



**Town of West Newbury**  
**Special Meeting of the Board of Selectmen**  
**Thursday, April 9, 2020 @ 5:30pm**

381 Main Street, Town Office Building

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

**AGENDA**

RECEIVED  
TOWN CLERK  
WEST NEWBURY, MA  
2020 APR -6 PM 2:38

**Executive Session:** 5:30pm by remote participation

- ❖ MGL Ch. 30A §21(a) 7: To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements (*advice from Town Counsel*).

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

- A. 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. Summary of project eligibility/site approval process and timeline (*est. 10 min*);
  - b. Call for preliminary comments from Town departments and representatives for Town Boards / Commissions / Committees (*est. 15-20 min*);
  - c. Call for preliminary comments from residents (*limit 2 min. per speaker*);
  - d. Review of next steps in process.

**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: (571) 317-3122

Access Code: 996-133-693

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.



# Town of West Newbury Massachusetts

Published on *Town of West Newbury MA* (<https://www.wnewbury.org>)

[Home](#) > 40B Project Eligibility / Site Approval Application

## 40B Project Eligibility / Site Approval Application

Special Board of Selectmen (remote) meeting on Thursday, April 9th at 6pm

The Board of Selectmen recently received a developer's application to MassHousing for 40B Project Eligibility/Site Approval. The proposal is for 152 units at 566 Main Street and 28 Coffin Street.

The link below includes the complete application and related information

<https://www.wnewbury.org/masshousing-40b-project-eligibility-site-approval-application>

The Board of Selectmen will hold a meeting to hear from residents, town departments and Boards/Commissions/Committees on **Thursday, April 9th at 6pm**. The meeting posting will include instructions for remote participation.

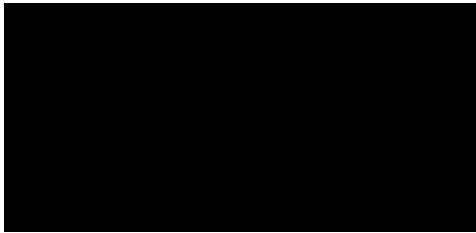
There will be additional meetings held regarding this proposal prior to the June 16th deadline for Town comments to MassHousing. You can subscribe to receive emailed notice of agendas (and other News/Updates, etc.) at:

<https://www.wnewbury.org/subscribe>

We will be working with department heads and with Chairs of Boards/ Commissions/ Committees to facilitate sharing of all available information regarding this proposal, and to help ensure that all information is shared as broadly as we're able both early and on an ongoing basis through this process.

Additional updates will be posted as available.

**Source URL:** <https://www.wnewbury.org/home/news/40b-project-eligibility-site-approval-application>



David W. Archibald, Chairman  
Board of Selectmen  
Town of West Newbury  
381 Main Street  
West Newbury, MA 01985

**RE: Proposed 40B—The Cottages at Rolling Hill  
West Newbury, MA  
MH ID No. 1077**

Dear Mr. Archibald:

The Massachusetts Housing Finance Agency (MassHousing) is currently reviewing an application for Site Approval submitted by Cottage Advisors MA, LLC (the Applicant). The proposed development will consist of 152 units of housing on approximately 75 acres of land located at 28 Coffin Street and 566 Main Street in West Newbury, MA.

The site approval process is offered to project sponsors who intend to apply for a Comprehensive Permit under Chapter 40B. MassHousing's review involves an evaluation of the site, the design concept, the financial feasibility of the proposal, and the appropriateness of the proposal in relation to local housing needs and strategies. As part of our review, we are soliciting comments from the local community and we would appreciate your input. You also may wish to include in your response, issues or concerns raised by other Local Boards, officials or other interested parties. Pursuant to the new Massachusetts General Laws Chapter 40B regulations (760 CMR 56.00) your comments may include information regarding municipal actions previously taken to meet affordable housing needs such as inclusionary zoning, multifamily districts adopted under G.L. c.40A and overlay districts adopted under G.L. c.40R. Your comments will be considered as part of our review.

We have been informed by the Applicant that the Town has received a copy of the application and plans for The Cottages at Rolling Hills and that the Applicant has met with the Town to discuss the proposal. Please inform us of any issues that have been raised or are anticipated in the Town's review of this application. We request that you submit your comments to this office by Tuesday, June 16, 2020, within 75 days of the date of this letter is issued, so we may process this application in a timely manner.

