

THE RESIDENCES AT PINNACLE POINT
PINNACLE DRIVE – WALPOLE, MA
APPLICATION FOR COMPREHNSIVE PERMIT
UNDER M.G.L. C. 40B

ZONING BOARD OF APPEALS OF THE TOWN OF WALPOLE
COMPREHENSIVE PERMIT REGULATIONS
APRIL 28, 2022

SECTION 3.2.1 – PROJECT ELIGIBILITY DOCUMENTATION



Massachusetts Housing Finance Agency
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December 14, 2020

Louis Petrozzi, Manager
Wall Street Development Corp.
2 Warthin Circle
Norwood, MA 02062

**Re: Residences at Pinnacle Point
Project Eligibility/Site Approval
MH ID No. 1084**

Dear Mr. Petrozzi:

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 (“FHLBank Boston”).

You have proposed to build forty (40) units, including ten (10) affordable units of homeownership housing (the “Project”) on 4.09-acre site located on Pinnacle Drive (the “Site”) in Walpole (the “Municipality”).

In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility 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

Pursuant to the Comprehensive Permit Rules, the Municipality was initially given a thirty (30) day period in which to review the Site Approval application and submit comments to MassHousing. At the request of Jim Johnson, Town Administrator, this period was extended to a total of sixty (60) days. The Walpole Select Board submitted a letter regarding the Application dated July 24, 2020 summarizing comments from Municipal departments, boards and committees, and identifying specific concerns with the proposed Project.

The following concerns were identified in their comments:

- The Municipality expressed concern about potential additional traffic generated by the Project and associated safety impacts on area roadways and intersections.
- The Municipality is concerned that the proposed price point for the market rate townhomes will be too high for locally employed homebuyers.
- The Municipality emphasized that the Applicant should include some recreational elements, such as connecting to an existing walking trail adjacent to the Site or additional open space opportunities for future residents' use.
- The Municipality requests that the Applicant provide an adequate storm-water management plan for the Site, including erosion control measures during and after construction.

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.¹ 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. It is important to note that Comprehensive Permit Rules limit MassHousing to these specific findings in order to determine Project Eligibility. If, as here, MassHousing issues a determination of Project Eligibility, the Applicant may apply to the Zoning Board of Appeals (the "ZBA") of the Municipality for a Comprehensive Permit. At that time, local boards, officials and members of the public are provided the opportunity to further review the Project to ensure compliance with applicable state and local standards and regulations.

Based on MassHousing's Site and design review, the following issues should be addressed in your application to the ZBA, and you should be prepared to explore them more fully during the public hearing process:

- 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 floodplain management, wetland protection, river and wildlife habitats/conservation areas, stormwater management, wastewater collection treatment, hazardous waste safety, and public water supply. The Applicant should be prepared to provide evidence of such compliance.
- The Applicant should be prepared to provide a detailed traffic study assessing potential impacts of the Project on area roadways. The traffic study or other professional site design process should address proposed on-site circulation and parking to ensure compliance with public safety standards and good design practice relative to drive-aisle widths, turning radii and sight distances.

¹ MassHousing has relied on the Applicant to provide truthful and complete information with respect to this approval. If at any point prior to the issuance of a comprehensive permit MassHousing determines that the Applicant has failed to disclose any information pertinent to the findings set forth in 760 CMR 56.04 or information requested in the Certification and Acknowledgment of the Application, MassHousing retains the right to rescind this Site Approval letter.

- The Applicant should continue to engage with municipal officials in a good-faith discussion regarding design review matters and other Site-related concerns, including, but not limited to recreational elements, market price points and issues regarding roadway design and public safety considerations, raised by local boards and officials.

MassHousing has also reviewed the application for compliance with the requirements of 760 CMR 56.04(2) relative to Application requirements and has determined that the material provided by the Applicant is sufficient to show compliance.

This approval is expressly limited to the development of no more than forty (40) homeownership units under the terms of the Program, of which not less than ten (10) 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 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.

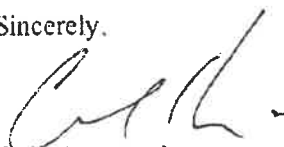
This approval will be effective for a period of two (2) years from the date of this letter. Should the Applicant not apply for a Comprehensive Permit within this period or should MassHousing not extend the effective period of this letter in writing, this letter shall be considered to have expired and 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 FHLBank Boston, 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 Michael Busby at (617) 854-1219.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Colin M. McNiece', with a stylized flourish at the end.

