



June 12, 2020

BY FIRST CLASS MAIL

Jessica Malcolm, Director of Comprehensive Permit Programs
Massachusetts Housing Finance Agency
One Beacon Street
Boston, MA 02108-3110

Re: 28 Coffin Street & 566 Main Street, West Newbury – Proposed Chapter 40B Project

Dear Ms. Malcolm:

This firm represents neighbors and abutters to a proposed 152-unit Chapter 40B project at 28 Coffin Street & 566 Main Street, West Newbury, Massachusetts (the “Project” and the “Site”). We have reviewed the Project Eligibility Application (the “Application”) filed by the applicant, Cottage Advisors MA, LLC (the “Developer”) for the Project, and have a number of concerns with the design of the Project, as well as the thoroughness and accuracy of the Application itself. We appreciate the opportunity to bring these issues to your attention, and hope that the Developer will address them – including the jurisdictional deficiencies noted below – before taking any steps in furtherance of this Project.

A. Overview

The Town of West Newbury has approximately 4,000 residents, and is classified by the Commonwealth as a “rural community,” having a population of less than 500 persons per square mile. In towns like West Newbury, the impacts of large new developments, such as this, are acutely felt, and must be approached with great care and balance. As the Planning Board noted in its Memorandum dated May 21, 2020, this Project will be the largest development project that this Town has ever seen. The number of housing units proposed represents almost 10% of the existing housing stock in the whole Town. Besides the obvious strain on municipal services, this Project would have an enormous impact on the natural environment. Most of the Site’s 75 acres are currently undeveloped forest and wetlands. Wetlands connected by streams are scattered throughout the Site.

Effluent from the Project’s 152 homes (43,560 gallons per day) will be recharged into the ground, 100 feet from wetlands on both sides.¹ The Project has few redeeming qualities – it is a prime example of suburban sprawl, the antithesis of “smart growth” or “sustainable

¹ See Section D.2 below.

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development.” The closest train station is a two hour walk from the Site. There are no commercial amenities within a mile of the Site, let alone within walking distance, and no sidewalks along the state highway that leads to the nearest commercial services (over a mile away).

The Developer’s yield plan suggests that 38 house lots could be developed on the Site, although as discussed below, that is unrealistic given the physical site constraints. At 152 units, the Project’s density is extreme and offensive to sound planning principles, including the ones that are supposedly applied to Chapter 40B applications. While we understand that one of the purposes of Chapter 40B is to facilitate greater density than what is allowed under conventional zoning, the rules governing Chapter 40B expect that variance to be modulated and balanced against other concerns, such as “preserving open spaces,” and “protecting the health and safety of the occupants” of the future housing development. G.L. c. 40B, § 20 (definition of “consistent with local needs”). This Project, as currently designed, does not strike the appropriate balance between the need for housing and legitimate planning and environmental concerns.

B. Jurisdictional Issues

1. The Project Exceeds the “Large Project Cap” Under Chapter 40B Regulations.

The Developer correctly noted under Section 3 of its Application that the Project would qualify as a “large project” as defined by 760 CMR 56.03(6). The regulations state that in a town with fewer than 2500 housing units, a “large project” is one that involves the construction of housing units that exceeds 6% of all housing units in the municipality. According to the Subsidized Housing Inventory published by the Department of Housing and Community Development, West Newbury has 1558 year-round housing units. Therefore, a “large project” in West Newbury would be one with 94 or more housing units. Pursuant to 760 CMR 56.03(1), a zoning board decision to deny, or grant a comprehensive permit with conditions, for a “large project” is deemed “consistent with local needs” and would be upheld on appeal. This Project, at 152 units, significantly exceeds the Large Project Cap, meaning that the Town is under no obligation to approve, but instead must be convinced based on the merits of the Project.

Despite identifying this significant jurisdictional hurdle, the Developer provides no explanation for why it thinks the Zoning Board of Appeals would accept this Large Project. Notably, in the section of the Application where the Developer is asked to describe all of its outreach to the Town of West Newbury prior to submitting the Application, the Developer mentioned only one meeting with the Town Manager, just weeks before filing this Application.

2. The Developer’s Evidence of Site Control is Deficient

One of the three jurisdictional prerequisites under Chapter 40B is “site control” (760 CMR 56.04(1)(c)), which is typically established by showing that the applicant either owns the project site or has a legal right to acquire it (e.g., through a valid purchase and sale agreement).

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To satisfy the site control question, the Developer has provided a copy of a purchase and sale agreement for the house lot at 566 Main Street (\$600,000), which expires the end of July. For the remainder and bulk of the Site, the Developer has provided an accepted "Offer to Purchase Real Estate," dated November 8, 2019 (\$1 Million). The Offer states that it is contingent upon the execution of a purchase and sale agreement "within 20 days of the acceptance of this Offer by the Seller." An Offer is not a purchase and sale agreement. Without evidence that a purchase and sale agreement has been signed, there is no evidence that the Developer has site control for most of the Site.

