

COMMENTS OF THE WEST NEWBURY PLANNING BOARD THE COTTAGES AT ROLLING HILLS

The Planning Board is in receipt of the Project Eligibility/Site Approval request submitted to MassHousing by Cottage Advisors MA, LLC (Howard J. Hall, Manager) and Deschene & Farrell, P.C. (Melissa Robbins, Attorney). Pursuant to 760 CMR 56.04(3) "*Review and Comment Process*," Local Boards may submit comments to MassHousing, and the West Newbury Board of Selectmen have also requested comments from Town Committees and Departments.

Materials Reviewed and Referenced:

- MassHousing Application for Project Eligibility/Site Approval, 28 Coffin Street & 566 Main Street, dated March 27, 2020, submitted by Cottage Advisors MA, LLC (Howard J. Hall, Manager) and Deschene & Farrell, P.C. (Melissa Robbins, Attorney)
- Plans entitled, "Site Plan the Cottages at Rolling Hills 28 Coffin Street and 566 Main Street West Newbury, MA", drawings C-0, EX-1 – EX-7, C-1, C-2, A-1 & A-2, dated March 24, 2020, prepared by Landtech Consultants, 515 Groton Road, Westford, MA 01886 and Scott M. Brown, 48 Market Street, Newburyport MA 01950.
- Handbook: Approach to Chapter 40B Design Reviews: Prepared for Massachusetts Department of Housing and Community Development, MassDevelopment, Mass Housing, The Cecil Group, January 2011.
- Town of West Newbury Zoning Bylaw, with amendments, April 29, 2019. (Referred to herein as the "Zoning Bylaw.")
- Town of West Newbury Planning Board, Rules and Regulations Governing the Subdivision of Land Adopted October 3, 2006, as amended April 21, 2009, and December 21, 2010. (Referred to herein as the "Subdivision Regulations.")

I. General Comments

In the Handbook: Approach to Chapter 40B Design Reviews, it states that there are "a number of terms to consider related to use and design" and it then cites the following as one of the "Findings in Determination:"

(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail).

The West Newbury Planning Board finds that the proposed plan fails to meet these criteria as outlined herein.

- A. While the proposed project would contribute toward some of the Town's goals for affordable residential development, the project is inconsistent with building massing, topography, environmental resources, and integration into existing development patterns. The proposed plan has significant impacts on municipal infrastructure, traffic, public safety, protection of environmental resources, protection of viewsheds, and the preservation of open space. The developer should provide further information as noted and seek public input (particularly from nearby residents) regarding the development plans.

- B. The Board acknowledges the need for the development of additional affordable housing in West Newbury. The Town worked with the Merrimack Valley Planning Commission to update its Housing Production Plan (HPP) in 2017-2018. The plan identifies housing needs and strategies to help the Town achieve its goal of attaining 10% affordable housing. Identified issues included the need to accommodate the housing needs of our aging population, a general lack of housing options other than single-family homes, need for starter homes and other moderately priced residential units, the scarcity of rental properties, and the gap between housing prices and income levels, among others. The proposed development, which includes a mix of smaller single-family and duplex units and moderate and affordable units, meets some of the identified needs.
- C. A public workshop was held during the development of the HPP, where participants were asked to identify areas in Town that might be conducive to housing development. Locations were chosen that provided access to public services and public transit and proximity to existing housing (reducing sprawl). The 28 Coffin Street property was noted with the caveat that there are other criteria that should be considered should the Town decide to prioritize sites further, including the presence of environmental resources. The HPP noted this, as, at that time, the site was being evaluated for a solar energy field, with areas set aside for conservation.
- D. The Town's housing goals must be balanced with its other community goals, including the protection of natural resources and rural character, which is germane to the subject property. The proposed development would be, by far, the largest residential development ever in West Newbury, and the density and size of the development, though consistent with developments in large cities and towns, is not consistent with rural communities such as West Newbury¹. The comments below are made with the intent of identifying elements of the plan that are deficient or diverge from good planning practices and the Town's standards for development and facilitating a project that will fit better with its surroundings in terms of site and building design, open space and the natural environment, traffic, pedestrian, rider and cyclist safety, and existing development patterns.
- E. In evaluating the proposal, note that the Town has already made efforts to maintain and expand its existing affordable housing stock and to facilitate the creation of new moderately-priced and affordable units. In addition to the HPP, the Town has made the following efforts:
- The Town adopted an Inclusionary Housing Bylaw (IHB), which requires 10% affordable housing in developments of three or more units.
 - Through the IHB, the Town has generated 13 affordable units and \$201,200 in funds since 2005.
 - The Town has adopted provisions in its Open Space Preservation Development (OSPD) bylaw to encourage the production of smaller, more affordable units.
 - The Planning Board negotiated with Cottage Advisors for the creation of four duplex units with a moderate initial sale price at the Drakes Landing housing development.
 - The Town adopted a bylaw allowing for mixed-use development by special permit in the Business District.
 - The Town maintains a balance for affordable housing in its Community Preservation Act fund, which has been used to maintain its existing affordable housing units.

