



Massachusetts Housing Finance Agency
One Beacon Street Boston, MA 02108

Tel: 617-854-1000
Fax: 617-854-1091

Relay 711
www.masshousing.com

December 10, 2024

86 Plain Street, LLC and Benjamin Virga
1165 Washington Street
Hanover, MA 02339
Attn: Steve Guard and Benjamin Virga

**Re: Winder Estates
Project Eligibility/Site Approval
MassHousing ID No. 1242**

Dear Mr. Guard and Mr. Virga:

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 Executive Office of Housing and Livable Communities (“EOHLC”) (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”).

86 Plain Street, LLC and Benjamin Virga (the “Applicant”) have proposed to build twenty-four (24) homeownership units (the “Project”) on approximately 14.86 acres of land located at 86 Plain Street (the “Site”) in Medfield (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.

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 an additional 15 days, for a total of 45 days. The Medfield Select Board submitted a letter dated October 29, 2024, outlining comments and concerns regarding the proposed Project. Letters from various department heads and other town officials were submitted as well. Specifically, the following comments and concerns were identified by the Municipality:

- The Municipality raised concerns related to site distances and traffic safety at the proposed Project’s access/egress on Plain Street, particularly as it relates to the nearby intersection of

the subdivision located at Briar Hill Road. The Municipality noted that all traffic related safety concerns and proposed mitigation will need to be peer reviewed.

- The Municipality noted that Plain Street is designated as a scenic road in the Town of Medfield and is concerned about the potential impacts of any tree or stone wall modification and/or removal that may be required to accommodate safe site access/egress.
- The Municipality is concerned that there are numerous on-site resource areas protected by the Massachusetts Wetlands Protection Act and noted that a Notice of Intent will need to be filed with the Medfield Conservation Commission.
- The Municipality is concerned about the proposed Project's ability to meet the Commonwealth's Sustainable Development Principles, particularly the Protection of Land and Ecosystems, requests additional information on the quality of open spaces intended to be preserved by the proposed Project, and consideration for additional enhancement of these spaces.
- The Municipality requests additional information on the following Public Works matters:
 - Snow management and/or removal.
 - Stormwater management, including during construction.
 - Utility design and management, particularly as it relates to water connections.

Community Comments

In addition to comments submitted by the Municipality, MassHousing received five (5) letters from area residents expressing comments and concerns regarding the proposed Project. In general, letters from the community opposed the proposed Project. The following concerns were detailed by area residents:

- Environmental impacts, including impacts of the proposed Project on wetland areas, potential vernal pools, and wildlife habitat.
- Traffic safety and site distance concerns on Plain Street.
- Impacts to Plain Street as a scenic road.
- The extent to which the proposed Project meets the Commonwealth's Sustainable Development Principles.
- Prior denial of a subdivision (1996) in part due to the above concerns.

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

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.

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 your application to the ZBA, and you should be prepared to explore them more fully during the public hearing process:

- Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to 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 sufficient data to assess the proposed Project's potential traffic and safety impacts on area roadways and intersections and respond to reasonable requests for mitigation. Safe access and egress to the Site with respect to site distances should be confirmed.
- To the extent feasible, the Applicant is encouraged to maintain as many of the existing stone walls and mature trees along Plain Street as possible.
- The Applicant should be prepared to address the concerns raised by the Municipality relative on-site resource areas protected by the Massachusetts Wetlands Protection Act in connection with filing a Notice of Intent for the proposed Project.
- The Applicant should provide updated site plans that identify on-site water utilities, stormwater management, and snow storage/removal.

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 Kat Miller at (617) 854-1217.

Sincerely,

Signed by:



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Paul McMorrow

Director of Communications and Policy

cc: Ed Augustus, Secretary, EOHLC
The Honorable Rebecca L. Rausch
The Honorable Marcus S. Vaugh
John J. McNicholas, Chair, Medfield Zoning Board of Appeals
Kristine Trierweiler, Medfield Town Administrator
Maria De La Fuente, Medfield Land Use and Planning Director

Attachment 1

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

Winder Estates, Medfield, MA #1242

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 Medfield is \$130,250.

The Applicant submitted a letter of financial interest from Camden National 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 Medfield has an EOHLC-approved Housing Production Plan. According to EOHLC’s Chapter 40B Subsidized Housing Inventory, updated through November 25, 2024, Medfield has 419 Subsidized Housing Inventory (SHI) units (9.45% of its housing inventory), which is 25 units below the statutory minima requirement of 10%.

(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns

(such finding, with supporting reasoning, to be set forth in reasonable detail);

In summary, based on evaluation of the site plan using the following criteria, MassHousing finds that the proposed conceptual Project design is generally appropriate for the Site. The following plan review findings are made in response to the conceptual plan, submitted to MassHousing:

Relationship to adjacent streets/Integration into existing development patterns

Medfield is a rural-suburban town located approximately 25 miles southwest of Boston. Major travel and commuter routes serving the town include Route 115, Route 27, Route 1, Route 95, Route 9, and Route I-495. The subject property is in the southeasternmost part of Medfield, close to the Walpole town line and Walpole Center, where the nearest MBTA Commuter Rail and bus access is located. Adequate commerce and services are in relative proximity to the Site. The neighborhood itself is sparsely developed, with the Site abutted by single-family residential homes and heavily wooded conservation land.

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

The proposed development consists of twenty-four (24) 3- and 4-bedroom single-family homes across three different house designs. The homes are wood framed structures with traditional gabled roofs, double hung windows, front porches, trim details, and paint colors, meant to complement the rural-suburban setting. The architectural designs and building scale are compatible with the style of homes found in the surrounding area.

Density

The Applicant proposes to build twenty-four (24) homeownership units on approximately 14.86 acres, 6.64 of which are buildable. The resulting density is approximately 3.61 units per buildable acre, which is acceptable given the proposed housing type.

Conceptual Site Plan

The proposed site layout includes the twenty-four (24) single-family homes organized around a 20-foot-wide looped roadway that extends east into the Site from the Plain Street frontage. The homes are organized around a central green, which will also partially function as the Site's primary septic field. The site plan shows an additional septic reserve area in the northern portion of the Site. This area would require a wetland crossing, if needed. Stormwater management basins are proposed in the eastern portion of the Site, adjacent to the on-site wetlands.

Environmental Resources

The Site contains a total of 8.22 acres of wetland and FEMA flood hazard areas, concentrated in the northern and eastern portions of the Site. While the site plan is generally organized in a way that separates the proposed Project from these areas, some roadway and building footprint areas are located within the 50' and 100' buffer zones shown on the site plan. According to information provided by the Applicant, it is currently unknown whether the property contains other areas of significant natural or cultural resources or endangered species, such as vernal pools. The proposed Project will need to file a Notice of Intent with the Medfield Conservation Commission.

Topography

The Site contains undulating topography characterized by dips and knolls throughout the property that generally slope downward around the wetland areas and then upward at the uplands. 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 market comparables submitted by the Applicant.

(e) that an initial pro forma has been reviewed, including a land valuation determination consistent with the Secretariat's Guidelines, and the Project appears financially feasible and consistent with the Secretariat's Guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;

The initial pro forma has been reviewed for the proposed residential use, and the Project appears financially feasible with a projected profit margin of 17.72%. A third-party appraisal commissioned by MassHousing has determined that the "As Is" land value for the Site of the proposed Project is \$2,900,000.

(f) that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; and

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 Site by virtue of a Quitclaim Deed from Faceoff Holding LLC to 86 Plain Street, LLC dated May 22, 2024 and recorded at the Norfolk County Registry of Deeds in Book 41796, Page 62.