Colin M. McNiece
General Counsel

cc: Jennifer Maddox, Undersecretary, DHCD
The Honorable Paul R. Feeney
The Honorable John H. Rogers
Benjamin Barrett, Chair, Select Board
John Lee, Chair, Zoning Board of Appeals

Attachment 1

760 CMR 56.04

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

Residences at Pinnacle Point, Project #1084

MassHousing hereby makes the following findings, based upon its review of the application, and in consideration of 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 Walpole is \$96,250.

A letter expressing interest for Project financing was provided by Needham Bank, a member bank of the FHLBank 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 and that such use would be compatible with surrounding uses and would directly address the local need for housing.

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. MassHousing carefully reviewed the information provided by the Municipality describing previous municipal actions intended to provide affordable housing. Specific examples cited by the Municipality include:

- Drafting an Inclusionary Zoning Bylaw and an Affordable Housing Trust Bylaw for consideration at Fall Town Meeting;

- Forming the Walpole Housing Partnership;
- Completion of a Housing Production Plan; and
- Hiring professional staff and obtaining technical assistance.

The Town of Walpole has a DHCD-approved Housing Production Plan. According to DHCD's Chapter 40B Subsidized Housing Inventory (SHI), updated through September 14, 2020, Walpole has 641 (SHI) units (7.13% of its housing inventory), which is 257 units short of the statutory minimum requirement of 10%.

(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);

In summary, based on evaluation of the site plan using the following criteria, MassHousing finds that the proposed conceptual Project design is generally appropriate for the Site. The following plan review findings are made in response to the conceptual plan, submitted to MassHousing:

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

The project will consist of 40 townhouse condominium homes. The homes will be configured into nine buildings. Of the 40 homes, 34 will be two-bedroom units and 6 will be three-bedroom units. Homes will range in size from 1,600 SF to 1,950 SF of living area and will each feature a one-car garage. Each of the individual buildings will be designed to have the scale and character of a single-family home. The facades will be a mixture of roof shapes and entry types that will be consistent with smaller single-family residences within the surrounding neighborhoods. The buildings will be 2 ½ stories with pitched roofs, clapboard and shingle style siding, double-hung window with a mix of masonry elements. Each home will also feature exterior patios and porches.

Relationship to Adjacent Streets

The Site's immediate area along Pinnacle Drive is a residential area consisting of single-family homes. The Site abuts the Bird Pond to the north. To the south along Washington Street are a number of small retail businesses such as a barber shop, a day school, restaurants and credit unions. Downtown Walpole is approximately 3 miles southwest of the Site. There are also smaller pockets of commercial and industrial improvements along Routes 1A and 27, which also pass through the town. Regional access to Walpole is very good via Route 1 and from I-95, both of which provide connections to the south to I-495 and to Route 128, and I-93 in the metro Boston area to the north. Route 1A also connects to I-495 to the south of Walpole in the town of Wrentham. There appear to be adequate lines of sight for vehicles entering and exiting the proposed Site.

Density

The Applicant proposes to build forty (40) homes on 4.09 acres, of which 3.81 acres are buildable. The resulting density is 10.49 units per buildable acre, which is acceptable given the proposed housing type and the uses found in the surrounding context.

Conceptual Site Plan

The site plan consists of forty (40) townhouse condominiums in two-unit and four to six-unit buildings spaced at regular intervals along a single roadway which leads into the Site from Pinnacle Drive. The

overall effect is of a complete, small neighborhood of townhomes linked by a public sidewalk and shared common open space areas, as well as private rear patios for each unit. Several townhomes are positioned to take advantage of the views of the adjacent Bird Pond. The interior roadway is appropriately designed to meet the vehicular and pedestrian needs of the proposed development.

Topography

The subject property is fairly level with similar elevations throughout the Site. The topographic features of the Site have been considered in relationship to the proposed Project plans and do not constitute an impediment to development of the Site.

Environmental Resources

There is a small area of vegetated wetland on the property located in the western most corner of the site. This area, however, does not have any adverse impact on the development potential of the site. Wetland resources in these areas will be subject to further review by the local Conservation Commission under a Notice of Intent.

(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 Project appears financially feasible based on a comparison of sales submitted by the Applicant and a market analysis submitted by ERA Key Realty in Millis, MA.

(e) that 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 18.84%. In addition, a third-party appraisal commissioned by MassHousing has determined that the "As Is" land value for the Site of the proposed Project is \$740,000.

(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 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) 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 entire 4.09-acre Site under a Purchase and Sale agreement between John. T. Hasenjaeger, Trustee of October Realty Trust and Wall Street Development Corp, with an expiration date of March 30, 2022