

September 2, 2022

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

RE: Proposed 40B – 79 Nichols Street – Baldwin Landing  
Wilmington, MA  
MH ID No. 1150

Dear Mr. Busby:

The Town of Wilmington would like to thank you for the opportunity to comment on the revised Project Eligibility/Site Approval application for a proposed 12-unit 40B development at 79 Nichols Street (the “Project”). The comments below have been compiled from various Town departments, elected officials, and residents and reflect general concerns regarding the proposed development at this conceptual stage.

#### Background

Over the past few years, the Town has worked especially hard to increase its supply of affordable housing units and multi-family housing units. The Neighborhood Mixed Use (NM) Zoning District was created in 2016 to allow multi-family housing in existing commercial areas that were envisioned to be mixed-use areas in the Town’s Master Plan. The NM Zoning District was established at the intersection of Lowell Street and Woburn Street and has been expanded to other commercial areas since its inception.

Recognizing that affordable housing should keep pace with new development, in 2019, Town Meeting approved an Inclusionary Zoning Bylaw that applies to multi-family development in Town and requires 15% of new units to be affordable and count on the Town’s Subsidized Housing Inventory (SHI). The first project to include inclusionary units is currently under construction at 168 Lowell Street, which will include five (5) affordable townhomes.

In 2020, the Town partnered with Princeton Properties on a Local Initiative Program (LIP) 40B development for 108 rental units at the corner of Jefferson Road and Middlesex Avenue. The Jefferson Road Princeton Properties development (the “Jefferson Road Development”) provided necessary units to reach the goal of having at least 10% of housing units in town meet DHCD’s

affordability guidelines to count towards the Town's SHI based on the new 2020 Census numbers. The Jefferson Road Development is located in a long-envisioned mixed-use village area with existing services and an adjacent commuter rail stop, the very definition of smart, transit-oriented growth. The Jefferson Road Development is also located in an area that is included in the Town's sewer district, where sewer is allowed to be extended per the Town's Comprehensive Wastewater Resources Management Plan ("CWRMP") that was approved by the Commonwealth. To facilitate the Jefferson Road Development, the Town applied for and received a \$2.89M MassWorks grant to extend sewer to the property, replace a failing culvert under Middlesex Avenue, and provide multimodal roadway improvements in the vicinity of the site. The Wilmington Board of Appeals unanimously voted to approve the Comprehensive Permit for the Jefferson Road Development and the Wilmington Conservation Commission voted to approve the Order of Conditions for the development. Unfortunately, the Order of Conditions was appealed by a group of residents and the subsequent Superseding Order of Conditions issued by MassDEP was also appealed by the resident group. Because of the appeals and the current adjudicatory process pending before MassDEP's Office of Appeal and Dispute Resolution, Princeton Properties was not able to apply for building permits within the required twelve (12) month timeframe for the units to count on the Town's SHI, leaving the Town just shy of the 10% goal.

As you can see, the Town has been diligently working toward providing more affordable housing and more housing options in Town in locations that have necessary infrastructure, proximity to transit, and fulfill the Town's vision for village style mixed-use nodes. Additionally, the Wilmington Zoning Board of Appeals ("ZBA") is currently reviewing an application for a 132-unit 40B development at 100-104 West Street, which received site approval from your office in May. Should the 100 West Street development receive approval from the ZBA, it would add 132 units to the Town's SHI and put the Town over the 10% threshold.

The proposal for twelve (12) single-family/duplex units at 79 Nichols Street raises significant concerns from the Town, which are outlined below.

#### Site Context and Design

The area including and surrounding the parcel at 79 Nichols Street is developed as single-family residential. The revised concept plan shows twelve (12) units in ten (10) single-family homes and one (1) duplex. While the revised proposal better reflects the scale and typology of the surrounding neighborhood than the previous 20-unit proposal that included a four-story multi-family building in the rear of the site, significant concerns remain as detailed below.

The current twelve (12) unit proposal is very dense as shown on the conceptual plans. The proposed homes are located 15' apart on the plan, which is a serious concern to the Wilmington Fire Department. The homes should be spaced a minimum of 20' apart and/or be redesigned as duplexes. The plans do not provide enough detail to demonstrate that site/civil standard engineering design practices can be met relating to public safety, site access, pedestrian connectivity, traffic, utility/sewer availability and connection, stormwater management, environmental/resource area impact mitigation, and site grading. To demonstrate the validity of this concern, it is important to note that this Applicant and engineering consultant attempted to permit a five (5) lot single family conservation subdivision from 2019 through 2021 at this

location. The Applicant elected to withdraw their application after receiving numerous peer review letters from various Town Departments (including Fire, DPW, and Planning/Conservation) detailing concerns related to substandard engineering design practices including concerns over public safety, access, geometric alignment and intersection design, sewer connection, utility layout, and failure to meet stormwater policy and regulations. All of these issues appeared to be related to a density of five (5) single family homes. Thus, it is unclear how an even denser twelve (12) unit development will be able to improve upon the previous submission let alone address the aforementioned concerns, even considering the current application's extension of the proposed roadway.

As designed, the project does not appear to meet at least five of MassHousing's sustainable development principles. The project will not eliminate or reduce neighborhood blight under the Protect Land and Ecosystems category by demolishing the existing single-family home that was actively used by the previous owner. In relation to Transportation Choice, Wilmington would not seem to qualify as a rural area and Route 129 in this location is not a "transportation corridor that provides access to employment centers, retail/commercial centers, civic or cultural destinations." The Town recommends that MassHousing closely review the project and the Site Approval Application in relation to the sustainable development principles to ensure that at least five of the sustainable development principles are met.

Additionally, the plans do not provide any acknowledgment of the presence and history of the Middlesex Canal on this site and how the canal, which is listed as a National Register Historic District will be respected and celebrated. Previous proposals included coordination with the Middlesex Canal Commission on historic educational signage and public access to this point on the Middlesex Canal, also known as Baldwin's Landing. Should the project receive a Project Eligibility Letter (PEL) approval and proceed to the ZBA, the Town will be interested in detailed plans that address these issues.

#### Nichols Street – Traffic and Pedestrian Safety

The project site is located on Nichols Street, which was recently the site of a serious hit and run accident. Nichols Street is used as a cut through between several towns and is either backed up with heavy volumes during school commuting hours or experiences high vehicle speeds that result in dangerous conditions. While it may be argued that this project will not adversely impact that existing condition, the project will add a new intersection with new vehicle movements to the already stressed existing traffic conditions. The Town will be looking for a traffic and pedestrian safety study that addresses the existing intersections within the project vicinity (Nichols Street/Shawsheen Ave., Nichols Street/Brown Street/Whipple Road), sight distance and geometric design at the proposed development entrance, and pedestrian connectivity within the project site and to area destinations such as the Shawsheen Elementary School playgrounds and fields. The proposed plan also does not show sidewalks, which are essential to creating a healthy, walkable community. The Town will be looking for pedestrian facilities in the proposed development and connectivity to the existing sidewalks on Nichols Street.

