



Massachusetts Housing Finance Agency  
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June 4, 2019

John Peck  
R & J, LLC  
100 Country Club Drive  
Halifax, MA 02338

**Re: Country Club Estates  
Project Eligibility/Site Approval  
MassHousing #1017**

Dear Mr. Peck:

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 thirty (30) units, including eight (8) affordable units of homeownership housing (the “Project”) on a 5.02-acre site located on Plymouth Street (the “Site”) in Halifax (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 Regulations, the Municipality was given a thirty (30) day period in which to review the Site Approval application and submit comments to MassHousing. The Municipality did not submit any comments for MassHousing staff to review.

#### **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 for a determination of eligibility 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 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”) 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 local ZBA for a Comprehensive Permit and fully explored in the public hearing process prior to submission of your application for final approval under the Program:

- 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.

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 thirty (30) homeownership units under the terms of the Program, of which not less than eight (8) 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,



Chrystal Kornegay  
Executive Director

cc: Janelle Chan, Undersecretary, DHCD  
The Honorable Michael D. Brady  
The Honorable Kathleen R. LaNatra  
Troy E. Garron, Chair, Board of Selectmen  
Robert Gaynor, Chair, Zoning Board of Appeals



## Attachment 1

760 CMR 56.04

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

### Country Club Estates, Project #1017

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 Halifax is \$74,000. A letter expressing interest for Project financing was provided by Rockland Trust, 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.

The Town of Halifax does not have a DHCD-approved Housing Production Plan. According to DHCD's Chapter 40B Subsidized Housing Inventory (SHI), updated through April 12, 2019, Halifax has 28 Subsidized Housing Inventory (SHI) units (0.94% of its housing inventory), which is 269 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 Site is located in the commercial center of Halifax just west of Route 58, amidst the busiest commercial intersection in town. The area is developed with a Stop and Shop, Walmart, Mutual

Savings Bank and the Halifax Country Club. Older residential uses along Plymouth Street have been transitioning to commercial uses. The exterior detailing of the proposed buildings will feature covered porches and profiled trim work to help reduce the overall massing of the buildings. The height and scale of the buildings are comparable in scale to nearby residential and commercial uses.

### **Relationship to Adjacent Streets**

The proposed Site access and egress from Plymouth Street (Route 106) does not present any discernable public safety impacts. There appear to be adequate lines of sight for vehicles entering and exiting the proposed Site. Route 58 and Route 106 are the two major routes in Halifax, which intersect just east of the town's commercial center. The Halifax commuter rail station is approximately 1.5 miles away from the proposed Site. The view into the Site from the adjacent street is similar to that of existing uses and establishes a relationship that is compatible with existing context.

### **Density**

The Applicant proposes to build thirty (30) homes on 5.02 acres, of which approximately 4.45 acres are buildable. The resulting density is 6.74 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 thirty townhouse condominiums in two-unit and four-unit buildings spaced at regular intervals along a single roadway which leads into the Site from Plymouth Street. 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 greenspace views of the adjacent golf course. 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**

The Site is slightly impacted by a small wetland area located on both sides of the entrance road leading to the proposed duplex and quadruplex homes. Development of the Site will require careful attention to current Best Management Practices to avoid any adverse impacts to the protected wetland resource areas. 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.

***(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 14.30%. 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 \$420,000.

***(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 5.02-acre Site under a deed of ownership.