

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.

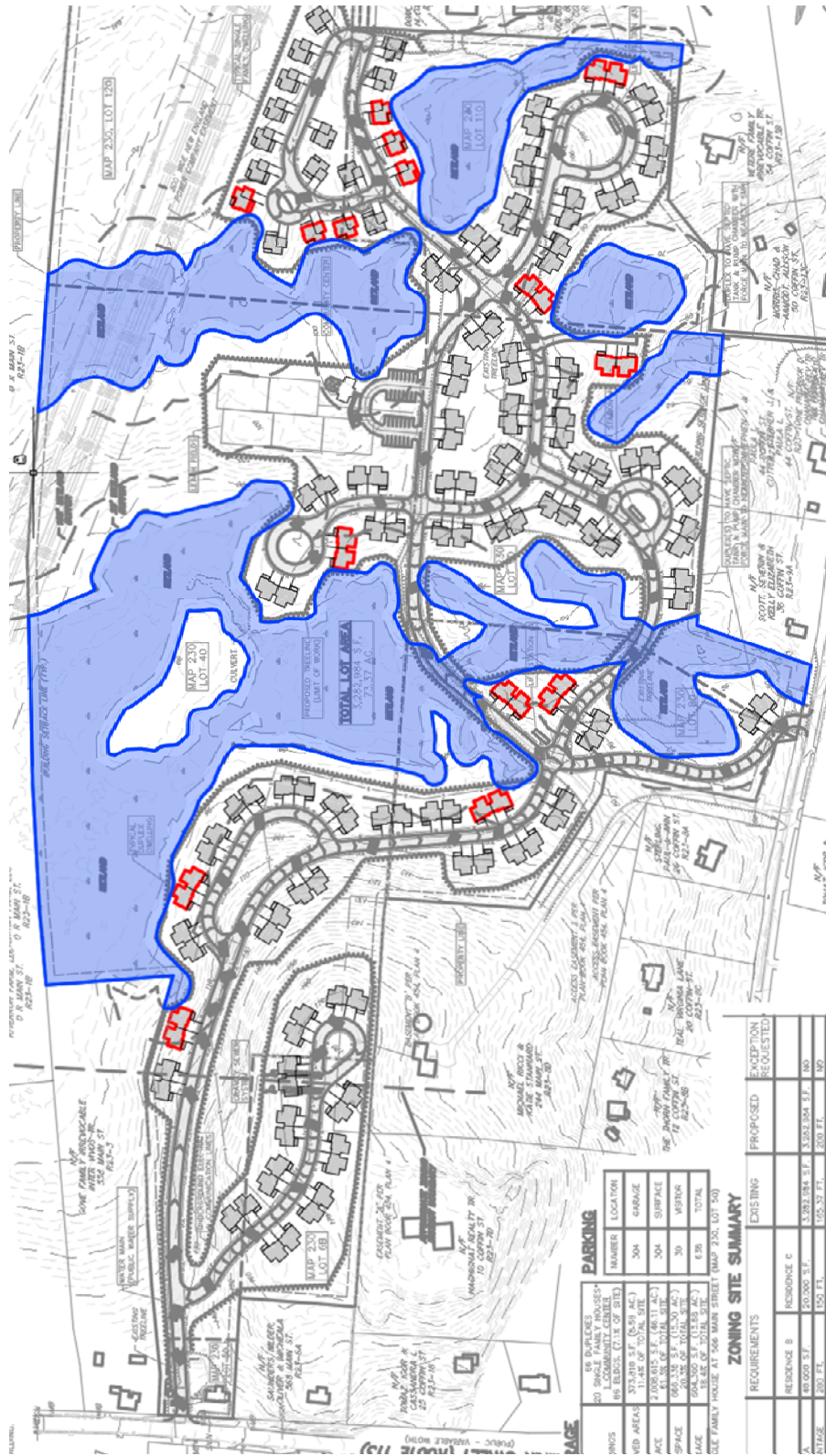
APPENDIX A
 Preliminary Analysis of Steep Slopes



PARKING	
NUMBER	LOCATION
5	GAUGE
504	504
504	504 SURFACE
30	30
30	30
638	TOTAL
638	TOTAL

ZONING SITE SUMMARY			
REQUIREMENTS	EXISTING	PROPOSED	EXCEPTION REQUESTED
RESIDENCE B	20,000 S.F.	2,252,934 S.F.	NO
RESIDENCE C	20,000 S.F.	3,252,934 S.F.	NO
200 FT.	150 FT.	200 FT.	NO
200 FT.	150 FT.	200 FT.	NO

APPENDIX B
 Preliminary Analysis of Wetlands Including a 25' Buffer



PARKING

NUMBER	LOCATION
304	GARAGE
304	SURFACE
30	VISITOR
6.9%	TOTAL

ZONING SITE SUMMARY

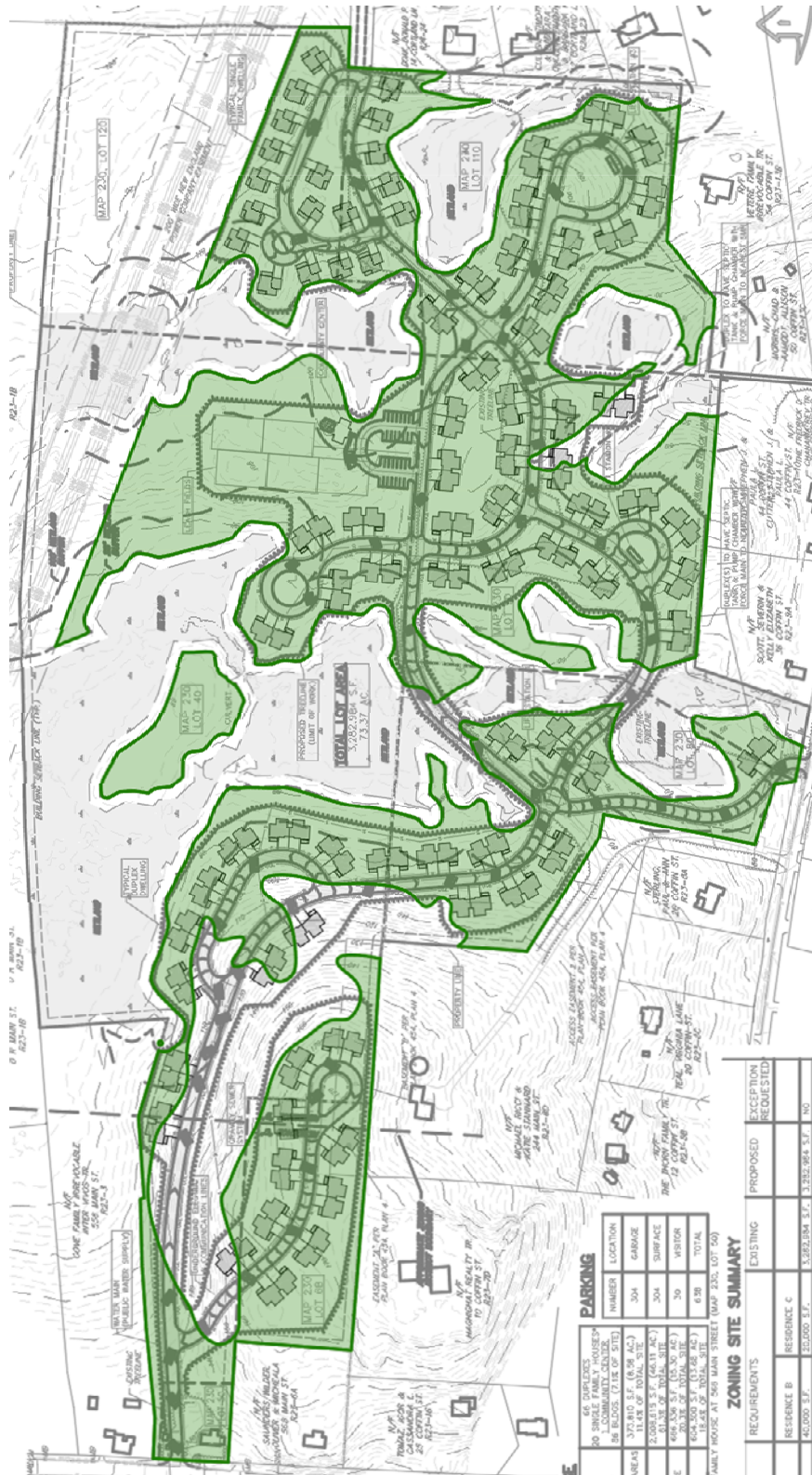
REQUIREMENTS	EXISTING	PROPOSED	EXEMPTION REQUESTED
RESIDENCE B	RESIDENCE C		
48,000 SF	20,000 SF	3,592,984 SF	1,352,954 SF
200 FT	150 FT	105.32 FT	200 FT
14 FT	14 FT	14 FT	14 FT