#### Site Location in the Non-Sewer District

The Town has developed a Comprehensive Water Resources Management Plan (“CWRMP”) to address issues relating to water supply and conservation, wastewater treatment and disposal, and stormwater management within the Ipswich River Basin. With Wilmington being a headwater community (to the Ipswich River Basin), wastewater exported out of the watershed is a concern as water withdrawals (without recharge) contribute to ecological stresses downstream along the Ipswich River. As such, the goal of the CWRMP is to implement a long-term plan to enhance recharge to groundwater and restore water balance within the Ipswich River Basin and maintain a base flow to the Ipswich River during times of drought. The CWRMP establishes “sewer” districts (where sewer connections are allowed) and a “non-sewer” district in an effort to limit sewer expansion (wastewater export) while balancing economic development and water quality goals within the Ipswich River Basin. We note that this property is located in the “non-sewer” district and is located within the Ipswich River Watershed.

The Executive Office of Energy and Environmental Affairs (“EEA”) issued a certificate on the Final Environmental Impact Review (“FEIR”) for the Town’s CWRMP in July of 2006. In response to comments made by various stakeholders and State Agencies throughout the process, the FEIR/CWRMP further reduced the number of parcels within the “sewer” district by replacing a sewer area (identified as Phase IV) with a reserve allotment equivalent to 200 single family homes. The EEA’s Certificate states, *“As currently proposed, a reserve sewer allotment, equivalent to the total wastewater flows of 200 single-family houses, will replace the proposed Phase IV sewer area. This reserve sewer allotment, to be administered by the Wilmington’s Board of Water and Sewer Commissioners, and the Board of Health, may be applied to office, commercial, industrial, and municipal developments, as well as residential developments...Project proponents will need to satisfactorily demonstrate to Wilmington officials and DEP that the need for sewer exists, and that no other viable wastewater treatment and disposal options exist.”*

The PEL application states that a municipal sewer connection will service the development. However, the proponent has not demonstrated that no other viable wastewater treatment and disposal options exist onsite in an effort to limit wastewater being exported from the Ipswich River Basin. Conversely, the applicant’s engineer has commented positively on the soils located on the site, which appears to be geologically conducive to on-site sewage disposal. The Town will expect the applicant to demonstrate why onsite sewage disposal is not possible.

#### Utilities and Stormwater

The PEL application incorrectly states that sewer is available to the site; sewer does not exist along Nichols Street. In conversations, including the site visits held by MassHousing, the applicant’s representatives have stated that the existing sewer in Shawsheen Avenue will be extended to Nichols Street to service the site. Should the Applicant show that on-site sewage disposal is not supported by the soils on the site, the sewer extension details should be provided for review by the Town and the Town’s sewer consultant. A sewer capacity analysis will be necessary to determine if a sewer extension is feasible, and the extent of offsite sewer mitigation necessary (if any) by the Developer to meet their project demand.

The proponent will need to determine if adequate water pressure and flow exists for the Project’s demand. Typically, proponents for new development projects are required to contact the Town’s Water

Consultant, Kleinfelder, to complete a hydraulic analysis study at the proponent's expense. This analysis is necessary to determine the offsite domestic water/fire protection mitigation necessary (if any) by the Developer to meet their project demand.

A Stormwater Management Report including any calculations, computations, pre and post development hydrological models, and watershed maps must be provided during the review of the project to demonstrate compliance with the MassDEP Stormwater Policy [the Policy].

As noted previously, this project site is in the Ipswich River Watershed. Further, a large portion of the project site is considered protected resource area under the Massachusetts Wetlands Protection Act (the "Act"). As such, the Town requests the proponent comply with the Town of Wilmington Comprehensive Stormwater Management Bylaw and Regulations. The Town's local regulations were established to ensure peak attenuation, water quality, and adequate stormwater recharge is provided for all new development projects to protect the Town's groundwater aquifer and most valued resource areas.

The plan set does not detail how stormwater management design will meet either local or State Policy. Considering the clear and obvious challenges that the previously withdrawn five-unit development encountered meeting stormwater standards, it is unclear how stormwater standards and regulations will be met with the current twelve (12) unit proposal.

Resident Comment Letters

Attached to this letter you will find comment letters from the Wilmington community regarding concerns about the proposed 40B development at 79 Nichols Street. Please take all of the comments into consideration during your review.

Thank you again for the opportunity to comment on this project. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Jeffrey M. Hull  
Town Manager



**Comprehensive Permit  
Site Approval Application  
Homeownership**

[www.masshousing.com](http://www.masshousing.com) | [www.masshousingrental.com](http://www.masshousingrental.com)

## Comprehensive Permit Site Approval Application/Homeownership

Attached is the Massachusetts Housing Finance Agency ("MassHousing") application form for Project Eligibility/Site Approval ("Site Approval") under the state's comprehensive permit statute (M.G.L. c. 40B, Sections 20-23 enacted as Chapter 774 of the Acts of 1969) known as "Chapter 40B". Developers seeking a comprehensive permit to construct affordable housing under Chapter 40B and intending to use a MassHousing financing program or financing through the New England Fund ("NEF") program must receive Site Approval from MassHousing. This approval (also referred to as "project eligibility approval") is a required component of any comprehensive permit application to be submitted to the local Zoning Board of Appeals of the municipality in which the development is to be located.

As part of its review of your application, MassHousing will conduct an inspection of the site and will solicit comments from the relevant municipality. MassHousing will consider any relevant concerns that the municipality might have about the proposed project or the developer. The applicant is encouraged, therefore, to make contact with the municipality prior to submitting the Site Approval application in order to ensure that the applicant understands any concerns that the municipality may be likely to raise regarding the proposed development.

In order for a project to receive Site Approval, MassHousing must determine that (i) the applicant has sufficient legal control of the site, (ii) the applicant is a public agency, non-profit organization or limited dividend organization, and (iii) the applicant and the project are generally eligible under the requirements of the MassHousing program selected by the applicant, subject to final eligibility review and approval. Furthermore, MassHousing must determine that the site of the proposed project is generally appropriate for residential development (taking into consideration municipal actions previously taken to meet affordable housing needs) and that the conceptual project design is generally appropriate for the site. In order for MassHousing to be able to make these findings (required by 760 CMR 56.04 (4)), it is important that you answer all questions in the application and include all required attachments.

**Please note that MassHousing requires that all applicants meet with a member of our Planning and Programs Department staff before submitting their application. Applications for any projects that have not been the subject of a required pre-application meeting will not be accepted or processed.**

Upon completion of its analysis, MassHousing will either issue a Site Approval Letter that approves, conditionally approves or denies the application. If the application is approved, the applicant should apply to the Zoning Board of Appeals within two years from the date of the Site Approval Letter (unless MassHousing extends such term in writing).

Please note that Site Approval from MassHousing does not constitute a loan commitment by MassHousing or any other financing program. All potential MassHousing financing is subject to further review and underwriting by MassHousing's Rental Lending Department.