During the course of its review, MassHousing will conduct a site visit pursuant to 760 CMR 56.02. In light of the circumstances surrounding COVID-19, MassHousing staff has been directed to refrain from scheduling in-person meetings with external parties at this time and will conduct this site visit independently. As such, we strongly encourage local officials to visit the Site independently, as well. MassHousing will subsequently hold a conference call to address any initial questions and/or concerns about the Site. Please notify me promptly if any representatives of your office or of other Local Boards would like to be included in the conference call

Please note that if and when an application is submitted for a comprehensive permit, assistance is available to the West Newbury Zoning Board of Appeals (ZBA) to review the permit application. The Massachusetts Housing Partnership's (MHP) Ch. 40B Technical Assistance Program administers grants to municipalities for up to \$15,000 to engage qualified third-party consultants to work with the town's ZBA in reviewing the Chapter 40B proposal. For more information about MHP's technical assistance grant visit MHP's web site, [www.mhp.net/40B](http://www.mhp.net/40B) or e-mail MHP at [kbosse@mhp.net](mailto:kbosse@mhp.net).

If you have any questions, please do not hesitate email me at [mbusby@masshousing.com](mailto:mbusby@masshousing.com).

Thank you for your assistance.

Sincerely,

Michael Busby  
Relationship Manager

cc: Angus Jennings, Town Manager



# Town of West Newbury

## Board of Selectmen

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381 Main Street, West Newbury, MA 01985 | 978-363-1100, Ext. 115  
[selectmen@wnewbury.org](mailto:selectmen@wnewbury.org)

### NOTIFICATION TO ABUTTERS

Application to MassHousing for 40B Project Eligibility / Site Approval Application  
Proposed Comprehensive Permit for property at 28 Coffin Street and 566 Main Street

The Board of Selectmen very recently received a developer's application to MassHousing for 40B Project Eligibility/Site Approval. The proposal is for 152 units on a ~75 acre site that includes 566 Main Street and 28 Coffin Street.

The complete application package is posted to the Town website at:

<https://www.wnewbury.org/masshousing-40b-project-eligibility-site-approval-application>

#### **What does Project Eligibility / Site Approval Mean?**

The MassHousing project eligibility/site approval process is not the comprehensive permit (40B) application; it is the required first step in the process. The developer is required to receive project eligibility/site approval from MassHousing in order to apply for a comprehensive permit locally.

If that happens, the developer would be eligible to file a 40B comprehensive permit application with the Zoning Board of Appeals, and the ZBA would hold public hearings at that time. As a project abutter, you would receive formal public notice at that time.

#### **Comment Period**

The Board's receipt of this notice from MassHousing would normally begin a 30-day comment period. We contacted MassHousing to urge that this process be substantially extended (if not tabled altogether) until things return to normal. We have received confirmation that the comment period was extended to 75 days.

**This means the Town's comments to MassHousing on the Project Eligibility/Site Approval application are due on or before Tuesday, June 16<sup>th</sup>.**

The Town's comments should be sent in a single package, so we are requesting that all interested parties including residents, town departments and Boards/ Commissions/ Committees review the application and provide comments to my office on or before June 1st. This is to allow time for the Town Manager's office and the Board of Selectmen to review all comments and prepare an additional comment letter from the Board to MassHousing that is reflective of the other comments received. In addition to preparing

its own comments, the Board would include other correspondences received as attachments to its submittal to MassHousing on/before June 16th.

Please note that the Town is actively reviewing recent and tracking proposed COVID-19 related legislation to determine whether there may be any further extension of the 75-day comment period, but at this time we are proceeding with the expectation that the deadline for Town comments to MassHousing is June 16th.

### **Relationship to Conservation Commission Review**

The developer has also filed with an ANRAD (Abbreviated Notice of Resource Area Delineation) with the Conservation Commission in order to confirm the delineation of regulated resource areas. We are aware that the developer's consultant, Hughes Environmental Consultant, sent an abutter notice earlier this week referring to an April 6th Conservation Commission hearing date, and that a legal ad for an April 6<sup>th</sup> date appeared in the newspaper. **A public hearing is not scheduled for Monday April 6th.** The Conservation Commission has not scheduled a hearing date. Once a hearing date is confirmed with the Conservation Commission, a new abutter notice will be mailed.

It is important to understand that the ANRAD is not the Conservation Commission's formal review of the proposed development project – only the resource area delineation. If a 40B comprehensive permit application is filed with the ZBA, it would also be filed with the Conservation Commission for their formal review. As a project abutter, you would receive formal public notice at that time.

