



Massachusetts Housing Finance Agency
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | FAX: 617.854.1091
VP: 866.758.1435 | www.masshousing.com

February 10, 2017

Paul Holland, Principal
Holland Development
519 Albany Street, Suite 200
Boston, MA 02118

**Re: 383 Washington Street, LLC
Project Eligibility/Site Approval
Parkside Condominiums, MassHousing ID No #891**

Dear Mr. Holland:

This letter is in response to your application as “Applicant” for a determination of Project Eligibility (Site Approval) pursuant to Massachusetts General Laws Chapter 40B (“Chapter 40B”), 760 CMR 56.00 (the “Regulations”) and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development (“DHCD”) (the “Guidelines” and, collectively with Chapter 40B and the Regulations, the “Comprehensive Permit Rules”), under the New England Fund (“NEF”) Program (“the Program”) of the Federal Home Loan Bank of Boston (“FHLBB”).

You have proposed to build 8 homeownership units (the “Project”) on .39 acres of land located at 383 Washington Street (the “Site”) in Braintree (the “Municipality”). In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility (“Site Approval”) by MassHousing acting as Subsidizing Agency under the Guidelines, including Part V thereof, “Housing Programs In Which Funding Is Provided By Other Than A State Agency.”

MassHousing has performed an on-site inspection of the Site, which local boards and officials were invited to attend, and has reviewed the pertinent information for the Project submitted by the Applicant, the Municipality and others in accordance with the Comprehensive Permit Rules.

Municipal Comments

The Municipality was given a thirty (30) day period in which to review the Site Approval application and submit comments to MassHousing. Braintree Mayor Joseph C. Sullivan provided a letter, received by MassHousing on December 9, outlining input that they had received up to

that date from Town boards and committees, abutters, and members of the Braintree Town Council.

The Municipality's comments were offered in response to the proposed development of the eight unit condominium development that is the subject of this letter, in combination with the development of a 70-unit rental development by the same Applicant on the adjacent parcel of land (Parkside Apartments, MH #892). While the two developments were considered as separate applications for Site Approval from MassHousing, the Applicant intends to apply to the Braintree ZBA for a single comprehensive permit for both. For that reason, the following Municipal comments address the mixed-tenure development as a whole.

In summary, the Mayor expressed opposition to the plans for the entire development (Parkside Apartments and Parkside Condominiums) as submitted, and identified a variety of specific concerns and suggestions for the Applicant to consider should they want to gain Municipal support for the Project.

- The Mayor expressed concern about the Project's height, mass and density, noting that it was out of scale with surrounding buildings. He noted further that the Project site plan did not conform with community planning goals for these parcels, which envisioned a higher level of connectivity with and integration into North Braintree Square.
- The Mayor pointed to the presence of sewer, drainage and access easements on the Site, and stated that should the development move forward, the Town would require the Applicant to "notify and seek approval from all parties that benefit from such easements."
- The Mayor expressed concern about the adequacy of the 20' right-of way leading into the Site from Washington Street to provide safe access into or out of the Site for vehicles or pedestrians. He noted that this roadway currently also provides access to three other properties and a municipal parking lot, and expressed concern that the width of the right-of-way and the sight lines at its intersection with Washington Street were insufficient and unsafe. He noted that, should the Site be developed, the Applicant would be required to work closely with and seek approval from the Town for all improvements required to upgrade the roadway as needed.
- The Mayor requested that the Applicant clarify the legal status of the right of way leading into the Site from Storrs Avenue (shown on tax maps as Alves Avenue.) The Applicant's response, dated January 17, 2017, states that a full title examination affirms their ownership, and shows further that the roadway "has never been dedicated or laid out and does not need to be extinguished or discontinued."
- The Municipality expressed concern about the safety of proposed on-site parking and circulation, and asked that it be reviewed to ensure compliance with Town and industry standards, including adequate emergency access for public safety vehicles and provision for bicycle parking.

- The Town expressed concerns about the proposed stormwater management provisions, noting that the Project area recently benefitted from significant stormwater upgrades put in place to mitigate past episodes of downstream flooding. They requested that the proposed stormwater design maintain or enhance recent improvements to the system, including the implementation of additional water quality treatment and low impact design (LID) measures in accordance with state and local standards.
- The Town asked that the Applicant submit a water and sewer design, noting that municipal standards require looping water mains.
- The Town stated that all electrical service be subsurface, and that overhead connections must be removed as directed by the Braintree Electric Light Department.
- The Town expressed concern about the Project's potential traffic impacts on area roadways, including traffic volumes, distribution patterns, crash rates, and the safety and level of service (LOS) of area intersections, and requested a full traffic analysis. They expressed particular concern about the safety of the Storrs Avenue curb cut, including stopping distances and sight lines, and the potential for vehicle stacking to block access to abutting properties.