APPENDIX C
 Area of High Tension Power Line Easement and Lands Beyond

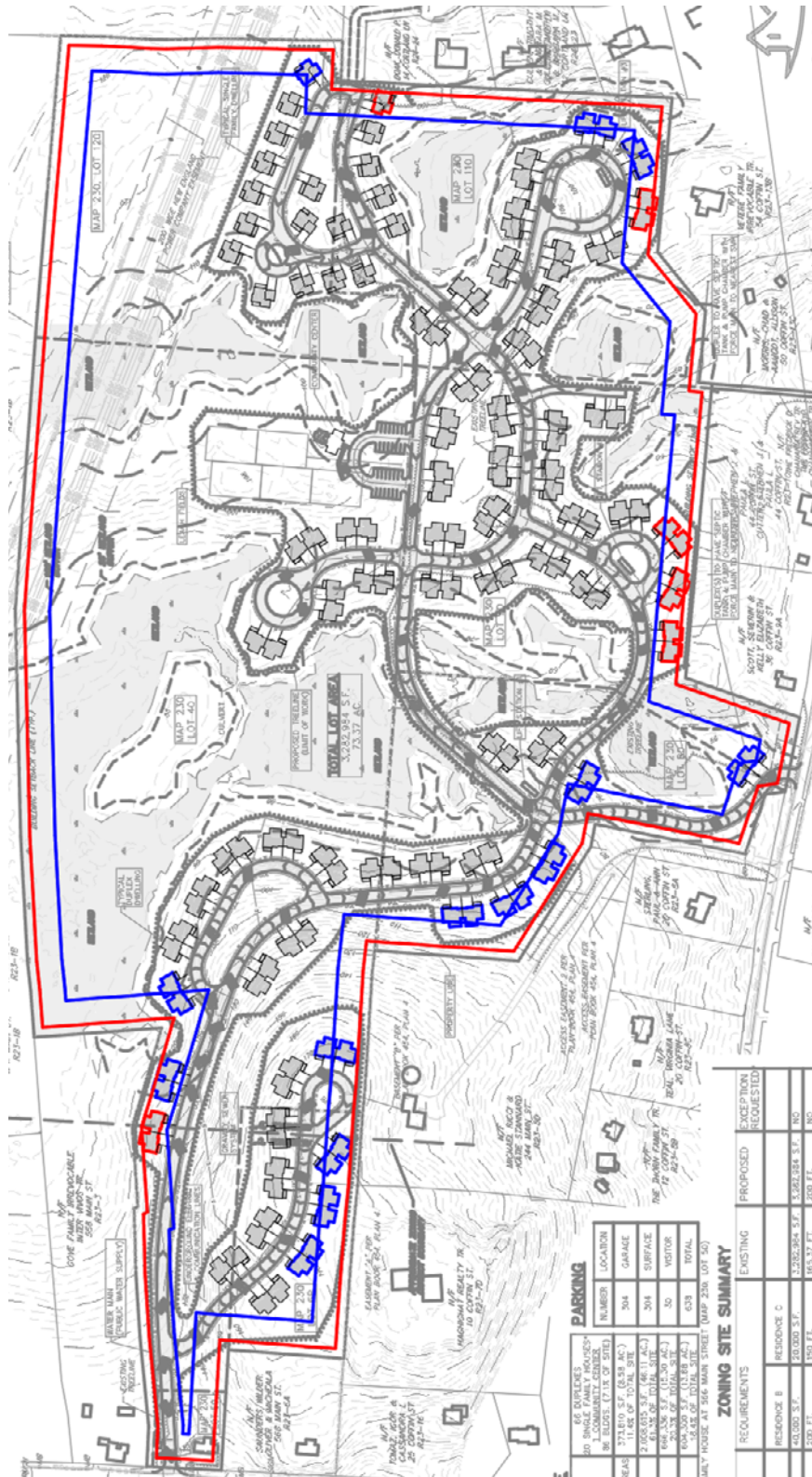


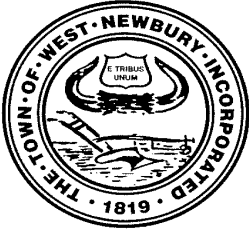
APPENDIX D

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



APPENDIX E
 Buildings Within 20' and 75' Setbacks





TOWN OF WEST NEWBURY

CONSERVATION COMMISSION

381 Main Street, West Newbury, Mass. 01985

TEL: 978-363-1100 x126 FAX: 978-363-1119

MEMORANDUM

TO: Board of Selectmen
Angus Jennings, Town Manager

FROM: Conservation Commission

DATE: 5/28/2020

The Conservation Commission has reviewed the project eligibility/site approval application submitted by Cottage Advisors to MassHousing for the Cottages at Rolling Hill, a 40B development at Coffin Street and Main Street. While The Commission has received an abbreviated notice of resource area delineation for the project at 28 Coffin Street, it has not yet opened a hearing or conducted a site review. Our comments are preliminary and based solely on the application site plan submitted to MassHousing.

The application's site plan shows that the site contains more than 20% wetlands. The delineations of those wetlands areas have not been reviewed in the field by the Commission. The actual delineations may differ from those shown on the site plan and changes could affect the configuration of the project, including location of units shown in close proximity to wetlands on the plan and wetlands crossings.

We note that the plan shows two wetlands crossings. Such crossings are not authorized as a matter of right under the state Wetland Protection Act regulations (310 CMR 10.00). If crossings are allowed and wetlands are lost, replication areas are required and must meet a number of criteria including criteria related to location, surface size, groundwater and surface elevation, and hydraulic connection to the wetlands associated with the lost area. No potential replication areas are shown on the site plan.



Town of West Newbury

381 Main Street
West Newbury, Massachusetts 01985

Wayne S. Amaral, Director of Public Works
978-363-1100, Ext. 120

DPWDirector@wnewbury.org

Memorandum

TO: Angus Jennings, Town Manager
FROM: Wayne S. Amaral, DPW Director
DATE: June 2, 2020
RE: The Cottages at Rolling Hills – DPW Comments

Per your request, I have conducted a preliminary review of the proposed development named The Cottages at Rolling Hills which is located between Main Street and Coffin Street. I did request a full set of plans from the developer, which has not been received as of today. Nevertheless, I was able to printout 11x17 and conducted my review from those plans.

I understand that DPW will have multiple opportunities to review this project, but a preliminary review is the town's chance to comment on any large-scale concerns that the developer should be aware of as they progress into full design. It is understood that the roadway will remain private with no DPW services required.

1. Conservation Land / Wetland

The Conservation Commission will be reviewing the overall site as required by state and local regulations. However, I am concerned on how lawn fertilizers will be used near all the defined wetland areas. Seems they show the buffer zone around the wetlands, just not sure what is required for such heavy chemical use.

I would like to suggest predetermined snow storage areas throughout the development to ensure that roadway snow runoff is treated before entering any wetland.

2. Roadway Design

- It has been stated that the development will have a sidewalk on at least one side of the roadway. There should also be a discussion if sidewalks should be installed on both sides of the roadway. This is a large clutter development. We as a town should be encouraging walking and biking and with the narrow roadway widths, sidewalks would provide safe pedestrian routes. Minimum five-foot wide sidewalks with typical driveway treatment that prioritize the pedestrian movement over the vehicle movement should be the design. The sidewalk issue should be confirmed early in the design phase.
- The sidewalk material should also be defined. A granite curb with concrete sidewalk may be too urban for West Newbury, however a bituminous berm curbing may not withstand typical plowing operations.

3. Traffic

- Will the developer be preparing a basic traffic study for the development? I really don't believe there will be major impact, but we need to know what the impact is on Coffin Street and if any mitigation or other traffic management tools are needed to address these additional volumes. Before and after volumes / turning movement would be helpful.
- The developer should prepare a traffic management plan of the roadway network.

- To reduce vehicle turning movements at the intersection of Main Street at Coffin Street it may be worth proposing one-way direction for the roadway that enters the development from Coffin Street. Making this roadway a one-way into the development should reduce the increased turning movement at the Main Street intersection by 50%.
- What are the expected vehicle trips for the proposed community center? Will the center be rented out for functions? These vehicle volumes should also be included into a traffic study.
- The proposed roadway / curb-cut onto Coffin Street will require DPW Director approval. A detailed construction plan will be required.
- The proposed roadway / curb-cut onto Main Street will require MassDOT approval. This process should be started early in the design phase, in case MassDOT requires roadway / sidewalk mitigation on Main Street.

4. Site Drainage / Stormwater Management

I understand that the Conservation Commission will be reviewing site drainage in greater detail and I would also like to review the overall infrastructure design and placement. Greater detailed plans must be submitted for this review. Please note that this development is not in the MS4 area.

5. Sanitary System

Developments of this size must receive MassDEP approval for overall permitting, which includes the construction and operating such a large system. DPW and BOH has no jurisdiction over such a large system.

If there are other topics you would like me to address, please feel free to request.

Town Manager

From: Michael Dwyer <dwyer@westnewburysafety.org>
Sent: Sunday, May 10, 2020 11:27 AM
To: Town Manager
Cc: Michael Dwyer
Subject: 40B FD Comments

Angus,

I reviewed the conceptual plans provided by your office. When reviewing plans regarding a project of this size, I am primarily concerned about the following: 1) accessibility of emergency fire apparatus, 2) access to a reliable water supply/source and 3) accessibility to the residential structures.

1) Mr. Hall provided me with 2 plans (see attached) that addressed my initial questions regarding Swept-Path Analysis and road width. The DPW Director and I reviewed the road width plan. We agreed, moving forward, road design, parking and traffic control issues would need to be identified and a parking/traffic plan would be important to develop for this project.

2) Mr. Hall provided me with a plan (see attached) that identifies locations of fire hydrants. I am satisfied with the initial layout, however, I would reserve any future approval after discussing with the Water Department Superintendent.

3) During the initial public web meeting to discuss this project, I raised a comment about setback and zoning requirements for this project and how the towns requirements would apply. The setback and distances between the units seem very close. Are there any regulations that apply to this project?

If you have any questions please feel free to contact me,

Thank you,

Michael Dwyer

Fire Chief
West Newbury Fire Department
403 Main Street
West Newbury, MA 01985
978-363-1120 Phone
dwyer@westnewburysafety.org

NOTES:

- BOUNDARY INFORMATION SHOWN HEREON IS THE RESULT OF AN ON-THE-GROUND SURVEY CONDUCTED BY LANDTECH CONSULTANTS, INC. IN 2020 AND FROM EXISTING DEEDS AND PLANS.
- TOPOGRAPHIC AND PLANOMETRIC INFORMATION COMPILED FROM PLANS AND CHECKED BY ON-THE-GROUND SURVEY IN 2017.
- FLAGGED WETLAND LOCATIONS SHOWN ON THIS MAP WERE PROVIDED BY A FIELD STUDY CONDUCTED BY HUGHES ENVIRONMENTAL CONSULTING, DECEMBER 2019. WETLAND FLAG WERE LOCATED USING SURVEY GRADE GPS EQUIPMENT CAPABLE OF SUB-METER ACCURACY.
- THE SUBJECT PARCEL IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN AS DEFINED ON THE FEMA FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL No. S 250090103F, EFFECTIVE DATE JULY 3, 2012 AND 2500901011F, EFFECTIVE DATE JULY 3, 2012.
- THIS PARCEL IS PARTIALLY LOCATED IN ZONING DISTRICT RESIDENTIAL B ("RES B") AND PARTIALLY LOCATED IN ZONING DISTRICT RESIDENTIAL C ("RES C").
- SEE REPORT BY HUGHES ENVIRONMENTAL CONSULTING PROVIDED UNDER A SEPARATE COVER.
- THIS DEVELOPMENT IS TO BE SERVICED BY PUBLIC WATER SUPPLY WITH CONNECTIONS TO EXISTING WATER MAINS FOUND ON COFFIN STREET, MAIN STREET, AND CORTLAND CIRLCE.
- GAS SERVICE WILL BE PROVIDED TO EACH DWELLING BY PROPANE TANKS LOCATED AT EACH BUILDING.

