



Massachusetts Housing Finance Agency  
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March 31, 2017

Chris D'Antonio, Principal  
Chadwick Homes, LLC  
73 Pelham Island Road  
Wayland, MA 01778

**Re: Winsor Place  
Project Eligibility/Site Approval  
MassHousing ID No. 922**

Dear Mr. D'Antonio:

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").

Chadwick Homes LLC has submitted an application with MassHousing pursuant to Chapter 40B. You have proposed to build 12 units of rental housing (the "Project") on approximately 37,865 square foot (.87 acres) of land located on Boston Post Road (the "Site") in Wayland (the "Municipality"). The property is currently occupied by an existing single family home with a detached garage. 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. In response to a request from the Municipality, this period was extended to 45 days. Cherry Karlson, Chairman of the Wayland Board of Selectmen, submitted a letter (received by MassHousing on March 21, 2017) summarizing comments from municipal officials, staff, and members of the public. Also

provided with the Selectmen's letter were copies of letters submitted to the Town Planner from several Town departments, including the Conservation Commission, Board of Health, Fire Department, and Police Department, and numerous Wayland residents. MassHousing also received, under separate cover, a binder of letters and background material submitted to the Selectmen by "Concerned Citizens of Cohituate," including, among other things, a petition written in opposition to the Project signed by nearly 200 individuals.

In summary, the Selectmen's expressed opposition to the Project on the basis that the proposed 12-unit development was simply "too intensive" for the proposed location, and would result in significant adverse traffic impacts, environmental, and quality of life issues for area residents.

The following specific comments and concerns were identified:

- The Selectmen's letter identified various municipal actions taken to facilitate the creation of affordable housing in Wayland in recent years, including the issuance of comprehensive permits for several mixed-income housing developments, the establishment of an inclusionary zoning by-law that has resulted in the creation of one unit to date; the establishment of a Municipal Housing Trust and the completion of a Housing Production Plan that was approved by DHCD in September, 2016. The Town also described ongoing efforts associated with River's Edge (a Town-sponsored, 188-unit, rental housing development proposed for an 8.4-acre parcel of town-owned land at 489-490 Boston Post Road).
- The Town expressed concerns about the Project's potential traffic impacts, noting that the three-way intersection (Commonwealth Road, East Plain Street, and School Street) where the Project is proposed to be located currently experiences heavy traffic volume and congestion. They explained that this intersection had only recently been reconfigured, which, while it did result in some improvement, did not take into account the proposed Project's driveway location and associated increase in traffic volume.
- Town Officials, and members of the community, expressed concern about the Project's size and density, noting that it seemed out of character with the surrounding, rural/suburban context of Cohituate, and would detract from the area's historic character.
- The Town, and numerous members of the community, identified numerous errors and inconsistencies in the Site Approval application itself, including the stated parcel size, and questioned the veracity of several specific written responses. (MassHousing notified the Applicant and obtained corrected information as necessary to proceed with our review).
- The Wayland Fire Chief voiced objection to the proposed gated emergency access on East Plain Avenue, suggesting instead that through traffic (limited to right turns in and out only) be allowed. The Chief also expressed concerns about the lack of snow storage and the proposed building numbering scheme.

- The Wayland Health Department expressed various concerns with the proposed design of the Septic system, and urged the Applicant to comply with *local* Board of Health Requirements, in addition to Title V.
- The Wayland Conservation Commission expressed concern that run-off and septic system leachate from the Project would threaten groundwater and surface water quality in the area. They expressed concern about potentially negative impacts on nearby wetlands. They pointed to the presence of what may be considered a perennial stream on the abutting lot, and identified the potential applicability of the state's Rivers Act, which imposes a 200' protective buffer.
- The Wayland Historical Commission expressed "grave concerns" with the Project, noting the historical significance of the existing house and property as one of the last remaining farmhouses in Cohituate.
- The Wayland Police Department expressed concern about the location and proximity of the proposed curb cut on East Plain Street to the East Plain/School Street intersection and the potential for off-street parking on area roadways. They also expressed concern about the Project's potential noise and light impacts.

#### **MassHousing Determination**

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 Applicant should be prepared to address the following issues 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. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.
2. The Applicant should be prepared to provide sufficient data to assess potential traffic impacts on area roadways and intersections, and to discuss appropriate mitigation.
3. The Applicant should be prepared to address Municipal concerns relative to the massing, and density of proposed Project buildings, and to work with the Town to mitigate potentially negative visual impacts to abutting properties. Should the Applicant apply for a Comprehensive Permit, they should provide detailed building elevations, sections and a landscape plan to facilitate this discussion.