3. *The Developer's Evidence of Fundability is Deficient.*

The project eligibility application form, page 18, requires a letter of interest from a member bank of the Federal Home Loan Bank of Boston ("FHLBB"). This is important because one of the jurisdictional prerequisites to applying for and obtaining a comprehensive permit is having a "subsidy" from a federal or state affordable housing program. 760 CMR 56.04(1)(b). The "New England Fund" program managed by the FHLBB has been recognized by the courts as one such program. To ensure that the subsidy requirement is met, the application form appropriately requires developers to secure a letter of interest that briefly describes the bank's familiarity with the borrower, briefly describes the project, and confirms that the bank is a current member of the FHLBB and that the bank will "specifically use NEF funds for the proposed development."

The Developer provided a very short letter from "Lowell Five," which presumably is the Lowell Five Cents Savings Bank, but the letter does not satisfy any of the requirements in the form application. MassHousing should require the Developer to obtain a conforming letter of intent.

C. Comments on the Application - Discrepancies and Omissions

§ 2 – Description of Site

Under Section 2 of the Application, the Developer states that the total site area is 3,282,984 square feet, which is 75.37 acres. However, on the Developer's site plans submitted with the application, it describes the "total lot area" as "73.37 acres." It appears that the Developer's civil engineer made an elementary math error, which is troubling because a lot of material information provided in the Application, including plans, is based on calculations made by the civil engineer. The West Newbury Planning Board highlighted several other technical errors with the site plans in its Memorandum.

Furthermore, the Developer's site plans fail to identify any locations for drainage utilities, such as detention ponds or infiltration systems. See, 760 CMR 56.05(2)(f) (Chapter 40B application should include preliminary utility plans showing location of drainage facilities). This makes it virtually impossible to assess the viability of this conceptual development scheme, or perform even a cursory evaluation of environmental impacts (road runoff is the primary source

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of pollution to wetlands and streams in the context of residential development).

When asked whether there are any “easements” affecting the development of the site, the Developer responded “no,” where in fact there is a significant power line easement for high voltage transmission lines. As the Planning Board noted, this renders approximately 9 acres of the Site unbuildable.

§ 2.5 – *By-Right Site Plan*

MassHousing requires the submission of a site development plan “which would be permitted under current zoning,” the purpose of which is to form the basis for an appraisal of the Site to determine the maximum land acquisition cost under Chapter 40B regulations and guidelines. Under Chapter 40B rules, an applicant is only permitted to carry as a land acquisition cost an amount equal to the appraised fair market value of the project without the benefit of a comprehensive permit, regardless of how much the applicant actually pays for the land. This rule prevents property owners from realizing windfall profits at the expense of affordable housing. The land acquisition cost is often the largest fixed expense in a residential development, and is therefore material to the question of whether a zoning board’s denial of waivers for a comprehensive permit renders the project “uneconomic.”

The “yield plan” submitted with the Application portrays a 38-lot development scenario that would almost certainly be rejected out of hand, not allowed “by right” as the Developer represents. The yield plan shows at least five wetland crossings that appear to alter more than 5,000 square feet of wetland resource areas, which is prohibited under the state Wetlands Protection Act. See, 310 CMR 10.55(4)(b). Further, a significant amount of the road network and at least 15 of the 38 proposed house lots would require construction within the 100-foot buffer zone to the wetland resource areas that are delineated on this plan, which delineation has not been approved by the West Newbury Conservation Commission. There are strict performance standards governing work within the 100-foot buffer zone under the state wetland protection regulations, and this amount of disturbance within the buffer zone is not likely to be approved.

The viability of the yield plan is dependent on waivers from several provisions of the West Newbury Subdivision Rules and Regulations. For example, Section 4.2.4.9 requires that the frontage on the existing street be at least equal to the required frontage for lots in the underlying zoning district – the Site’s frontage on Coffin Street is only 166.6 feet, where the frontage requirement in the Residential B district is 200 feet. Under Section 4.2.4.11, the centerline of a new subdivision road must be set back from the abutting lots a distance equal to one-half the required frontage. Where the frontage of 566 Main Street is exactly the minimum frontage on the Residential C district (150 feet) the road for any by-right development would need to be located exactly in the middle of that lot (it is not).