LEGEND

	LOT LINE		DEEP OBSERVATION HOLE
	ABUTTER LINE		SEWAGE DISPOSAL SYSTEM
	BUILDING SETBACK LINE		TREES AND SHRUBS
	EXISTING CONTOUR		GUY WIRE
	PROPOSED CONTOUR		UTILITY POLE
	EDGE OF PAVEMENT		DRAIN MANHOLE
	TREELINE		CATCH BASIN
	STONE WALL		WELL
	UNDERGROUND ELECTRIC, TELEPHONE & CABLE		HYDRANT
	OVERHEAD WIRES		WATER VALVE
	WATER MAIN		MAILBOX
	STORM DRAIN		24' WIDE PAVEMENT
	EDGE OF WETLAND		22' WIDE PAVEMENT
	WETLAND SYMBOL		20' WIDE PAVEMENT
	25 FT. WETLAND BUFFER		18' WIDE PAVEMENT
	100 FT. WETLAND BUFFER		

LOCUS PROPERTIES:

PARCEL ID	PROPERTY ADDRESS	OWNER	OWNER ADDRESS
TAX MAP R23, LOT 4	0 MAIN STREET	BEACHER FAMILY IRREVOCABLE TR.	48 ROWLEY RD, BOXFORD, MA 01921
TAX MAP R23, LOT 5	566 MAIN STREET	ALSUP, ANDREW J. & KATHRYN A.	566 MAIN ST, WEST NEWBURY, MA 01985
TAX MAP R23, LOT 6B	0 R MAIN STREET	BEACHER FAMILY IRREVOCABLE TR.	48 ROWLEY RD, BOXFORD, MA 01921
TAX MAP R23, LOT 8	28 COFFIN STREET	BEACHER FAMILY IRREVOCABLE TR.	48 ROWLEY RD, BOXFORD, MA 01921
TAX MAP R23, LOT 9	0 COFFIN STREET	BEACHER FAMILY IRREVOCABLE TR.	48 ROWLEY RD, BOXFORD, MA 01921
TAX MAP R23, LOT 11	0 COFFIN STREET	BEACHER FAMILY IRREVOCABLE TR.	48 ROWLEY RD, BOXFORD, MA 01921
TAX MAP R23, LOT 12	0 COFFIN STREET	BEACHER FAMILY IRREVOCABLE TR.	48 ROWLEY RD, BOXFORD, MA 01921

APPLICANT

COTTAGE ADVISORS MA, LLC
25 STORY AVENUE, PMB 319
NEWBURYPORT, MA 01950

RECORD OWNER

BEAUCHER, JOHN E. TRUSTEE
BEAUCHER FAMILY IRREVOCABLE TR.
48 ROWLEY ROAD
BOXFORD, MA 01921

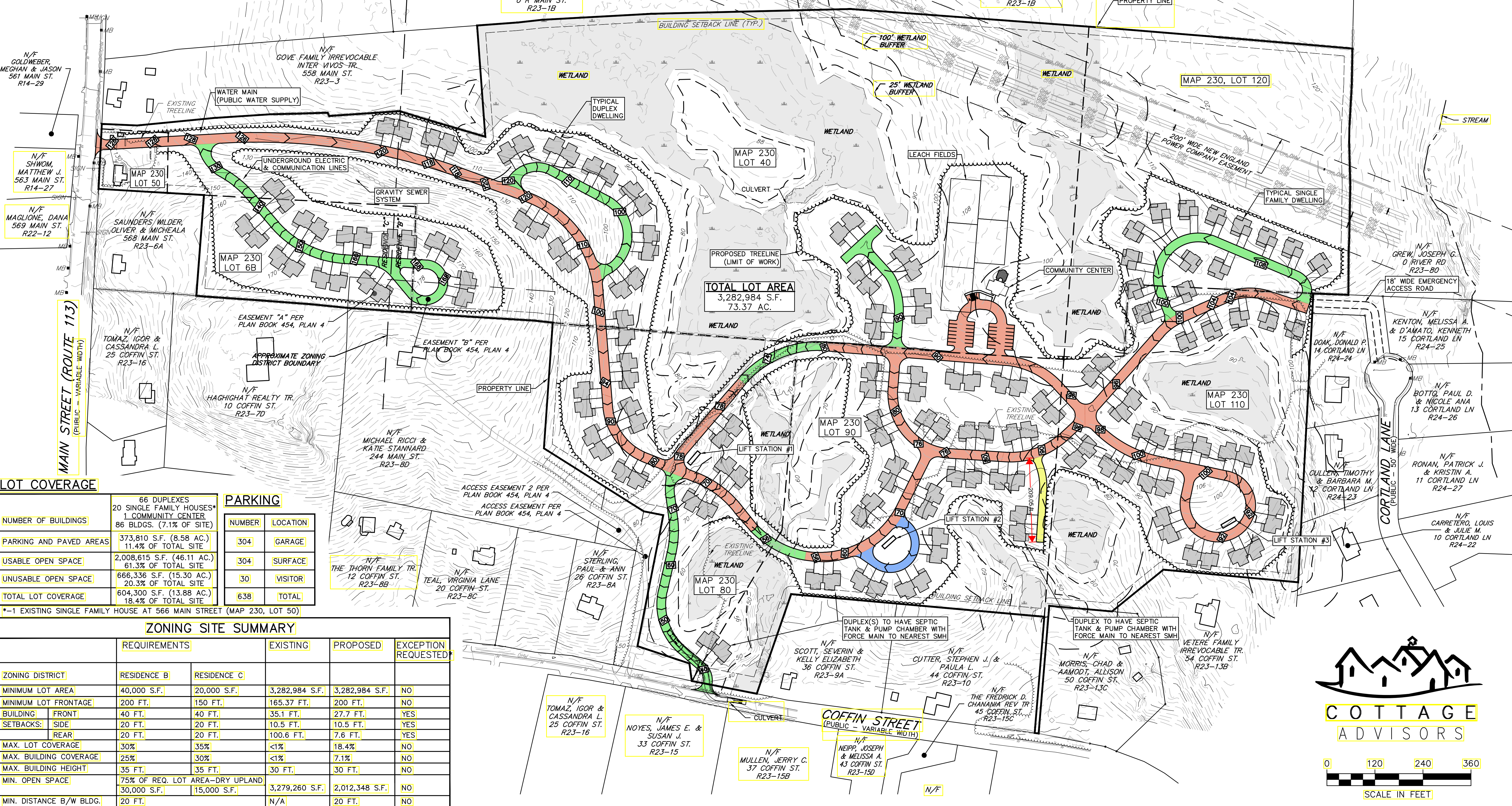
ALSUP, ANDREW J. & KATHRYN A.
566 MAIN STREET
WEST NEWBURY, MA 01985

DEED REFERENCE

LOT 4 DEED BOOK 32866, PAGE 367
LOT 5 DEED BOOK 32866, PAGE 138
LOT 6B DEED BOOK 32866, PAGE 364
LOT 8 DEED BOOK 34958, PAGE 496
LOT 9 DEED BOOK 10238, PAGE 213
LOT 11 DEED BOOK 10238, PAGE 213
LOT 12 DEED BOOK 10238, PAGE 213

ASSESSOR'S REFERENCES

TAX MAP R23, LOT 4
TAX MAP R23, LOT 5
TAX MAP R23, LOT 6B
TAX MAP R23, LOT 8
TAX MAP R23, LOT 9
TAX MAP R23, LOT 11
TAX MAP R23, LOT 12



LOT COVERAGE

NUMBER OF BUILDINGS	66 DUPLEXES 20 SINGLE FAMILY HOUSES* 1 COMMUNITY CENTER 86 BLDGS. (7.1% OF SITE)
PARKING AND PAVED AREAS	373,810 S.F. (8.58 AC.) 11.4% OF TOTAL SITE
USABLE OPEN SPACE	2,008,615 S.F. (46.11 AC.) 61.3% OF TOTAL SITE
UNUSABLE OPEN SPACE	666,336 S.F. (15.30 AC.) 20.3% OF TOTAL SITE
TOTAL LOT COVERAGE	604,300 S.F. (13.88 AC.) 18.4% OF TOTAL SITE

*-1 EXISTING SINGLE FAMILY HOUSE AT 566 MAIN STREET (MAP 230, LOT 50)

PARKING

NUMBER	LOCATION
304	GARAGE
304	SURFACE
30	VISITOR
638	TOTAL

ZONING SITE SUMMARY

ZONING DISTRICT	REQUIREMENTS		EXISTING	PROPOSED	EXCEPTION REQUESTED
	RESIDENCE B	RESIDENCE C			
MINIMUM LOT AREA	40,000 S.F.	20,000 S.F.	3,282,984 S.F.	3,282,984 S.F.	NO
MINIMUM LOT FRONTAGE	200 FT.	150 FT.	165.37 FT.	200 FT.	NO
BUILDING FRONT	40 FT.	40 FT.	35.1 FT.	27.7 FT.	YES
SETBACKS: SIDE	20 FT.	20 FT.	10.5 FT.	10.5 FT.	YES
REAR	20 FT.	20 FT.	100.6 FT.	7.6 FT.	YES
MAX. LOT COVERAGE	30%	35%	<1%	18.4%	NO
MAX. BUILDING COVERAGE	25%	30%	<1%	7.1%	NO
MAX. BUILDING HEIGHT	35 FT.	35 FT.	30 FT.	30 FT.	NO
MIN. OPEN SPACE	75% OF REQ. LOT AREA-DRY UPLAND		3,279,260 S.F.	2,012,348 S.F.	NO
MIN. DISTANCE B/W BLDG.	30,000 S.F.	15,000 S.F.	N/A	20 FT.	NO

PREPARED FOR:
COTTAGE ADVISORS MA, LLC
25 STORY AVENUE, PMB 319
NEWBURYPORT, MA 01950

ROADWAY WIDTH EXHIBIT
THE COTTAGES AT ROLLING HILLS
COFFIN STREET & MAIN STREET
WEST NEWBURY
MASSACHUSETTS

LandTech
Engineering/Design/Surveying/Permitting
915 Cotton Road, Westford, MA 01886
Ph: (978) 692-6100 - landtechinc.com

JOB NO.: 19-284
DWG. NO.: 10699
SHEET: C-1

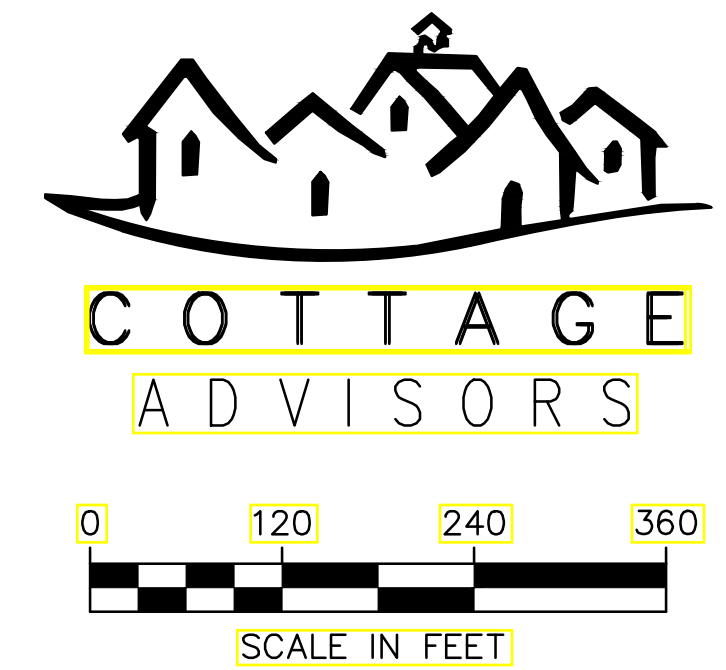
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DESIGN: MAW
DRAFT: MUS

