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Town Administrator

Frank Gervasio
Assistant Town Administrator

TOWN OF MEDFIELD

Office of the Select Board

Town House • 459 Main Street • Medfield, Massachusetts 02052-0315
Phone: 508-906-3011 • www.town.medfield.net

December 18, 2024

Rebecca Frawley Wachtel, Director
Low-Income Housing Tax Credit Program
100 Cambridge Street, 3rd Floor
Boston, MA 02114

Dear Ms. Frawley Wachtel,

In response to an application for Project Eligibility Determination/Site Approval submitted to the Massachusetts Executive Office of Housing and Livable Communities by NewGate Housing, LLC for a proposed 45-unit development off Pound Street in Medfield, under Massachusetts General Laws, Chapter 40B, Sections 20-23 ("Chapter 40B"), the Medfield Select Board provides the following written comments in accordance with 760 CMR 56.04(3).

The Select Board values the opportunity to provide feedback on this application, having engaged in discussions during the initial submission of this project in 2019. The correspondence submitted today includes input from Town of Medfield Department Heads and other local officials.

On December 19, 2024, the Select Board voted to authorize the Town Administrator to submit this letter on our behalf.

SELECT BOARD

At its duly posted meeting on December 17, 2024, and December 19, 2024, the Medfield Select Board reviewed the Project Eligibility Letter (PEL) application submitted by NewGate Housing, LLC. The Select Board values the project's focus on affordable senior housing, which is a priority for Medfield, as outlined in our 2022 Certified Housing Production Plan. We appreciate the opportunity to participate in this process and would like to provide the following comments and questions:

Developer Selection Process. The Select Board seeks clarification on the process used to select the developer for the project. We understand that a prior Comprehensive Permit application for this project in 2020 did not proceed due to concerns regarding public procurement requirements. To understand compliance with Massachusetts procurement laws and for our own recordkeeping, we kindly request documentation related to the Request for Proposals (RFP) process, including the RFP itself, the advertising dates and the mode by which it was advertised, the bids received, meeting minutes discussing the RFP, and records of the Medfield Housing Authority (MHA) votes taken to approve it, if available.

Master Development Agreement (MDA). The materials provided, particularly the Ground Lease document, repeatedly reference a Master Development Agreement (MDA) executed on November 27, 2023. However, this document has not been shared with Town officials and may contain relevant information. We respectfully request a copy of the MDA for our review.

Parking and EV Provisions. The developer's plans outline a phased approach to parking, proposing a specific number of spaces initially with the option to add more if demand increases post-construction. The Select Board would like to understand the rationale for this approach and whether maximizing parking during initial construction might better address community needs. Additionally, the plans do not currently reference provisions for electric vehicle (EV) charging infrastructure. Could you confirm whether EV charging stations are included in the proposal, and if not, whether their inclusion could be considered?

Development Schedule Inconsistencies. Page 12 of the PEL Application includes a Development Schedule that indicates 50% construction completion is projected for October 2027, while full construction completion is listed as June 2027. This discrepancy creates uncertainty regarding the intended timeline. The Medfield Select Board requests clarification on the construction schedule to ensure consistency and accurate planning for the project's progress.

Neighborhood Feedback. The Select Board wishes to bring to EOHLC's attention the resident concerns shared with the Land Use Department, and additional concerns as documented in the attached citizen comment letter (see Appendix). The Select Board takes no position on the neighborhood feedback at this time.

We hope this feedback will be helpful in your review.

LAND USE DEPARTMENT

The "Rosebay" project was initially submitted to the Medfield Zoning Board of Appeals (ZBA) in 2019 but was withdrawn in 2020. The Applicant has stated that they are resubmitting the same plans previously reviewed by the ZBA. To provide context on the local concerns, the Director of Land Use and Planning has reviewed the seven sets of meeting minutes from the prior submission and compiled the following feedback:

Issues with the Original Tilden Village Comprehensive Permit

At the November 20, 2019, public hearing, Medfield Housing Authority (MHA) Director Candace Avery stated, "This parcel of land was granted a comprehensive permit in 1974 for 100 units." She explained that 60 units were constructed at Tilden Village, and the remaining 40 units were included in the original permit. However, a closer review of the documentation reveals discrepancies.

The December 16, 1971, Decision #214 denied 40 units to be built across eight small lots (specifically, lots 3, 4, 5, 6, 7, 8, 9, and 12) as shown on a plan titled "Plan of Land in Medfield, Massachusetts" by Chenery Engineering Company, dated June 8, 1944, and recorded in Norfolk Registry of Deeds Book 217, page 600.

Subsequently, on July 22, 1974, Decision #248 was issued, permitting 60 units on the same eight lots. Notably, this decision does not appear reference Decision #214, further raising questions about the claim that the site had an approval for "100 units." Instead, Decision #248 stands as the operative permit under which the existing 60 units were constructed. Both decisions are attached as Appendixes for your reference.

A 2013 email from MHA Consultant Peter Smith to MHA Director Candace Avery raised several issues (see Appendix):

- The Tilden Village site encompasses approximately 6.78 acres. A comprehensive permit granted in 1976 (sic) allowed for the construction of 60 units, which were built. Clarification is needed to confirm whether the permit covers the entire 6.78 acres or only the approximately 4.2 acres on which buildings currently stand.
- Can the Housing Authority seek a major modification to the comprehensive permit to remove the approximately 2.59 acres of undeveloped land?
- If successful, can the Housing Authority pursue a 40B site approval and submit a new comprehensive permit application for affordable development on the 2.59 acres? A 1979 site plan indicates that an additional 40 units were proposed for this undeveloped portion of the site.

Decision #248 is the basis for the existing construction of Tilden Village and applies to the entire 6.78-acre site, even though the 60 units constructed occupy only a portion of the land. The Medfield Land Use Department seeks clarification on whether a modification to the existing comprehensive permit (Decision #248) would be required prior to the execution of a ground lease with a separate entity to pursue a new comprehensive permit to construct additional units on the undeveloped portion of the site.

Abutter's opposition to the scale of the project: During the seven public hearings held for the project's initial submission, concerns were raised regarding the proposed 45-unit development's density. These discussions were particularly prominent during the public hearing on August 15, 2019.

By October 10, 2019, the Applicant met with a group of residents to explore alternative designs. As a result, a "hybrid design" was introduced, which retained the 45-unit count but adjusted the design to include primarily two-story construction with a three-story wing.