Community Comments

Following submission of Mayor Sullivan's December 9 letter, a representative from the Town's Department of Planning and Community Development requested an extension of the comment period to allow for additional comments to be submitted directly to MassHousing from members of the community and local officials. To date, MassHousing has received close to 160 individual public comments (primarily by email) written in opposition to the Project. These included a strongly worded letter of opposition from the president of the North Braintree Civic Association, on behalf of its entire membership (shown on its website to include approximately 300 households). While letters from members of the community largely echoed the concerns identified by the Selectmen, the quantity of emails is worth note.

Community concerns can be summarized as follows:

- Increased traffic congestion on area roadways; traffic back-ups at Storrs Avenue and Washington Street;
- On- and off-street parking impacts in the Project vicinity; competition for parking spaces currently used by local businesses and Archbishop Williams High School for athletic events;
- Physical overcrowding of the neighborhood;
- Philosophical objections to 40b and "non compliance" with local zoning;
- Risks to pedestrian safety, and particularly that of children, on Storrs Ave;
- Objections to the size and mass of the multi-family building and its impact on the character of the neighborhood.
- Strain on the Town's water supply.

MassHousing was also contacted by Massachusetts State Senator Water F. Timilty, who provided a strongly worded letter, dated January 13, 2017, voicing opposition to the Project and expressing support for the Mayor's position.

Comments Outside of the Findings

While Comprehensive Permit Rules require MassHousing, acting as Subsidizing Agency under the Guidelines, to "accept written comments from Local Boards and other interested parties" and to "consider any such comments prior to issuing a determination of Project Eligibility," they also limit MassHousing to specific findings outlined in 760 CMR 56.04(1) and (4). The following comments submitted to MassHousing, primarily from members of the community, identified issues that are not within the scope of our review:

- Many of the emails and letters submitted to MassHousing expressed concern about the Project's potentially negative fiscal, social and educational impacts due to increased school enrollment by the children of "new" families who might move to the development from out of Town.
- Comments also identified a concern that the Project would place a burden on Town resources, reduce area property values, and have a negative effect on the character of the neighborhood.

MassHousing Determination and Recommendations

MassHousing staff has determined that the Project appears generally eligible under the requirements of the Program, subject to final review of eligibility and to Final Approval. As a result of our review, we have made the findings as required pursuant to 760 CMR 56.04(1) and (4). Each such finding, with supporting reasoning, is set forth in further detail on Attachment 1 hereto.

Based on MassHousing's site and design review, and in light of feedback received from the Municipality, the following issues should be addressed prior to the submittal of your application for a comprehensive permit, and you should be prepared to explore them more fully in the local hearing process:

1. Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, and wastewater collection and treatment.
2. The Applicant should be prepared to respond to concerns relative to the size of the Project when taken in combination with the proposed Parkside Apartments (MH # 892). Prior to the submission of an application for a comprehensive permit the Applicant should work with the Town to ensure that Project site plans conform as closely as possible with community planning goals for the North Braintree Square area

3. The Applicant should provide evidence of necessary approvals from all parties with access to existing on-site sewer, drainage and access easements. In particular, prior to the submission of their application for a comprehensive permit the applicant should work with the Braintree DPW, Police and Fire Departments about proposed improvements to the access easement into the Site from Washington Street to ensure pedestrian and vehicular safety.
4. Prior to the submission of an application for a comprehensive permit, the Applicant should provide a traffic study describing potential impacts to traffic volumes on area roadways and the level of service at area intersections. In particular, the Applicant should provide evidence of the adequacy of sight lines at Project exists on Storrs Ave and Washington Street. The Applicant should be prepared to respond to Municipal concerns relative to potential on- and off-site traffic impacts and to respond to reasonable requests for mitigation.
5. The Applicant should respond to Municipal concerns relative to the safety of proposed on-site circulation, and provide evidence of compliance with Town and industry standards relative to emergency access, turning radii, lane width, etc.
6. The Applicant should provide evidence that proposed utility designs (water, sewer, electrical) comply with all state and local standards.
7. The Applicant should work closely with the Town to address concerns relative to Project impacts on existing stormwater facilities, and to ensure compliance with state and local standards relative to construction and post-construction stormwater impacts.
8. The Applicant should be prepared to explore opportunities to enhance pedestrian access and safety to and from the Project to the North Braintree Square area, including the creation of safe pedestrian routes to nearby commercial uses, neighborhoods, and public transit connections.
9. The Applicant should provide the Town with a full assessment of any required environmental remediation related to previous automotive and industrial use of the Site, including all activities associated with the closure and/or removal of the existing underground storage tank.