APRIL 20, 2020

SCALE: 1"=120'

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DATE: REVISION: BY:



NOTES:

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LEGEND

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	ABUTTER LINE		SEWAGE DISPOSAL SYSTEM
	BUILDING SETBACK LINE		TREES AND SHRUBS
	EXISTING CONTOUR		GUY WIRE
	PROPOSED CONTOUR		UTILITY POLE
	EDGE OF PAVEMENT		DRAIN MANHOLE
	TREELINE		CATCH BASIN
	STONE WALL		WELL
	UNDERGROUND ELECTRIC, TELEPHONE & CABLE		HYDRANT
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APPLICANT

COTTAGE ADVISORS MA, LLC
25 STORY AVENUE, PMB 319
NEWBURYPORT, MA 01950

RECORD OWNER

BEAUCHER, JOHN E. TRUSTEE
BEAUCHER FAMILY IRREVOCABLE TR.
48 ROWLEY ROAD
BOXFORD, MA 01921

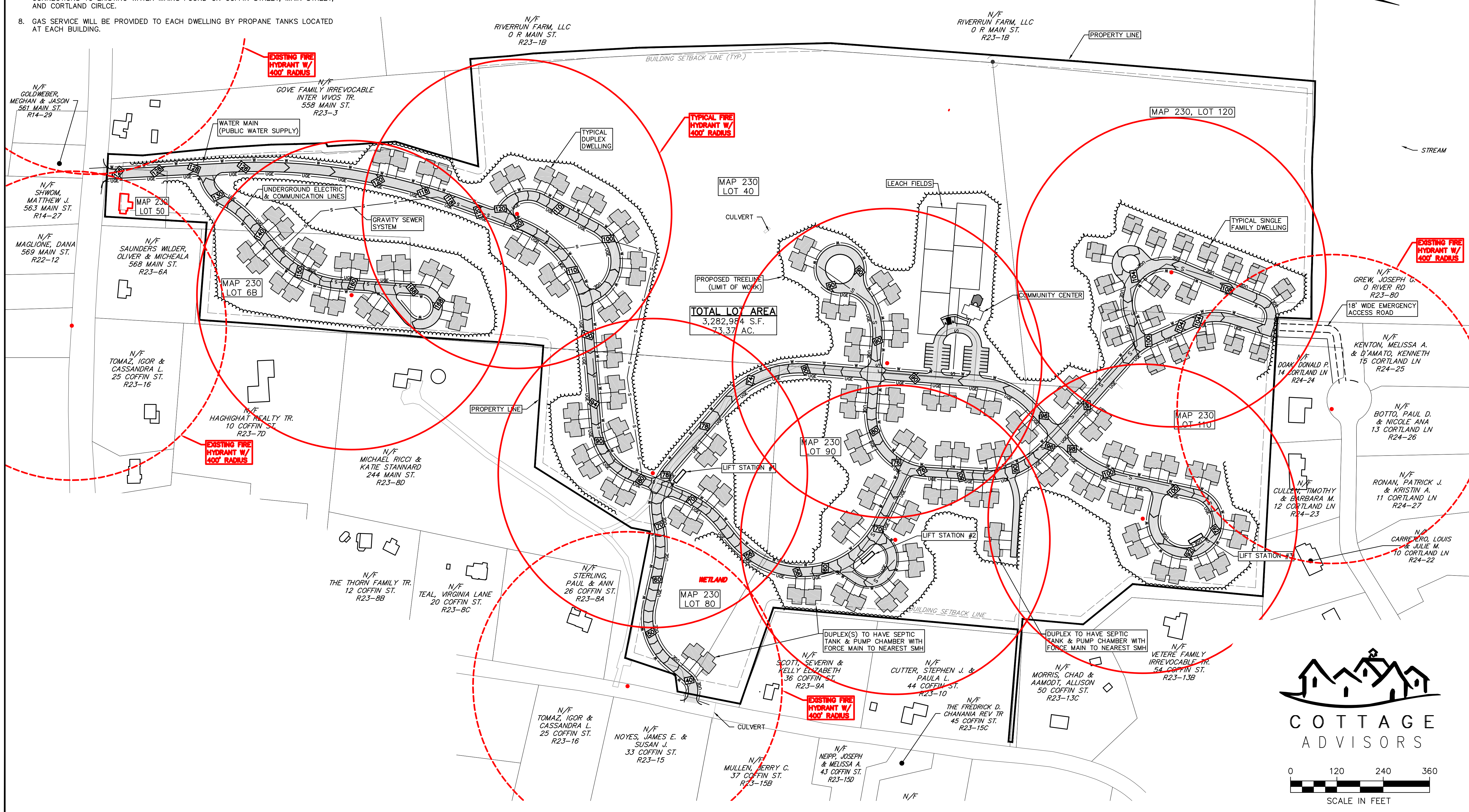
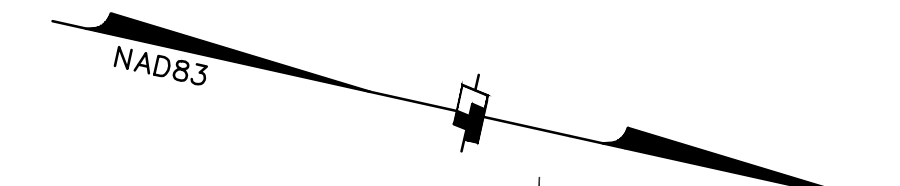
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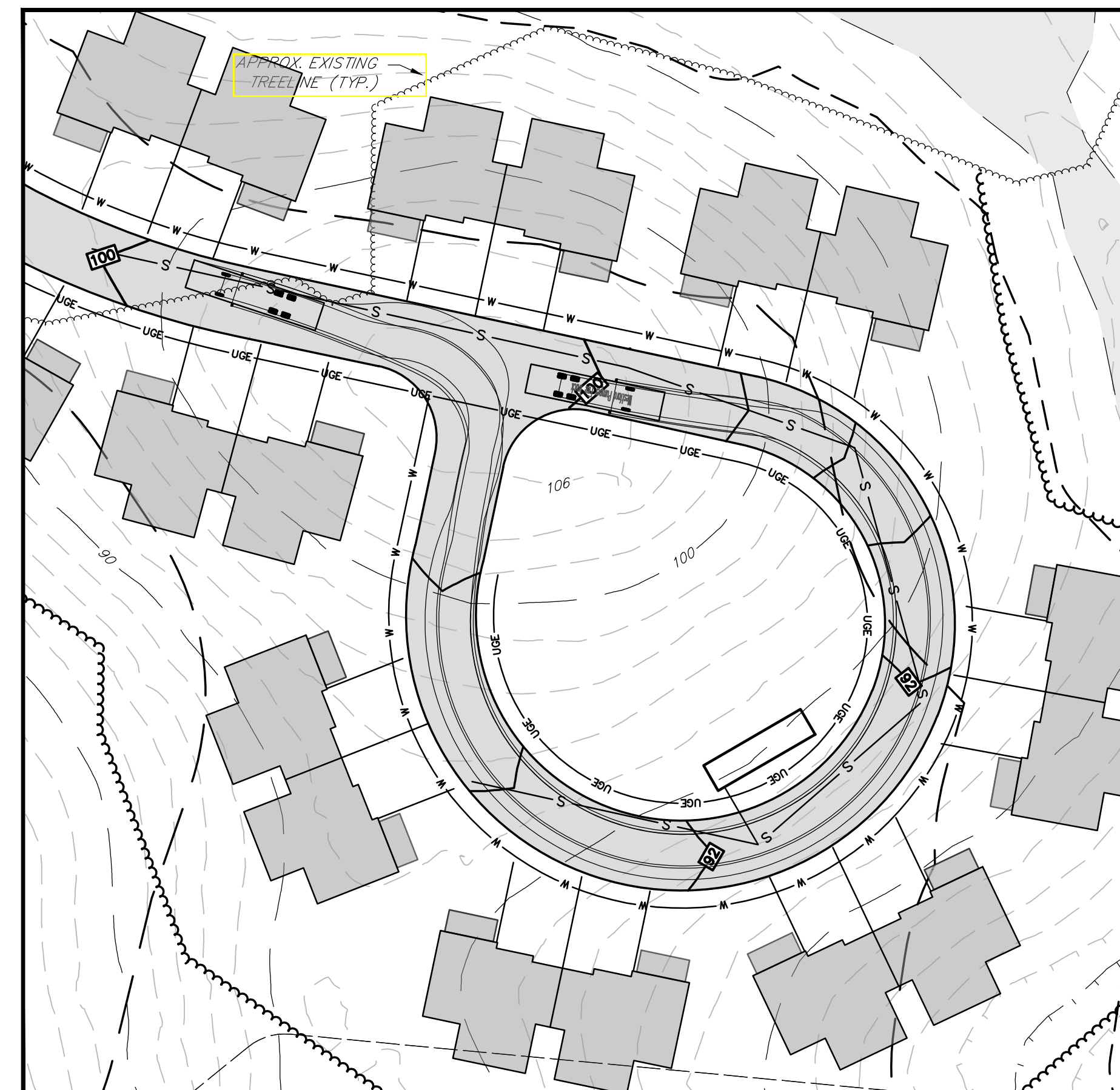
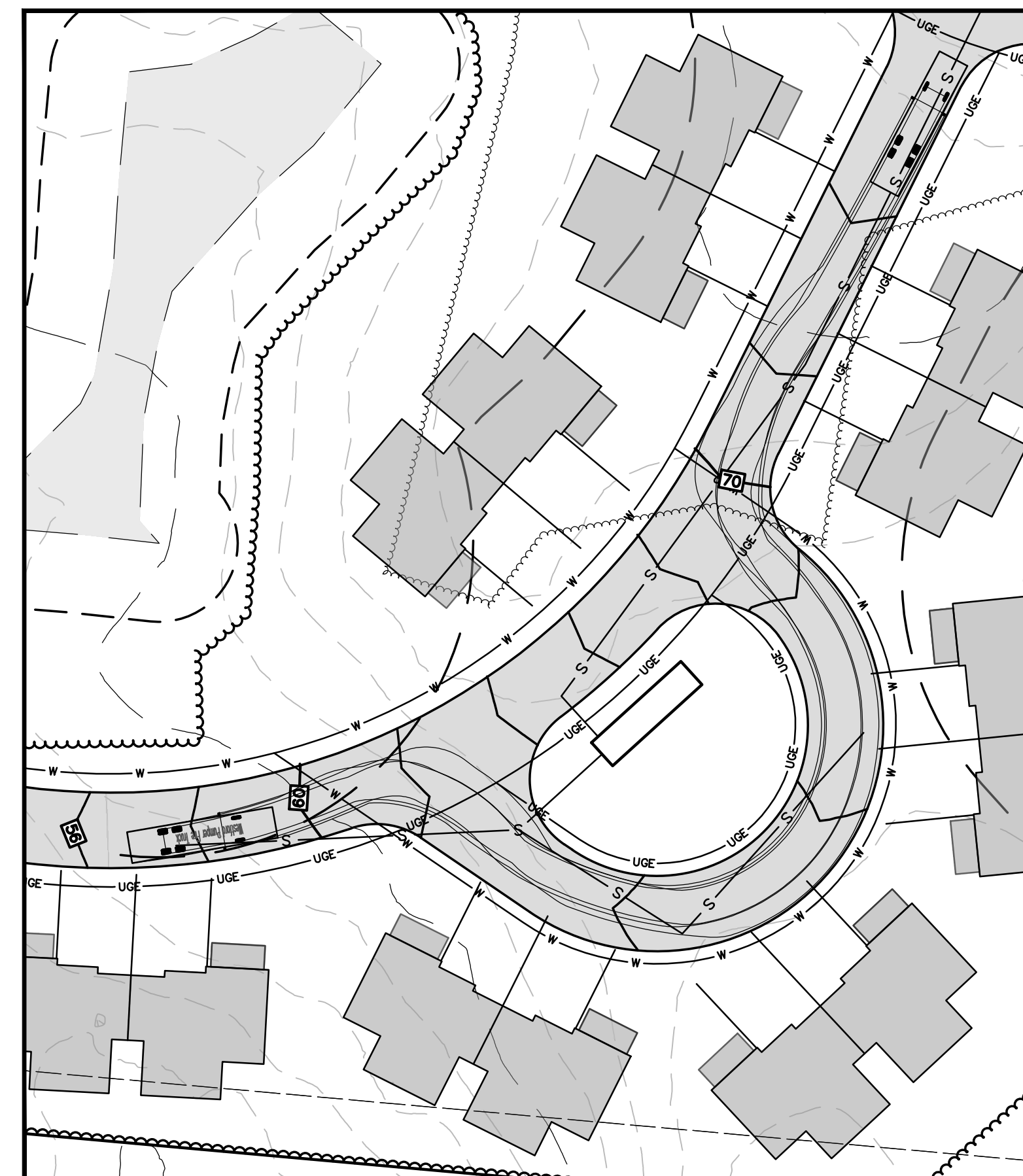