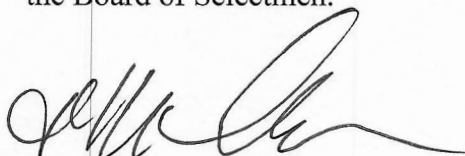
### **Communications and Special Board of Selectmen Meeting**

The Board of Selectmen will post a special (remote) meeting and listening session regarding the project eligibility/site approval application on **Thursday, April 9th at 6pm.** (The meeting posting will include instructions for remote participation). In addition to periodic updates at its regular meetings, the Board will post at least one additional special meeting as we get closer to the deadline for comments to MassHousing. You can subscribe to receive emailed notice of agendas (and other News/Updates, etc.) online at:

<https://www.wnewbury.org/subscribe>

We will be working with department heads and with Chairs of Boards/ Commissions/ Committees to facilitate sharing of all available information regarding this proposal, and to help ensure that all information is shared as broadly as we're able both early and on an ongoing basis through this process.

If you have comments or questions please feel free to contact the Town Manager and/or the Board of Selectmen.



David W. Archibald, Chair  
Board of Selectmen  
[selectmen@wnewbury.org](mailto:selectmen@wnewbury.org)



Angus Jennings, Town Manager  
(978) 363-1100 x111  
[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)

## Land Use Permitting Deadline Extensions: Municipal Relief Legislation (Chapter 53 of the Acts of 2020) April 3, 2020

Cities and towns have faced numerous challenges resulting from the novel coronavirus COVID-19 outbreak. City and town halls are closed to the public, there is limited staffing of public offices, and there are social distancing advisories, all resulting in significant concerns as to how Land Use Boards and Commissions can proceed during this unprecedented time. As detailed in our March 21, 2020 eUpdate, “Responses To Frequently Asked Questions Arising In the Land Use Context, In Light of the COVID-19 Virus Outbreak”, there are important deadlines that must be adhered to in a land use permitting context.

On April 2, 2020, both houses of the General Court approved, and on April 3, 2020 Governor Baker signed, a new law giving some reprieve to Land Use boards regarding applications, hearings and permits. Chapter 53 of the Acts of 2020, “An Act to Address Challenged Faced by Municipalities and State Authorities Resulting from COVID-19” (Act). We have summarized the highlights of the new law below. In general, Section 17 of the Act temporarily extends certain statutory deadlines for action by “Permit Granting Authorities” due to the current State of Emergency. It applies to the conduct of public meetings, public hearings, or other actions taken by local boards and commissions serving in a quasi-judicial (i.e., adjudicatory) capacity. In light of these deadline extensions, we have updated our March 21, 2020 eUpdate, referenced above, and this updated guidance can be found on our website, at <http://www.k-plaw.com/covid-19-resources/>.

### Definitions and Applicability:

- “Permit” is defined as “a permit, variance, special permit, license, amendment, extension or other approval issued by a permit granting authority pursuant to a statute, ordinance, bylaw, rule or regulation, whether ministerial or discretionary”
- “Permit Granting Authority” is defined as “a local, district, county or regional official, or a local, district, county or regional multi-member body, that is authorized to issue a permit.”

**Filing of an Application for a Permit:** Notwithstanding any contrary provision of state or local law, the Act allows for the **electronic filing of applications** for a permit either through an electronic website or as attachments to an electronic mail sent to **the city or town clerk**. These electronic applications are deemed duly filed as of the date

of the filing if certified as received by the city or town clerk. Certification of receipt may be via e-mail or other electronic means to the applicant, and must be provided electronically if the permit application is submitted electronically and the applicant requests an electronic receipt. Note that a permit granting authority may still contest the completeness of an application at the time of filing if the application is ultimately denied by the permit granting authority or the permit is ultimately appealed by the applicant.

**Opening a Hearing:** Any requirement of a statute, ordinance, bylaw, rule, or regulation that a hearing commence within a specific period of time after the filing of an application or request for permit approval shall be suspended as of March 10, 2020, and the suspension of that time will continue through to 45 days after the termination of the State of Emergency, or as of a date otherwise prescribed by law, whichever is later.

**Tolling of Existing Permits:** A permit in effect or existence as of March 10, 2020, is tolled and shall not lapse or otherwise expire during the State of Emergency. Additionally, any time period for meeting a deadline within a permit or for performance of a condition of the permit, shall toll during the State of Emergency.

**Constructive Approval:** No permits shall be constructively approved due to the failure of the permit granting authority to act within the time required by a statute, ordinance, bylaw, rule or regulation during the State of Emergency, so long as the permit granting authority acts on the permit application within 45 days after the termination of the State of Emergency or by a date otherwise prescribed by law, whichever is later.