Please be sure you have familiarized yourself with all of the applicable requirements set forth in the Chapter 40B regulations and guidelines, which can be found at

<https://www.mass.gov/doc/760-cmr-56-comprehensive-permit-low-or-moderate-income-housing/download>  
[www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf](http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf).

Instructions for completing the Site Approval Application are included in the application form which is attached. The completed application form and all additional documentation should be sent, after your pre-application meeting has been held, to:

**Manager of Planning Programs  
One Beacon Street, Boston, MA 02108**

We look forward to working with you on your proposed development. Please contact Jessica Malcolm at 617-854-1201 or [jmalcolm@masshousing.com](mailto:jmalcolm@masshousing.com) to discuss scheduling your pre-application meeting or if there is any assistance that we can provide in the meantime to make your application process a smooth and efficient one.

### **Our Commitment to You**

MassHousing recognizes that applicants seek some measure of predictability regarding the timeframe for our processing of their applications. Our staff will endeavor to adhere to the following schedule for reviewing applications for site approval:

Within one week of receipt of your application (provided that you have attended a required pre-application meeting) a member of our staff will notify you of any of the items listed on the checklist at the end of the application form that were missing from your application package. Please note that our acknowledgement of receipt of an item does not indicate that any substantive review has yet taken place.

**If your application package is missing any of the items indicated on the checklist by an asterisk, we will not be able to continue processing your application until such items are received.**

If we have received the information which is crucial to the commencement of our review process, we will proceed to (i) give the municipality a period of thirty (30) days in which to submit comments relating to your proposal, (ii) schedule and conduct a site visit, and (iii) solicit bids for and commission and review an "as is" appraisal of your site.

If during our review of your application package we determine that additional information or clarification is needed, we will notify you as soon as possible. Depending on when we receive such additional information, this may affect the amount of time required for MassHousing to complete the site approval process.

Assuming that your application package was complete and that you respond in a timely manner to requests for additional information or clarification, we would expect to issue or deny your site approval within 90 days of our receipt of your application package.





**Application for Chapter 40B Project Eligibility / Site Approval  
for MassHousing-Financed and New England Fund ("NEF") Homeownership Projects**

**Section 1: GENERAL INFORMATION**

**Name of Proposed Project:** Baldwin Landing

**Municipality:** Wilmington

**County:** Middlesex

**Address of Site:** 79 Nichols St.

**Cross Street:**

**Zip Code:** 01887

**Tax Parcel I.D. Number(s):** Map 35, Parcel 29

**Name of Proposed Development Entity:** Golden Realty Trust

*(typically a single purpose entity):*

**Entity Type:** Limited Dividend Organization

*\* If the Proposed Development Entity is a Non-Profit, please contact MassHousing regarding additional documentation that must be submitted.*

**Has this entity already been formed?** Yes

**State Formed:** Massachusetts

**Name of Applicant:** Golden Realty Trust

*(typically the Proposed Development Entity or its controlling entity or individual)*

**Applicant's Web Address:**

Does the Applicant have a related party relationship with any other member of the development team? No

If yes, please explain:

**Primary Contact Information:**

**StateDesc**

**Contact Name:** James Mangano

**Relationship to Applicant:**

**Company Name:** Golden Realty Trust

**Address:** 5 Essex Green Dr., Suite 34

**Municipality:** Peabody

**State:** Massachusetts

**Zip:** 01960

**Phone:**

**Cell Phone:** (978) 235-2524

**Email:** mangano0412@gmail.com

**Secondary Contact Information:**

**Contact Name:** Kristen Costa  
**Company Name:** L.A. Associates, Inc.  
**Address:** 11 Middlesex Ave., Suite 5  
**Municipality:** Wilmington  
**Phone:**  
**Email:** kriscosta@laassoc.com

**Relationship to Applicant:**  
40B Consultant  
**State:** Massachusetts  
**Zip:** 01887  
**Cell Phone:** 978-758-0197

**Additional Contact Information:**

**Contact Name:** Michael Newhouse  
**Company Name:**  
**Address:** 80 Main St.  
**Municipality:** Wilmington  
**Phone:** 978-694-7600  
**Email:** michael\_newhouse@michaeljnewhouse.com

**Relationship to Applicant:**  
Attorney  
**State:** Massachusetts  
**Zip:** 01887  
**Cell Phone:**

**Anticipated Financing:**

**Name of Lender (if not MassHousing financed):**

**Age Restriction:** None

**Brief Project Description:**

This proposal includes construction of 12 single-family home ownership units, 10 detached and one duplex, and construction of a roadway and cul-de-sac. The homes will be served by municipal water and sewer. 25% of the units, or 3, will be affordable.

**Application for Chapter 40B Project Eligibility / Site Approval  
for MassHousing-Financed and New England Fund (“NEF”) Homeownership Projects**

**Section 2: EXISTING CONDITIONS / SITE INFORMATION**

*In order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that the site is generally appropriate for residential development.*

<b>Buildable Area Calculations</b>	(Acres)
<b>Total Site Area:</b>	<b>4.36</b>
<b>Wetland Area (per MA DEP):</b>	2.84
<b>Flood Hazard Area (per FEMA):</b>	0.00
<b>Endangered Species Habitat (per MESA):</b>	0.00
<b>Conservation / Article 97 Land:</b>	0.00
<b>Protected Agricultural Land (i.e. EO 193):</b>	0.00
<b>Other Non-Buildable:</b>	<b>0.00</b>
<b>Total Non-Buildable Area:</b>	2.84
<b>Total Buildable Area:</b>	1.52

**Current use of the site and prior use if known:**

Current and prior use is residential single family.

**Is the site located entirely within one municipality? Yes**  
**If not, in what other municipality is the site located?**  
**How much land is in each municipality?**

**Additional Site Addresses:**

**Current zoning classification and principal permitted uses:**

R-20 Residential

**Previous Development Efforts**

Please list any previous applications pertaining to construction on or development of the site, including (i) type of application (comprehensive permit, subdivision, special permit, etc.); (ii) application filing date; (iii) date of denial, approval or withdrawal. Also indicate the current Applicant's role, if any, in the previous applications.

*Note that, pursuant to 760 CMR 56.03 (1), a decision of a Zoning Board of Appeals to deny a Comprehensive Permit, or (if the Statutory Minima defined at 760 CMR 56.03 (3) (b or c) have been satisfied) grant a Comprehensive Permit with conditions, shall be upheld if a related application has previously been received, as set forth in 760 CMR 56.03 (7).*

Proposed a residential subdivision of five homes under the Wilmington Conservation Subdivision Design zoning.