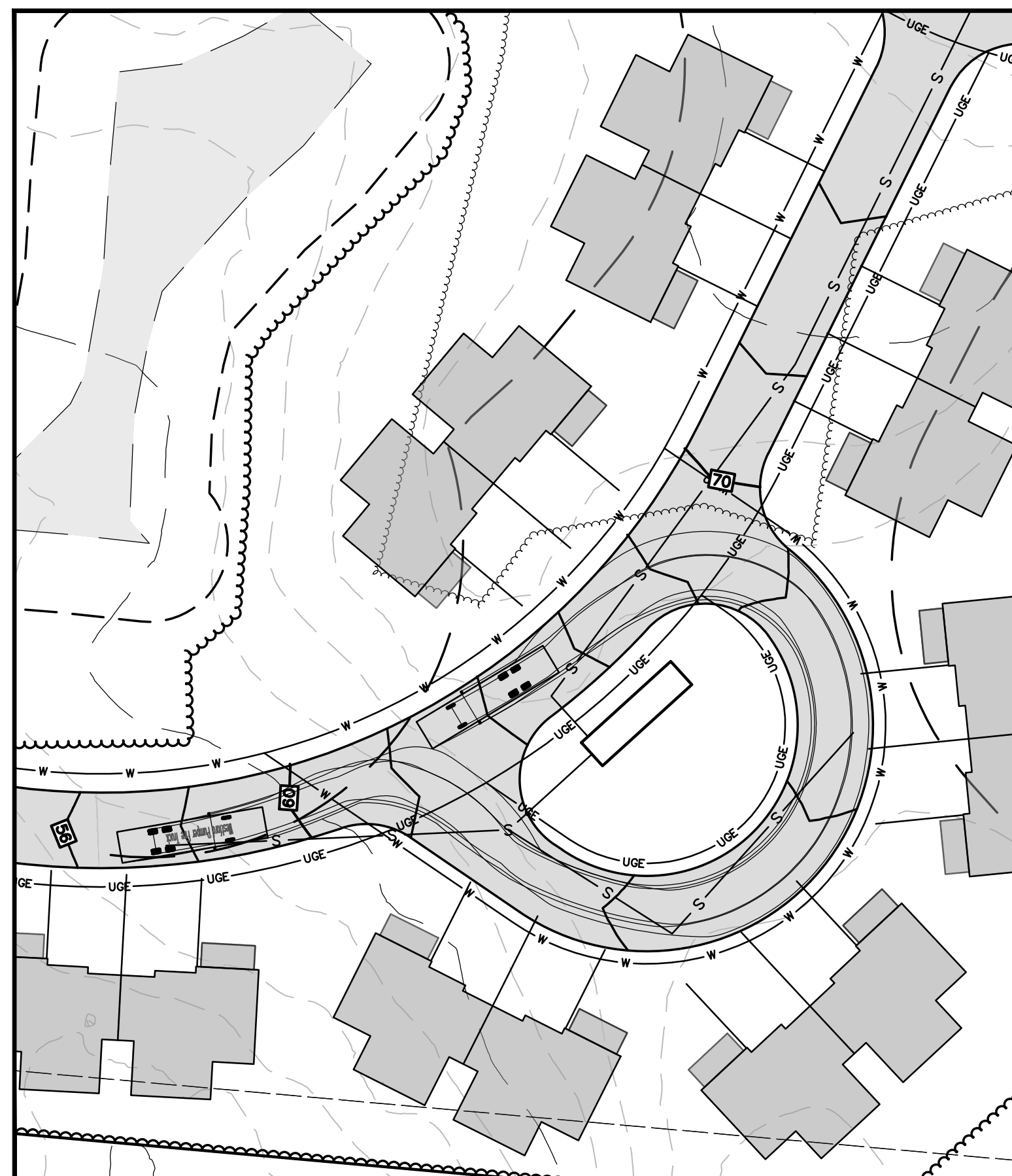
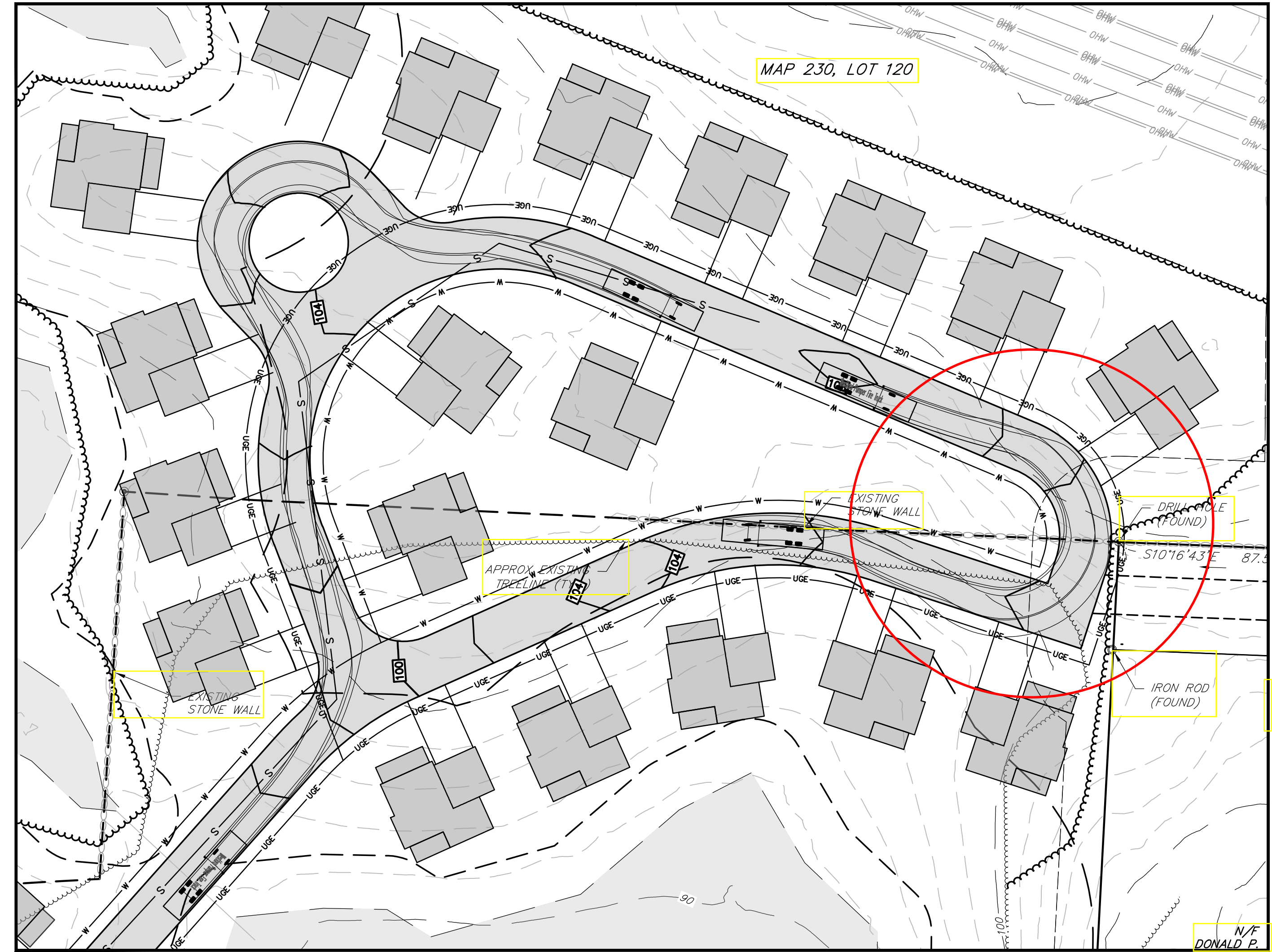
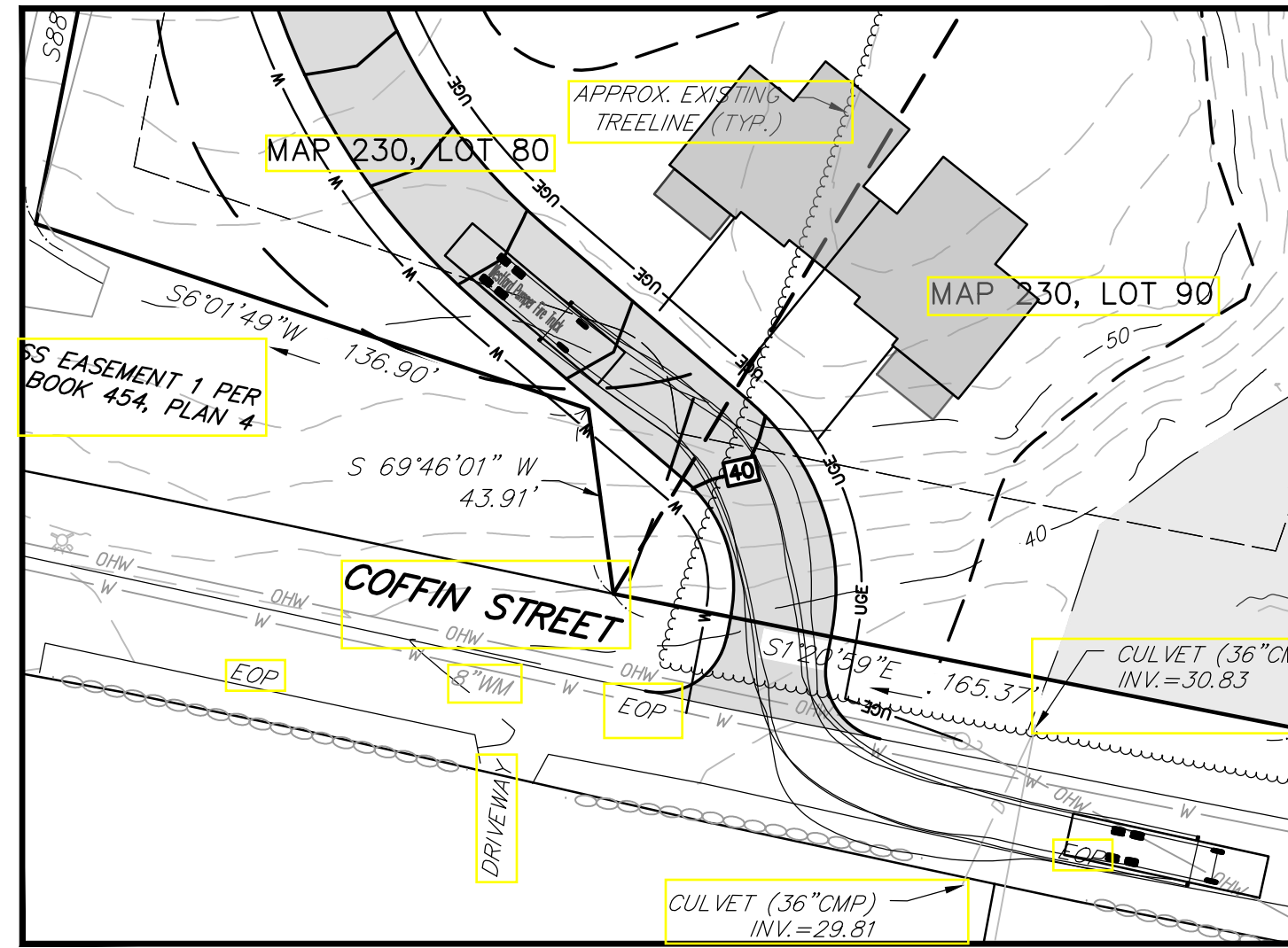
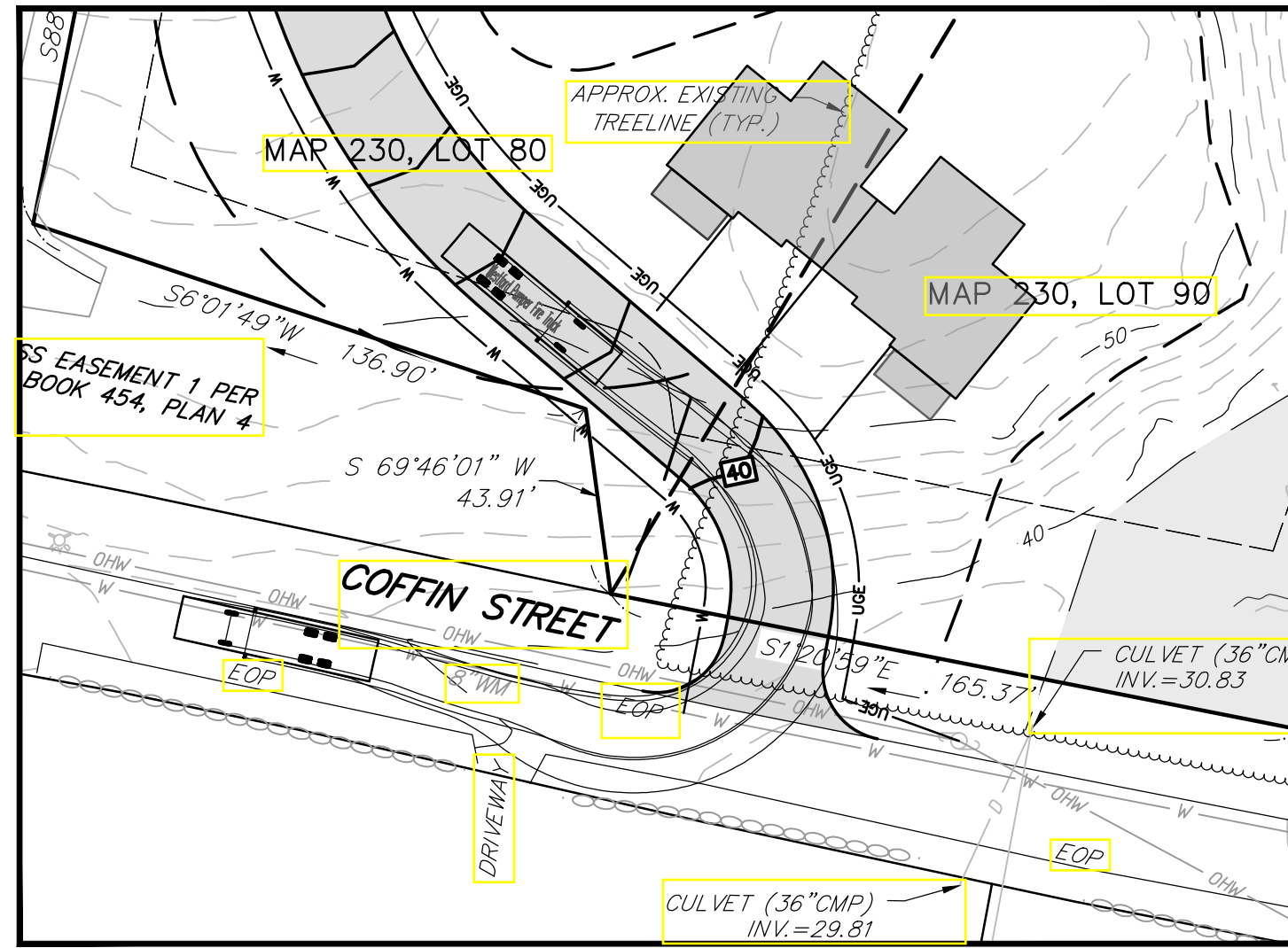
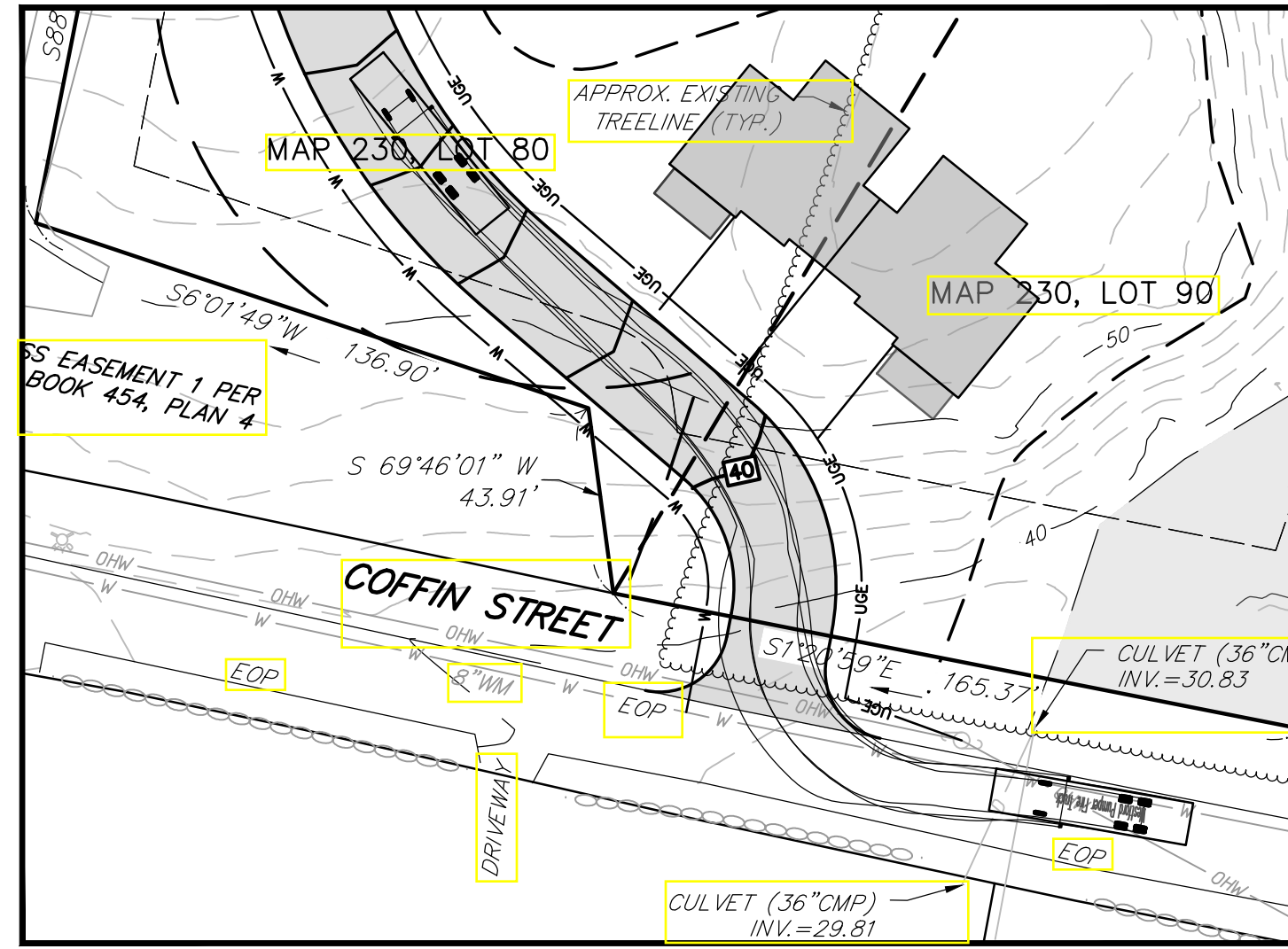
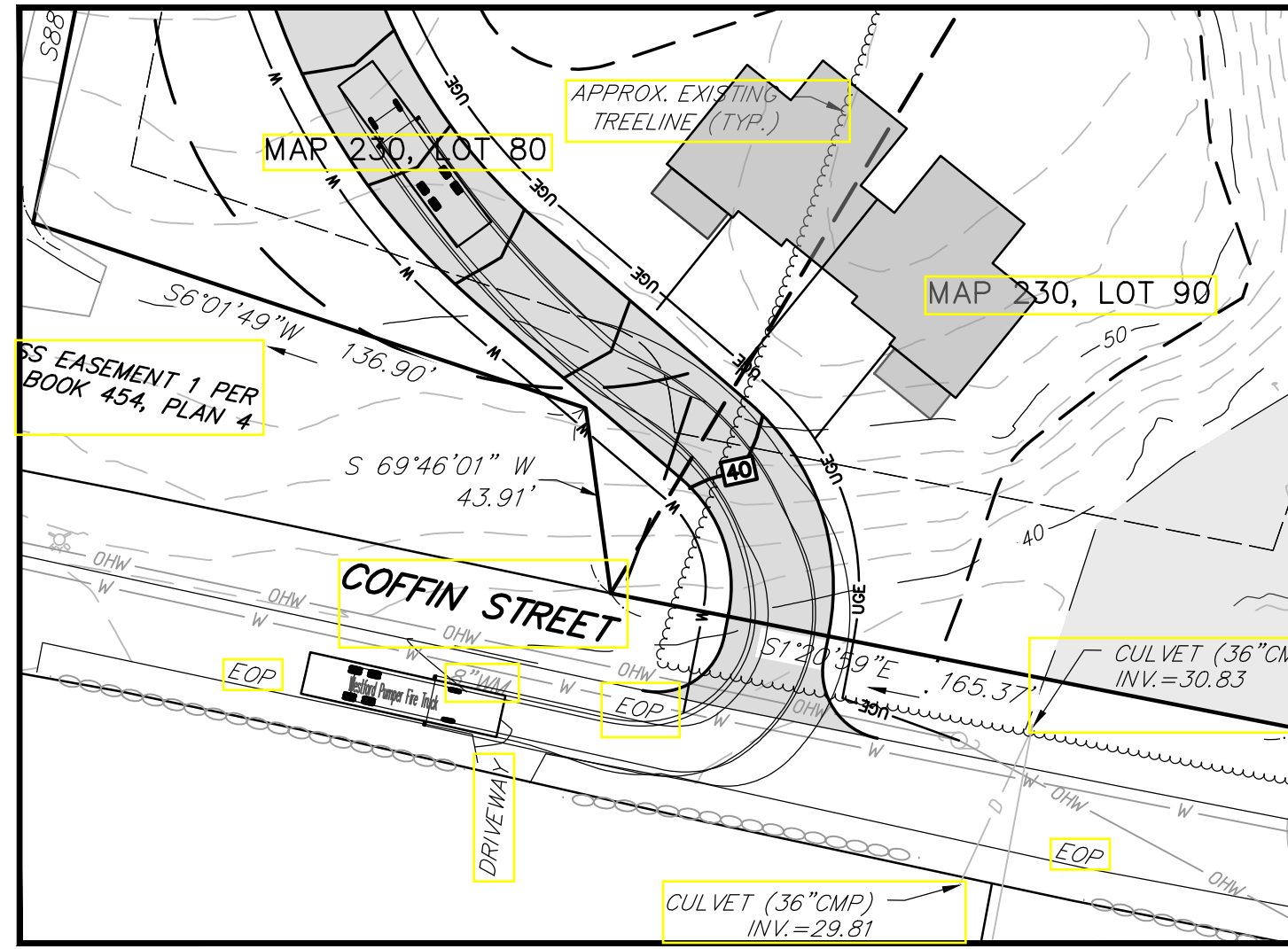
LOT 4 DEED BOOK 32686, PAGE 367
LOT 5 DEED BOOK 32846, PAGE 138
LOT 6B DEED BOOK 32866, PAGE 364
LOT 8 DEED BOOK 34958, PAGE 496
LOT 9 DEED BOOK 10238, PAGE 213
LOT 11 DEED BOOK 10238, PAGE 213
LOT 12 DEED BOOK 10238, PAGE 213