At the November 20, 2019, hearing, the Applicant noted that "there was no consensus as a group to support any of the designs; however, the hybrid option seemed to be received the best." The Applicant also explained that maintaining 45 units was necessary to secure the maximum tax credits for financing the project.

During these discussions, one abutter highlighted that "the proposed project represents 18.75 units per acre, which is more units per acre than any 40B development in Medfield." They expressed that this level of density was not consistent with other developments in the area.

While feedback during the hearings often reflected opposition to the number of units and the resulting density, there was no significant opposition to the broader concept of additional senior housing.

Application inconsistencies: Page 16 includes a series of questions on Zoning. Items 43 and 44 have not been checked off, either for "Yes" or "No". It is the Land Use Department's understanding that the developer will be seeking a Comprehensive Permit if the PEL is granted.

Traffic improvements: During the December 12, 2019, hearing, the Applicant's traffic engineering consultant proposed several recommendations to improve traffic flow and safety. These recommendations were reviewed and supported by the Zoning Board's traffic consultant. The proposed measures included:

- Implementing stop control at the driveway entrance.
- Installing speed limit signs at both ends of the street, along with radar feedback signs to display drivers' speeds.
- Adding a rapid flashing pedestrian beacon (RRFB) at crosswalks to enhance safety when crossing guards are unavailable.

During the hearing, the Applicant expressed willingness to consider and implement these recommendations. The Land Use Department requests that these measures be considered during the new submission.

Emergency access: At the December 12, 2019, hearing, the Zoning Board's traffic engineer highlighted the inclusion of a turnaround access point in the back parking lot. The Applicant confirmed that this access point was addressed in the hybrid design plan, which connects to the abutting school property.

The Board's 40B consulting attorney clarified that an easement for emergency vehicle use of the school driveway would not be necessary, as such access is already authorized under Chapter 89, Section 7 of Federal Laws. However, the Applicant also requested a construction easement, which the Zoning Board does not have the authority to grant independently.

The Medfield Police Chief stated that the police department has sufficient access to the site and would not typically require use of the turnaround, as their vehicles are designed to maneuver within standard parking lots. However, the Police Chief emphasized that the turnaround should not become a regular cut-through due to the presence of students walking in the area.

The Fire Department provided additional feedback on the proposed access road, stating that Fire code requires that any road exceeding 150 feet must have approved provisions for fire apparatus to turn around. The proposed access road appears to address this requirement but raises some concerns:

- If the ground beneath the access road is soft, the weight of fire trucks could cause pavers to sink.
- These roads are often used for snow piling or are not adequately plowed in winter.
- School buses line up in the proposed area during student pick-up and drop-off, which could create conflicts.
- The turning radius of the proposed design should be carefully evaluated to ensure it accommodates fire trucks.

The Land Use Department and relevant stakeholders recommend addressing these considerations during the finalization of plans.

BOARD OF HEALTH

As much of the Town is within the Watershed Protection District, from which the Town relies for its drinking water supply, the Board of Health requests that the Applicant infiltrate at a minimum the first one-inch of run-off from the site entire site, and that runoff from impervious surfaces be treated to the highest regulatory standard prior to infiltration. The applicant should also ensure, to the extent practicable, the post development rate and volume of discharge existing the developed parcel does not exceed predevelopment rate and volume. This will help ensure that the Town can maintain a clean and adequate supply of drinking water to its citizens, including those who reside and/or work at this project site.

CONSERVATION COMMISSION

The Conservation Commission supports and reiterates the comments made by the Board of Health. As the site is within a Zone II Wellhead Protection Area of Medfield's public water supply, regulations require the use of specific source control and pollution prevention measures as well as specific structural stormwater best management practices. The Conservation Commission requests that these regulatory requirements are strictly followed with infiltration volume maximized and impervious runoff treated to the highest regulatory standard prior to infiltration. Additionally, it will be important that the applicant implements a plan that fully controls construction and land disturbance-related impacts such as erosion, sedimentation and oil spillage.

The Conservation Commission is charged with enforcing regulations that are designed to protect identified resources such as wetlands, streams, ponds, vernal pools, and land subject to flooding because these resources all contribute to the protection of public and private water supplies and groundwater. These resources also are important for flood control, storm damage prevention and prevention of pollution. They provide wildlife habitat. The project will impact surface and groundwater both of which are important to wetlands protection and protection of the environment in general. The Conservation Commission requests the applicant endeavor to preserve the natural environment to the extent possible, reduce impervious

surfaces to the extent possible, utilize natural stormwater management techniques such as rain gardens and swales, plant native species, appropriately remove invasive species during the course of construction, and engage in best management practices that will prevent the inadvertent introduction of invasive species at the site. The Conservation Commission encourages the applicant to address climate change by upholding clean water standards, limiting greenhouse gas emissions, and reducing surface temperatures.

POLICE DEPARTMENT

After reviewing the documents provided for the Rosebay Project, the Medfield Police Department (MPD) conducted an analysis of potential impact to police services. In that analysis, they looked at call volume and traffic data to include motor vehicle accidents over a 3 ½ year period.

Call volume was determined by utilizing the current property located at 30 Pound Street. The data revealed an average of 47 calls for service to this location per year with 2019 projecting a significant increase. The nature of the calls for service was attributed in great part to medical or checks on the well-being of persons and was mostly non-criminal complaints. Given the age demographic of the proposed site, MPD would anticipate the call volume to increase in mainly non-criminal service calls to approximately 75-90 per year.

The accident data with a sample statistic of 50 accidents reviewed over the highest occurrence periods (January, February, March) indicated that <1% of all accidents in Town occurred on Pound Street. MPD does not anticipate a significant increase to the data with the proposed facility.

MPD broke down the accident data and determined that of the sample analyzed, 35.5% of those motor vehicle accidents involved operators who were over the age of 55. Although the proposed facility is designed for an age group of 62 or over, MPD considered variables such as relatives and friends visiting and adjusted our benchmark to 55 years old. The data suggests that the number of motor vehicle accidents would increase proportionately.

Note: Accident data is derived from MVA which have a damage value over $1000 or involve personal injury.

FIRE DEPARTMENT

The Fire Department has the following questions and concerns for the Applicant:

1. The island where the fire hydrant is located is also listed as a snow storage area and is listed as future parking.
2. The lack of fire lanes is also concerning; the Fire Department is not sure they can access the roof of the building with the ladder tuck if cars are parked in the proposed parking spaces.
3. The fire code states that access roads shall extend to within 50 feet of at least one exterior door and that they shall be provided so that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 250 feet of a fully sprinkled building. These distances are not shown on the plans.