¹ West Newbury is classified by the Commonwealth as a rural community, having a population density of less than 500 persons per square mile. See M.G.L. c23A, Section 66(a)

- The Town will be developing a system to administer the Town's Affordable Housing Funds and implementing goals and strategies in the HPP.
- F. For each of the large residential developments that have required Planning Board approval in the last six years, West Newbury has added seven affordable units and four moderately priced units, out of a total of 64 units.
- G. The largest development to date in West Newbury is Ocean Meadow, an age-restricted community with six affordable units and a total of 56 units.
- H. The number of housing units in West Newbury, according to West Newbury's 2018 Housing Production Plan, was 1,609 units based on information in a 2015 American Community Survey. Since that time, it's reasonable to assume that new construction has resulted in roughly 1700 housing units today.

II. Plan Set Comments

A. Title Sheet

1. Plan Deviation: Note 1. states, "Deviation from an approved plan is not permitted without the written approval of applicable local boards and this office." What does this note refer to?
2. Field Survey: Note 3. states that "Boundary information taken from a field survey performed by Landtech Consultants Inc. in September 2014. Is this date correct? For what purpose was this survey done in 2014?"
3. Flood Hazard: Note 5. (including notes 5.1 and 5.2) indicates that the parcel is partially located in Flood Zone "A" and references two delineations of the floodplain: one based on the FIRM 25017C0227E 6/4/10, and one based on a detailed survey (by whom?). This information is incorrect. The subject property is within FIRM 25009C0111F & 25009C0103F, both dated 7/3/12 and is identified as 'Zone X Area of Minimal Flood Hazard'.
4. Zoning Districts: Note 6. indicates that the parcel is in the 'RA 'Zoning District and refers to yard setbacks that do not correspond to West Newbury's 'Res A 'Zoning District. Further, the property is not in the 'Res A 'Zoning District. It is mostly located in the 'Res B 'Zoning District, with some of the land toward Main Street being in the 'Res C 'Zoning District.
5. Vertical Datum: Note 7. information on vertical datum is out of date and conflicts with information provided further in the plan set.
6. 566 Main Street: 566 Main Street, Assessors Map 230, Lot 50 is part of the project, but is omitted from the Assessor's Reference notes, Record Owner and Deed References on the title page and throughout the document.

B. Existing Conditions Plans:

1. Lots 50 and 80: The Assessor's References Section leaves out Lot 50 and Lot 80, both of which are part of the project.
2. Area Discrepancy: The total lot area is identified as being 73.37 acres (3,282,984 ft²). When the land area of all seven parcels is added, the total is 75.37 acres (3,282,984 ft²).

3. Property Line Discrepancy: The dimensions for the west side property line at the south side of the lot on the Existing Conditions plan vary slightly from those shown on the Site Plan and the Yield Plan.