ASSESSOR'S REFERENCES

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TAX MAP R23, LOT 5
TAX MAP R23, LOT 6B
TAX MAP R23, LOT 8
TAX MAP R23, LOT 9
TAX MAP R23, LOT 11
TAX MAP R23, LOT 12



PREPARED FOR: COTTAGE ADVISORS MA, LLC 25 STORY AVENUE, PMB 319 NEWBURYPORT, MA 01950	CHECK CML
DESIGN MAW	DRAFT MUS
APRIL 8, 2020	
SCALE: 1"=120'	
<p>EXHIBIT PLAN - FIRE HYDRANTS THE COTTAGES AT ROLLING HILLS COFFIN STREET & MAIN STREET WEST NEWBURY MASSACHUSETTS</p>	
<p>Engineering/Design/Surveying/Permitting 915 Cotton Road, Westford, MA, 01886 Ph: (978) 692-6100 - landtechinc.com</p>	
JOB NO. 19-284	DWG. NO. 1 OF 1
SHEET C-1	
DATE	REVISION
BY	

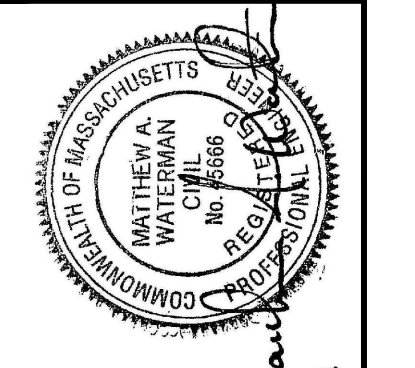


NAD83

COTTAGE ADVISORS

0 40 80 120
 SCALE IN FEET

DATE	REVISION	BY



PREPARED FOR:
 COTTAGE ADVISORS MA, LLC
 25 STORY AVENUE, PMB 319
 NEWBURYPORT, MA 01950

VEHICLE TRACKING EXHIBIT 2
 THE COTTAGES AT ROLLING HILLS
 COFFIN STREET & MAIN STREET
 WEST NEWBURY
 MASSACHUSETTS

APRIL 7, 2020
 SCALE: 1" = 40'

LandTech
 CONSULTANTS
 Engineering/Design/Surveying/Permitting
 915 Gorton Road, Westford, MA 01886
 PH: (978) 692-6100 - landtechinc.com
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JOB NO.: 19-284
 DWG. NO.: 10699
 SHEET: Exhibit-2

Town Manager

From: Michael Dwyer <dwyer@westnewburysafety.org>
Sent: Monday, May 11, 2020 3:25 PM
To: DPW Director
Cc: Town Manager
Subject: Turning radius comments

Wayne and Angus,

I was able to view the turning radius plan on a larger format. Wayne and I discussed having a hard copy plan to review (previous request).

It appears that there are several locations on the plan where the fire apparatus would need to travel in the opposing lane in order to complete a turn (such as at the two main entrances to the site, among other locations). This is prohibited by 527 CMR 1.00: 18.2.3.4.8. Although one- and two-family homes are not subject to the fire department access requirements of 527 CMR unless the zoning/planning approvals make those requirements conditions of their approval, the Community Center building will be subject to the fire department access requirements, which will mean a good portion of the site will have to comply with the requirements regardless of planning/zoning approval conditions.

If you have any questions please let me know.

Mike

Sent from my iPhone

West Newbury Open Space Committee
381 Main St.
West Newbury, MA 01985

June 1, 2020

Board of Selectmen
Town of West Newbury
381 Main St.
West Newbury, MA 01985

Re: 40B Project Eligibility Letter -- 28 Coffin St. and 566 Main St., West Newbury

To the Board of Selectmen:

The purpose of this letter is to state our opposition to the proposed 152-unit residential development proposed for 8 Coffin St. and 566 Main St. in West Newbury.

The Open Space Committee (OSC) supports affordable housing as outlined in the town's recently adopted Housing Production Plan; however, this proposed project is unacceptable given its size and location. The OSC is concerned that the project could seriously jeopardize West Newbury's rural character, which is the cornerstone of the Open Space and Recreation Plan (OSRP). This plan was approved by the Massachusetts Division of Conservation Services in 2019 and its purpose is summarized below:

"The 2018 OSRP is designed to assist in the dynamic process by which the town evaluates and addresses its open space and recreation needs. The plan's overarching intent is to guide West Newbury as it endeavors to preserve its rural character and plan recreational spaces while community needs change and development increases." **OSRP, Page 4,**

The OSRP lays out goals and includes a long-term action plan related to preserving our town's rural character through sensitive development; protecting natural resources, such as water, wetlands, wildlife habitat and endangered species; safe and passive recreation opportunities and enacting measures that promote climate resilience.

The project would create notably adverse impacts in the six areas described below:

1. **COMPROMISES OPEN SPACE**

The proposed development will result in the loss of 73 acres of open space from the town's inventory of important parcels. The undeveloped space in the project plans no longer meets the criteria that made this parcel significant open space. These include:

- Scenic views
- Hilltops
- Trail corridors and greenways
- Agricultural potential
- Passive and active recreation
- A large contiguous parcel

The developer asserts that, as proposed, slightly more than 61 percent of the property would be usable open space without identifying it on the site plans. Our review of the plans finds that, as built, undeveloped space throughout the parcel would be sparse, fragmented and generally unusable. Nearly 10 acres of undeveloped space is situated under high-tension power lines, rendering that land off limits to the public. It also appears that the tally of open space includes the yards of the housing units.

Also, adjacent tracts of protected open space include Long Hill to the north (295 acres) and Riverbend and Mill Pond (464 acres) to the east. The land for the proposed project currently functions as a connector between these large tracts. The site plan would be significantly improved with expanded, connected open space. And, in the absence of sidewalks in the housing area, new trails linked to existing adjacent trail networks would benefit the public and the development's residents.

2. ENDANGERS WETLANDS

The parcels proposed for development by the project include extensive wetland areas and potential vernal pools. Construction, including five leaching fields, is proposed within 100 feet of these resource areas. Maintaining buffers around wetland areas is the most effective means of protecting water quality, habitat and wetland dependent species of wildlife. Building housing units and site infrastructure within the wetland buffer zones has the potential to compromise these resource areas.

3. ENDANGERS WILDLIFE HABITAT

“Maintaining connectivity of open space parcels is a primary goal of the OSRP. Fragmentation of wildlife habitats by human activities or structures is a critical problem in maintaining biodiversity in populated areas. The stability and long-term success of many wildlife populations is threatened by not being able to move freely and safely between habitats in response to natural causes of food and water shortages and to seasonally migrate or to maintain genetic diversity by interbreeding with other populations”.