To the best of your knowledge, has this site ever been rejected for project eligibility/site approval by another subsidizing agency or authority? No

If Rejected, Please Explain:

Existing Utilities and Infrastructure	Yes/No	Description
Wastewater- private wastewater treatment	No	
Wastewater - public sewer	Yes	Municipal sewer hookup available.
Storm Sewer	Yes	On site storm water system is proposed.
Water-public water	Yes	Municipal water hookup available.
Water-private well	No	
Natural Gas	No	
Electricity	Yes	There is power to the site.
Roadway Access to Site	Yes	The project has frontage on a public way.
Sidewalk Access to Site	Yes	There's an existing sidewalk on Nichols.
Other	No	

Describe Surrounding Land Uses:

Residential, detached, single-family homes.

Surrounding Land Use/Amenities	Distance from Site	Available by Public Transportation?
Shopping Facilities	2.70	No
Schools	1.10	No
Government Offices	2.60	No
Multi-Family Housing	2.70	N/A
Public Safety Facilities	3.50	N/A
Office/Industrial Uses	2.50	N/A
Conservation Land	0.00	N/A
Recreational Facilities	1.10	N/A
Houses of Worship	2.70	N/A
Other	0.00	N/A

Public transportation near the Site, including type of transportation and distance from site:

MBTA-Commuter Train Station, 3.2 miles from the site.  
Wilmington Commuter Rail Train Station, 4.2 miles from the site.

**Site Characteristics and Development Constraints**

Are there any easements, rights of way or other restrictions of record affecting the development of the site ?	No
Is there any evidence of hazardous, flammable or explosive material on the site?	No
Is the site, or any portion thereof, located within a designated flood hazard area?	No
Does the site include areas designated by Natural Heritage as endangered species habitat?	No
Are there documented state-designated wetlands on the site?	Yes
Are there documented vernal pools on the site?	No
Is the site within a local or state Historic District or listed on the National Register or Historic Places?	No
Has the site or any building(s) on the site been designated as a local, state or national landmark?	No
Are there existing buildings and structures on site?	Yes
Does the site include documented archeological resources?	No
Does the site include any known significant areas of ledge or steep slopes?	No

**Application for Chapter 40B Project Eligibility / Site Approval  
for MassHousing-Financed and New England Fund (“NEF”) Homeownership Projects**

**Section 3: PROJECT INFORMATION**

*In order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that the proposed project appears generally eligible under the requirements of the housing subsidy program and that the conceptual project design is generally appropriate for the site.*

**Construction Type:** New Construction

<b>Total Dwelling Units:</b>	12	<b>Total Number of Affordable Units:</b>	3
<b>Number of Market Units:</b>	9	<b>Number of AMI 50% Affordable Units:</b>	0
		<b>Number of AMI 80% Affordable Units:</b>	3

**Unit Information:**

Unit Type	Bedrooms	Baths	# Of Units	Unit Sq. Ft.	Sales Price	Condo/HO Fee
Market	3 Bedroom	2 Baths	9	1,800	\$800,000	\$0
Affordable Unit - Below 80%	3 Bedroom	2 Baths	3	1,800	\$336,000	\$0

**Approach to calculating any additional fees relating to Condominium Association or Homeowners Association:**

**Percentage of Units with 3 or More Bedrooms:** 100

*\* Note that the January 17, 2014 Interagency Agreement Regarding Housing Opportunities for Families with Children requires that at least 10% of the units in the Project must have three (3) or more bedrooms. Evidence of compliance with this requirement must be provided at Final Approval.*

<b>Handicapped Accessible Units - Total:</b>	0	<b>Market Rate:</b>	0	<b>Affordable:</b>	0
<b>Gross Density (units per acre):</b>	2.7523	<b>Net Density (units per buildableacre):</b>	7.8947		

**Building Information**

Building Type	Building Style	Construction Type	Stories	Height	GFA	Number Bldg
Residential	Single family detached	Construction	2	32	2,000	10
Residential	Multi-family	Construction	2	32	3,200	1

Will all features and amenities available to market unit residents also be available to affordable unit residents?

Yes

If not, explain the differences:

**Parking**

Total Parking Spaces Provided: 36      Ratio of Parking Spaces to Housing Units: 3

**Lot Coverage**

Buildings:	8%	Parking and Paved Areas:	11%
Usable Open Space:	17%	Unusable Open Space:	65%
Lot Coverage:	15%		

Does project fit definition of "Large Project" (as defined in 760 CMR 56.03 (6))?

No

**Application for Chapter 40B Project Eligibility / Site Approval**

**for MassHousing-Financed and New England Fund ("NEF") Homeownership Projects**

**Section 4: SITE CONTROL**

**Grantor/Seller:** Carolyn Osterberg

**Grantee/Buyer:** Golden Realty Trust

**Grantee/Buyer Type:** Applicant

**If Other, Explain:**

**Are the Parties Related?** No

**For Deeds or Ground Leases:**

**Date(s) of Deed(s) or Ground Leases(s):** 05/27/2016

**Purchase Price:** \$410,000

**For Purchase and Sales Agreements or Option Agreements:**

**Date of Agreement:**

**Expiration Date:**

**Date of Extension** *(if extension granted):*

**New Expiration Date** *(if extension granted):*

**Purchase Price:** \$0

**Will any easements or rights of way over other properties be required in order to develop the site as proposed?:** No

**If Yes, Current Status of Easement:** Owned by Development Entity

**Date(s) of Easements(s):**

**For Easements:**

**Date of Agreement:**

**Purchase Price:** 0.00

**For Easement Purchase and Sales Agreements or Easement Option Agreements:**

**Expiration Date:**

**Date of Extension** *(if extension granted):*

**New Expiration Date** *(if extension granted)*

**Purchase Price:** \$0



**Application for Chapter 40B Project Eligibility / Site Approval  
for MassHousing-Financed and New England Fund (“NEF”) Homeownership Projects**

**Section 5: FINANCIAL INFORMATION**

*In order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that an initial pro forma has been reviewed and that the Proposed Project appears financially feasible and consistent with the Chapter 40B Guidelines, and that the Proposed Project is fundable under the applicable program.*

**Initial Capital Budget**

**Sales / Revenue**

<b>Market:</b>	\$7,200,000
<b>Affordable:</b>	\$1,008,000
<b>Related Party:</b>	\$0
<b>Other Income:</b>	\$0
<b>Total Sales/Revenue:</b>	\$8,208,000

**Pre-Permit Land Value**

<b>Item</b>	<b>Budgeted</b>
<b>As-Is Market Value*:</b>	\$410,000
<b>Reasonable Carrying Costs:</b>	0
<b>Subtotal - Pre-Permit Land Value:</b>	\$410,000