This approval is expressly limited to the development of no more than eight homeownership units under the terms of the Program, with not less than two (2) of such units restricted as affordable homeownership units for low and moderate income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of NEF financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a Comprehensive Permit, the use of any other housing subsidy program, the construction of additional units or a reduction in the size of the Site, you may be required to submit a new Site Approval application for review by MassHousing. Should you consider a change in tenure type or a change in building type or height, you may be required to submit a new Site Approval application for review by MassHousing.

For guidance on the Comprehensive Permit review process, you are advised to consult the Guidelines. Further, we urge you to review carefully with legal counsel the M.G.L. c.40B Comprehensive Permit Regulations and 760 CMR 56.00.

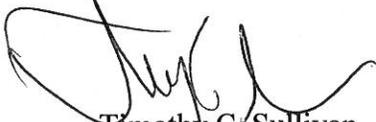
This approval will be effective for a period of two years from the date of this letter. Should the Applicant not apply for a Comprehensive Permit within this period or should MassHousing not extend the effective period of this letter in writing, this letter shall be considered to have expired and no longer be in effect. In addition, the Applicant is required to notify MassHousing at the following times throughout this two year period: (1) when the Applicant applies to the local ZBA for a Comprehensive Permit, (2) when the ZBA issues a decision and (3) if applicable, when any appeals are filed.

Should a comprehensive permit be issued, please note that prior to (i) commencement of construction of the Project or (ii) issuance of a building permit, the Applicant is required to submit to MassHousing a request for Final Approval of the Project (as it may have been amended) in accordance with the Comprehensive Permit Rules (see especially 760 CMR 56.04(07) and the Guidelines including, without limitation, Part III thereof concerning Affirmative Fair Housing Marketing and Resident Selection). Final Approval will not be issued unless MassHousing is able to make the same findings at the time of issuing Final Approval as required at Site Approval.

Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the New England Fund Program of the FHLBB, for which MassHousing serves as Subsidizing Agency, as reflected in the applicable regulatory documents. In the interest of providing for an efficient review process and in order to avoid the potential lapse of certain appeal rights, the Applicant may wish to submit a "final draft" of the Comprehensive Permit to MassHousing for review. Applicants who avail themselves of this opportunity may avoid significant procedural delays that can result from the need to seek modification of the Comprehensive Permit after its initial issuance.

If you have any questions concerning this letter, please contact Katharine Lacy at (617) 854-1098.

Sincerely,



Timothy C. Sullivan
Executive Director

cc: Chrystal Kornegay, Undersecretary, DHCD
Mayor Joseph C. Sullivan
Stephen Karll, Chairman, Board of Selectmen

Attachment 1

760 CMR 56.04 Project Eligibility: Other Responsibilities of Subsidizing Agency
Section (4) Findings and Determinations

Parkside Condominiums, MH #912

After the close of a 30-day review period MassHousing hereby makes the following findings, based upon its review of the application, and taking into account information received during the site visit and from written comments:

(a) MassHousing finds that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to final approval under 760 CMR 56.04(7);

The Project is eligible under the NEF housing subsidy program and at least 25% of the units will be available to households earning at or below 80% of the Area Median Income (AMI), adjusted for household size, as published by the U.S. Department of Housing and Urban Development (“HUD”). The most recent HUD income limits indicate that 80% of the current median income for a four-person household in Braintree is \$65,700.

The Applicant has a letter of financial interest from South Shore Bank, a member bank of the FHLBB under the NEF Program.

(b) MassHousing finds that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the Municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under c.40A, and overlay districts adopted under c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);

Based on MassHousing staff’s site inspections, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development and that such use would be compatible with surrounding uses. The Site, which is zoned as “General Business/Village Overlay” is in a mixed-use neighborhood on a portion of the former site of the Herb Chambers Auto Collision Center. It is located approximately 200’ east of Washington Street and North Braintree Square, and is within walking distance to a variety of retail and commercial uses, as well as regular MBTA bus service to both the Quincy Adams and Braintree Red Line Stations. The Project is being developed in conjunction with the development of a 70 - unit apartment development (Parkside Apartments) on the adjacent parcel at 383-385 Washington Street to the south. Utilities including sewer, water, gas and electricity are available subject to connection upgrades.