OSRP, Page 38

The parcel being proposed for development currently functions as part of an extended open space corridor from the Merrimack River to interior parts of town on the south side of Route 113. The heavy development of this parcel would result in the severing of this wildlife corridor, threatening the habitats and life cycles of many animals, birds and aquatic life.

4. PROJECT DENSITY INCONSISTENT WITH TOWN'S RURAL CHARACTER

The project's proposed 152-unit site plan, plus a community house with 638 parking spaces, threatens to overwhelm the town. The Chapter 40B Design Principles Handbook requires projects to use the site and its context to help determine a generally appropriate density. The scope of the project indicates little effort by the developer to build with sensitivity to the neighborhood and topography of the land, as state affordable housing regulations direct. A 2014 LandVest appraisal report posited a low-density development plan at eight house lots and medium density at 16 as the “maximum theoretical lot yield.”

The high density in the proposal runs counter to the OSRP goals to promote sensitive development and preservation of West Newbury's rural character. Indeed, the point is addressed in the OSRP.

“The relatively low population density of West Newbury reflects its agricultural history, current landscape and past efforts to maintain open space.”

OSRP, page 13

In the most recent town-wide survey conducted for the OSRP, rural character emerged as a top reason why people move to West Newbury. Similar surveys in 2002 and 2008 revealed the same sentiment. Open space, working farms, access to nature and wildlife and respect for the town's history are the chief contributors to West Newbury's “small-town feeling.” Survey respondents also stated that the town is losing its rural character as more building reduces open space and increases population and traffic.

A sampling from the most recent survey respondents demonstrates the importance of the community's rural character in their lives:

“People live in West Newbury because it’s rural. We’re surrounded by nature. As we continue to build homes, we lose nature. We lose the very point of living here.”

“We love the rural qualities of this town. We moved here 10 years ago because it was beautiful and rural. TOO many new homes and developments. Stone walls, farms and space between neighbors are very, very important.”

“We’ve been very disappointed with the ugly developments we’ve seen built [in] the last few years. It’s ruining the town’s character. We should be protecting as much open space as possible. I watched Reading’s last farmland turn into apartment buildings. I don’t want to see it happen here. Unchecked development will turn West Newbury into just another suburb.”

“One of the reasons we moved here from the Boston area was for the open space, rural beauty, woods and wildlife.”

5. THREATENS SAFE RECREATION

River Road is a designated River Trail and link to the town’s Riverbend Recreational Area. Many residents take advantage of the low traffic on River Road to enjoy scenic river views, bird and wildlife watching, fishing, river access, bicycling and walking. Coffin Street provides access for this recreational use, a place where the site plan shows a point of exit. The addition of an estimated 2,552 auto trips by the residents of the project certainly will affect the safety of town residents who use this area for passive recreation.

6. INCREASES CLIMATE CHANGE VULNERABILITY

The OSRP identified climate change as one of the principal environmental challenges that the town faces, with a high priority action item of participating in the Massachusetts Municipal Vulnerability Preparedness (MVP) program. The town has completed the workshop component of this program, identifying the hazards, strengths and vulnerabilities that the town faces related to climate change. As action items to address these vulnerabilities are identified and grant funding sought to implement them, the town will focus on nature-based solutions. These include open space preservation and low impact development. Developing this large tract of open space without adhering to low impact development principles, such as preserving the natural landscape and especially carbon-sequestering trees, will increase the town’s vulnerability to climate change.

In closing, the West Newbury Open Space Committee views this development as inconsistent with the town’s open space needs and goals for the reasons outlined. We strongly urge MassHousing to reject granting the developer a Project Eligibility Letter.

Respectfully submitted,



John Dodge, Chair
West Newbury Open Space Committee

OSC Members

Jessica Azenaro, Don Bourquard, Brad Buschur, Carol Decker, Jean Lambert, Patricia Reeser, Wendy Reed, Marlene Switzer

(Corrected Version April 9, 2020)

Preliminary Comments from Fred Chanania, as a Resident, Abutter and Chair of WN Tree Committee

This project is not environmentally or demographically warranted. Developer generalizations in its application about protecting wetlands and forests (trees) is fatally lacking in concept and detail. Prior experience with the same developer suggests that appropriate mitigation and protections will not be forthcoming.

- Unstudied and likely adverse changes in hydrology affecting wetlands
 - This project will adversely impact stream flow down hill into wetland area on other side of Coffin Street and will contribute to eventual siltation of Indian River (already impacted by upstream activities of much smaller scale) and eventually the Merrimack River.
 - This project will create unknown effects on groundwater supply for household wells in the area with changed hydrology.
- Existing trees and ground cover will be removed and not replaced in kind
 - Pocket parks and open space lawns do not provide the same environmental values as existing forest in terms of flood control, water infiltration, and carbon sequestration.
 - This removal will increase erosion of topsoil long after construction barriers are removed to the detriment of abutters properties.
 - Note the adverse experiences at both a steeply sloped and gently sloped project by the same developer have not been mitigated or satisfactorily addressed. Information from project occupants demonstrates that this developer has no long-term plan to mitigate adverse effects on town and other properties from the erosion problems at these two other sites in West Newbury. This history should factor into any consideration of this project. At the very least, significant bonding requirements and/or liquidated damage clauses should be included in any development approvals by Town boards.
 - Significant alteration of designated and historic wetlands on other side of Coffin Street will likely occur due to higher erosion from tree clearing and the resulting higher stream flows, especially during significant rainfall events that are expected to more common as climate change occurs.
 - The proposed plan does not address any runoff issue that will inevitably occur on the current residential properties along Coffin Street stemming from the conversion of natural landscape and topsoil into hard-scaped developed properties.
- What is Tree Replacement Plan?
 - West Newbury is committed to protecting wetlands, trees, and forests - see BOS statement in charter of Tree Committee from August 2019.
 - Introduction of hard surfaces in this development will necessarily diminish future tree and forest areas and will result in an increased loss of infiltration water needed to support any trees that remain or are planted as mitigation measures.
 - At the very least, the developer should be required to commit to a 1-1 replacement plan for any trees removed over 4 inches in diameter, with an independent inspector on hand to avoid cheating.

- Plan should extend for a minimum of 10 years (average age of a 4 inch diameter tree) with performance bond assuring developer will replace any trees that do not survive.
 - Significant penalties and/or liquidated damages should be mandated if the tree replacement is not accomplished in an appropriate manner, which would include using only native species and species that are appropriate for the West Newbury climate conditions and planting zone.
- Sewage being pumped up hill from Coffin Street is an ill-considered plan and is not environmentally sustainable
 - Pumping is not energy efficient, and most systems use gravity-fed sewage lines for that reason.
 - Any leakage or other accidental discharge from the sewage treatment and/or the sewage treatment plant will likely immediately enter the groundwater flow into wetlands on other side of Coffin Street. This will most probably cause eutrophic conditions, with associated anoxia and troublesome odors. Currently, those wetlands do not exhibit either of those characteristics.

This Project is out of proportion to the size and character of the surrounding area, one of the criteria in the state standards for this type of project

- Overall density increase is unwarranted and will irrevocably change the character of the semi-rural landscape on and around Coffin Street
 - Currently there are 29 residences on Coffin Street, almost all of which are 1-2 acres or more per dwelling, and 11 residences on Cortland Lane of about 1 acre or more.
 - 152 new residences represent an increase of over 400% for Coffin Street.
 - Municipal services cannot support this amount of instant growth in one location that is out of scale with WN history and demographics.
 - The relevant scale for this project is NOT Main Street, but is the much more proximate Coffin Street neighborhood, which is semi-rural in character and which houses barns and livestock common to rural farmland.

This Project creates a safety hazard for pedestrians and bicyclists due to large increase in automobile traffic on Coffin street

- Coffin Street, which is barely 2 cars wide, is the site of many bicycle rides by clubs and individuals and is also commonly used by pedestrians. The increase in auto traffic will endanger this use by local residents.

I reserve the right to amend these comments at a future date.

Respectfully, submitted,

/s/ Fredric D. Chanania, resident and abutter,
Chair of West Newbury Tree Committee

47 Coffin Street

Town Manager

From: Rick Parker
Sent: Monday, June 1, 2020 5:08 PM
To: Town Manager
Cc: Rick Parker
Subject: Comments on Proposed 40B Affordable Housing Development with Road Frontage on Coffin Street and Main Street

Angus,

Many residents, as well as numerous boards / committees / commissions, have already submitted comments regarding the proposed Chapter 40B affordable housing development with road frontage on Coffin Street and Main Street and a wide range of legitimate concerns have been addressed. This comment does not duplicate those already existing.

As a member of the West Newbury Board of Selectmen and long-time (and current) member of West Newbury's Energy Advisory Committee, I feel it important to address issues related to energy use and efficiency and minimization of climate change contributing factors. Construction of new housing stock is a long-term investment in a community's built infrastructure and should be designed and constructed to reflect identifiable current and future needs. The Commonwealth of Massachusetts, including both bodies of the Legislature and the Governor, is actively developing a plan for the state to achieve net-zero greenhouse gas production by 2050 which, to be successful, will ultimately require the participation of every community. Designing to minimize operational energy use and expense should be a primary consideration for affordable housing since, by definition, those owning and living in affordable housing may not have the financial resources to upgrade their home energy systems in the future and need to be concerned about their energy related operational costs now. The development proposal as presented makes minimal effort to address energy use and includes nothing for on-site generation. All homes in any development, including both/either affordable and/or market rate housing should be designed to meet at least the following:

- 1) Meet the current building Stretch Code as a minimum design standard. As a Green Community, West Newbury has adopted the Stretch Code and it is mandated by town bylaw.
- 2) Rooftop solar PV should be standard on all homes in subsidized developments. Cost can be minimized by including solar PV at the time of building design and construction, allowing homeowners to be "in the black" on the investment from day one when energy costs are included as part of the ownership and operational cost. Upgrades should be offered to market rate units allowing battery storage to be installed at time of construction. If for some functional reason rooftop solar is impractical on some buildings, the developer can incorporate into the project sufficient ground-mount solar PV to meet the balance of on-site needs.
- 3) Only all-electrical heating systems should be considered at the design and construction stage, most likely using either air-source or ground-source heat pumps. Heating should not be from combustion of fossil fuels (e.g. oil, natural gas or propane).
- 4) All appliances and energy consuming systems in the home should meet Energy Star standards.
- 5) Building envelope material selection should consider minimization of both energy use and maintenance costs (e.g. light colored roofing materials to minimize cooling load, no/low-maintenance siding materials).
- 6) Water use should be minimized at design through selection of the most water efficient household appliances and outdoor landscaping decisions.

Thank you for the effort gathering resident comments.

Best regards,

Richard Parker – Member, West Newbury Board of Selectmen
153 Crane Neck Street