



**Town of West Newbury  
Special Meeting of the Board of Selectmen**

**Thursday, May 14, 2020**

381 Main Street, Town Office Building

[www.wnewbury.org](http://www.wnewbury.org)

**Minutes of Meeting**

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WEST NEWBURY, MA  
2020 JUN -9 PM 12:05

**Open Session:** 6:30 pm by remote participation (see below)

**Addendum to Meeting Notice regarding Remote Participation**

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the West Newbury Board of Selectmen will be conducted via remote participation to the greatest extent possible.*

*Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of West Newbury website, at [www.wnewbury.org](http://www.wnewbury.org). For this meeting, members of the public who wish to listen to the meeting may do so in the following manner:*

**GoToMeeting**

Phone: (669) 224-3412

Access Code: 561-925-389

*No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town of West Newbury website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as practicable after the meeting.*

***To facilitate consideration of comments and questions regarding the 40B project eligibility / site approval process***, please email your questions/comments in advance (or during meeting) to [selectmen@wnewbury.org](mailto:selectmen@wnewbury.org). Verbal questions/comments will be allowed during the meeting, but providing written questions/comments will help us to facilitate a more efficient and productive meeting.

*The meeting was called to order at 6:36 p.m. by Chairman David Archibald.*

**Participation at the Meeting:**

- ❖ Board of Selectmen: David Archibald and Richard Parker
- ❖ Town Manager, Angus Jennings
- ❖ Town Clerk/Counsel & Procurement Officer, Michael McCarron
- ❖ KP Law Atty. John Witten
- ❖ Building Inspector Sam Joslin

**Regular Business**

- A. Public workshop / training regarding M.G.L. Ch. 40B – *Atty. Jon Witten, KP Law (est. 1.5 hrs.)*

Chairman David Archibald gave a brief introduction of Atty. Jon Witten's background and experience that qualify him as a Chapter 40B specialist.

Atty. Jon Witten gave a PowerPoint presentation on Chapter 40B that explains how the law works and how it interfaces with a series of regulations; in particular, how it relates to the safe harbor provisions and the importance of local comprehensive rules and regulations. The presentation covered the process from project eligibility to comprehensive permit and ZBA proceedings, decision and appeals. The slides have been posted to the Town's website and a video recording of the meeting is posted to West Newbury Cable on YouTube.

- B. 40B Project Eligibility/Site Approval application submitted to MassHousing by Cottage Advisors MA, LLC for property at 28 Coffin Street and 566 Main Street:
- a. Recap of project eligibility/site approval process and timeline (*est. 10 min*);

Town Manager Angus Jennings reminded residents that there is not an application currently pending before the Town that, at present, the developer is seeking a Project Eligibility Letter (PEL) from MassHousing. Town Manager Jennings, again, emphasized the importance of identifying areas of concern during this process and stated that the over 100 public comments that have been received to date add tremendous value and are being heard. Chairman David Archibald concurred and added that there is still time for residents to provide comments and encouraged all to do so.

- b. Call for preliminary comments from residents (*limit 2 min. per speaker*);

Following the presentation, the Board invited comments from participants. Atty. Jon Witten with the Board of Selectmen, Town Clerk/Counsel and Town Manager heard concerns and answered questions from the many residents participating.

- c. Review of next steps in process.

The Board of Selectmen and a small number of Town personnel will conduct a site walk of the property on Friday, May 15th. Due to public health concerns, public attendance at the site visit is not permissible; however, the site walk will be video-recorded and available to view on the Town YouTube channel.

The Board of Appeals is the local body that will consider a 40B comprehensive permit application, if filed, and is working with Town staff in consult with outside legal counsel KP Law to review and update its local regulations regarding 40B.

**The meeting was adjourned at 7:41 p.m. by Chairman David Archibald**

**Respectfully submitted, Jennifer Walsh**

***Approved by BoS on 6/8/2020 by a vote of 2-0 (Kemper abstained)***