4. The walkway where the access to the sprinkler room near exit 2 appears to be disconnected from the rest of the walkway and has two bushes separating the two, so they would have to go the long way around the building to access these rooms.
5. Can the Applicant show the turning radius of the center island where the hydrant is located? The Fire Department needs to make sure the ladder can make the turns with cars parked in the parking lot.

BUILDING DEPARTMENT

No comments at this time until more detailed plans are submitted.

DEPARTMENT OF PUBLIC WORKS

The Public Works Department was asked to provide comments on the proposed 40B development "The Rosebay at Medfield" of forty-five apartment units at 30 Pound Street in Medfield. This Department has the following comments:

Underground Stormwater Infiltration System at Field #1. The applicant, through their design, appears to request tying into the Town's existing stormwater drainage system. Although the Town does not usually allow private connections to its system, understanding this as an overflow connection, it may be considered for approval with the following conditions:

- **Drainage calculations** must be provided for the surrounding catchment area to determine if there is sufficient capacity for the additional stormwater proposed, as this area has proven to be overwhelmed at times.
- Consideration should be given for **in-line treatment** of the existing Town drainage pipes through the property to comply with current stormwater regulations.

Stormwater Management Plan. A stormwater management plan to control pre- and post-construction stormwater must be developed. These plans would need to be submitted and reviewed by the Town's peer review consultant.

Domestic Water Service. The size of the domestic water service should be noted on the plan.

Proposed Sewer Service. The proposed sewer service should be changed to an 8" service.

Public Works Permits. All Public Works permits (e.g., water connections, trench, street opening) shall be obtained prior to the commencement of work for these particular units and development.

Private Ownership and Maintenance. It is understood that the laterals, hydrants, valves, drainage flared end sections, and basins within the property of this development are privately owned and maintained by the property management company/HOA.

Snow Storage. If the designated future parking spaces are constructed, relocation of the snow storage must be defined.

Catch Basins and Area Drains. Catch Basins (per Town Subdivision standards) should be used instead of area drains for cleaning and maintenance. The proposed area drains do not appear to be suitable for long-term durability unless documentation can be provided to support their durability. It is the responsibility of the developer/property management company to ensure:

- All drainage catch basins within the private development are cleaned at least once per year for stormwater compliance.
- Any proposed stormwater treatment units are maintained.

Emergency Access Lane. The proposed emergency access lane enters the school property. If this is considered and/or approved by the Medfield School Committee, it should be documented which party is responsible for the care and maintenance of the portion that resides on school property.

AFFORDABLE HOUSING TRUST

At its duly posted meeting on December 12, 2024, the Medfield Affordable Housing Trust (MAHT) reviewed the PEL Application submitted to EOHLC. The Application indicates that the Applicant is receiving $25,000 from the MAHT (pages 13 and 21). We believe this reference is a carryover from the initial PEL Application and does not reflect the current status of matters.

For clarification, the MAHT is not a funding partner for Rosebay's second round of applications and respectfully requests that the Application be updated accordingly.

That matter aside, the MAHT remains supportive of the development of additional senior housing in the Town of Medfield.

The Medfield Select Board appreciates the opportunity to raise these questions and observations as part of the PEL application process. As noted earlier, we are supportive of the initiative to provide affordable senior housing. However, it is critical that the project is conducted transparently to ensure its success.

Should you require any additional information or clarification from us, please do not hesitate to reach out.

Thank you for your attention to these matters.

Sincerely,

Kristine Trierweiler

Town Administrator

Gmail Maria De La Fuente <mdelafuente@medfield.net>

Fwd: Rosebay project

Eileen Murphy <emurphy@medfield.net> Wed, Dec 11, 2024 at 10:57 PM
To: Maria De La Fuente <mdelafuente@medfield.net>

Sharing an email I received from a resident that lives near the proposed Rosebay site. She had reached out to me last October regarding the Rosebay project. I pinged her earlier this week just to make sure she was aware of the status of the project.

Begin forwarded message:

From: Carol Terry <carollsterry@gmail.com>
Subject: Re: Rosebay project
Date: December 11, 2024 at 11:38:03 AM EST
To: Eileen Murphy <emurphy@medfield.net>

Thank you so much Eileen. I really appreciate you contacting me. I had heard that and have seen the plans that were submitted. It does appear that it is the exact same plan from the last time around.

When looking at the plan I did notice that the emergency vehicle rear exit that utilizes the school parking area/driveway is still there. This rear access was drawn into the plans because there is not enough space in the Rosebay parking lot for emergency vehicles to turn around. NewGate had misread the maps and believed that the parking area/driveway behind the high school was actually Village Way and thought that large vehicles could exit from Rosebay onto Village Way with a rear access. In the early stages of this project the high school was contacted about the Rosebay project and Robert Parga did not have a problem with it, but the project was discussed with him prior to the realization that they needed emergency vehicles to exit the property via the high school. I would be surprised to hear if anyone at the high school or on the school committee has seen the plans with the emergency access drawn in. Is the school committee one of the committees weighing in with Maria De La Fuente?

If this rear exit was to be given I am a bit confused about how that would work. Is it a gate that is typically locked and then someone from the town unlocks when there is an emergency? If it's not locked, does it become a cut through for everyone? Does any large vehicle arriving at Rosebay have to use that access? We already have 3 crossing guards on duty when school opens and closes, another entrance/exit to that property would not be helpful. Given that this project will be an unfriendly 40B, NewGate's need for emergency vehicle access from the town via the school (if the town decides that is not dangerous) may be the only negotiating tool the town has.

I wonder about the office for senior services drawn into the plans. Is that a new office for Candace Avery? If so, I would assume the office at Tilden is no longer needed. Having senior services there feels redundant with Sarah Hanifan from the Council on Aging, but I am sure she is very busy.

There is mention in the plans of an outdoor recreational space and a community garden. I don't see any drawn into the actual plans. I also do not see any mention of an area for smokers and I would hope that there would be one. If not, the only options smokers will have are the sidewalk, the path that cuts through to the high school or the front lawns across the street.

The application that has been submitted to the state by NewGate is to receive tax credits and there are currently more projects than available tax credits, given the history of this project it will be interesting to see how it goes.

Some of this feels nitpick so thank you for reading!

Carol
508-572-4633

On Mon, Dec 9, 2024 at 1:54 PM Eileen Murphy <emurphy@medfield.net> wrote:

Good afternoon, Carol

I want to give you a heads up, if you have not already heard, the Rosebay Project has officially surfaced again. The Select Board will be discussing it at our next meeting on December 17. Between now and then the various departments within the town will be providing their feedback to Maria De La Fuente Medfield's Director of Land Use and Planning.