C. Site Plan:

1. Development Patterns: The proposed Site Plan is inconsistent with development patterns near the proposed site and inconsistent with development throughout the Town. Traditional subdivisions, such as the abutting development on Cortland Lane, have substantially fewer units on larger lots, and wider roadways. The density, expanse, size, and scope of the development far exceeds any other development existing or proposed in West Newbury. The proposed site not only abuts residential development but also conflicts with small farms, stables, and open space in the immediate vicinity.
2. Open Space Preservation: The Town provides for cluster developments under our OSPD bylaw (Section 6.B. of the Zoning Bylaw). In the application materials, the developer states, "The development is following the residential design principles of open space clustering as instituted by most of the progressive communities throughout the Commonwealth of Massachusetts. The goal of these types of residential developments is to minimize the disruption of the existing land, therefore, minimizing the impact to wetlands and preserving as many trees as possible." The application materials state that 66% of the property is open space, though it is not clearly defined or called out on the plan. Upon examination of the plan, it appears that all of the potentially developable land will be disturbed and developed for roads, homes, the leaching field, leaching field utilities, parking, drainage, and other improvements. The remaining undisturbed land on the proposed site consists of wetlands, areas of steep slopes, and areas located in or beyond an easement for high voltage transmission lines. Such land areas are already prohibited from development and have questionable value as open space as defined in the OSPD bylaw.
3. Drainage: Drainage structures and retention facilities are not shown on the site plan. It can be assumed that these facilities will require significant space and, therefore, that remaining open space within the developed areas will be utilized for them. Drainage elements such as retention ponds are not considered open space under the OSPD bylaw.
4. Steep Slopes: By the definition of "Contiguous and Buildable Area" of the Zoning Bylaw, only areas with grades of less than 20% are considered buildable and by Section 6.A.2 of the Zoning Bylaw, "...slopes in excess of 20% shall not be considered buildable land..." A preliminary analysis by the Planning Board indicates that approximately 263,200 ft² (6.04 acres) of the site have slopes in excess of 20% and that the site plan proposes seven duplex buildings or fourteen units located partially within such areas (Appendix A).
5. Wetlands and Wetland Crossings: A preliminary analysis of the wetlands on the site along with corresponding 25' buffers indicates an area of approximately 1,006,800 ft² (23.11 acres) is unbuildable land (Appendix B). The West Newbury Conservation Commission requires this buffer as a delineated and marked area that must remain undisturbed. Though no proposed buildings are within the 25' buffer, there are nine duplex buildings and six single-family homes for a total of 24 units that are so close to the buffer area that there will be no useable side yard, back yard, or both (Appendix B, in red). It is highly probable that residents of such units will intentionally or inadvertently disturb these buffer zones as they maintain their dwellings and yard spaces.

The site plan shows two wetland crossings and one access road in the 25' buffer area. Wetland crossings are not automatically allowed by the Conservation Commission, even with mitigation. Should the crossings be allowed, it is unclear where constructed wetlands, as part of the mitigation

efforts could be constructed as, again, very little non-wetland, non-steep-slope area remains in the development.

Wetland boundaries have not been verified by the Town through the Conservation Commission. Some delineations will likely move. Since the planned roads and units are extremely close to the wetlands and wetland buffers, changes in the wetland delineations will likely require significant changes in the number of wetland crossings, the location and configuration of roads, and the location and number of dwelling units.

6. Area Within Easement of High Voltage Transmission Lines or Beyond Assumed Easement: A preliminary analysis of the power line easement and the area beyond that easement, which is inaccessible because of that easement is 405,544 ft² (9.31 acres) (Appendix C).
7. Buildable Area: A preliminary analysis indicates that there are three separate areas, not contiguous, that are exclusive of wetlands, the 25' wetland buffers, slopes in excess of 20%, the power line easement, and the inaccessible area beyond the power line easement: an area to the south of approximately 599,700 ft² (13.77 acres), an area to the north of approximately 1,046,100 ft² (24.02 acres), and a wetland "island" of approximately 44,200 ft² (1.02 acres) for a total of approximately 1,690,000 ft² (38.80 acres) (Appendix D). Thus, of the 75.37 acres of the project, only 51.5% is "buildable," it is not contiguous, and nearly all are disturbed by the proposed site plan.

By the Zoning Bylaw, Section 6.A.2, at least 75% of a lot must be "contiguous and buildable." This preliminary analysis shows that this lot does not meet this condition.

It can also be argued that these areas are the only areas useful for passive recreation as open space and that almost none of it will remain useful as such.

8. Scale and Setbacks: The height and scale of the proposed homes abutting residential properties should be mitigated. Conventional zoning requires a 40-foot front yard setback and 20-foot side and rear yard setbacks while the OSPD bylaw requires a buffer area of 75-feet around the perimeter of the property in the Residence B Zoning District. New homes are proposed in very close proximity to the property lines (Appendix E). The plans show that rear yard setbacks of some of the new homes are less than 8 feet, five duplex buildings, and one single-family unit are within a 20' setback for a total of eleven units (Appendix E in red). Thus, the proposed plan does not follow the traditional development patterns in Town. Noting that the developer categorizes this project as a cluster development, the OSPD bylaw buffers should be respected. By Section 6.B.11.b.iii).a. of the Zoning Bylaw, a 75' buffer (setback) is required. The plans show eighteen duplex buildings and two single-family homes within the 75' setback for a total of 38 units (Appendix E, blue and red).

Furthermore, it is the Planning Board's opinion that the developer should consider additional measures to create a better transition from the new homes to abutting properties such as landscaping solutions and gradual increases in height and massing of buildings, so the scale of the development appears less obtrusive to abutters.