An appraisal of land based on the highest and best use can only rely on the issuance of discretionary land use permits that are reasonably obtainable. Specifically, the likelihood of

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obtaining permits for appraisal purposes must be “reasonably probable, rather than merely possible.” *Clark v. City of Westfield*, 68 Mass. App. Ct. 1104 (1997) (unpublished) (appraiser improperly assumed Rivers Protection Act and its attendant permitting requirements did not apply to locus); *McLaughlin v. Selectmen of Amherst*, 422 Mass. 359 (1996) (landowner must prove “reasonable probability” of waivers from subdivision regulations). See also, *The Appraisal of Real Estate*, 13th Ed., p. 371 (“The proposed lots [in a subdivision development analysis] must conform to jurisdictional and zoning requirements with regard to size, frontage...”). Here, it would be entirely inappropriate for an appraisal to rely on an assumption that this yield plan would be approved by the West Newbury Planning Board or the West Newbury Conservation Commission.

This opinion is corroborated by a 2014 appraisal performed by LandVest on behalf of the Town of West Newbury’s Community Preservation Committee and the Essex County Greenbelt Association, which at the time was considering a joint venture to acquire the Site for conservation purposes. That appraisal report (copy attached as Exhibit A) identified many of the same physical development constraints including steep slopes, wetlands and streams, and “severely constrained/hydric soils.” The appraisal considered two potential development scenarios as the “highest and best use” of the land: Plan A, an 8-lot subdivision; and Plan B, a 16-lot development with a through road connecting to the cul-de-sac on Cortland Lane.² The appraiser concluded that “Plan A” was a “more reliable planning model for appraisal purposes.” Notably, both scenarios are far less dense and less aggressive than the 38-lot development suggested in the Developer’s Yield Plan.³

§ 3.4 – Sustainable Development Principles

The Project utterly fails to meet the Commonwealth’s “sustainable development” criteria. Under the first principle, “Concentrate Development and Mix Uses,” the Developer touts the fact that the Project “is at a higher density than the surrounding area,” and “will allow for the site to retain 66% of the site as “Open Space.” However, as is obvious to any person, lay or expert, looking at Sheet C-1 of the plans, practically every *upland* acre of the Site is consumed by roads, buildings, and utilities including stormwater and wastewater. To arrive at the 66% open space calculation, the Developer must be including the large swaths of wetlands and streams across the Site, which according to the Developer comprise 15.29 acres (20% of the Site), and areas of steep slopes and land underneath the high voltage transmission lines that cross the Site. The Planning Board estimates that only 51.5% of the 75-acre Site is actually “buildable” after excluding wetlands, the 25-foot “no build” buffer, areas of steep slopes (exceeding 20%) and the 9 acres of land beyond the power line easement that are inaccessible. It is grossly misleading to take credit for saving land that cannot be developed anyway.

² A connection to the Cortland Lane cul-de-sac is legally dubious, for the reasons stated by the Planning Board.

³ Since the date of the appraisal, the property owner divided his land to carve off a lot with an existing home, which he subsequently sold to our client, Michael Ricci. This house lot is in roughly the same location of Lot 3 on Plan A and Lot 4 on Plan B.