In today's Medfield Insider there is an overview of the proposed project.

As I hear more I will share it with you.

Best regards,

Eileen Murphy
emurphy@medfield.net

Pound Street 40B for seniors...

Town Receives Official Rosebay Project Notice

After the process stalled for more than a year, last week Medfield officials received the **Application for Project Eligibility (dated Aug. 1, 2024)** regarding the **40B senior housing project** at **30 Pound St. on the vacant lot adjacent to Tilden Village** which backs into the Medfield High School.

The project is proposed once again by **NewGate developer Brian McMillin**, who has been working through state agencies and various affiliates on the disposition of the state-owned land locally controlled by Medfield Housing Authority.

Public comments on the project are due to the state by Dec. 27. Select Board members are slated to receive department head comments and will discuss them with their own feedback at their Dec. 17 meeting. From there, one letter on behalf of town government will be submitted to the state.

McMillin first proposed Rosebay in 2018, but **withdrew the plan two years later**, in part because of neighborhood opposition and a legal misstep. The new plan is no different than the previous one.

Basic details of the proposed project include:

- Apartments for renters age 62 and over;
- 45 units in a three-story building with 57 parking spaces;
- Most units (about 40) are one-bedroom, while the remainder are two-bedroom units;
- Building would be 51,580 square feet on a 2.52-acre lot;
- Gas heat for all units; and
- 100 percent of units are designated affordable, with maximum income limit set at 60 percent of area median income, with 20 percent restricted to extremely low-income residents.

Once developed, Rosebay would operate separately from Tilden Village, and not have any regulatory oversight from **Massachusetts Executive Office of Housing and Livable Communities (EOHLC).**

At the time of the first project filing in 2018, the **town response to the state** noted concerns about the Rosebay project, including traffic, building size and appearance, stormwater runoff and aquifer impacts, and proximity to middle school and high school.

A year later in 2019, **Medfield Affordable Housing Trust voted** to support Rosebay deeming it important for helping to address a senior housing shortage while meeting the town affordable housing quota of 10 percent.

When the Request for Proposals was released for the second time in November 2021, McMillin was the only developer who applied, prompting questions within EOHLC and among other officials.

Included in the current project eligibility materials is a **July 9, 2024 Option to Lease Real Estate agreement** signed by Medfield Housing Authority Executive Director Candace Avery. However, there is no record of a vote by the MHA board authorizing Avery to sign the agreement. As executive director, she reports to the MHA board.

On Oct 3, 2024, at 9:30 AM, Carol Terry <carollsterry@gmail.com> wrote:

Hello Eileen,

My name is Carol Terry and I live at 63 South Street in Medfield, right at the intersection of South and Pound streets.

I heard that you may be a good person to get in touch with regarding the possible Rosebay project. I attended many meetings regarding this project back in 2019 and was incredibly grateful that the project was turned down. I am not against senior housing on that site, it is the size of the project that is a concern.

I now feel like we are back where we started and it is incredulous to me that from what little information the neighbors have received, the project does not appear to have changed at all. There are some concerns regarding the project that were not addressed the last time around because we never had the opportunity to discuss them. It was determined the process they used was illegal before the concerns could be addressed.

If you were interested I would like to discuss the project concerns I have sometime, in person or on the phone.

Carol Terry
508-572-4633

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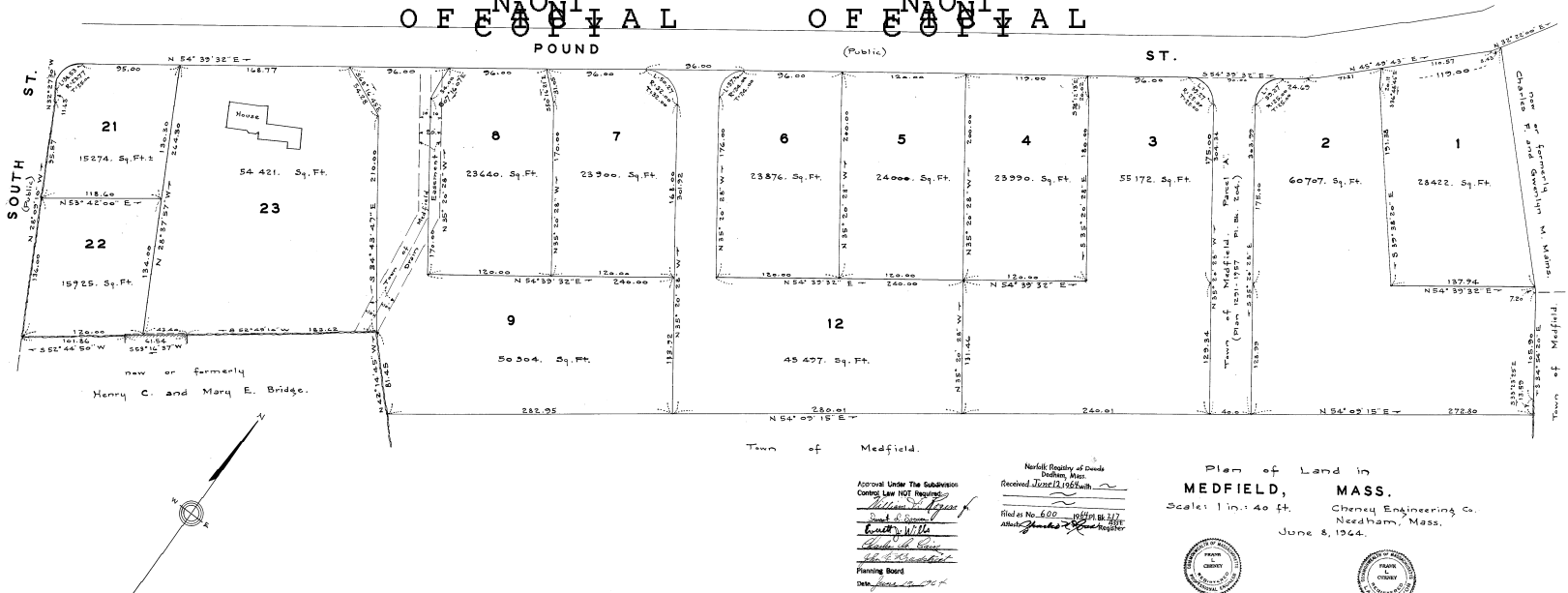