*\* As-Is market value to be determined by a MassHousing commissioned appraisal*

**Uses (Costs)**

<b>Item</b>	<b>Budgeted</b>
<b>Acquisition Cost (Actual):</b>	
Actual Acquisition Cost: Land	\$410,000
Actual Acquisition Cost: Buildings	\$0
Reasonable Carrying Costs	\$0
<b>Total Acquisition Cost (Actual)</b>	<b>\$410,000</b>
<b>Construction Costs-Residential Construction Costs (Hard Costs):</b>	
Building Structure Costs	\$4,200,000
Hard Cost Contingency	\$126,000
<b>Subtotal - Residential Construction (Hard Costs)</b>	<b>\$4,326,000</b>
<b>Construction Costs-Site Work (Hard Costs):</b>	
Earth Work	\$120,000
Utilities: On-Site	\$105,000
Utilities: Off-Site	\$250,000
Roads and Walks	\$520,000
Site Improvement	\$45,000
Lawns and Plantings	\$30,000
Geotechnical Condition	\$0
Environmental Remediation	\$0
Demolition	\$15,000
Unusual Site Conditions/Other Site Work	\$0
<b>Subtotal - Site Work (Hard Costs)</b>	<b>\$1,085,000</b>
<b>Construction Costs-General Conditions, Builders Overhead and Profit (Hard Costs):</b>	
General Conditions	\$104,313
Builder's Overhead	\$50,000
Builder's Profit	\$104,313
<b>Subtotal - General Conditions, Builder's Overhead &amp; Profit</b>	<b>\$258,626</b>
<b>General Development Costs (Soft Costs):</b>	
Appraisal and Marketing Study <i>(not 40B "As Is" Appraisal)</i>	\$5,000
Lottery	\$5,000
Commissions/Advertising-Affordable	\$25,200
Commissions/Advertising-Market	\$360,000
Model Unit	\$0
Closing Costs <i>(unit sales)</i>	\$55,200
Real Estate Taxes	\$24,000
Utility Usage <i>(during construction)</i>	\$15,000
Insurance <i>(during construction)</i>	\$12,501

<b>Security</b> <i>(during construction)</i>	\$5,000
<b>Inspecting Engineer</b> <i>(during construction)</i>	\$0
<b>Construction Loan Interest</b>	\$75,000
<b>General Development Costs (Soft Costs) - continued</b>	

<b>Item</b>	<b>Budgeted</b>
<b>Fees to Construction Lender:</b> North Shore Bank	\$35,000
<b>Fees to Other Lenders:</b>	\$0
<b>Architectural</b>	\$24,000
<b>Engineering</b>	\$125,000
<b>Survey, Permits, etc.</b>	\$55,050
<b>Clerk of the Works</b>	\$22,500
<b>Construction Manager</b>	\$125,000
<b>Bond Premiums</b> <i>(payment/performance/lien bond)</i>	\$0
<b>Legal</b>	\$35,000
<b>Title</b> <i>(including title insurance)</i> <b>and Recording</b>	\$0
<b>Accounting and Cost Certification</b> <i>(incl. 40B)</i>	\$50,000
<b>Relocation</b>	\$0
<b>40B Site Approval Processing Fee</b>	\$7,650
<b>40B Technical Assistance / Mediation Fee</b>	\$3,500
<b>40B Land Appraisal Cost</b> <i>(as-is value)</i>	\$5,000
<b>40B Final Approval Processing Fee</b>	\$4,590
<b>40B Subsidizing Agency Cost Certification Examination Fee</b>	\$5,000
<b>40B Monitoring Agent Fee</b>	\$1,325
<b>40B Surety Fees</b>	\$5,000
<b>Other Financing Fees</b>	\$0
<b>Development Consultant</b>	\$15,000
<b>Other Consultant:</b>	\$0
<b>Other Consultant:</b>	\$0
<b>Soft Cost Contingency</b>	\$34,575
<b>Other Development Costs</b>	\$0
<b>Subtotal - General Development Costs (Soft Costs)</b>	<b>\$1,135,091</b>
<b>Developer Overhead:</b>	
<b>Developer Overhead</b>	\$48,000
<b>Subtotal Developer Fee and Overhead</b>	<b>\$48,000</b>

**Summary of Subtotals**

Item	Budgeted
Sales/Revenue	\$8,208,000
Pre-Permit Land Value	\$410,000
Residential Construction	\$4,326,000
Site Work (Hard Costs)	\$1,085,000
General Conditions, Builder's Overhead & Profit (Hard Costs)	\$258,626
General Development Costs (Soft Costs)	\$1,135,091
Developer Fee and Overhead	\$48,000

**Summary**

Total Sales/Revenue	\$8,208,000
Total Uses (TDC)	\$7,262,717
Profit (Loss) from Sales Revenue	\$945,283
Percentage of Profit (Loss) Over the Total Development Costs (TDC)	13.0156

**Application for Chapter 40B Project Eligibility / Site Approval**

**for MassHousing-Financed and New England Fund ("NEF") Homeownership Projects**

**Section 6: APPLICANT QUALIFICATIONS, ENTITY INFORMATION, AND CERTIFICATION**

*In order to issue Site Approval MassHousing must find (as required by 760 CRM 56.04 (4)) that the applicant is either a non-profit public agency or would be eligible to apply as a Limited Dividend Organization and meets the general eligibility standards of the program.*

**Development Team:**

Company Name	Contact Name	Contact Role	Applicant	Dev Entity	Primary
Golden Realty Trust	James Mangano	Developer	Yes	Yes	Yes
L.A. Associates, Inc.	Kristen Costa	Consultant - Local Permit	No	No	Yes
	Michael Newhouse	Attorney	No	No	Yes
GM2	Stephen Sawyer	Consultant - Architect and Engineering	No	No	Yes

**Entities Responsible for Development Tasks:**

Development Task	Developer / Applicant	Contact Name / Company
Architecture and Engineering	No	GM2, Stephen Sawyer
Finance Package	Yes	Golden Realty Trust, James Mangano
Local Permitting	No	L.A. Associates, Inc., Kristen Costa

**Affiliated Entities:**

Company Name	Individual Name	Affiliation	Relation
--------------	-----------------	-------------	----------

**Previous Applications:**

<b>Project Name:</b>	Nichols CSD	<b>Filing Date:</b>	12/24/2018
<b>Municipality:</b>	Wilmington	<b>Decision Date:</b>	02/21/2021
<b>Subsidizing Agency:</b>		<b>Decision:</b>	Withdrawal
<b>Type:</b>	Special Permit	<b>Other Reference:</b>	

**Certification and Acknowledgement**

I hereby certify on behalf of the Applicant, under pains and penalties of perjury, that the information provided above for each of the Applicant Entities is, to the best of my knowledge, true and complete; and that each of the following questions has been answered correctly to the best of my knowledge and belief.