4. The Applicant should be prepared to address Municipal concerns relative to the design of the proposed septic system, and potential impacts to the groundwater supply, and to identify appropriate mitigation.
5. The Applicant should be prepared to respond to comments from the Wayland Police and Fire Departments relative to the proposed points of access/egress, the provision of emergency or secondary access, potential off-site parking impacts; noise and light impacts, and compliance with applicable public safety requirements.
6. The Applicant should be prepared to describe the project's potential environmental impacts on abutting wetlands, and work with Town officials to identify necessary mitigation.
7. The Applicant should be prepared to respond to Municipal concerns relative to the Site's property boundaries, and possible encroachments onto the abutting Town property.
8. The Applicant should be prepared to respond to the concerns of neighbors and the Wayland Historical Commission relative to the project's impact on the historical character and integrity of the surrounding area.
9. In their application for a Comprehensive Permit, the Applicant should provide information relative to snow storage, mail delivery, and trash pick-up.

This Site Approval is expressly limited to the development of no more than 12 rental units under the terms of the Program, of which not less than 25% (3) of such units shall be restricted as affordable for low or 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 at 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 this letter shall be considered to be expired and no longer in effect unless MassHousing extends the effective period of this letter in writing. In addition, the Applicant is required to notify MassHousing of the following: (1) the Applicant applies to the local ZBA for a Comprehensive Permit, (2) the ZBA issues a decision and (3) 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 Katy Lacy at (617) 854-1098

Sincerely,



Timothy C. Sullivan  
Executive Director

cc: Ms. Chrystal Kornegay, Undersecretary, DHCD  
Cherry C. Carlson, Chairman, Board of Selectmen  
Eric Goldberg, Chairman, Zoning Board of Appeals  
Sarkis Sarkisian, Town Planner  
Nan Balmer, Town Administrator

The Town also described ongoing efforts and progress associated with River's Edge (a Town-sponsored, 188-unit, rental housing development proposed for an 8.4-acre parcel of town-owned land at 489-490 Boston Post Road).

While MassHousing recognizes Wayland's efforts as meaningful, municipal actions to date have not been of a "character and scale to create significant opportunities as-of-right to meet the municipality's need for affordable housing as measured by the Statutory Minima." According to DHCD's Chapter 40B Subsidized Housing Inventory (SHI), updated through December, 2014 Wayland has 198 Subsidized Housing Inventory (SHI) units (3.99 % of its housing inventory). (It should be noted that according to the Town of Wayland's July 2016 Housing Production Plan, the Town currently has 258 units of affordable housing (5.2%). The additional units have recently been submitted to DHCD for inclusion in the Inventory. If these units are added to the SHI, an additional 238 would be required for Wayland to achieve the 10% threshold of 496.)

U.S. Census data from the 2011-1015 American Community Survey (ACS) further supports the need to increase the supply of affordable housing in Wayland. According to the ACS, of the 5,162 households in the Town of Wayland, approximately 41.2% earned less than 80% of the 2016 AMI (\$98,100), 14.8% earned less than 30% AMI; 21.1% earned less than 50% AMI, and 23.7% earned less than 60% AMI. Additionally, Wayland's recently updated Housing Production Plan identified a need for additional rental housing, noting an 88.7% rate of homeownership as of 2010. They identify, as a goal, "the creation of a mix of rental and homeownership opportunities," and note the Town's commitment to "work with developers to create a diversity of housing types directed to different populations."

*(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)*

**Relationship to Adjacent Building Typology (Including building massing, site arrangement, and architectural details):**

The proposed 12-unit townhouse development is surrounded by a mix of building types, including traditional, single-family homes, low-density strip commercial structures, two, utilitarian gas stations and a 3-story brick office building. While larger than surrounding single-family development, the longest building façade (along School Street) is shorter than nearby commercial structures, and building height is capped at 32', with residential style dormers and a peaked roof. Proposed building elevations include a variety of traditional residential details, including clapboard-style siding (Hardie Plank), corner board details, horizontal bands, overhangs, dormers, trim details and crown moldings on the entrances.