Medfield Housing Authority
Town Hall
Medfield, Massachusetts

December 16, 1971

DECISION 214

DECISION OF THE BOARD OF APPEALS ON THE APPEAL AND PETITION OF THE MEDFIELD HOUSING AUTHORITY, MEDFIELD, MASSACHUSETTS

On application filed with the Board of Appeals for Zoning September 21, 1971, the applicants request the following variances: 1. A variance to allow five separate structures on three lots. SECTION VI. 2. A variance from the required 500 square feet of living space per dwelling unit to 450 square feet. SECTION VI, Paragraph 1. (e). 3. A variance from square footage requirements for 40 dwelling units of 126,000 square feet to 97,844 square feet. SECTION VI, Paragraph 2. (a). 4. A variance to waive side yard requirements of 20 feet as applicable to interior lot lines to allow placement of structures within lots irrespective of location of same. SECTION VI, Paragraph 3. (b). 5. A variance from the required 80 parking spaces for cars for 40 dwelling units to 25 parking spaces. SECTION VI, Paragraph 4. (a)

Notice of a Public Hearing was advertised in the Suburban Press on October 7 and October 14, 1971 and all abutters and appropriate Town Boards and Officials were duly notified.

A Public Hearing was held at the Town Hall on October 21, 1971 at 7:45 p.m. Mr. Charles Kenny, Chairman of the Board of Appeals presided at the hearing.

Mr. Herbert B. Burr, Chairman of the Medfield Housing Authority, introduced the members of his Committee as well as their attorney Mr. Algernon Heine of Ashland and their architect Charles F. Jacobs of Robert Charles Associates. Mr. Burr explained that they were going to withdraw item 4 as this was found unnecessary. Mr. Burr initially directed the attention of the meeting to variances 1 and 2 and Mr. Charles Jacobs elaborated on variance 2, stating that the Department of Community Affairs sets up the maximum square feet for the elderly and their plans are in compliance with this. Mr. Burr then asked for their third variance that the square footage requirements be reduced from 126,000 square feet to 97,844 square feet. Mr. Burr next speaking on variance 5, that of having the 80 required parking spaces for 40 units reduced to 25 parking spaces, read into the record a survey which indicated that the 25 parking spaces requested were more than sufficient to meet the needs of housing for the elderly, and then had Mr. Iverson explain how an additional 23 parking spaces could be incorporated if necessary. Mr. Jacobson further elaborated that the policy of the Department of Community Affairs has been that they require 25% as a maximum for the State and that, therefore, based on 40 units, 25 parking spaces would be about 50% more than required by the Department of Community Affairs.

A question and answer period followed.

The meeting was adjourned at 8:55 p.m.

The Board of Appeals has considered the evidence presented and the circumstances surrounding the application. It is the opinion of the Board that the evidence does not permit us to find that the requirements for the granting of variances set forth in Section 15, Chapter 40A of the General Laws regarding hardship and uniqueness of conditions surrounding the property involved have been satisfied. The Board has considered carefully the fact that the applicant is a public body, but it is well established that the Zoning By-Law and Chapter 40A of the General Laws apply equally to it as well as to private citizens. (See Russell vs. Zoning Board of Appeals of Brookline 349 Mass. 532, Cameron vs. Zoning Agent of Bellingham 1970 A.S. 1081). The Board has further considered carefully each of the requested variances and does not consider any of them -- particularly numbers 3 and 5 -- to be "minimal" which might otherwise compel their being granted. (See Lombard vs. Board of Appeal of Wellesley 348 Mass. 530). The Board deems it appropriate to note that in the decision of the Massachusetts Supreme Judicial Court in the case of Russell vs. Zoning Board of Appeals of Brookline, the decision of that Board of Appeals which granted variances for less than that Town's normal required parking, as per its Zoning By-Law, was ruled invalid. In doing so, the Court made it clear that only a Town Meeting had the authority to grant what effectively would be changes to a Zoning By-Law. The thrust of the applicant's case has been that it desires and seeks variances in order to erect housing for senior citizens in a manner which it deems most suitable to its objectives. As sympathetic as we might be to such goals, we are bound to conclude that as the law presently stands, these are reasons personal to the applicant, and do not in any way flow from the condition of the land and provide no bases in law for the proper granting of variances.

Accordingly, the Board of Appeals by unanimous decision denies the above requested variances.

Charles Kenny, Chairman

James O. Aronson, Clerk pro tem

Ralph C. Copeland, Associate Member

JOA:pg

MEDFIELD
BOARD OF APPEALS ON ZONING

Decision #248

MEDFIELD HOUSING AUTHORITY July 22, 1974

DECISION OF THE BOARD OF APPEALS ON THE APPEAL AND PETITION OF Medfield Housing Authority, Medfield, Massachusetts.

By application filed with the Board of Appeals for Zoning on May 9, 1974, the Medfield Housing Authority seeks a Comprehensive Permit to construct 60 units of low income elderly housing pursuant to Massachusetts General Laws, Chapter 40B, Sections 20-24, consisting of six separate dwelling buildings and one community/administration building.

Notice of said application was duly published and a public hearing, in accordance with said notice, was held on May 30, 1974. All local Boards were notified of the filing of the application by sending a copy thereof to such local Boards for their recommendations and their appearance at the hearing was requested in accordance with the provisions of Section 21 of Chapter 40B. At the hearing on May 30, 1974, the applicant was represented by members of the Housing Authority and by Robert Childs Associates, architect for the proposed project. Local Boards submitted oral and written recommendations and members of the general public were heard.

FINDINGS OF FACT

The location of the land is on the Southerly side of Pound Street and is made up of lots 3, 4, 5, 6, 7, 8, 9 and 12, as shown on a plan entitled "Plan of Land in Medfield, Massachusetts" by Cheney Engineering Company, dated June 8, 1944, recorded in Norfolk Registry of Deeds Book 217, page 600. A portion of the premises is in the RU district and the remainder is in the RS district where multiple-unit dwellings of the type contemplated are not permitted by the Zoning Bylaw. There is local need for low income housing for the elderly. The Medfield Housing Authority is a public agency proposing to build such housing. Only preliminary site plans and constructions plans have been submitted in support of the application.