*(Please attach a written explanation for all of the following questions that are answered with a "Yes". Explanations should be attached to this Section 6.)*

<b>Question</b>	<b>Answer</b>
Is there pending litigation with respect to any of the Applicant Entities ?	No
Are there any outstanding liens or judgments against any properties owned by any of the Applicant Entities ?	No
Have any of the Applicant Entities failed to comply with provisions of Massachusetts law related to taxes , reporting of employees and contractors, or withholding of child support?	No
Have any of the Applicant Entities ever been the subject of a felony indictment or conviction ?	No
During the last 10 years, have any of the Applicant Entities ever been party to a lawsuit involving fraud , gross negligence, misrepresentation, dishonesty, breach of fiduciary responsibility or bankruptcy?	No
Have any of the Applicant Entities failed to carry out obligations in connection with a Comprehensive Permit issued pursuant to M.G.L. c. 40B and any regulations or guidelines promulgated thereunder (whether or not MassHousing is or was the Subsidizing Agency/Project Administrator) including, but not limited to, completion of a cost examination and return of any excess profits or distributions?	No
Have any of the Applicant Entities ever been charged with a violation of state or federal fair housing requirements ?	No
Are any of the Applicant Entities not current on all existing obligations to the Commonwealth of Massachusetts , and any agency, authority or instrument thereof?	No

I further certify that the information set forth in this application (including attachments) is true, accurate and complete as of the date hereof to the best of my/our knowledge, information and belief. I further understand that MassHousing is relying on this information in processing the request for Site Approval in connection with the above -referenced project; and

I hereby acknowledge our commitment and obligation to comply with requirements for cost examination and limitations on profits and distributions, all as found at 760 CMR 56.04(8) and will be more particularly set forth in a Regulatory Agreement by and between the Applicant and MassHousing.

I hereby acknowledge that will be required to provide financial surety by means of bond, cash escrow and a surety escrow agreement or letter of credit with the agreement that it may be called upon or used in the event that the Developer fails either to (i) complete and submit the examined Cost Certification as required by 760 CMR 56.04(8) and the Regulatory Agreement, or (ii) pay over to the Subsidizing Agency or the Municipality any funds in excess of the limitations on profits and distributions from capital sources as required by 760 CMR 56.04(8) and as set forth in the Regulatory Agreement.

**Signature:** \_\_\_\_\_

**Name:** James Mangano

**Title:** Developer

**Date:** 05/13/2022

**Application for Chapter 40B Project Eligibility / Site Approval**

**for MassHousing-Financed and New England Fund (“NEF”) Homeownership Projects**

**Section 7: NOTIFICATION AND FEES**

**Notices**

Event	Date
Date(s) of meetings, if any, with municipal officials prior to submission of application to MassHousing:	
Date of Pre-Application Meeting with MassHousing:	05/05/2022
Date copy of complete application sent to chief elected office of municipality:	05/13/2022
Date notice of application sent to DHCD:	05/12/2022

**Fees**

All fees that are payable to MassHousing should be sent via ACH/Wire Transfer. Please contact MassHousing for the ACH/Wire Transfer instructions.

Fees payable to the Massachusetts Housing Partnership should be sent directly to MHP with the [MHP Cover Letter](#)

Fee	Amount	Instructions
<b>MassHousing Application Processing Fee:</b>	<b>\$7,650</b>	payable to MassHousing
Chapter 40B Technical Assistance/Mediation Fee:	\$2,500	(Limited Dividend Sponsor \$2,500, Non-Profit or Public Agency Sponsor \$1,000)
Unit Fee:	\$600	(\$50 per Unit)
<b>Total TA/Mediation and Unit Fee:</b>	<b>\$3,100</b>	(Payable to Massachusetts Housing Partnership)

**Land Appraisal Cost:** You will be required to pay for an "as-is" market value appraisal of the Site to be commission by MassHousing. MasHousing will contact you once a quote has been received for the cost of the appraisal.

## SUSTAINABLE DEVELOPMENT CRITERIA SCORECARD

MassHousing encourages housing development that is consistent with sustainable development designs and green building practices. Please provide information indicating that your development complies with either Method 1 or Method 2 of the Sustainable Development Principles

### Method 1 - Redevelop First

#### *If Rehabilitation:*

Rehabilitation/Redevelopment/Improvements to Structure	No
Rehabilitation/Redevelopment/Improvements to Infrastructure	No

#### *If New Construction:*

- Contributes to revitalization of town center or neighborhood	No
- Walkable to:	
(a) transit	No
(b) downtown or village center	No
(c) school	No
(d) library	No
(e) retail, services, or employment center	No
- Located in municipally-approved growth center	No

#### Explanation (Required):

The site is within 1.1 miles of an elementary school and recreational facilities.



**Method 2 - Consistency with Sustainable Development Principals**

Development meets a minimum of five (5) of the Commonwealth's *Sustainable Development Principles* as shown in the next section below.

If the development involves strong municipal support, the development need only meet four (4) of the Sustainable Development Principles. However, one (1) of the Principles met must be **Protect Land and Ecosystems**. Please check the applicable boxes within the "Optional - Demonstration of Municipal Support" section below, include an explanation in the box if necessary and provide attachments where applicable.

**Optional - Demonstration of Municipal Support**

- Letter of Support from the Chief Elected Official of the municipality \* No
- Housing development involves municipal funding No
- Housing development involves land owned or donated by the municipality No

*\*Other acceptable evidence: Zoning variance issued by ZBA for project; Minutes from Board of Selectman meeting showing that project was discussed and approved, etc.*

Explanation (Required)

Please explain at the end of each category how the development follows the relevant *Sustainable Development Principle(s)* and explain how the development demonstrates each of the checked "X" statements listed under the *Sustainable Development Principle(s)*.

**(1) Concentrate Development and Mix Uses**

Support the revitalization of city and town centers and neighborhoods by promoting development that is compact, conserves land, protects historic resources, and integrates uses. Encourage remediation and reuse of existing sites, structures, and infrastructure rather than new construction in undeveloped areas. Create pedestrian friendly districts and neighborhoods that mix commercial, civic, cultural, educational, and recreational activities with open spaces and homes.

- Higher density than surrounding area Yes
- Mixes uses or adds new uses to an existing neighborhood Yes
- Includes multi-family housing Yes
- Utilizes existing water/sewer infrastructure Yes
- Compact and/or clustered so as to preserve undeveloped land No
- Reuse existing sites, structured, or infrastructure Yes
- Pedestrian friendly Yes
- Other (discuss below No

Explanation (Required)

Mixed use of single family detached units and one multi-family duplex structure. The dwellings will use existing infrastructure. Nichols street has a sidewalk with makes it pedestrian friendly.

**(2) Advance Equity & Make Efficient Decisions**

Promote equitable sharing of the benefits and burdens of development. Provide technical and strategic support for inclusive community planning and decision making to ensure social, economic, and environmental justice. Ensure that the interests of future generations are not compromised by today's decisions .

Promote development in accordance with smart growth and environmental stewardship.

- Concerted public participation effort (beyond the minimally required public hearings) No
- Streamlined permitting process, such as 40B or 40R Yes
- Universal Design and/or visitability No
- Creates affordable housing in middle to upper income area and/or meets regional need Yes
- Creates affordable housing in high poverty area No
- Promotes diversity and social equity and improves the neighborhood No
- Includes environmental cleanup and/or neighborhood improvement in an Environmental Justice Community No
- Other (discuss below) No

**Explanation (Required)**

This is a 40B application. The proposed project created affordable housing in a middle income area.

