant housing activity because of the real estate slump. But Hanson said he thinks the increase is purely "accidental."

"I don't think there's a cause and effect," he said. "I think these proposals have been at a discussion level for many years."

Kevin Slattery, president of Etchstone Properties, the company planning the Nashua Road development, said the price of the property and the soil conditions on the land were the driving reasons behind the decision to move at this time.

The development will offer moderately priced housing, which is in high demand, he added.

"That's where the need is in the marketplace," he said.

Hanson said town officials are not feeling swamped with new housing. "I don't think there's a perception that we are getting buried in 40B," he said.

But like many local officials across the state, Gilmore said he would like to see the Chapter 40B statute overhauled.

It would make sense, for instance, to have the law revised to allow 40B projects only near downtown areas and urban centers, he said.

"The law needs to be revamped to take into consideration small towns," he said.

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