DECISION

Based on the foregoing findings and taking into consideration the recommendations of the local Boards, the testimony and evidence submitted at the public hearing and the provisions of Massachusetts General Laws, this Board hereby issues and incorporates as part of this decision a Comprehensive Permit to the Medfield Housing Authority for the construction of 60 units of low income elderly housing consisting of six separate dwelling buildings and one community/ administration building as shown on the preliminary plans submitted with the application and subject to the following conditions:

1. All provisions of the Medfield Zoning Bylaw must be complied with except those provisions prohibiting or limiting construction of multiple unit dwelling buildings on this site and those provisions requiring a greater number of vehicle parking spaces than those shown on applicant's preliminary site plan, those provisions being specifically overridden by this decision.

2. All building construction shall conform in all respects to the Building Code of the Town of Medfield or the Building Officials Conference of America (BOCA) Code, whichever imposes the higher standards.

3. Prior to commencement of construction the applicant shall secure any required approval under General Laws Chapter 131, Section 40 (the "Hatch Act").

4. Prior to commencement of construction the applicant shall provide the Board with satisfactory evidence that its proposed drainage and sewage disposal have received approval from the Medfield Water and Sewerage Board and from appropriate state authorities.

5. Local officials shall carry out compliance inspections in the usual manner. Should disagreement arise between the applicant and the local officials as to compliance or as to approval, the Board shall decide the matter and its decision shall be final.

6. Prior to commencement of construction final plans for the project shall be reviewed by the Building Inspector and approved by him as to their conformance with the Building Code of the Town or the Building Officials Conference of America (BOCA) Code.

7. Prior to commencement of construction final plans for the project shall be reviewed by the Plumbing, Wiring and Gas Inspectors and approved by them as to their conformance with the Plumbing, Gas and Electrical Codes of the Commonwealth of Massachusetts.

8. Prior to commencement of construction final plans shall be reviewed by the Superintendent of Streets, Water and Sewer who shall approve both the location, grade and width of any entrance from the project onto the public way or any access to the project from a public way.

9. Prior to commencement of construction final plans for the project shall be examined by the Board of Health to determine conformance with the State Sanitary Code.

10. Prior to commencement of construction final plans shall be reviewed by the Water and Sewer Board for final approval of any connection to Town Sewer or Water systems.

11. Prior to commencement of construction plans for a fire detection system for all buildings which shall be connected to the fire alarm system of the Town must be approved by the Fire Chief.

12. Prior to commencement of construction final site plans shall be submitted to the Board of Appeals for approval of outdoor lighting, fencing, public safety, buffer zones and screening, location of disposal units for solid waste, recreation areas and landscape grading and planting.

13. The numbering of the housing units shall be approved by the Building Inspector, Police Chief and Fire Chief.

14. Department of Public Safety Rules for Buildings shall be complied with for the Community Center.

15. Construction of doors, hallways and stairways shall provide sufficient room for maneuvering stretchers within the buildings.

16. Use and Occupancy Permits shall be obtained from the Building Inspector and any other Town Inspectors required before occupancy.

17. The roadways within the project shall be a minimum of 30 feet in width, but in all other respects shall be constructed in accordance with the requirements of the Medfield Planning Board Land Subdivision Rules and Regulations.

18. This permit expires on July 1, 1975, if construction has not been commenced prior to that date. The permit is renewable at the discretion of this Board without further hearing.

This decision was unanimous.

MEDFIELD BOARD OF APPEALS

James T. Regan

James O Aronson

Ralph C. Copeland, Associate

May 30, 1974

The Board of Appeals met on Thursday, May 30, 1974, to reorganize as follows:

James T. Regan, Chairman

Ralph C. Copeland, Clerk

James O. Aronson, 3rd member

At this time no associate member has been selected.

Respectfully submitted,

BOARD OF APPEALS ON ZONING

Ralph C. Copeland, Clerk

W

Tilton Village Additional Land

Property Address:	30 Pound Street, Medfield Ma.
Parcel:	Existing rectangular parcel has 60 units on approximately 4.2 acres. Undeveloped land is approximately 2.59 acres. Total of 6.78 acres. (295,337 square feet)
Legal description:	LOT 3 PL 20 OF 1964 /// LOT 1 PL 24 OF 1974
Current use:	60 existing units in 6 two story buildings. In addition, there is a Community Building with laundry faculties, a Management Office and Maintenance Garage.
Current funding:	Chapter 667 Elderly/Handicapped Housing from DHCD.
Frontage/Access:	785 of frontage on Pound Street. The site is not a corner lot. Two curb cuts existing on developed parcel.
Utilities:	Water, sewer, gas, telephone, cable all at site?
Wetlands:	Unknown, but need to confirm
Flood Plain:	A3 zone. (not 100 year storm area)
Current Zoning:	Comprehensive Permit issued in 1974 for 60 units. Appears to include the whole site. Need to obtain Plan of land in Medfield, MA by Cheney Engineering dated June 8, 1944, recorded at Norfolk Registry of Deeds Bood217 page 600.
Zoning District:	Residential Urban (RU)
Underlying Zoning:	Residential uses by right include single family dwelling, two family dwelling (RU only), family apartment (RU only), and accessory buildings. Community facility uses include church or other religious uses, education, non-profit recreation facility, and town cemetery. Agriculture, horticulture, and floriculture (not including greenhouse or stand for retail) uses. Refer to Section 5 (Use Regulations) of Town of Medfield Zoning Bylaw for a

complete list of uses. Site Plan approval needed from Planning Board.

Summary of Zoning Requirements if RU

- Lot Area 24,000 sq. ft. (3 units) plus 6,000 sq. ft. per additional dwelling unit.
- Street Frontage / Lot Width 200 ft. / 200 ft. : meets this
- Set Backs (Front / Side / Rear) 30 ft. / 20 ft. / 50 ft.
- Maximum Height 35 ft. / 2.5 stories
- Maximum FAR 0.35
- Multifamily Minimum Unit Floor Area--500 sq. ft. (450SF if public housing for elderly)
- For dwelling use, two spaces per unit. If public housing for elderly, ¼ per unit

Status of Subsidized Housing

- Medfield is completing a Planned Production Program seeking DHCD approval.
- Subsidized housing as of 4.30.13
  - ❖ Total units 4,220
  - ❖ Subsidized 194
  - ❖ Percent Subsidized currently 4.6%

With an approved Planned Production Program, the Medfield ZBA could deny a comprehensive permit application (and be upheld) if according to the Production Plan, the town produced .05% or 22 units for a one year extension or .1% or 44 units for a two year extension.

Preliminary Development Options

Additional land of 2.59 acres is a well located, downtown, strong market development location—if not encumbered. Potential Yield?

What are improvement needs of existing elderly development. High Leverage Asset Program?