**(3) Protect Land and Ecosystems**

Protect and restore environmentally sensitive lands, natural resources, agricultural lands, critical habitats, wetlands and water resources, and cultural and historic landscapes. Increase the quantity, quality and accessibility of open spaces and recreational opportunities.

- Creation or preservation of open space or passive recreational facilities No
- Protection of sensitive land, including prime agricultural land, critical habitats, and wetlands No
- Environmental remediation or clean up No
- Responds to state or federal mandate (e.g., clean drinking water, drainage, etc.) No
- Eliminates or reduces neighborhood blight Yes
- Addresses public health and safety risk No
- Cultural or Historic landscape/existing neighborhood enhancement No
- Other (discuss below) No

**Explanation (Required)**

The project includes the demolition of an abandoned house.

**(4) Use Natural Resources Wisely**

Construct and promote developments, buildings, and infrastructure that conserve natural resources by reducing waste and pollution through efficient use of land, energy, water and materials.

- Uses alternative technologies for water and/or wastewater treatment No
- Uses low impact development (LID) for other innovative techniques No
- Other (discuss below) No

Explanation (Required)

**(5) Expand Housing Opportunities**

Support the construction and rehabilitation of homes to meet the needs of people of all abilities, income levels and household types. Build homes near jobs, transit, and where services are available. Foster the development of housing, particularly multifamily and single-family homes, in a way that is compatible with a community's character and vision and with providing new housing choices for people of all means.

- Includes rental units, including for low/mod households No
- Includes homeownership units, including for low/mod households Yes
- Includes housing options for special needs and disabled population No
- Expands the term of affordability No
- Homes are near jobs, transit and other services No
- Other (discuss below) No

Explanation (Required)

The proposal includes homeownership units offered to low income households.

**(6) Provide Transportation Choice**

Maintain and expand transportation options that maximize mobility, reduce congestion, conserve fuel and improve air quality. Prioritize rail, bus, boat, rapid and surface transit, shared-vehicle and shared-ride services, bicycling and walking. Invest strategically in existing and new passenger and freight transportation infrastructure that supports sound economic development consistent with smart growth objectives.

- Walkable to public transportation No
- Reduces dependence on private automobiles (e.g., provides previously unavailable shared transportation, such as Zip Car or shuttle buses) No
- Increased bike and ped access No
- For rural areas, located in close proximity (i.e., approximately one mile) to a transportation corridor that provides access to employment centers, retail/commercial centers, civic or cultural destinations Yes
- Other (discuss below) No

Explanation (Required)

Site is within 1 miles of Route 129.

**(7) Increase Job and Business Opportunities**

Attract businesses and jobs to locations near housing, infrastructure, and transportation options. Promote economic development in industry clusters. Expand access to education, training and entrepreneurial opportunities. Support growth of local businesses, including sustainable natural resource-based businesses, such as agriculture, forestry, clean energy technology and fisheries.

- Permanent Jobs No
- Permanent jobs for low- or moderate- income persons No
- Jobs near housing, service or transit No
- Housing near an employment center No
- Expand access to education, training or entrepreneurial opportunities No
- Support local business No
- Support natural resource-based businesses (i.e., farming, forestry, or aquaculture) No
- Re-uses or recycles materials from a local or regional industry's waste stream No
- Support manufacture of resource-efficient materials, such as recycled or low-toxicity materials No
- Support businesses that utilize locally produced resources such as locally harvested wood or agricultural products No
- Other (discuss below) No

Explanation (Required)

**(8) Promote Clean Energy**

Maximize energy efficiency and renewable energy opportunities. Support energy conservation strategies, local clean power generation, distributed generation technologies, and innovative industries. Reduce greenhouse gas emissions and consumption of fossil fuels.

- Energy Star or Equivalent\* Yes
- Uses renewable energy source, recycled and/or non-/low-toxic materials, exceeds the state energy code, is configured to optimize solar access, and/or otherwise results in was reduction and conservation of resources No
- Other (discuss below) No

\*All units are required by MassHousing to be Energy Star Efficient. Please include in your explanation a description of how the development will meet Energy Star criteria.

Explanation (Required)

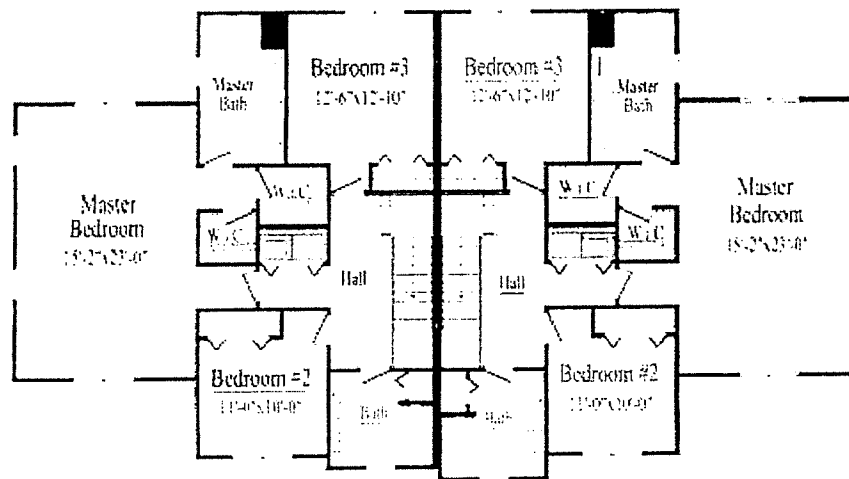
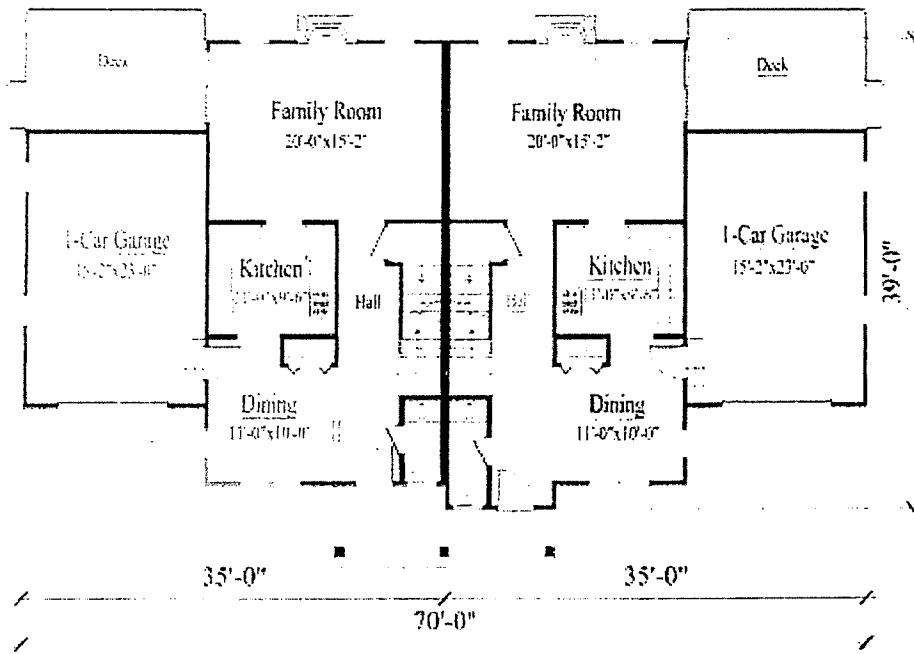
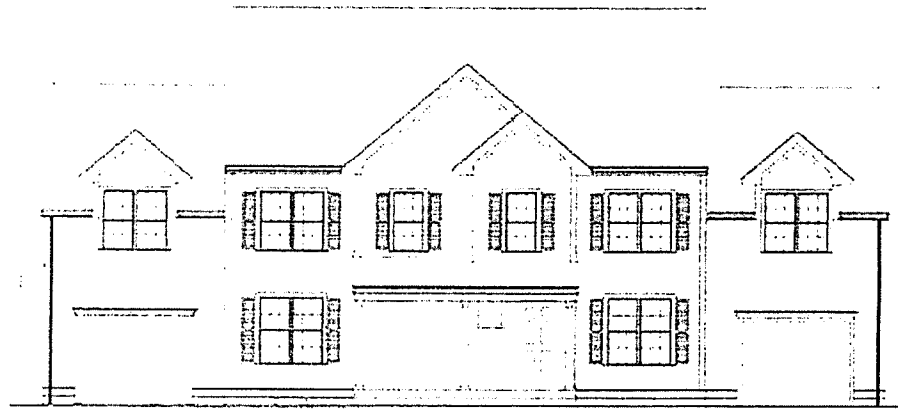
Appliances will be energy star, heating systems will be energy efficient, windows will be low-e.