Cottage Advisors has extensive experience with the Town's OSPD bylaw, having designed and constructed two such developments in Town. The developer should provide further information, as noted above. More effort should be made with this plan to incorporate the goals and principles of the Town's OSPD mentioned above.

9. Summary: As a result of this preliminary analysis, 29 duplex buildings and eight single-family buildings for a total of 66 units of the 152 proposed (~43%) were found to be within the 75' buffer, too close to the wetlands buffers, or built in areas of steep slopes.

D. Yield Plan:

1. Relevance: The applicant has provided a Yield Plan but has not explained why the yield plan is required or provided. The Yield Plan, if it is found to be useful or necessary, has deficiencies as outlined herein.
2. Deficiencies: It is not possible to determine whether the lots shown on the Yield Plan are valid building lots as the information has not been provided:
 - A Zoning Summary Table is not provided for the Yield Plan.
 - Building setback lines have been left off of the Yield Plan.
 - Lots, such as Lot 38, have the majority of the lot comprised of wetlands, power lines, or both and thus are unlikely to qualify as valid building lots.
 - Calculations for Contiguous and Buildable Area (Zoning Section 6.A.2.) and Lot Width at the Front Yard Setback (Zoning Section 6.A.6.) for the lots are not provided.
 - Steep slopes, difficult clay soils, wetlands, and areas of ledge can be found throughout the Town. Because the entire Town is reliant on private septic systems, the buildability of a lot is dependent upon the land's ability to host one. The Yield Plan does not provide information demonstrating that suitable soils exist on each lot to accommodate a septic system, thus further bringing into question whether each lot shown on the Yield Plan is buildable.

III. Evaluation of the Site Plan and Yield Plan with Respect to the Subdivision Regulations

A. Frontage and Entrance Locations

Frontage and location requirements are in place to allow sufficient space for the new roadway, to ensure a safe distance between the new roadway and abutting curb cuts, and to provide a minimum buffer to abutting lots. These deficiencies appear on both the Site Plan and the Yield Plan.

1. Insufficient Frontage: The frontage on Coffin Street is 165.37'. Section 4.2.4.9 of the Subdivision Regulations requires "The minimum frontage on the existing street of the parcel to be subdivided shall be at least the frontage required for the zoning district to provide for the right-of-way and buffers to abutting properties." By Section 6.A.1 of the Zoning Bylaw, 200' is required. Thus, the proposed roadway entrance on Coffin Street is in conflict with Section 4.2.4.9 of the Subdivision Regulations.
2. Offset Entrance: The site plan shows the proposed roadway entrance from Main Street to be within the western portion of the 150.00' frontage. This conflicts with Section 4.2.4.11 of the Subdivision Regulation, which requires that "the centerline of the road shall be located from the sidelines of the existing abutting lots a distance of at least one half the frontage required for the zoning district."
3. Radius at Entrance: Section 4.2.4.7 of the Subdivision Regulations requires that property lines at street intersections shall be rounded or cut back to provide for a curb line radius of not less than 15 feet. No such radius is provided at the property line on the west side of the Main Street access on the Yield Plan or the Site Plan.

B. Cut, Fill, and Steep Slopes

1. Cut and Fill Depth: Section 4.2.10.1 of the Subdivision Regulations states, “No road construction requiring cut or fill of an area in excess of 8-feet in depth shall be allowed without an analysis justifying a need for additional cutting or filling. The cut or fill depth shall be measured from the pre-construction natural grade to the elevation of the proposed road at centerline.” The proposed Site Plan has areas of cut and fill in excess of 8-feet in depth, particularly on the southern end of the project. These areas will require considerations of slope stability, tall retaining walls, complex grading, potentially hazardous roadways, driveways with steep slopes, and the lack of useable yard areas. Furthermore, mitigation is likely to require an unwieldy schedule of required and regular maintenance, which, if not followed rigorously, could cause a rapid deterioration of the development’s infrastructure.
2. Steep Slopes: Section 4.2.10.2 of the Subdivision Regulations states, “Construction shall not be proposed of roads, storm water management systems, driveways, pipes, or other infrastructure construction shown on a subdivision plan on a land area which slopes at a pre-construction grade of 25% or more.” Areas of slopes in excess of 25% exist in multiple locations throughout the site, especially in the southern area.