1. Housing Authority builds additional units: Funding would be very challenging, Chapter 149 (public bidding) would make it very expensive (20% plus). Approximate $12 million total development cost for 40 units. Examples of High Rock Homes, Hopkington, Sandwich, Foxborro housing authority developments.

2. Medfield HA issues RFP for partner to develop land per agreed upon program
   75/25 elderly? Family? For a variety of mixed income programs.

3. Limited development program

DHCD will need to approve any new use/lease/disposition.

HOME | SEARCH | SUMMARY | INTERIOR | EXTERIOR | SALES | MAPS | ABOUT

Web Mapping Application

Search Parcel ID Search Street

Results

Map Contents

- Base
  - railroads
  - Road Names
  - Parcels
  - Frontage
  - FEMA
  - Buildings
  - Contours
  - Zoning
  - ESRI_Imagery_World_2D



Peter Smith

From: Peter Smith
Sent: Wednesday, July 17, 2013 11:45 AM
To: Candace Loewen
Subject: Additional land
Attachments: DOC071613-07162013173153comp permit.pdf; Aerial.site7.16.13.pdf

Hi Candace,

I spoke to Sarah Raposa, the town planner after the meeting about the existing 1974 comprehensive permit situation for Tilton Village. She advised that we seek the assistance of town counsel, which makes a lot of sense. Let's discuss how to proceed on this.

I see a number of key questions:

1. The Tilton Village site consists of approximately 6.78 acres. A comprehensive permit, attached was granted in 1976 for the construction of 60 units, which were built. We need to confirm that the comprehensive permit covers 60 units alone and includes the entire site of 6.78 acres, not just the built acreage of approximately 4.2 acres. Aerial showing site is also attached.
2. Can the Housing Authority seek a major modification to the comprehensive Permit to remove the approximate 2.59 acres where currently no buildings are constructed.
3. Following this, if successful, can the housing authority seek 40 B site approval and make a new comprehensive permit application for affordable development of the 2.59 acres. As you know, we have a site plan drafted in 1979 showing an additional 40 units to be built on the additional land.

I imagine there are a number of ways to achieve your goal of freeing up the additional land at Tilton Village for new affordable housing development.

Please see basic property facts below for understanding of property and zoning information.

Property Address:	30 Pound Street, Medfield Ma.
Parcel:	Existing rectangular parcel has 60 units on approximately 4.2 acres. Undeveloped land is approximately 2.59 acres. Total of 6.78 acres. (295,337 square feet)
Legal description:	LOT 3 PL 20 OF 1964 /// LOT 1 PL 24 OF 1974
Current use:	60 existing units in 6 two story buildings. In addition, there is a Community Building with laundry faculties, a Management Office and Maintenance Garage.

Current funding:	Chapter 667 Elderly/Handicapped Housing from DHCD.
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Summary of Zoning Requirements if RU

- Lot Area 24,000 sq. ft. (3 units) plus 6,000 sq. ft. per additional dwelling unit.
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- Maximum Height 35 ft. / 2.5 stories
- Maximum FAR 0.35
- Multifamily Minimum Unit Floor Area--500 sq. ft. (450SF if public housing for elderly)
- For dwelling use, two spaces per unit. If public housing for elderly, ¼ per unit

Oxbow Partners

Peter W. Smith
Oxbow Partners LLC

Draft Start

				Impacts			
Options	Number of units	Cost	Affordable units	Traffic	School kids	Tax revenue	Existing housing
1. All affordable	40	(494,852)	40				
2. 75/25 market/affordable rental	40	(3,169,715)	40				
3. Ownership mixed	16	(37,822)	4				
4. Other publically funded affordable	unknown	unknown	all				

Project Name: Medfield
Rental Pro Forma DRAFT DRAFT DRAFT
7.25.13

RFP for 40 units newly developed by private non profit or for profit
75% market, 25% affordable
Non prevaling wages

Operating Proforma

Description	No. of Beds	No. of Units	Per Unit Monthly Rent	SF	Per Unit Yearly Rent	Total Yearly Rental Income	Comments
Market	1	25	1800	700	21,600	540,000	2.57
	2	5	2400	1000	28,800	144,000	2.40
						-	
						-	
Rental Income - 80% AMI or less --10% underwriting window	1	8	1,157		13,884	111,072	
Utility allowance: 1br 106, 2br 142 and 3br 190.	2	2	1,374		16,488	32,976	
Total Number of Units		40					
Projected Gross Income						828,048	
Vacancy		5%				(41,402)	
Effective Gross Income						786,646	
Operating Expenses					7,200	288,000	
Net Operating Income						498,646	
Debt Service Coverage Ratio		1.15					
Maximum Annual Mortgage Payment						433,605	
Interest Rate		5.00%					
Financing Term (Years) 20 year term; 30 year amortization		30					
Maximum Mortgage Based on NOI						6,665,570	

Sources and Uses

Sources:				Comments/Status
State		**Percent funding**	**Amount**	
	DHCD Affordable Housing Trust	0%		
	DHCD HOME/HSF	0%		HOME + AHT---DHCD max 2.4 mill.
	Community Based Housing/other/			Potential additional source
	MHP Permanent Debt	98%	6,665,570	
	Low Income Tax Credits	0%		9% TC
Local				
	Local funds	0%		
		0%		All goes towards new development
SHA Equity				
Deferred fee		2%	150,000	
Energy Star Rebates		0%	20,000	**Per unit**
	Total	100%		
Total Sources			**6,835,570**	**170,889**
Total Uses:			**10,005,285**	250,132
Sources minus uses			**$ (3,169,715)**	

Project Name: Stage SHA 24 Unit New Development
Rental Pro Forma
7.25.13

USES

Land		100,000	for MHA	
Construction		6,499,800		180
Contingency	7.50%	487,485		
Total		6,987,285		174,682
Soft Costs				
Architecture & Engineering		400,000		
Survey and Permits		100,000		
CM/Clerk of the Works		75,000		
Environmental Engineer		20,000		
Bond Premium		60,000		
Legal		175,000		40B, Tax credi
Title and Recording		17,000		
Accounting & Cost Cert.		20,000		
Marketing		45,000		
Real Estate Taxes		12,000		
Insurance		25,000		
Relocation				
Appraisal (and Market Study)		18,000		
Const (Acq, Predev) Loan Interest		250,000		67500
Inspecting Engineer		15,000		
Finance fees		100,000		
lender legal		30,000		
Construction material testing		6,000		
Utility hook up		50,000		
FF&E		100,000		
Other Financing Fees				
Consultants		50,000		
Other				
Soft Cost Contingency		100,000		
Total Development Costs (soft)		1,668,000		41,700
Total Uses:		8,755,285		
Capitalized reserve		250,000		
Developer overhead		500,000		
Developer fee		500,000		
Total Fee and Reserves		1,250,000		
Total Development Cost		10,005,285		
Total Sources		**6,835,570**		
Total Uses:		**10,005,285**		$ 250,132
Sources minus uses		**$ (3,169,715)**		

