



Massachusetts Housing Finance Agency
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December 19, 2022

Bristol Brothers Development
190 Old Derby Street, Suite 311
Hingham, MA 02043
Attention: Steven Bristol

**Re: Mattakeesett Village, Pembroke
Project Eligibility/Site Approval
MassHousing ID No. 1156**

Dear Mr. Bristol:

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").

Bristol Brothers Development has submitted an application with MassHousing pursuant to Chapter 40B. You have proposed to build sixty-six (66) age restricted units of rental housing (the "Project") on 3.27 acres of land located at 7 Mattakeesett Street (the "Site") in Pembroke (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 Pembroke Town Manager sent an email expressing that the Town and Applicant are treating this proposal as a "Friendly 40B" and that the Affordable Housing Committee supports the Applicant's proposal. In addition to those comments, the Municipality requests that the Applicant provide additional studies to determine the water use required for the proposed Project and the traffic anticipated with the additional housing units proposed by the Applicant.

Charles D. Baker, Governor
Karyn E. Polito, Lt. Governor

Jeanne Pinado, Chair
Carolina Avellaneda, Vice Chair

Chrystal Kornegay, Executive Director

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.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 ("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 be prepared to provide detailed information relative to proposed water use and potential impacts on existing capacity and pressure and respond to reasonable requests for mitigation.
- The Applicant should be prepared to respond to community concerns relative to potential off-site traffic impacts on area roadways and intersections and respond to reasonable requests for mitigation.

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 sixty-six (66) rental units under the terms of the Program, of which not less than seventeen (17) 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.

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.

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.

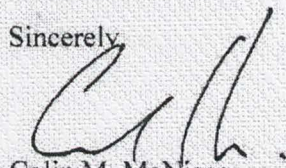
This approval will be effective for a period of two (2) years from the date of this letter. Should the Applicant not apply for a comprehensive permit within this period this letter shall be considered to be expired and no longer in effect unless MassHousing extends the effective period of this letter 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 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 Susan L. Moran
The Honorable Josh S. Cutler
Daniel W. Trabucco, Chair, Select Board
William Chenard, Town Manager

Attachment 1

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

Mattakeesett Village, MA #1156

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 Pembroke is \$111,850.

Proposed rent levels of \$1,600 for a one-bedroom affordable unit, \$1,798 and \$1,900 for a two-bedroom affordable unit are within the range of affordable rent levels for the Boston-Cambridge-Quincy HMFA under the NEF Program. The Applicant submitted a letter of financial interest from MountainOne 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.

The Town of Pembroke does have a DHCD-approved Housing Production Plan. According to DHCD's Chapter 40B Subsidized Housing Inventory (SHI), updated through October 25, 2022, Pembroke has 615 Subsidized Housing Inventory (SHI) units (9.50% of its housing inventory), which is 33 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);

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

The Applicant proposes to create New England-style buildings that requires minimal upkeep year over year so that the property will maintain its character and resist expensive maintenance. The building's exterior will feature a combination of various vinyl clapboard or shingle siding materials and PVC

details. The two main housing structures will be similar in appearance and color. Building #1 is located on Mattakeesett Street and proposed to be two full stories. Building #2 is located directly behind building #1 and is proposed to be three stories on the south side of this structure. The walk-out lower levels of both structures will feature private garage spaces, building maintenance facilities, trash collection and storage closets for future residents.

Relationship to adjacent streets/Integration into existing development patterns

The site is in downtown Pembroke, near the intersection of Route 14 (Mattakeesett Street) and Route 36 (Center Street). The property is located southwest of the Pembroke Town Hall, the Pembroke Police Department, Pembroke Historical Society, Town Green, and Pembroke Recreation Department. The neighborhood is commercial and residential in nature.

Density

The Applicant proposes to build sixty-six (66) rental units on approximately 3.27 acres, all of which are buildable. The resulting density is 20.18 units per buildable acre, which is acceptable given the proposed housing type.

Conceptual Site Plan

The existing structures consists of a series of interconnected wood frame structures, with a free standing 2 car garage and asphalt parking lot located along the southern portion of the site adjacent to Mattakeesett Street, the remainder of the property is undeveloped and a mix of deciduous and evergreen trees. All structures and parking lot will be removed as part of the proposed site plan. The site slopes downhill from the southerly property line along street frontage to the northerly property line. The design theme was based on creating architecture features that are traditional New England Style that is consistent in scale and appearance with Pembroke Town Hall, First Church and Pembroke School Department Offices, which are in close proximity to the proposed site. There is a separate 3 vehicle garage structure adjacent to building #1 with rooftop deck. The overall site design has the parking distributed equally around most of the building perimeter of the 2 structures so access to the homes is convenient for residents. Water and sewer and all utilities are available to the site from Mattakeesett Street frontage.

Environmental Resources

The property 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 level at street and gradually slopes to the rear of 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);

According to the appraisal report for the Site, Pembroke's residential market appears stable and strong, with an overall upward trajectory in sales volume and prices in the last decade. MassHousing's Appraisal and Marketing team (A&M) performed a Competitive Market Analysis and found that the proposed market rents for each unit type fall within the range of adjusted comparable market rents. Additional information received from the Applicant confirmed the need for age-restricted housing units.

(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;

MassHousing has commissioned an as "As-Is" appraisal which indicates a land valuation of \$925,000. Based on a proposed investment of \$20,956,475 in equity and permanent financing the development pro forma appears to be financially feasible and within the limitations on profits and distributions.

(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 3.27-acre Site through a Purchase and Sale Agreement between Brad Cangiamila, Managing Member of 7-15 Mattakeesett Street LLC (Seller) and James E. Bristol, President of Bristol Brothers Development Corp. (Buyer) with an expiration date of January 6, 2023.