**Scheduling/Rescheduling Hearings:** The Chair of a permit granting authority may schedule or reschedule on one or more occasions, a hearing or decision deadline on a permit application, whether or not a quorum of the body is present, to a date not more than 45 days after the termination of the State of Emergency or after a date otherwise prescribed by law, whichever is later. Notice of any rescheduled date shall be provided to the applicant at the applicant's address, and to the general public by posting electronically on the website of the city or town clerk.

**Recording at the Registry of Deeds:** If a permit is required to be recorded with the registry of deeds or filed with registry district of the land court within a certain period of time after its issuance, either to remain in force and effect or as a condition to exercising the permit, the period of time for recording the permit shall be suspended during such time as the relevant registry of deeds or registry district of the land court is closed or restricting public in-person access. Additionally, the failure to record the permit shall not preclude the permit holder from applying for, obtaining and commencing construction activities pursuant to other required permits and approvals such as a building permit.

**Pending Applications:** A hearing on a pending permit application which has been opened by a permit granting authority before March 10, 2020, shall be automatically tolled and continued to the first hearing date of the permit granting authority following the termination of the State of Emergency (provided said meeting must be within 45 days of the termination of the State of Emergency) or to a date otherwise prescribed by law, whichever is later.

**Revocation, Modification or Extension of a Permit:** Where applicable law or regulation allows a permit granting authority to revoke or modify a permit, a permit granting authority may proceed with a permit revocation or



modification, subject to applicable notice and hearing requirements. However, during the State of Emergency, and for 60 days after the State of Emergency is terminated, no permit shall be revoked or modified where the permit holder fails to exercise or otherwise commence work because of the State of Emergency, or started work on or before March 10, 2020 but stopped as a result of the State of Emergency.

Additionally, at the discretion of the permit granting authority and for good cause shown, the permit granting authority, or its Chair (with or without a quorum), may provide a permit holder with a reasonable, further extension of time to exercise or otherwise commence work pursuant to the permit.

**Remote or Virtual Meetings:** The Act codifies the Governor’s March 10, 2020 Order titled “[Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20](#)”, allowing permit granting authorities to conduct meetings and public hearings remotely, during the State of Emergency, in accordance with the Governor’s Order as it may be amended. We previously provided guidance on the specific requirements to comply with such Open Meeting Law requirements during this time of an emergency for meetings and hearings, which is available online [here](#).

**Decisions:** A permit granting authority may issue decisions on permit applications for which duly held public hearings or meetings have been held and may not prohibit any permit granting official from issuing permits, including but not limited to, demolition or building permits.

**Summary:** While the Act provides some welcome relief to land use permitting boards, committees and commissions in these uncertain times, we expect that individual boards or permitting officials may still have questions about the scope and extent of the Act’s application to particular permitting matters. We are always available to assist our communities in navigating these complex issues for new or pending applications or projects in your community.

We will continue to keep you updated on additional developments in the face of this rapidly evolving pandemic. A reminder that we have established a **Coronavirus “hotline”**, at [coronavirusinfo@k-plaw.com](mailto:coronavirusinfo@k-plaw.com). A dedicated team of our attorneys is available through this “hotline” e-mail address to answer the most frequently-asked legal questions arising from COVID-19. One of these designated attorneys will respond promptly to your inquiries. In some instances, you may be referred to your primary or land use contact, and you should of course feel free to contact these attorney(s) directly with COVID-19 related questions.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.

**UPDATED** RESPONSES TO FREQUENTLY ASKED QUESTIONS  
ARISING IN THE LAND USE CONTEXT,  
IN LIGHT OF THE COVID-19 VIRUS OUTBREAK  
APRIL 3, 2020

On April 2, 2020, both houses of the General Court approved, and on April 3, 2020 Governor Baker signed, Chapter 53 of the Acts of 2020 (Act), a new law giving some reprieve to Land Use boards regarding applications, hearings and permits. To that end, we are providing this update to our March 21, 2020 “Responses to Frequently Asked Questions Arising in the Land Use Context, in Light of the COVID-19 Virus Outbreak,” incorporating the provisions of this new Act. You should refer to this updated guidance moving forward, rather than our previous March 21, 2020 document. As always, we will continue to update you with new developments. In addition, you should contact your Land Use attorney at KP Law to discuss any specific situations or concerns.

