



Massachusetts Housing Finance Agency
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August 9, 2023

Simonds Hills, LLC
32 Norfolk Avenue
South Easton, MA 02375

Attention: Muhammad Itani

**Re: Rocky Woods
Project Eligibility/Site Approval
MassHousing ID No. 1179**

Dear Mr. Itani:

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”).

Simonds Hill, LLC has submitted an application with MassHousing pursuant to Chapter 40B. You have proposed to build two hundred (200) homeownership units (the “Project”) on approximately 185 acres of land located on Freetown Street (the “Site”) in Lakeville (the “Municipality”).

In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility by MassHousing acting as Subsidizing Agency under the Guidelines, including Part V thereof, “Housing Programs In Which Funding Is Provided By Other Than A State Agency.”

MassHousing has performed an on-site inspection of the Site and has reviewed the pertinent information for the Project submitted by the Applicant, the Municipality and others in accordance with the Comprehensive Permit Rules.

Municipal Comments

Pursuant to the Regulations, the Municipality was given a thirty (30) day period in which to review the Site Approval application and submit comments to MassHousing. The Lakeville Town Administrator submitted a letter expressing the Board of Selectmen’s concerns with the Applicant’s proposal.

The following concerns were identified in the letter:

- The Municipality expressed concern that additional traffic generated by the Project would result in increased congestion on area roadways and pose heightened risks to drivers and pedestrians. They requested that the Applicant provide a traffic study to allow them to fully assess Project traffic and public safety impacts especially given the fact that the Town's main school campus is located close by.
- The Municipality is concerned with water capacity and pressure found at the Site and requests that the Applicant conduct a detailed study to determine water capacity and pressure needs of the proposed Project and if necessary, make repairs or improvements to the water system to meet the demands of the Project.
- The Municipality requests that the Applicant agrees to an archaeological survey to identify and preserve Native American ceremonial sites known to be located on the Site.
- The Municipality is concerned about the potential impact of this Project on nearby vernal pools.

Additional Comments

- The Wampanoag Tribe of Gay Head Aquinnah is concerned that the proposed Project will negatively impact cultural property significant to the Tribe.

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.

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.

- 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 Municipal concerns relative to potential off-site traffic impacts on area roadways and intersections and to respond to reasonable requests for mitigation.
- The Applicant should initiate formal consultation with the Wampanoag Tribal Preservation Office to discuss preservation measures and methods recommended by the Tribe to protect and preserve any important cultural sites identified on the parcel.
- The Applicant should continue to engage with the Municipality in a good-faith discussion regarding design review matters and other Site related concerns raised by local boards and officials.
- Plans for the Project must comply with all conditions contained in any Order of Conditions issued by the Conservation Commission or the Department of Environmental Protection in connection with the Project.

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 two hundred (200) homeownership units under the terms of the Program, of which not less than fifty (50) of such units shall be restricted as affordable for low- or moderate-income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a comprehensive permit, the use of any other housing subsidy program, the construction of additional units or a reduction in the size of the Site, you may be required to submit a new Site Approval application for review by MassHousing. Should you consider a change in tenure type or a change in building type or height, you may be required to submit a new site approval application for review by MassHousing.

For guidance on the comprehensive permit review process, you are advised to consult the Guidelines. Further, we urge you to review carefully with legal counsel the M.G.L. c.40B Comprehensive Permit Regulations at 760 CMR 56.00.

This approval will be effective for a period of two (2) years from the date of this letter. Should the Applicant not apply for a comprehensive permit within this period this letter shall be considered to be expired and no longer in effect unless MassHousing extends the effective period of this letter in writing. In addition, the Applicant is required to notify MassHousing at the following times throughout this two-year period: (1) when the Applicant applies to the local ZBA for a Comprehensive Permit, (2) when the ZBA issues a decision and (3) if applicable, when any appeals are filed.

Should a comprehensive permit be issued, please note that prior to (i) commencement of construction of the Project or (ii) issuance of a building permit, the Applicant is required to submit to MassHousing a request for Final Approval of the Project (as it may have been amended) in accordance with the Comprehensive Permit Rules (see especially 760 CMR 56.04(07) and the Guidelines including, without limitation, Part III thereof concerning Affirmative Fair Housing Marketing and Resident Selection). Final Approval will not be issued unless MassHousing is able to make the same findings at the time of issuing Final Approval as required at Site Approval.

Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the New England Fund Program of the FHLBank Boston, for which MassHousing serves as Subsidizing Agency, as reflected in the applicable regulatory documents. In the interest of providing for an efficient review process and to avoid the potential lapse of certain appeal rights, the Applicant may wish to submit a "final draft" of the Comprehensive Permit to MassHousing for review. Applicants who avail themselves of this opportunity may avoid significant procedural delays that can result from the need to seek modification of the Comprehensive Permit after its initial issuance.

If you have any questions concerning this letter, please contact Michael Busby at (617) 854-1219.

Sincerely,



Colin M. McNiece
General Counsel

cc: Ed Augustus, Secretary, EOHLC
The Honorable Michael J. Rodrigues
The Honorable Norman J. Orrall
Brian Day, Chair, Select Board
John Olivieri, Jr. Chair, Zoning Board of Appeals
Ari. J. Sky, Town Administrator

Attachment 1

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

Rocky Woods, Lakeville, MA #1179

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 Lakeville is \$94,600.

The Applicant submitted a letter of financial interest from OneLocal 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 Lakeville does not have an EOHLC-approved Housing Production Plan. According to EOHLC's Chapter 40B Subsidized Housing Inventory (SHI), updated through August 1, 2023, Lakeville has 250 Subsidized Housing Inventory (SHI) units (5.71% of its housing inventory), which is 188 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 development will be divided into three distinct housing opportunities. The first will consist of forty-four (44) single family house lots that will have minimum lot size of 10,000 s.f. The smaller lot sizes will create a sense of community and socialization between neighbors. The second housing opportunity will be forty-six (46) duplex-style cottages. A typical cottage buyer will appreciate the common landscape maintenance, snow removal and other services provided by the condominium association. The third housing opportunity will be the eleven 10-unit condominium buildings. The sense of neighborhood will continue through the condominium phase which will be connected by walkways and courtyard areas. The different housing styles have been designed to fit in with the rural characteristics of the area.

Relationship to adjacent streets/Integration into existing development patterns

The Site is an attractive, wooded land tract in southern Lakeville abutting Route 140 and close to Routes 24, 495 and the Lakeville/Middleborough MBTA commuter rail station. It is close to sprawling Long Pond and three other sizeable ponds and water bodies. There is low density single-family development surrounding the Site. The Apponequet Regional High School campus is nearby.

Density

The Applicant proposes to build two hundred (200) homeownership units on approximately 188 acres, of which, approximately 149 acres are buildable. The resulting density is 1.34 units per buildable acre, which is acceptable given the proposed housing type.

Conceptual Site Plan

The Rocky Woods development will consist of six new roadways with two access points onto Freetown Street. Roadways will be designed to blend in with the hilly terrain. As the houses have been designed to fit in the surrounding neighborhood, the roadways and infrastructure have also been designed to fit in the rural characteristics of the area. Roadways will be small rural roads blending into the topography along with low impact drainage design utilizing grass swales and bioretention areas. Water for the development will be provided by a community well and a centralized small wastewater treatment facility will be built specifically for this project. Approximately 167 acres of the site will be open space with over half of that area as undisturbed woodland.

Environmental Resources

Approximately 40 acres of the Site has identified wetlands. The Applicant will need to obtain an Order of Conditions from the Town of Lakeville Conservation Commission to comply with DEP requirements.

Topography

The Site is somewhat hilly with large areas described as flat terrain with wetland areas found throughout the Site. The topographic features of the Site have been considered in relationship to the proposed development plans and do not constitute an impediment to development of the Site.

(d) that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals or sales figures);

The Project appears financially feasible based on a comparison of sales submitted by the Applicant.

(e) that an initial pro forma has been reviewed, including a land valuation determination consistent with the 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 14.5%. 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 \$2,790,000.

(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 through a Purchase and Sale Agreement between (seller) Oman Wisam and (buyer) Stonebridge Homes (Managing General Partner of Development Entity) dated February 2, 2023, with an expiration date of November 2, 2023.