IV. Application Materials:

A. Project Eligibility /Site Approval Application

1. Age Restriction: In Section 1: General Information, the applicant indicates the project is not age-restricted, however, the box for “62+” years of age is checked off. Is the project age restricted?
2. Buildable Area: In Section 2: Existing Conditions/Site Information, the applicant is asked to explain the existing conditions of the site. This information is requested to get a better understanding of the site characteristics. While there is no specific checkbox for significant slopes, their existence impacts the buildability of a project. It appears that the proposed Site Plan has such areas of steep slopes as noted above, and that acreage should be provided for as “Other Non-Buildable” in the Table for “Buildable Area Calculations.”
3. Powerline Easement: In Section 2, Subsection “Site Characteristics and Development Constraints,” the applicant answered “No” regarding “easements, rights-of-way or other restrictions of record affecting the development of the site.” This is incorrect as the applicant notes in the provided plans that there is a National Grid easement with high voltage transmission lines running through the northwest corner of the site. While the Site Plan does not show buildings within the easement, structures are shown within proximity to the easement in that area. It is likely that construction will inadvertently extend into the easement area. Further, the Yield Plan shows a roadway in the easement and directly under the power lines as well as house lots within the easement area. It is unlikely that these activities are permitted within the easement. No information has been provided by the applicant on this matter. The applicant should confirm if there are easements, rights-of-way, or other restrictions that may impact the development of the site, and, if there are, provide updated and corrected information. This information should include confirmations from National Grid and other easement holders, if any, and restriction beneficiaries regarding the acceptability of the proposed construction and other activities.
4. Ledge and Steep Slopes: In the aforementioned subsection, the applicant answered “Yes” when asked whether there are any known significant areas of ledge or steep slopes, however, these areas are not called out in the Existing Conditions Plan or on the existing conditions table In Section 2: Existing Conditions/Site Information.

5. Parking: In Section 3: Project Information, in Subsection “Parking,” the applicant indicates the project will have 510 parking spaces while the site plan indicates that 638 parking spaces are provided. The developer should provide clarification.
6. Previous Affordable Housing: In Section 3.3: Narrative, the applicant states that he has “successfully integrated affordable housing... [at] River Hill and at Drakes Landing.” It should be noted that this affordable housing was not part of the developer’s proposal and was either required by the Town’s Inclusionary Housing Bylaw or negotiated by the Board in exchange for favorable development density bonuses under the OSPD bylaw. The Board notes that Drake’s Landing units currently being offered for sale by the developer are at nearly double the price that the Board and the developer agreed represented a moderately priced entry-level unit in 2017.
7. Sustainable Development: In Section 3.5: Sustainable Development Principles, Point 1 “Concentrate Development and Mix Uses,” the developer provides information on how the project complies with the Commonwealth’s Sustainable Development Principles. This Principle is stated as follows: “Support the revitalization of city and town centers and neighborhoods by promoting development that is compact, conserves land, provides historic resources and integrates uses. Encourage remediation and reuse of existing sites, structures, and infrastructure rather than new construction in undeveloped areas.” Except for one parcel to be purchased by the developer for access to Main Street, the parcel is entirely undeveloped and is comprised of forests, fields, streams, and ponds that provide a habitat for many species of animals, birds, and plants. The developer states that its proposed “village concept housing will allow for the site to retain 66% of the site as Open Space.” Yet, no calculations are provided to substantiate that claim, and the site plan shows no substantial area meeting the definition of open space (according to the OSPD bylaw).
8. Pedestrian Friendly: The developer states that it “is a pedestrian-friendly neighborhood with sidewalks that is within a mile from the Town Hall, Open Space and Trails, Playgrounds, and Schools,” which implies that residents will be able to walk to such areas easily. However, it should be noted that there are no sidewalks from the development location to those facilities, and pedestrians and children would have to walk along State Highway 113, where there are limited shoulders, high traffic density, and high vehicular speeds to arrive at the cited areas.
9. Water Supply and Infrastructure: The developer states that “the development will utilize existing water by connecting to existing municipal water infrastructure that is readily available in the abutting road and is more than adequate to handle the services necessary for the proposed project.” However, West Newbury has a long history of difficulties supplying sufficient water in the aforementioned system and must purchase water from Newburyport annually. This water supply is not guaranteed, and the Town is working to develop alternative sources. Additionally, an engineering analysis of the water system is in order as it is unknown if the existing water main supply lines are adequate or if the addition of 152 units on this supply will adversely affect flows required for fire protection throughout the Town.
10. Rehabilitation of Existing Home: The developer states that he will “rehabilitate the existing home at 566 Main St,” but by doing so, this home’s function will be compromised by its proximity to the main access road to the development, and there is no indication how this home’s driveway can be made to work as there is no apparent safe location for a new curb cut either on Route 113 or the new access road.
11. Equity: The developer has failed to provide any detailed plan to accomplish the goals of promoting “equitable sharing of the benefits and burdens of development,” providing “technical and strategic support for inclusive community planning and decision making to ensure social, economic, and environmental justice” other than to say “The Project creates affordable housing in a community

which has not reached their goal of 10%.” To date, the developer has made no effort to seek input from the community or to integrate its development plans with the plans, policies, and goals established by the Town. Furthermore, the developer notes that “The Project also expands the tax base” without also noting that the increased demand for services such as education, police, water supply, and fire protection will likely exceed the increased tax revenue.