**Are existing statutory deadlines for action on land use permit applications stayed or tolled due to the current State of Emergency? What if we cannot meet due to complications arising from the COVID-19 outbreak?**

With the enactment of Chapter 53 of the Acts of 2020 (Act), any requirement of a statute, ordinance, bylaw, rule, or regulation that a hearing commence within a specific period of time after the filing of an application or request for permit approval shall be suspended as of March 10, 2020, and the suspension of that time will continue through to 45 days after the termination of the current State of Emergency declared by the Governor, or as of a date otherwise prescribed by law, whichever is later.

A hearing on a pending permit application which has been opened by a permit granting authority before March 10, 2020, shall be automatically tolled and continued to the first hearing date of the permit granting authority following the termination of the State of Emergency (provided said meeting must be within 45 days of the termination of the State of Emergency) or to a date otherwise prescribed by law, whichever is later.

Additionally, the Chair of a permit granting authority may schedule or reschedule on one or more occasions, a hearing or decision deadline on a permit application, whether or not a quorum of the body is present to vote on a continuance, to a date not more than 45 days after the termination of the State of Emergency or to a date otherwise prescribed by law, whichever is later.

While the Act does not require written extensions from an applicant to hold or continue hearings, to ensure the parties are on the same page as to the applicable hearing timelines, we encourage all land use permitting boards/commissions to seek extensions of statutory (and/or local, if applicable) deadlines that regulate how long a hearing may be open. For example, a hearing on an application for a comprehensive permit pursuant to G.L.c.40B must be closed within 180 days of being opened. For such hearings opened prior to March 10, 2020, we suggest obtaining an extension of the 180 days commensurate with the hearing extension. While there are instances where you may not need or use an extension, it is better to have one.

**If city/town hall is closed, how do we (or should we) facilitate the filing with the clerk of Notices of Appeal under G.L. c. 40A, §17?**

In our opinion, the Act does not apply to court appeals of decisions pursuant to G.L.c.40A, §17, which requires that persons aggrieved who file an appeal in court must provide notice of the appeal to the city or town clerk. The burden is on the plaintiff to ensure that this notice is timely filed with the clerk, and unexpected closures of the clerk's office will not necessarily relieve plaintiffs of this burden. With that said, we are advising that alternative means through which these notices of appeal can be delivered to the clerk stay in place.

For instance, as we pointed out in our previous guidance, many communities are establishing an accessible "drop box", located outside city/town hall, in the police station lobby, or other location that is not closed off to the public. (Indeed, some communities already have such a drop box for bill payments, for example). It is important to establish a regular protocol for how frequently the drop box will be checked, as well as ensuring that filings are date stamped upon retrieval from the drop box. It is preferable that the drop box be checked daily, as of the close of business, and all items received be marked received that day. This protocol should be publicized through means that will reach the broadest possible public audience, such as postings on your website, local cable access, any government social media platforms, on external bulletin boards, and even the front door of town/city hall. Particularly with respect to notices of appeal, you will want to communicate to the public how frequently the clerk or staff on the clerk's behalf will be checking the drop box. Of course, notices of appeal can also be mailed, but again, it is the plaintiff's responsibility to ensure that such notices are received within the required appeal period.

**Can a city/town suspend acceptance of land use permit applications (whether for zoning relief, special permits, building permits, etc.)?**

A city or town may not suspend the acceptance of applications. However, the Act allows **for the electronic filing of applications** for a permit, either through an electronic website or as attachments to an electronic mail sent to **the city or town clerk**. These electronic applications are deemed duly filed as of the date of the filing if certified as received by the city or town clerk. Certification of receipt may be via e-mail or other electronic means to the applicant, and must be provided electronically if the permit application is submitted electronically and the applicant requests an electronic receipt. Note that a permit granting authority may still contest the completeness of an application at the time of filing if the application is ultimately denied by the permit granting authority or the permit is ultimately appealed by the applicant.

We suggest that the electronic method chosen by the city or town be publicized broadly such as postings on your website, on the clerk's page of the website, local cable access, any government social media platforms, on external bulletin boards, and on the front door of town/city hall.

**What if we don't have the technology for a virtual meeting and/or the board/committee members are not comfortable conducting a meeting virtually and by remote participation?**

The Governor's March 10, 2020 Order titled "[Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20](#)", allows for multi-member public bodies to conduct public meeting or public hearings "virtually." The Act specifically codifies this Order. In a nutshell, for public meetings, a public body may conduct the meeting entirely by virtual means, so long as the public has the ability to watch or listen to the proceedings in real time, through electronic means, unless the town/city is unable to provide that access due to economic hardship (limited technological resources) and "despite best efforts." (In the event that any of these situations occur, please contact your Land Use attorney at KP Law.) Accurate minutes should be taken of the meeting as well to ensure compliance with the Open Meeting Law.