**Relationship to adjacent streets/Integration into existing development pattern**

The surrounding area is characterized by a mix of uses, including traditional, two-story, wood-frame, capes and colonials on single-family lots to the north and west, and low-density commercial and multi-family development to the east and south. Visibly located

## Attachment 1

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

### Winsor Place, Wayland, MA MH # 922

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) 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 Wayland is \$73,050

Proposed affordable rent levels of \$1,472 (including utilities) for the three, 3-bedroom affordable units accurately reflect current affordable rent levels for the Boston-Quincy-Cambridge-Newton HMFA under the NEF Program.

A letter of interest was provided by The Village Bank, a member bank of the Federal Home Loan Bank of Boston.

***(b) 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 a site inspection by MassHousing staff, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development, that such use would be compatible with surrounding uses, and would directly address the local need for affordable housing. The Site is zoned for single-family residential development suggesting that it is generally appropriate for residential use. Water, gas and electricity are currently supplied to the Site; a private wastewater treatment facility is proposed.

Section IV-A (3) (a) of the Guidelines provide guidance to Subsidizing Agencies for evaluating a municipality's actions intended to meet affordable housing needs. The Selectmen's letter identified various municipal actions taken to facilitate the creation of affordable housing in Wayland in recent years, including the issuance of comprehensive permits for several mixed-income housing developments, the establishment of an inclusionary zoning by-law that has resulted in the creation of one unit to date; the establishment of a Municipal Housing Trust and the completion of a Housing Production Plan that was approved by DHCD in September, 2016.

at a prominent intersection, the proposed lower-density, multi-family housing provides a compatible transition between the surrounding mix of uses.

### **Density**

The Developer intends to build twelve, 1660 square foot homes on .87 acres. The resulting density will be 13.80 units per buildable acres. While denser than the single-family house lots to the north and west, the project's proposed lot-coverage will be similar to the commercial buildings to the east. A similarly-scaled, 12-unit, 40B development is located approximately 800 feet to the east on Decolores Drive, and Sunrise of Wayland (an assisted living and skilled nursing facility) is located 400' to the south.

### **Conceptual Site Plan**

The Project consists of twelve, three-story, attached, "row" style townhouses in two, long rectangular buildings (five units in one building and seven in another), facing each other on either side of a central drive aisle. Individual units will have ground-level attached garages, small front and rear yard areas, and front and rear doors. A small guest parking area will be located on the northern side of the property on top of the proposed septic system.

### **Environmental Resources**

The Site is located entirely outside of the floodplain, and does not include any wetlands or documented environmental resources within the Site boundaries. A small perennial stream and associated wetland area is located on Town-owned land to the west, but outside of the property boundaries. (It appears that the current property owner has encroached into this area.)

### **Topography**

The Site slopes back gently from east to west, with a low point in the southwest corner. Proposed Site grading is generally level throughout the Site, making it even with existing elevations at the property boundary on School Street.

*(d) 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 Applicant proposes 12 rental apartments to be financed under the NEF Program. There will be 9 market-rate units with proposed average rent levels of \$3,450 for the two-bedroom apartments, and \$3,900 for the three-bedroom units. A&M determined that the developer's proposed affordable rents and utility costs comply with 40B Guidelines, and market rents fall within the range of adjusted comparable market rents for both the two and three bedroom units.

MassHousing's Appraisal and Marketing Department (A&M) performed a preliminary analysis of Project feasibility based on market conditions and rental and vacancy rates at several comparable developments in the West/NW Suburban submarket; REIS, Inc. data (4<sup>th</sup> Quarter 2016) was also reviewed. Based on this review, A&M found that while the area's conventional apartment market has been expanding, occupancy rates have been rising, and noted



that a strong demand exists for both lower income and market-rate rental units in Wayland and the surrounding communities. A&M concluded that while the proposed project does not include many of the site amenities found in comparable newer properties in the region, that this location will attract interest given its suburban Boston location in Wayland.

A&M recommends that a full market study be conducted prior to Final Approval in order to determine the depth of the market for rental housing in this location at that time.

***(e) 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;***

MassHousing has commissioned an as "As-Is" appraisal which indicates a land valuation of \$500,000. A preliminary review of the Project pro-forma indicates that the per-unit construction costs are within the normal range for similar multi-family developments in the suburban Metro Boston context. Based on a proposed investment of \$4,943,583 in private equity, the application pro forma appears to be financially feasible and within the limitations on profits and distributions.

***(f) 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. 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) 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 Applicant controls the Site by virtue of a Quitclaim Deed dated March 24, 2017, and recorded at the Southern Middlesex Registry of Deeds at Book 69050, Page 394.