12. Protection of Land and Ecosystems: With respect to the goals to “Protect and restore environmentally sensitive lands, natural resources, agricultural lands, critical habitats, wetlands and water resources, and cultural and historic landscapes. Increase the quantity, quality, and accessibility of open spaces and recreational opportunities,” the developer states only that “The site will cluster development and post-development will allow the site to remain as 66% of the site as Open Space and will protect resource areas including wetlands.” A review of the site plan reveals that nearly all upland area is compromised, building will occur in areas of steep slopes, remaining open space is nearly all wetland, there is no preservation of the pre-development landscape, nearly all of the remaining open space is not accessible, and recreational opportunities will likely be restricted to a small and ill-defined community center and walking on the leach fields. The only conclusion that can reasonably be made is that the majority of the natural resources and habitat described above would be obliterated.
13. Wise Use of Natural Resources: In response to Sustainable Development Principle point 4 “Use Natural Resources Wisely,” the developer refers to the use of plywood, vinyl siding, deck materials, recycled concrete and asphalt, and recycling receptacles, entirely ignoring the aspect of this Principles relating to the conservation of natural resources on the land itself.
14. Expansion of Housing: Sustainable Development Principle 5, “Expand Housing Opportunities,” supports the “construction and rehabilitation of homes to meet the needs of people of all abilities, income levels, and household types. Build homes near jobs, transit, and where services are available. Foster the development of housing, particularly multifamily and single-family homes, in a way that is compatible with a community’s character and vision and with providing new housing choices for people of all means.” In response, the developer notes that the design includes smaller two and three-bedroom units and duplex style units and that the “Project is located near jobs, transit and where municipal services are available.” The only attribute of affordability that would be associated with this development is the inclusion of the 38 affordable units that would entitle the developer to proceed under Section 40B. The developer would construct 114 other market-price units, which significantly dilutes the contribution of the 38 affordable units toward the Town’s 10% affordable housing goal. Based on other projects constructed by the developer in the Town, the price of the market units may exceed the median home value in the Town, making no contribution to the effort to make housing in West Newbury more affordable or accessible. As noted in more detail herein, the developer has made no effort to construct a development that is compatible with the community’s character and vision.
15. Public Input: In Section 3.5 “Sustainable Development Criteria Scorecard” under “Method 2” Section (2), The developer indicates that there has been a “Concerted public participation effort (beyond the municipally required public hearings.” To the Board’s knowledge, no efforts to seek public input have been made at this time.
16. Emergency Access Via Cortland Lane: Section 4: Site Control: In response to the question “Will any easements or rights of way over other properties be required to develop the site as proposed?” the applicant responded “No.” The developer proposes to use the 50-foot wide “stub” at the end of Cortland Lane, an emergency access route. There is information available indicating that the Town accepted the stub following completion of the Cortland Lane subdivision. However, no information has been found showing that the title was transferred from the Cortland Lane developer

to the Town. There is no information as to whether the “stub” was for future access or simply utility easements. Whether the developer has the right to use the “stub” in as emergency access is, therefore, in question. The developer should also provide further information regarding the proposed utilization of Cortland Lane, currently a short residential cul-de-sac, for access to the development, including for the protection of vehicle, pedestrian and cyclist safety.