Total devel fee	1,000,000	11.4%
Deferred fee	150,000	1.7%
Net fee	850,000	9.7%

Project Name: Medfield
Rental Pro Forma draft draft draft
6.4.13

RFP for 40 units newly developed by private non profit or for profit

Non prevaling wages

Operating Proforma

Description	No. of Beds	No. of Units	Per Unit Monthly Rent	Per Unit Yearly Rent	Total Yearly Rental Income	Comments
Rental Income - Section 8 for very low income- 110% FMR	1	2	1,177	14,119	28,238	DHCD app.
Utility allowance: 1br 106, 2br 142 and 3br 190.	2	6	1,364	16,367	98,201	Supports debt
Rental Income - 60% AMI or less --10% underwriting window	1	28	876	10,512	294,336	
Utility allowance: 1br 106, 2br 142 and 3br 190.	2	4	1,043	12,516	50,064	
Total Number of Units		40				
Projected Gross Income					**470,839**	
Vacancy		5%			(23,542)	
Effective Gross Income					**447,297**	
Operating Expenses				7,800	312,000	
Net Operating Income					**135,297**	
Debt Service Coverage Ratio		1.15				
Maximum Annual Mortgage Payment					**117,650**	
Interest Rate		5.00%				
Financing Term (Years) 20 year term; 30 year amortization		30				
Maximum Mortgage Based on NOI					**1,808,565**	

Sources and Uses

Sources:				Comments/Status
State		**Percent funding**	**Amount**	
	DHCD Affordable Housing Trust	10%	1,000,000	
	DHCD HOME/HSF	5%	550,000	HOME + AHT---DHCD max 2.4 mill.
	Community Based Housing/other/		500,000	Potential additional source
	MHP Permanent Debt	17%	1,808,565	
	Low Income Tax Credits	60%	6,327,833	9% TC
Local				
	Local funds	1%	150,000	
		0%		All goes towards new development
SHA Equity				
Deferred fee		1%	150,000	
Energy Star Rebates		0%	20,000	**Per unit**
	Total	95%		
Total Sources			**10,506,398**	**262,660**
Total Uses:			**11,001,250**	
Sources minus uses			**$ (494,852)**	

Project Name: Stage SHA 24 Unit New Development
Rental Pro Forma
6.5.13

				1br	700
				2br	950
USES					
Land		100,000			
					Community
Construction		7,310,000	200		
Contingency	7.50%	548,250			
Total		7,858,250	196,456	per unit all in	
				Site expensive?	
Soft Costs					
Architecture & Engineering		450,000			
Survey and Permits		100,000			
CM/Clerk of the Works		75,000			
Environmental Engineer		20,000			
Bond Premium		60,000			
Legal		175,000	40B, Tax credits, tax exempt financing		
Title and Recording		17,000			
Accounting & Cost Cert.		20,000			
Marketing		45,000			
Real Estate Taxes		12,000			
Insurance		25,000			
Relocation					
Appraisal (and Market Study)		18,000			
Const (Acq, Predev) Loan Interest		200,000	67500	3 million construction	
Inspecting Engineer		15,000			
Finance fees		100,000			
lender legal		30,000			
Construction material testing		6,000			
Utility hook up		50,000			
FF&E		100,000			
Other Financing Fees					
Consultants		75,000			
Other					
Soft Cost Contingency		150,000			
Total Development Costs (soft)		1,743,000	43,575		
Total Uses:		9,701,250			
Capitalized reserve		300,000			
Developer overhead		500,000			
Developer fee		500,000			
Total Fee and Reserves		1,300,000			
Total Development Cost		11,001,250			
Total Sources		**10,506,398**			
Total Uses:		**11,001,250**	$ 275,031		
Sources minus uses		**$ (494,852)**			

Total devel fee	1,000,000	10.3%
Deferred fee	150,000	1.5%
Net fee	850,000	8.8%

DRAFT DRAFT DRAFT

Project Name: Tilton Village Ownership
Location: Medfield
Date:7.25.13.

Program: For sale

Total Livable Area (sf)	**27,200**
Average Unit Area (sf)	**1,700**
Gross Square Feet Total	**29,920**

SOURCES		**Assumption**			
Sale of cottages					
Market	12	1800	$	525,000	6,300,000
Affordable	4	1,400	$	225,000	900,000
Total	16				
Total					7,200,000

USES

ACQUISITION	**Assumption**	**TOTAL**
Land and building	Assume land free.	

HARD COSTS	**AREA (GSF)**	**Assumption**		**TOTAL**
Construction Costs:				
Buildings	GSF/cost psf	29,920	165	4,936,800
Site				300,000
Subtotal				5,236,800
Construction Conting.		5%		261,840
Total Construct. Costs				**$5,498,640**
Total Hard Cost				**$5,498,640**

SOFT COSTS		**Assumption**	**TOTAL**
Architecture & Engineering			100,000
Survey and Permits			10,000
CM/Clerk of the Works			15,000
Environmental Engineer			5,000
Bond Premium			-
Legal			60,000
Title and Recording			6,000
Accounting & Cost Cert.			1,500
Marketing			20,000
Real Estate Taxes			10,000
Insurance			15,000
Relocation			
Appraisal (and Market Study)			10,000
Site Security & Maintenance			
Const (Acq, Predev) Loan Interest			180,000
Inspecting Engineer			5,000
Other Fees			-
Brokerage and marketing		5.0%	315,000
MIP			-
Credit Enhancement Fees			-
Letter of Credit Fees			-
Other Financing Fees		0.015	82,480
Development Consultant			20,000
Emergency Repairs			
Soft Cost Contingency	8%	74,798	80,000
Total Soft Cost			**934,980**

Total Project Costs Before Developer's Fee & Overhead & Reserves	6,433,620

Developer Fee	%TDC		%TDC	
Developer Overhead		12.5%	% Fee/OH	804,202
Total Developer fee/overhead				804,202

Total Development Costs	7,237,822

Sources minus Uses/Funding Gap	$	**(37,822)**