According to DHCD’s Chapter 40B Subsidized Housing Inventory (SHI), updated through September 22, 2016, Braintree has 1,098 Subsidized Housing Inventory (SHI) units, (7.7 % of its

housing inventory). An additional 328 units would be required to achieve the 10% threshold of 1,426.

U.S. Census data from the 2010-2015 American Community Survey (ACS) further supports the need to increase the supply of affordable housing in Braintree. ACS data indicates that of the 13,326 households in the Town of Braintree, approximately 52.9% earned less than the HUD published 2016 AMI (\$98,100); approximately 27.7% earned less than 50% of 2016 AMI; approximately 33.1% earned less than 60% of the 2016 AMI; and approximately 52.8% earned less than 80% of the 2016 AMI.

(c) MassHousing finds 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);

Relationship to Adjacent Building Typology

Development immediately adjacent to the Site include a portion of the Archbishop Williams High School athletic fields to the west, and a one/two-story, brick office building and surface parking lot to the east. Surrounding development on the opposite (north) side of Storrs Avenue includes a mix of modestly-scaled residential structures, several of which have been converted to multi-family homes or office uses. Continuing on Storrs Avenue to the west, the neighborhood becomes completely residential, featuring primarily 2+ story, wood frame, single-family capes and colonials on uniformly-sized lots. The proposed, 2.5-story condominiums are compatible in scale and style with surrounding residential buildings, with traditional features including pitched roofs, individual front entry porches, clapboard and shingle siding, architectural roof shingles, and double hung windows.

Relationship to Adjacent Streets

The five, 2.5-story townhouse units included in Building C (the building closest to Storrs Avenue) are sited so as to continue the pattern of the surrounding streetscape, with individual driveways, front doors, and front walks leading directly out to the street.

The access roadway into the Site intersects in a “T” intersection with Storrs Avenue approximately 400’ from its intersection with Washington Street, leading into a small parking area to the rear (south) of the two townhouse structures and onwards to the proposed rental portion of the Project to the south.

Density

The Developer intends to build 8 homes on .4 acres, all of which is buildable, for an overall density of 20 units per acre. While more dense than the residential neighborhood to the west on Storrs Avenue, the relatively low-scale townhouse development provides a logical transition into the more dense commercial fabric of North Braintree Square to the south.

Conceptual Site Plan

The site plan is straightforward, consisting of eight, townhouse condominium units in two adjacent buildings (one 5-unit and one 3-unit), with a surface parking lot to the rear (south). The access roadway into the Site (and on to the Parkside Apartments to the South) creates the Site's eastern boundary.

Topography

Existing topography on the Site is relatively flat, sloping gradually from east to west. Proposed grading will terrace the Site, placing the five-unit Building C at grade with Storrs Avenue, with finished floor elevations for Building B approximately 8-feet higher. Together, the two buildings will effectively screen views of the 2-4 story Parkside Apartments from Storrs Avenue.

Environmental Resources

There are no documented environmentally sensitive areas or features on the Site.

(d) MassHousing finds that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals or sales figures);

The Project appears financially feasible based on a Comparative Market Analysis submitted as a part of this application and prepared by The Rich Lannon Team (08/09/2016).

(e) MassHousing finds that an initial pro forma has been reviewed, including a land valuation determination consistent with the Department's Guidelines, and the Project appears financially feasible and consistent with the Department's Guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;

The initial pro forma has been reviewed for the proposed residential use and the Project appears financially feasible with a projected profit margin of 15.37%. A third party appraisal commissioned by MassHousing and prepared by RP Realty Advisors has determined that the "As Is" land value for the Site of the proposed Project is \$350,000.

(f) MassHousing finds that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; and

The Applicant must be organized as a Limited Dividend Organization prior to applying for Final Approval. MassHousing sees no reason this requirement could not be met given information reviewed to date. The Applicant meets the general eligibility standards of the NEF housing subsidy program and has executed an Acknowledgment of Obligations to restrict their profits in accordance with the applicable limited dividend provisions.

(g) MassHousing finds that the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site, or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed by the Subsidizing Agency to be sufficient to control the site.

The property is owned by 383 Washington Street, LLC by virtue of a deed recorded at the Norfolk Registry of Deeds at Book 30862, Page 314. At a future date, the property described in said deed will be divided into two lots, one for this Project, and one for the associated 70-unit Parkside Apartments development.