For public hearings required by state or local law or regulation, where the rights of the public to attend, participate, and be heard, are implicated, both the applicant and/or applicant's representative(s) **and** the public must be provided with the ability to participate remotely through electronic means, without exception. Also, a reminder that where either a public meeting or a public hearing is conducted "remotely," all votes taken must be by roll call vote, and recorded in the minutes as a roll call vote.

Further explanation of the implementation of "virtual" or "remote" meetings and hearings can be found on our website, at <http://www.k-plaw.com/covid-19-resources/>.

**Does the answer to this question change if town/city hall is closed to the public?**

No. If your town/city hall, or other public buildings at which public body meetings are held, are closed to the public, then there will need to be coordination amongst the public body, staff, and administration to see how access might otherwise be provided for a virtual meeting. In light of the Governor's ban on gatherings of more than 10 people, effective through May 4, 2020 (unless further extended or rescinded), it is not recommended that face-to-face meetings occur. As stated above, the Act does allow the Chair of a permit granting authority to reschedule a hearing or decision deadline on a permit application, whether or not a quorum of the body is present.

**If we cancel or postpone a public hearing, are we required to send out new notices to abutters and/or re-advertise a public hearing?**

Our short answer is that we recommend continuing a public hearing, rather than canceling it, whenever possible. To maximize the deadline extensions authorized under the Act, we further recommend that the Chair continue the public hearing to a date not more than 45 days after the termination of the State of Emergency or after a date otherwise prescribed by law, whichever is later. The Act requires that notice of any rescheduled date be provided to the applicant at the applicant's address, and to the general public by posting

electronically on the website of the city or town clerk. If a statutorily-required land use permitting public hearing cannot be continued by the Chair and must be cancelled, you will need to re-advertise public hearings and send out new notices to abutters, with the new hearing date.

We will continue to keep you updated on developments in the face of this rapidly-evolving pandemic. A reminder that we have established a **Coronavirus “hotline”**, at [coronavirusinfo@k-plaw.com](mailto:coronavirusinfo@k-plaw.com). A dedicated team of our attorneys is available through this “hotline” e-mail address to answer the most frequently-asked legal questions arising from COVID-19. One of these designated attorneys will respond promptly to your inquiries. In some instances, you may be referred to your primary or land use contact, and you should of course feel free to contact these attorney(s) directly with COVID-19 related questions.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.

## Town Manager

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**From:** Town Manager  
**Sent:** Monday, March 30, 2020 1:02 PM  
**To:** David Archibald; Glenn Kemper; Rick Parker - Selectman (rparker@wnewbury.org)  
**Cc:** Michael McCarron; Jennifer Walsh (finance.admin@wnewbury.org)  
**Subject:** Coffin Street application for 40B Site Eligibility  
**Attachments:** mhphandbookzoning.pdf

Quick note to let you know that we received a short time ago, by courier, a 3-ring binder with the developer's application for project eligibility/site approval submitted to MassHousing. The proposal is for 152 units, and the project locus includes 566 Main Street (proposed as the primary access point) in addition to the 28 Coffin Street property.

The package is lengthy with oversize plan sheets etc., so I requested a complete electronic copy from the developer's atty and expect to receive that later today, at which point I can share it. In the meantime, the hard copy is here in the office.

In the normal course of things, our receipt of this notice begins a 30-day comment period (see attached). The recent Governor's Permit Extension Order, circulated earlier today, does not formally apply to the MassHousing project eligibility/site approval process, but we'll be contacting MassHousing to request (and urge) that this process be substantially extended (if not tabled altogether) until things return to normal.

I'll work w Archie most directly on how best to share this information more broadly, including whether the Board will add this to a future agenda and perhaps schedule a special meeting on this matter. It will be important to get clarity sooner than later re whether the 30-day period for local comments will be extended. **(Please note that the MassHousing process is not the formal regulatory process; it's a required initial step the developer must take before being able to apply locally for a 40B comprehensive permit.)**

If you have comments or questions please do not reply all due to OML; however you can feel free to send me and Mike McCarron any questions/comments.

Thanks,  
Angus

Angus Jennings, Town Manager  
Town of West Newbury  
Town Office Building  
381 Main Street  
West Newbury, MA 01985  
(978) 363-1100 x111  
[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)