V. In the Event of Approval from MassHousing:

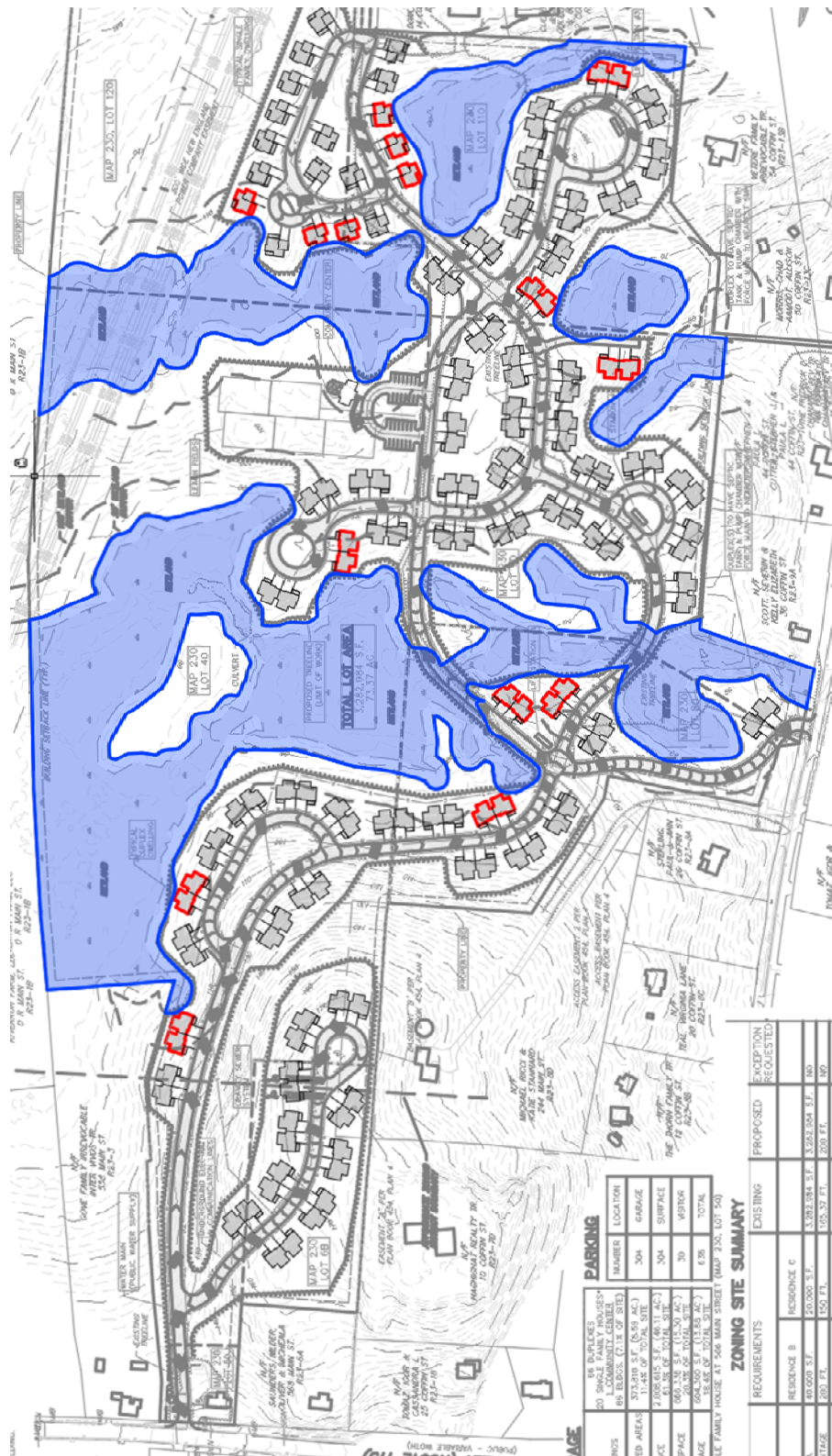
The Board recommends that the West Newbury Zoning Board of Appeals consider the following:

1. Meet with Neighbors Prior to Public Hearing: The developer was asked to meet with the Town in a public setting to share the plans and receive comments prior to submitting the Project Eligibility Application to MassHousing. This did not occur, presumably because of the State of Emergency and associated limits on public gatherings. The ZBA should strongly encourage that the developer meet with neighbors before the Zoning Board’s public hearing and outside the public hearing process to address neighborhood concerns, perhaps through internet conferencing, wherever possible.
2. Provide Missing Information: The developer should be required to provide further information, as noted in these comments.
3. Seek Assistance: The ZBA should take advantage of technical assistance opportunities such as the Massachusetts Housing Partnership (MHP) Technical assistance program, Citizen Planner Training Collaborative workshops and publications, and the Mass Department of Housing and Community Development (DHCD) Chapter 40B Conference.
4. Engage Peer Review: The ZBA should hire peer review consultants at the expense of the developer to advise the ZBA on technical matters such as design review, site / civil engineering, traffic management and vehicle/ pedestrian, equine and cyclist safety, environmental and resource impacts, stormwater management, drinking water and fire-fighting supply, and site planning. The ZBA should coordinate with the Conservation Commission, Board of Health, Schools, the Department of Public Works, Public Safety, and the Open Space Committee to share peer reviewers as appropriate.
5. Seek Local Preference: The Developer should be required to work with the Town to obtain approval from DHCD for local preference when selecting tenants for the affordable units.
6. Require Renderings: The Developer should be required to submit graphic materials that clarify height, massing, setbacks, and overall relationship of the project to neighbors with the Comprehensive Permit application.