**(9) Plan Regionally**

Support the development and implementation of local and regional, state and interstate plans that have broad public support and are consistent with these principles. Foster development projects, land and water conservation, transportation and housing that have a regional or multi-community benefit. Consider the long term costs and benefits to the Commonwealth.

- Consistent with a municipally supported regional plan No
- Addresses barriers identified in a Regional Analysis of Impediments to Fair Housing No
- Measureable public benefit beyond the applicant community No
- Other (discuss below) No

Explanation (Required)





**DCI**  
 Design Consultants Inc.  
 1775 North Main Street  
 Wilmington, MA 01897  
 (508) 791-8000  
 www.dci-inc.com

DEVELOPER:  
 GOLDEN REALTY TRUST  
 P.O. BOX 603  
 WILMINGTON, MA 01897  
 978-235-2534

PROJECT INFO:

**BALDWIN LANDING**  
 12 UNITS  
 79 NICHOLS STREET  
 WILMINGTON, MA

PROJECT INFO:

REV.	DESCRIPTION	DATE

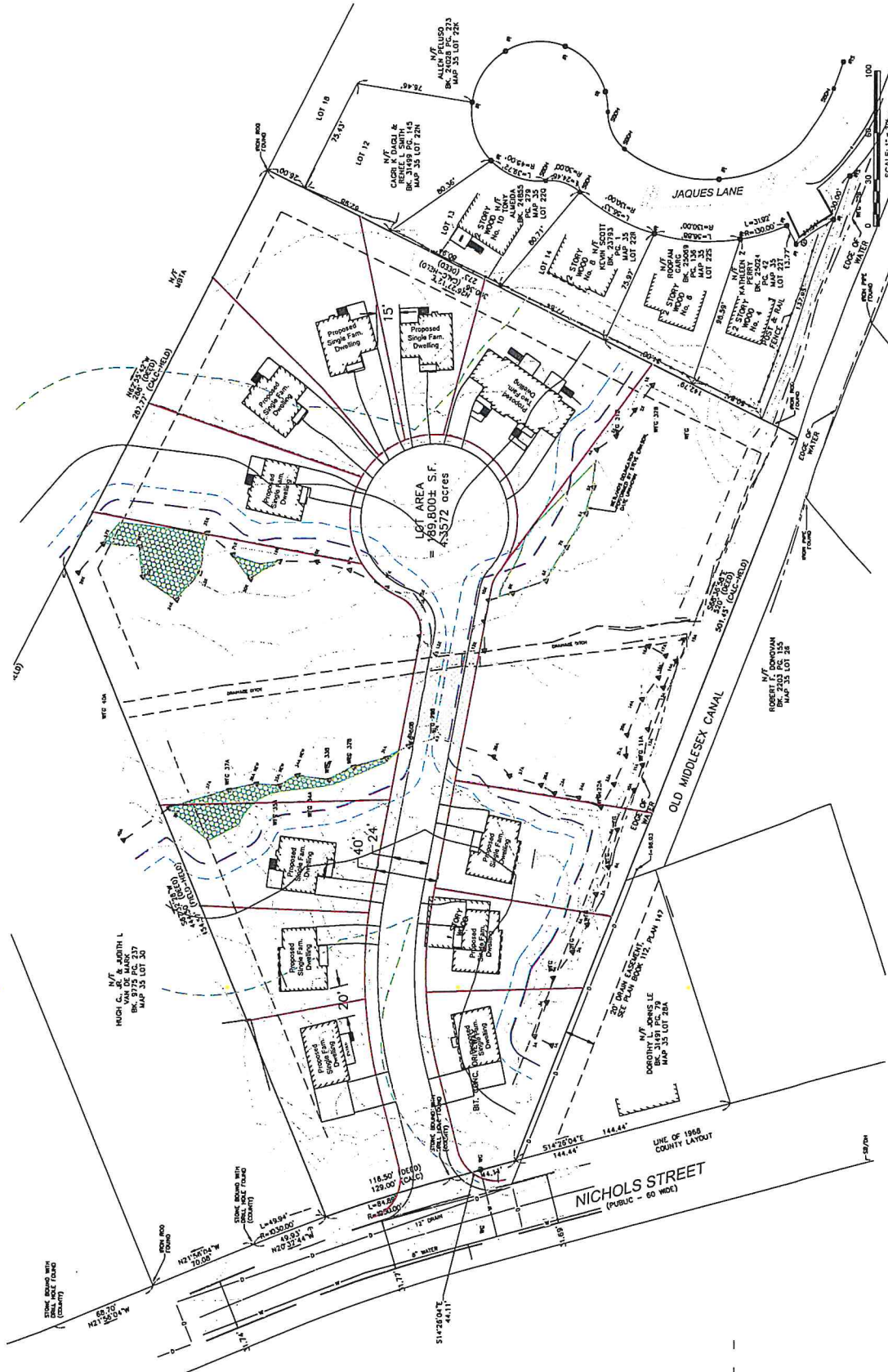
SCALE:

COMP. PERMIT  
 12-UNIT  
 PLAN

SHEET NAME:

**C101**

DATE: 8-15-22  
 SCALE: 1" = 30'



*Modified*  
 Plan # 2523-B