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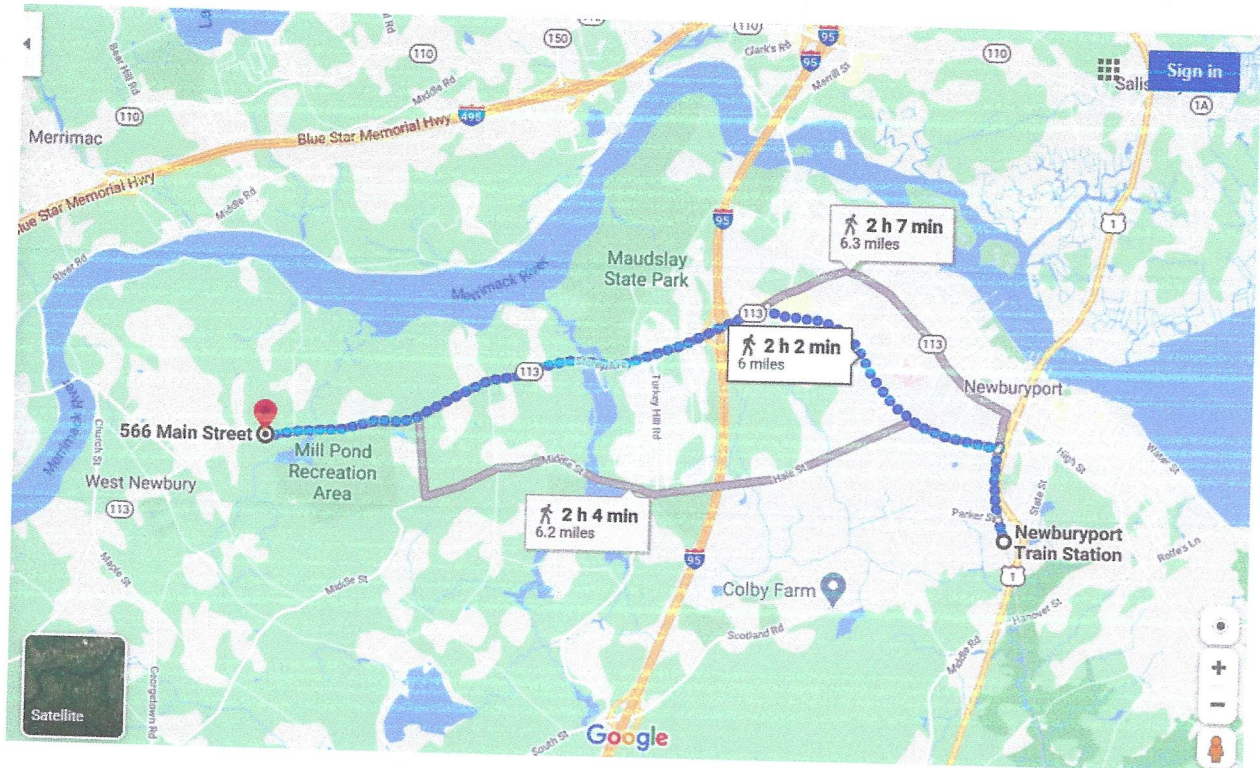
The “Concentrate Development” principle was intended to promote the clustering of housing and infrastructure, closer together than what may be permitted under zoning bylaws, in order to *preserve* otherwise buildable open spaces and natural features, such as what is contemplated under the Zoning Bylaw’s Open Space Preservation Development (“OSPD”) provisions, Section 6.B. This plan does the opposite – it takes advantage of the unique functions of Chapter 40B to skirt compliance with zoning regulations, but offers nothing in return in the form of land preservation or environmental protection. As noted above, a significant portion of the 100-foot buffer zones surrounding the wetlands on the Site will be consumed by buildings and pavement. The Developer has proposed no common recreational areas, passive or active, anywhere on the Site. The Planning Board noted that at least 24 housing units are so close to protected wetland resources that they will effectively have no useable side yard, rear yard, or both.

If the Developer wishes to characterize its project as a traditional “cluster” development, then it should be measured against the standards of Section 6.B. Under that bylaw, 60% of the development tract must be restricted as open space, and the percentage of the open space that comprise wetlands cannot exceed the percentage of the entire site that comprise wetlands. Zoning Bylaw, §6.B.10.A. Further, there must be a 75-foot wide buffer along the perimeter of the development tract in the Residence B zoning district. There are several proposed homes within 10 – 15 feet of abutting properties, which does not even meet the 20’ setback requirement in the district.

The same criticism also applies to the next two sustainable development Principles – “protect land and ecosystems,” and “use natural resources wisely.” The Project also violates the sixth Principle, “provide transportation choices,” which stresses transit-oriented development, and minimizing fossil fuel impacts. As noted earlier, the closest train station is six miles away in Newburyport, a two hour walk according to Google Maps. See, Graphic A below. The Developer trumpets the fact that a “ride share location” is “only 3 miles” away, hardly within most commuters’ walking distance.

The Developer’s representation that there is “easy access” to West Newbury’s town center is also misleading, where services are over a mile away, there are no sidewalks on Route 113, and only a narrow shoulder unprotected from traffic moving at high speeds. Google street view pictures of Route 113 east and west of the Site is provided in Graphic B below. There are also very few commercial amenities in West Newbury’s town center for residents to enjoy. Future residents will be highly dependent on their own cars to take them where they need to go.

Graphic A



Graphic B (looking west from the Site)



(looking east from the Site)



Relatedly, the Project's impacts on local roads should be carefully evaluated, given that one can expect approximately 1,500 new daily vehicle trips generated by the Project upon full occupancy.⁴ Coffin Street is a narrow, hilly road with several bad curves. Coffin Street and River Road are on bike trail maps, and are frequently used by bicyclists. The Site's limited frontage on both Coffin Street and Main Street will restrict available sight distances where the Project's roads intersect with these streets. MassHousing should require the Developer to submit a traffic impact assessment study that conforms to the state Department of Transportation Transportation Impact Assessment Guidelines, and which addresses these local concerns.

The Developer's "scorecard" for its compliance with the sustainable development principles is also grossly inaccurate. On page 29 of the Application, the Developer states that the Project is "compact and/or clustered so as to preserve undeveloped land," "reuses existing sites, structures or infrastructure," and is "pedestrian friendly." On page 30, the Developer claims credit for "creation or preservation of open space or passive recreational facilities," and "protection of sensitive land, including... critical habitats and wetlands." As discussed above, all of these representations are demonstrably false, and the opposite conclusions can be reasonably drawn on most of these criteria. With the exception of the one house at 566 Main Street, all 75 acres is undeveloped forest and wetland, with no existing sidewalk infrastructure, no accessibility to mass transit, no public sewer system, and reliance on a shaky municipal water system.

