

DESCHENES & FARRELL, P.C.

Attorneys at Law  
515 Groton Road, Suite 204  
Westford, MA 01886  
Telephone: (978) 496-1177  
Facsimile: (978) 577-6462

*Douglas C. Deschenes  
Kathryn Lorah Farrell  
Melissa E. Robbins\**

*\*Admitted in MA and NH*

June 30, 2020

MassHousing  
One Beacon Street  
Boston, MA 02108-3110

**RE: The Cottages at Rolling Hills  
West Newbury, MA**

Dear Sir or Madam,

As you know this office represents Cottage Advisors MA, LLC (the "Developer") regarding the above referenced Development off Coffin and Main Street in West Newbury, MA (the "Development Land"). We are in receipt of comments from the Town of West Newbury and have reviewed all correspondence from abutters and Town Boards and Departments, such as the Town's Planning Board and Open Space Committee. The fact that more than 200 people submitted written comments, as part of the Project Eligibility Application demonstrates the commitment that the residents of West Newbury have to their community. The Developer also cares about the community of West Newbury and has helped more than 50 families purchase their dream home and become residents of the Town. We have reviewed the concerns regarding the proposed development and have made significant changes to the development to mitigate many of the concerns.

**Project Size**

The Development Land off Coffin Street was identified in the Town of West Newbury's Housing Plan as a location suitable for the development of affordable "multifamily" housing. Multifamily is presumably larger structures containing more than two units, or multiple types of units (including various unit types and styles) on a single lot. (Please note that a proposed suitable density for this lot is not set forth in the housing plan). This is precisely the type of development that Cottage Advisors is attempting to build on the lot with a mix of one and two family units. Cottage Advisors is aware that the Development exceeds the "Large Project"

threshold, as defined in 760 CMR 56. Given that the property was identified for the development of affordable multifamily housing, and could help the Town reach its housing goals, the Developer proposed a project that exceeded the “Large Project threshold” expecting that the Town might consider a larger Development on this site to help meet or exceed their housing goals. However, this was not the case. Due to the Town of West Newbury and abutter comments, the Developer is proposing to reduce the project to 92 units. This will allow for the existing house on Main Street to remain, as well as the development of 91 new units. The new units will be a mix of single-family homes and duplex style units with a total of 13 new single-family units and 39 duplex style structures. The larger single-family style units have been removed from the plan. In their place, the Developer is proposing to use the footprint for half of the duplex style units as a stand-alone single-family style unit.

This revised plan will provide for 92 units; this is equal to 1.22 units per acre. Even removing the wetland areas from this calculation, the overall development is 1.53 units per acre. This is very low density for an affordable housing development.

Although the Developer will not respond specifically to every comment raised by the Board of Selectmen letter dated June 16, 2020, the Developer would like to respond to the some of the issues raised:

#### **“Process”**

The Developer has followed the process as required by MassHousing, Massachusetts Laws Chapter 40B and the regulations promulgated thereunder in applying for a Project Eligibility letter from a Project Administrator.

Although not required, prior to filing for a Comprehensive Permit, the Developer would have liked to schedule a meeting to discuss the proposed development with Abutters. Ideally, this would have been done with an in-person meeting with the Abutters, as well as the Developer and its consultants. With the outbreak of COVID-19, the Developer has been unable to schedule this meeting, although the Developer does hope that a meeting can be held prior to the submission of the Comprehensive Permit with the Town. With the loosening regulations for meetings in the pandemic, we are hopeful that this can be done in person; If not, a digital alternative will be scheduled.

The Developer did reach out to the Town of West Newbury through the Town Administrators office on numerous occasions prior to filing the Comprehensive Permit on March 27, 2020, including a “go to meeting” to show the Town Administrator the development plans on more than one occasion. Prior to making any formal submissions, the Developer spoke to the Town Administrator as early as December 2019. The Developer also offered to give an overview presentation to the Board of Selectmen prior to Town Comments being issued. The Developer was informed by the Town Administrator that the Chairman “has not asked for a presentation by the developer” and that the meeting agenda was “more geared toward setting out the process ahead”. The Developer was not invited to the meeting and

voluntarily attended to see what comments the Board or abutters may have to the proposed development. The Developer was only involved in the meeting at the end to answer a general question when directed by the Board.

Nothing was given to the Town in “piecemeal”, entire copies of applications were made to the Board when we submitted to MassHousing.

