

THE RESIDENCES AT DARWIN COMMONS
DARWIN LANE – 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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July 8, 2021

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

**Re: Residences at Darwin Commons
Project Eligibility/Site Approval
MH ID No. 1105**

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 twenty-eight (28) units, including seven (7) affordable units of homeownership housing (the "Project") on 3.44-acre site located at 32 Darwin Lane (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 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 the Municipality this period was extended to a total of sixty (60) days. The Walpole Select Board submitted a letter regarding the Application 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 with the safety of the Town's groundwater given that the Site is within a designated Zone I and a Zone II well head protection area.
- The Municipality is concerned about the Applicant's proposed price point for the market rate townhomes.
- The Municipality requests that the Applicant provide an adequate stormwater management plan for the Site, including erosion control measures during and after construction.
- The Municipality expressed concern that the Applicant's proposed roadway exceeds 750 feet in length and stated further that the Fire Department does not support waivers for dead-end streets exceeding 750 feet in length.
- The Municipality states that the site plan lacks adequate information to determine whether sidewalks will be included throughout the proposed Project.

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 address Municipal concerns regarding the length of the proposed roadway.

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.

- A landscape plan should be provided to address Municipal concerns, including a detailed pedestrian circulation plan that addresses open space and sidewalk connection concerns.

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 twenty-eight (28) homeownership units under the terms of the Program, of which not less than seven (7) 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,



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 Darwin Commons, Project #1105

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 \$101,050.

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:

- Forming the Walpole Housing Partnership;
- Completing a Housing Production Plan;
- Applying for Housing Choice designation;
- Drafting an Inclusionary Zoning bylaw; and
- Obtaining technical assistance to explore affordable housing creation.

The Town of Walpole has a DHCD-approved Housing Production Plan. According to DHCD's Chapter 40B Subsidized Housing Inventory (SHI), updated through May 24, 2021, Walpole has 843 (SHI) units (9.38% of its housing inventory), which is 50 units short of the statutory minima 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 28 townhouse condominium homes. The homes will be configured into seven buildings. Of the 28 homes, 22 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 with 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 is bound by Washington Street to the west, Common Street to the north, State Route 1 to the east and the Neponset River Water Conservation Project to the south. The neighborhood has a mix of single-family, two-family, multi-family, and condominium homes. The property is located approximately 1.8 miles from the MBTA commuter rail station in Walpole Center and is 1 mile from the MBTA bus stop in Walpole Center, with service to Forest Hills Station in Jamaica Plain. There appear to be adequate lines of sight for vehicles entering and exiting the proposed Site.

Density

The Applicant proposes to build twenty-eight (28) homes on 3.44 acres, all of which are buildable. The resulting density is 8.13 units per buildable acre, which is acceptable given the proposed housing type and the uses found in the surrounding context.

Conceptual Site Plan

The proposed site layout considers the pattern of the existing street frontage by relating the height of the buildings to the width of the public way. The buildings are proposed to be clustered together to achieve a greater sense of community and it is the intention of the Applicant to avoid, if at all possible, the buildings from facing one another. The site plan is typical of other townhouse style developments found throughout the Walpole area. All residences will have private driveways for off-street parking suitable for up to two additional cars. The Project will be serviced by municipal water and sewer service, along with natural gas, cable and electricity, with all utilities servicing the development installed underground.

Topography

The Site is generally level, raw land, covered in trees and brush, and is currently vacant. 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

The Site is not located within any significant defined resource area and does not include any unique environmental features that further enhance or restrict the proposed use.

(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 17.8%. 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 \$900,000.

(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 3.44-acre Site under a Purchase and Sale agreement with an expiration date of November 30, 2021.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT CH40B SUBSIDIZED HOUSING INVENTORY

Walpole

DHCD ID #	Project Name	Address	Type	Total SHI Units	Affordability Expires	Built w/ Comp. Permit?		Subsidizing Agency
						Yes	No	
3197	Walpole Way	148-148, 150 Pemberton Street	Rental	8	Perp		No	DHCD
3198	n/a	Neponset View Terrace	Rental	64	Perp		No	DHCD
3199	n/a	Diamond Pond Terrace	Rental	54	Perp		Yes	DHCD
3200	Ellis Street	Ellis St.	Rental	12	Perp		No	DHCD
3971	The Preserve	212-237 Hilltop Drive	Rental	300	Perp		Yes	MassHousing
4492	DDS Group Homes	Confidential	Rental	34	N/A		No	DDS
4616	DMH Group Homes	Confidential	Rental	21	N/A		No	DMH
9824	Sterling Lana Condominiums	Oak Street/Sterling Lane	Ownership	4	Perp		YES	MassHousing
10220	The Residences at Moose Hill	272 Moose Hill Road	Rental	157	Perp		YES	MassHousing
10582	Cedar Crossing/Cedar Edge	51, 53 and 55 Summer Street	Mix	226	perp		YES	MassHousing
10625	Moose Hill Condominiums	Moose Hill Road	Ownership	2	perp		YES	MassHousing
Walpole Totals				882				
				Census 2010 Year Round Housing Units			8,984	
							Percent Subsidized	9.82%

10/22/2021

Walpole
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This data is derived from information provided to the Department of Housing and Community Development (DHCD) by individual communities and is subject to change as new information is obtained and use restrictions expire.