§ 6 – Applicant Information

⁴ According to the Institute of Transportation Engineers' *Trip Generation Manual*, a single-family home typically generates about 10 daily vehicle trips.

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On Page 20 of the application, the Developer was required to identify all “managing entities of the applicant,” all “principals and controlling entities of the applicant,” and all “affiliates of applicant and its managing entities.” In response, the Developer intentionally left this section blank, including instead a reference to “Section 6.4.” There is no “Section 6.4 to this Application. The Developer did, however, provide an addendum labeled “Section 7.7, List of Applicant Entities.” This addendum begins with a cover letter dated March 27, 2020, identifying Brian Lussier as the “President of the Applicant Entity.” It is unclear who Mr. Lussier is, as his name had not previously appeared in the application.

Following the two-page cover letter are screen shots from a computer search on the Secretary of State’s website for all of the corporate entities that are associated with anyone named “Howard Johnstone Hall” and “Howard J. Hall.” These screenshots, however, appear to be incomplete, as we were able to identify more companies in which Howard J. Hall is an officer based on our own search of the corporation database. Specifically, the following companies were omitted from the Developer’s list: Arenhall Corp., Arenhall, LLC, Camall, LLC, Cottage Advisors, LLC (N.B. the Applicant is Cottage Advisors MA, LLC), Dampolo Automotive, Inc., and Guthall, LLC. MassHousing should request an explanation for why these corporate entities were excluded.

D. Miscellaneous Design Issues

1. Environmental Impacts – the Importance of Wetland Buffer Zones

The Site contains significant Wetland Resource Areas protected under the Massachusetts Wetlands Protection Act and the regulations promulgated thereunder at 310 CMR 10.00 *et seq.*, including Bordering Vegetated Wetlands (“BVW”) and Streams. The streams on the Site are tributary to the Indian River, which outlets into the Merrimack River approximately one-half mile from the Site. As noted above, the streams that stitch these wetlands together were omitted from the Applicant’s plans, but are shown on wetland maps published on the state Geographic Information Systems website (“MassGIS”), as well as the Site Analysis Plan that is part of the 2014 appraisal. A screenshot of the MassGIS wetlands map of this Site is attached as Exhibit B.

The Applicant has inappropriately downplayed the impact that this Project will have on these wetland areas and its ecosystem. It is well documented that the 100-foot upland buffer area to BVW provides critical habitat to a diverse population of amphibians, reptiles, birds and mammals, for nesting, feeding, over-wintering and reproducing.⁵ Construction of roads, buildings and infrastructure inside this buffer area as currently proposed will destroy wildlife cover resulting in a permanent adverse impact to wildlife escape and migration pathways, nesting, and forage.

Further, upland buffer areas play a key role in attenuating stormwater runoff and

⁵ MACC Buffer Zone Guidebook, dated June 6, 2019

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wastewater pollutants as they migrate through groundwater to wetlands and streams. Buffer areas also naturally maintain water *quantities* within wetlands, which is critical to maintaining habitat and stream flow. Extreme development of upland areas adjacent to wetlands, as proposed here, typically has the effect of changing the hydrology of the overall wetland system, starving some areas of water by diverting stormwater to centralized basins. The Site's steep topography actually functions to maintain the hydrology required to support the wetland system, and therefore significant cuts and retaining walls will materially alter the hydrologic regime. Where slopes are 20% or greater, wider buffer zones are required to prevent adverse impacts to wetlands.

2. *Environmental Impacts – Insufficient Details on the Wastewater System*

Under Section 3 of the Application, the Developer states that there will be 60 two-bedroom units, and 92 three-bedroom units, for a total of 396 bedrooms in the Project. Applying the Title 5 design flow criteria for condominiums, the Project would have a design flow of 43,560 gallons of wastewater per day (110 gpd/bedroom).⁶ The Developer is proposing one central wastewater management facility for the entire Project, located between two wetland systems. The five proposed leaching fields are conveniently located just outside the 100-foot buffer zones for these wetlands, according to un-approved delineation on the Developer's site plans, presumably in an attempt to avoid pre-construction review by the Conservation Commission under the Wetlands Protection Act.

Any project with design flow of greater than 10,000 gallons per day is subject to a groundwater discharge permit from the state Department of Environmental Protection ("DEP"). It does not appear that the Developer has started that application process with a proposed scope of hydrogeologic evaluation pursuant to 314 CMR 5.09(1)(b). We recommend that MassHousing require the Developer to not only initiate this process with DEP, but in fact undertake the hydrogeologic evaluation required under the state Clean Water Act regulations, given the proximity of the leaching fields to this fragile ecosystem.