APPENDIX A Preliminary Analysis of Steep Slopes



APPENDIX B
Preliminary Analysis of Wetlands Including a 25' Buffer

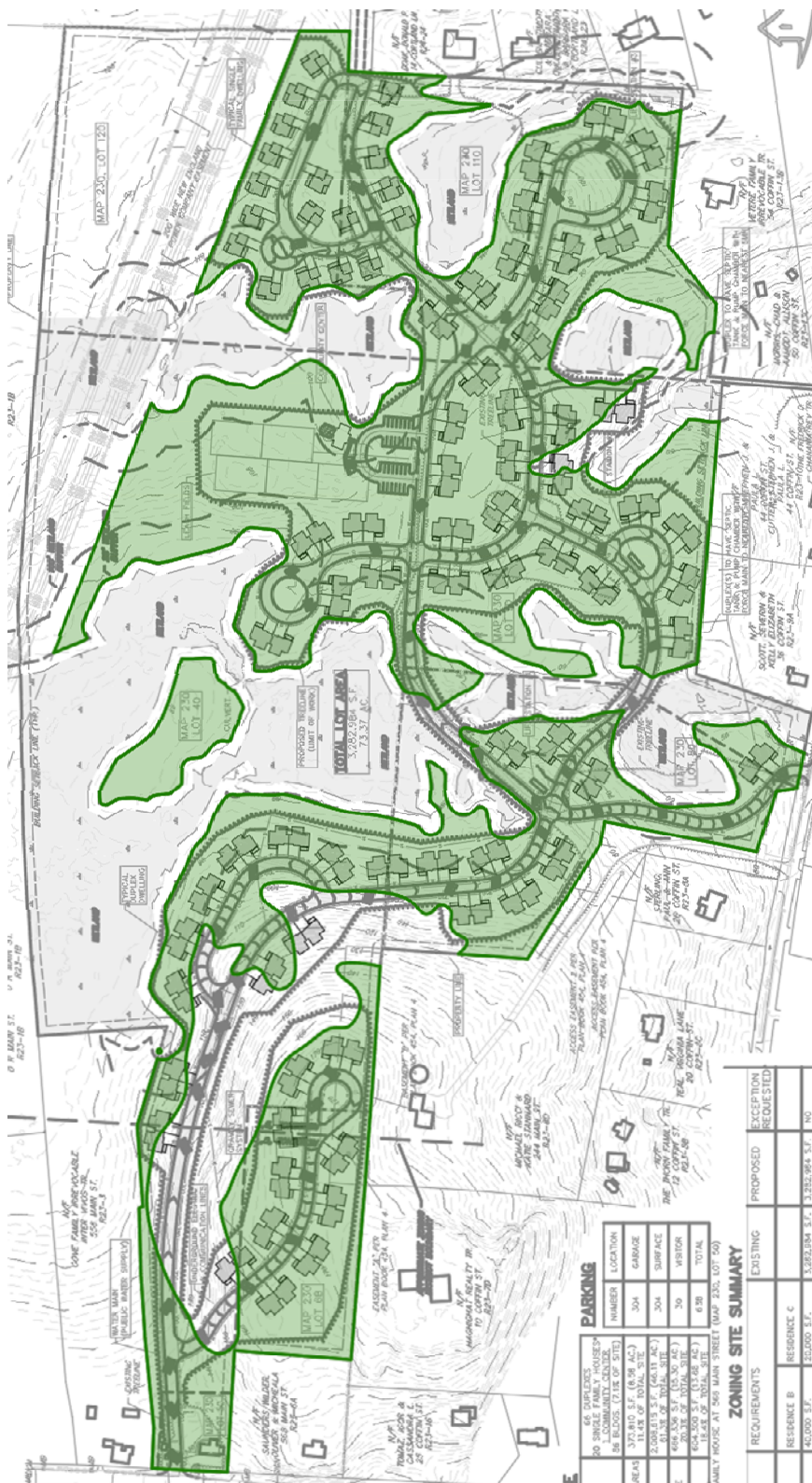


APPENDIX C

Area of High Tension Power Line Easement and Lands Beyond



Areas Exclusive of Steep Grades, Wetlands, and Power Line Easements



Buildings Within 20' and 75' Setbacks