The Developer has also spoke directly with the Town of West Newbury Fire Department, Board of Health, Water Department and Conservation Commission on numerous occasions. The Developer filed for a Notice of Resource Area Delineation in March, however, due to the pandemic the opening of the hearing was delayed by the Commission to a date not yet determined. The Developer will continue to work with Town of West Newbury Boards and Departments throughout this process.

The Developer also scheduled and attended a site visit that included representatives from the Town Administrators office, the Conservation Commission, the Zoning Board, as well as the Board of Selectmen. The Developer has offered a subsequent site visit meeting for those Department Heads or Board Members who could not attend the first visit. As of today, a date has not been selected for that walk.

In addition to the contact referenced above, the Developer also gave the Town of West Newbury the pertinent contact information so the Town could obtain an MHP consultant. Furthermore, the Developer also forwarded information to the Town Administrator and Town Planner of some examples of previously approved Local preference justifications in other communities, so the Town could review the necessary information. The Developer even sent a follow up email to see if any further information was required. The Developer believes that there should be a local preference for the affordable units for residents of West Newbury and will continue to support the Town in their efforts to have a local preference approved.

I believe that the characterization of the developer under the “Process” paragraph is unfair, untrue, and is a mischaracterization of the Developers attempt to work with the Town during the Project Eligibility Application comment period.

### **“Substantive Review”**

All typographical comments raised in section Section II (A), Section II (B), Section II (C)(2) and Section II (C)(3) of the Planning Board comments have been addressed in the revised plan set.

The total Development Land Area is 75.37 acres. The revised development plan provides for 66.74 acres of Open Space (non-impervious areas) post development, 51.44 if you do not include wetland areas. The revised development provides for open space with contiguous access from Main Street to the Northerly boundary of the property along Cortland Lane. The Open Space is not fragmented and has one larger contiguous section of approximately 35 acres

along the westerly border. The plan will also provide trail connections to adjacent tracks of protected open space including Long Hill, Riverbend and Mill Point, which would be a huge benefit to future property owners and members of the public. The Developer has continually worked with the Town of West Newbury in providing open space and amenities in Open Space projects it has developed in the Town and will continue to do so with this Development.

The redesign of the development removes the emergency access road to Cortland Lane completely. Based on prior dealings with public safety officials, we believe this meets all necessary standards for Fire Apparatus.

The development is designed as a collection of cottage style homes which are strategically nested together to provide a larger area of shared open space and common area. This design promotes neighborly interaction while preserving personal space and privacy. This principle is central to all Cottage Advisors communities' designs and allows for passive and active recreational options.

Traditional subdivisions are made up of large houses, large private yards and significant land between home sites. Because of this design, owners often come and go in anonymity with little neighborly interaction. The unique design of a Cottage Advisors' neighborhood fosters a sense of belonging and community – with well-positioned homes that encourage people to spend time with one another.

The layout, infrastructure and the cottages are designed with new urbanism concepts, allowing for large tracks of land to be preserved as Open Space. This Open Space will house pocket parks (outdoor community gathering area), walking trails and sidewalks connected to neighborhood infrastructure. This land is owned in common; each homeowner has shared interest in its oversight and care. This enhances security and strengthens the fabric of the overall community

### **“Primary Concerns”**

With the revision to the plans, the Development will no longer exceed the “Large Project Threshold”. Furthermore, prior to filing for a Comprehensive Permit, the Developer will submit all requested information to the Water Department to review the water supply needs for the Development.

Please note, that the plan attached with the Comprehensive Permit submission is not a formal “Yield Plan” to satisfy the requirements of a Special Permit application in the Town of West Newbury. The plan is in conformance with the Land Valuation standards issued by the Department of Housing and Community Development.

**“Requests and Recommendations”**

Site Control issues were raised by the Town of West Newbury, as well as abutters in various comments. In error, the Option to Purchase was the only document attached to the Comprehensive Permit Application for one of the properties that is part of the Development Land. The application has been updated with MassHousing to include the proper documentation proving Site Control. An email was also sent to the Town of West Newbury as well with the required information.

As stated above, the Developer has already forwarded to the Town Administrator and Town Planning Staff examples of other Town’s local preference letters to support a local preference on the lottery plan for the affordable units. The Developer will continue to support the Town with its efforts to obtain a local preference on the affordable units at the Development.

If a Project Eligibility Letter is issued, the Developer will send all required documentation to MEPA in conformance with the regulations.

Thank you for your continued review of this development. Should you require any further information regarding the plan revision please let me know.

Very Truly Yours,  
Deschenes & Farrell, P.C.

  
Melissa E. Robbins