Relatedly, the Developer has not yet filed an Environmental Notification Form under the Massachusetts Environmental Policy Act, G.L. c. 30, §§ 62 – 62H. Under Section 62A of MEPA, such a form must be filed within 10 days of the filing of the first application for a state permit or financial assistance. Historically, Chapter 40B developers tend to wait until after a comprehensive permit is issued before submitting to the MEPA review process; however, this goes against the policy objectives of MEPA.⁷ MassHousing is uniquely situated to require

⁶ The true design flow figure is probably higher, because the design flow for the 20 single-family homes must be at least 330 gallons per day, regardless of the number of bedrooms. Therefore, if there are any two-bedroom single-family homes proposed, the design flow would be slightly higher.

⁷ See, 301 CMR 11.01(1)(d) ("[MEPA] enables an Agency to consider the cumulative impacts of Projects requiring individual Agency Actions taken in accordance with each of its programs, regulations and policies that may not otherwise be subject to adequate MEPA review or that may have similar environmental impacts such that a common assessment may be necessary or appropriate. MEPA review can influence the planning and design of a program, regulations, policy, or other Project to enable an Agency to achieve these goals, *provided that MEPA review is*

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Chapter 40B developers to begin the MEPA process “sufficiently early and in any event prior to the Proponent finalizing or otherwise irreversibly committing to the program, regulations, policy, or other Project.” 301 CMR 11.01(1)(d).

The Project’s loan from the New England Fund, which includes state tax benefits, is a “government subsidy” that constitutes “Financial Assistance” under 301 CMR 11.02, which is defined as “[a]ny direct or indirect financial aid to any Person provided by any Agency⁸ including, but not limited to, mortgage assistance, *special taxing arrangements*, grants, issuance of bonds, loans, loan guarantees, debt or equity assistance, and the allocation of Commonwealth or Federal funds.” (emphasis added). Accordingly, the Project would receive “Financial Assistance,” and is subject to broad-scope MEPA review extending to all project aspects that are likely to cause damage to the environment. 301 CMR 11.01(2)(a)2.

3. *Public Water Supply*

The Planning Board commented that the Project will be the largest residential project ever permitted and constructed in the Town. The Planning Board notes that its water is delivered from the City of Newburyport, which is “not guaranteed,” and that it has doubts whether there is adequate water pressure in the location of the Site. Water availability is probably the most important factor when considering the viability of a residential project. To fulfill its project screening function, MassHousing should require the Developer to commission a comprehensive water supply analysis from a competent water engineering firm. If there is insufficient water quantities or pressure available at the Site, this Project should not get past first base.

4. *Lack of Open Space and Over-Utilization of the Site.*

The Chapter 40B Guidelines published by the Department of Housing and Community Development remind developers that by definition, the statute mandates that the need for housing be balanced against the environmental concerns. See, *Guidelines*, Section V.E. In fact, G.L. c. 40B, § 20 states that local zoning board decisions are “consistent with local needs” when they balance the need for housing with the need “to promote better site and building design in relation to the surroundings, or to preserve open spaces...” See also, *Dennis Housing Corp. v. Dennis Board of Appeals*, HAC No. 01-02 (May 7, 2002) (zoning board’s denial of a 50-unit apartment building on a 3.2-acre site was consistent with local needs because “the proposed design over-utilizes the site”).

initiated sufficiently early and in any event prior to the Proponent finalizing or otherwise irreversibly committing to the program, regulations, policy, or other Project.” (emphasis added).

⁸ MassHousing is the state “Agency” that administers project financing from the New England Fund. See Guidelines for G.L. c. 40B Comprehensive Permit Projects, Subsidized Housing Inventory, promulgated by the Department of Housing and Community Development (“DHCD”), dated December 2014, p. 69, Section V.A., which provides that when the government subsidy is provided by an entity such as the Federal Home Loan Bank, DHCD shall authorize a public or quasi-public entity – here, MassHousing – to act as the Subsidizing Agency, including review and approval of Project Eligibility and Final Project Approval.

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In its Guidelines, DHCD admonishes developers to “bear in mind that there is consistency between G.L. c. 40B and meeting environmental concerns. (G.L. c. 40B § 20).” The Guidelines specifically call for “[c]reative land use designs which minimize infrastructure costs and adverse environmental impacts and/or maximize resident recreational areas and meaningful open space.” This Project, which consumes virtually all available flat, upland area on the Site, falls well short of this policy objective.

In conclusion, the proposed Project is poorly-conceived and will wrought significant environmental and planning impacts on the community that greatly outweigh the regional need for housing. We respectfully request that MassHousing deny this Application.

