



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

Tel: 617.854.1000  
Fax: 617.854.1091 | [www.masshousing.com](http://www.masshousing.com)  
Videophone: 857.366.4157 or Relay: 711

June 3, 2022

Neponset Village, LLC  
Coneco Building Company  
4 1<sup>st</sup> Street  
Bridgewater, MA 02324  
Attention: Robert Lincoln

**Re: Neponset Village  
Project Eligibility/Site Approval  
MassHousing ID No. 1129**

Dear Mr. Lincoln:

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”).

Neponset Village, LLC has submitted an application with MassHousing pursuant to Chapter 40B. You have proposed to build twenty-four (24) homeownership units (the “Project”) on 2.79 acres of land located at 5 Pleasant Street (the “Site”) in Walpole and Norwood (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 Regulations, the Municipality was 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 time was extended and additional 15 days, for a total of 45 days. The Walpole Select Board submitted a letter expressing several areas of concern regarding the Applicant’s proposal:

The following concerns were identified in the letter:

- The Municipality requests that the Applicant's landscape plan provide adequate screening and protection from the adjacent railroad tracks and a designated area for snow removal. In addition, the Municipality requests that the Applicant seek prior approval from the fire department before moving ahead with the proposed outdoor grill community open space area.
- The Municipality expressed concern that additional traffic generated by the Project would result in increased congestion on area roadways and pose heightened risks to drivers and pedestrians. They requested that the Applicant provide a traffic study to allow them to fully assess Project traffic and public safety impacts.
- The Fire Department emphasized that the Project must be designed to ensure the maximum level of emergency access and fire protection. They outlined a variety of requirements for the Project including fire lanes, sufficient roadway widths and intersection radii to accommodate public safety vehicles, hydrants, and interior fire suppression systems.

### **MassHousing Determination and Recommendation**

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.<sup>1</sup> 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 ("ZBA") 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, and considering feedback received from the Municipality, the following issues should be addressed in the application to the ZBA, and the Applicant 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 building construction, stormwater management, wastewater collection and treatment, and hazardous waste safety. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.
- 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 issues regarding roadway design and public safety considerations.
- A landscape plan should be provided, including a detailed planting plan, as well as paving, lighting, and signage details, and the location of outdoor dumpsters or other waste receptacles. The landscape plan should also include provisions for snow removal and long-term landscape maintenance options.
- MassHousing has also reviewed the application for compliance within 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 Site Approval is expressly limited to the development of no more than twenty-four (24) homeownership units under the terms of the Program, of which not less than six (6) 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 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 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 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 blue ink, appearing to read 'C. McNiece', with a horizontal line extending from the end of the signature.

Colin M. McNiece  
General Counsel

cc: Jennifer Maddox, Undersecretary, DHCD  
The Honorable Paul R. Feeney  
The Honorable Michael F. Rush  
The Honorable John H. Rogers  
The Honorable Edward R. Phillips  
The Honorable Shawn C. Dooley  
The Honorable Paul McMurtry  
Mark Gallivan, Chairman, Select Board  
John Lee, Chairman, Zoning Board of Appeals

## Attachment 1

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

### Neponset Village, Walpole, MA #1129

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, 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 \$111,850.

The Applicant submitted a letter of financial interest from Norwood Bank, a member bank of the FHLBank Boston under the NEF Program.

***(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 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 undertaken by the Municipality include:

- Forming the Walpole Housing Partnership;
- Hiring professional staff and obtaining technical assistance to explore affordable housing creation;
- Completing a Housing Production Plan; and
- Applying for and receiving Housing Choice Designation.

MassHousing commends the Municipality’s progress towards creating a range of diverse housing options to meet its affordable housing needs. The Town of Walpole does have a DHCD-approved Housing Production Plan. According to DHCD’s Chapter 40B Subsidized Housing Inventory (SHI), updated through April 14, 2022, Walpole has 882 Subsidized Housing Inventory (SHI) units (9.82% of its housing inventory), which is 16 units short of the statutory minima 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 existing streetscape is protected by locating the proposed duplex-style housing off the roadway. The area of a proposed development is suitable for dense development and the clustered style layout. The cluster style design approach is preferred by the Applicant because there is less land disturbance, fewer environmental impacts and less infrastructure associated compared with a traditional subdivision design approach. The duplex units have been laid out to avoid the buildings from facing one another. The buildings have been orientated so they face the street with an attractive building wall and facade facing the public side of the property. The Applicant is using architectural detailing, and changes in surface materials, colors, textures and roof lines to create façade divisions to modulate building mass and scale.

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

The Site is located in a mixed-use residential and commercial district immediately south the Norwood line. Nearby land uses in Walpole are typically residential along Pleasant Street with some commercial and light industrial uses along parallel Washington Street immediately to the west. Land uses transition to commercial, light industrial and automotive immediately north of the Norwood line in Norwood. The Site's location enjoys convenient access to major highways, Route 1 is parallel to the subject less than a mile to the east. Interstate highway I-95 is about two miles to the east, while I-93 is four miles to the north. Boston is about 15 miles to the north and Providence is about 25 miles to the south.

**Density**

The Applicant proposes to build twenty-four (24) homeownership units on approximately 2.79 acres, all of which are buildable. The resulting density is 8.6 units per buildable acre, which is acceptable given the proposed housing type.

**Conceptual Site Plan**

Four (4) triple and three (3) quadruple colonial style townhome buildings, all 2-story with surface parking, with pitched roofs have been placed on the site so that 17 of the units are located at the far rear of the site. The homes are approximately 280 feet from the entrance, abutting the railroad line. The remaining 7 units are on the front side of the site, to the rear of the existing multi-family building on Pleasant Street. To create more useable green space in the gazebo area the landscape architects and civil engineers have designed the stormwater to be below ground. There is one detention pond near the entrance, abutting the Norwood commercial/industrial zone.

**Environmental Resources**

The Site does not contain any area of critical concern or areas of estimated or priority habitat of rare species, wildlife or vernal pools.

## **Topography**

The Site is generally level throughout the property. The topographic features of the Site have been considered in relationship to the proposed development plans and do not constitute an impediment to development of the Site.

*(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.

*(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;*

The initial pro forma has been reviewed for the proposed residential use, and the Project appears financially feasible with a projected profit margin of 11.66%. 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 \$600,000.

*(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*

MassHousing finds that 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 entire 2.79 Site under a Purchase and Sale Agreement with an expiration date of August 8, 2024.