We appreciate the opportunity to comment.

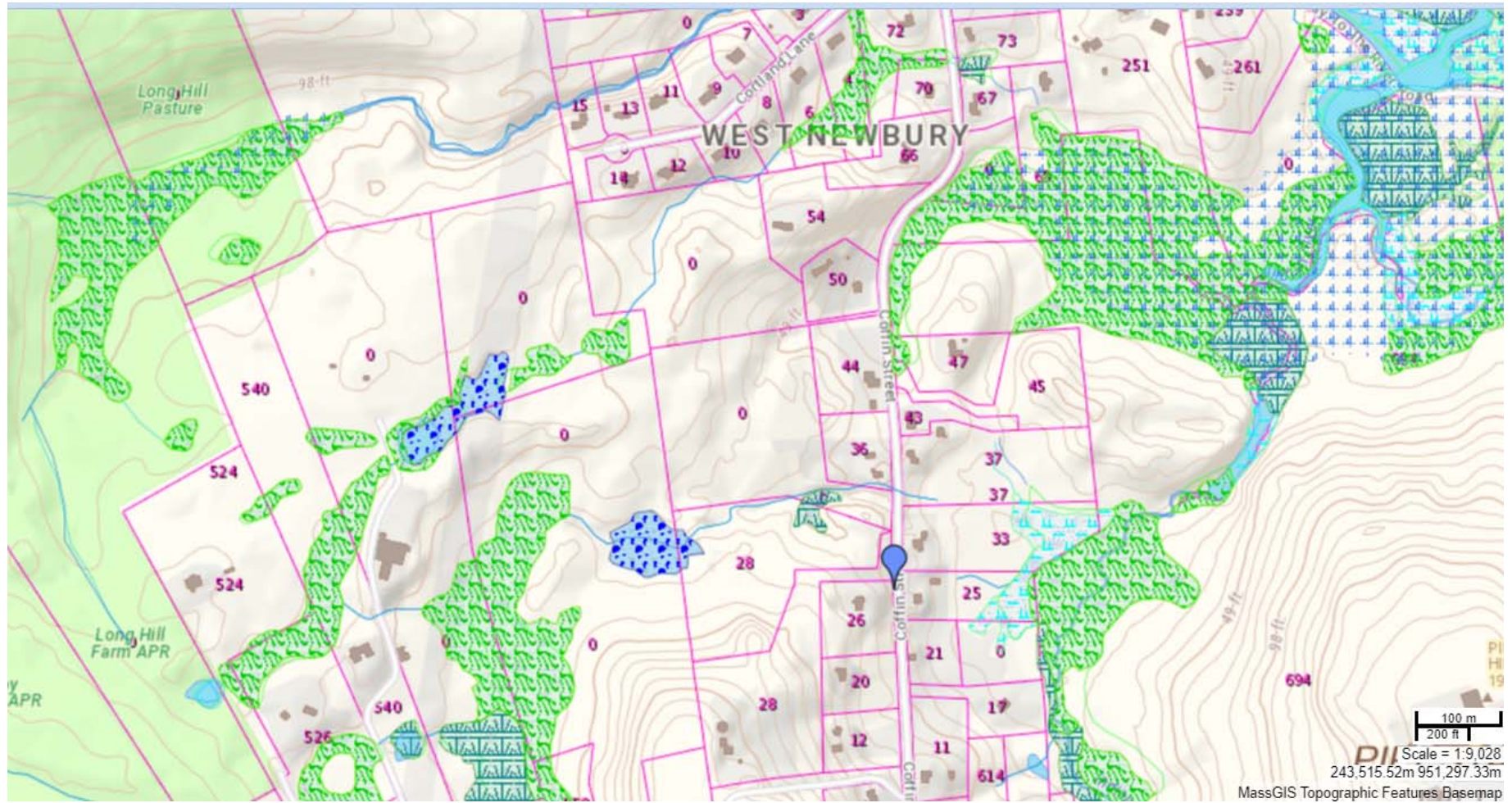
Very truly yours,


Daniel C. Hill

Enc.

cc: Clients

EXHIBIT B – MassGIS Wetlands Map



The Ricci's
28B Coffin Street
West Newbury, MA

June 16, 2020

To whom it concerns,

We are the Ricci's, currently residing at 28B Coffin Street in West Newbury, Massachusetts. We are writing to you to voice our deep concerns related to the proposed 40B project within our town. We used our life savings to move to a rural environment in a beautiful town four years ago. The characteristics of the town, the open space between homes, nature and wildlife are what drew us to this particular town. We got married on our property and we have dreams to raise our child in a quiet and safe community. The proposed project will destroy these notions. Although we agree with the need for subsidized housing, this plan would put such a stress on our town. Increasing our towns population by approximately 10% to increase the subsidize housing by less than 2% does not work for a small town like ours. If we use this formula to set a precedent, we would have to build approximately 600 new homes to meet the states 10% requirement. Which is simply not possible in a town like ours.

Included below are additional bulleted concerns related to the project.

Roadways and Safety:

- Coffin Street can barely handle the current traffic demands it currently has.
- With 600 + parking spots, if everyone went to and from work and ran one errand a day that is an additional 2,400+ trips through our neighborhood daily. A neighborhood that does not currently have sidewalks.
- Close proximity of new intersections and roads in the new development to my property is very concerning for animals and children.

Property Setbacks:

- The developer has shown no mercy when it comes to distance of structures or roads being setback from abutting neighboring property lines.
- The developer is proposing to place 14 units along our property line some as close as 20 feet. Some houses on the proposed projects are as close as 7 feet from abutting property lines.

Wildlife and Nature:

- The land is some of the richest wildlife in town. The list of animals that thrive on the proposed property could go on for days. Some include but is not limited to: deer, turkey, woodpeckers, endangered owls, blue spotted

salamander, a variety of turtles, peeper frogs, tree frogs, bald eagles, hawks, fox, coyote, etc.

- There are also multiple vernal pools and extensive wetlands on the property.
- Increasing the population to such a dense level in a small area along with the additional motor vehicle traffic would be detrimental to all this wildlife and habitat. Not to mention, diminish the serene oasis and tranquility that we observe looking out our windows on a daily basis.
- Although the plans show for open space, the majority if not all of that space is either swap or unusable wetlands.
- The poor engineering of the project shows no areas for storm water retention. It also has a giant leech field less than 100 feet from wetlands and vernal pools. There is a great concern for storm water runoff and excessive gray water at 43,000 gallons a day going into the ground in such close proximity to said vernal pools and wetlands. The leech field is also above grade from said Vernal pools and wetlands. Gravity will only take the polluted water in those directions.
- His project will call for extensive clear cutting of trees and removal of hundreds of feet of multiple stonewalls older than the town.
- The pure size and scope of this project, along with its poor engineering, leaves much to be desired. It also leaves no room for mistakes or corrections down the road.

The Developer:

- The developer's very poor engineering of a project of this great scale is very concerning. A lot of his numbers do not add up. Having houses in close proximity to abutting neighbors and claiming he's going to change grade, build berms and put up visual blockers is not possible in the space he has allotted for in between the property lines.
- The developer's application is riddled with mistakes and lies regarding the property in question. For example, he claims the property has never been attempted to be developed. This is not true considering I, myself, tried to develop it two years ago. The property is landlocked by a piece of my property. The current owner of 28 Coffin Street must always ask permission before bringing potential investors/developers out to the property because they have to cut through our land. He has done so countless times over the last four years to do testing such as perk tests and wetland markings. A few years prior, The Green Company attempted to also develop the land. The town has some plans submitted by them.
- After researching the developer's last projects and reaching out to those communities, we have heard time and time again that he is not to be trusted. He makes promises to abutting neighbors that he does not keep. Furthermore, when the project is over he is nowhere to be found when things go wrong. His past developments also show very poor quality riddled with engineering problems and mistakes including one that has a failed

community septic system similar to the one he plans on installing in this proposed project.

Municipalities:

- Water: Our town already struggles to meet the demands of freshwater supply. We currently have to purchase water from surrounding cities to meet our demands. As it is June, which should be the end of our wet season, we are already in a mandatory water ban. How are we going to supply 152 additional houses with clean and safe, drinkable water?
- School systems: The developer's prediction that there will only be approximately 20-30 children living in this development is not only absurd it is a blatant lie. According to the Census Bureau from December 2019, the average household has 1.2 children. This indicates that given the scale of the proposed project, there will be an additional 182.4 children added to the school system. In such a small town adding this increase in population to the school system can be detrimental to the overall quality of education the children would be receiving.
- Police and Fire Department: Increasing our population by approximately 10% will put a strain on our police and fire department that are already spread thin as is.

In closing, like previously stated, we are in favor of more subsidized housing. However, this is not the solution to our problem. The developer may say he is doing this for the good of the town and to increase our subsidized housing levels. However, a plan that jams this many units into such a small and unstable area shows nothing but the developer's greed, and blatant disregard to the town's integrity and characteristics. It is not fair to allow one person's greed to destroy a neighborhood/town so that he can stand to profit approximately \$8,000,000.00 at the town's citizen's expense.

As you review the developer's application, we would like you to consider our concerns and imagine how a project of this scale would impact your life if it came to your backyard. We thank you for your time and attention in this matter.

Sincerely,



Michael Ricci



Katie Ricci