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April 14, 2023

Robert W. Recchia  
14 Cheryl Drive  
Grafton, MA

**Re: Dover Homes  
Project Eligibility/Site Approval  
MassHousing ID No. 1158**

Dear Mr. Recchia:

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”).

You submitted an application with MassHousing pursuant to Chapter 40B. You have proposed to build four (4) homeownership units (the “Project”) on approximately 4.77 acres of land located on Troutbrook Road and Edgewater Drive (the “Site”) in Dover (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 Municipality did not provide any comments for MassHousing staff to review.

### **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.<sup>1</sup> 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 wetlands protection, 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.

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 four (4) homeownership units under the terms of the Program, of which not less than one (1) 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.

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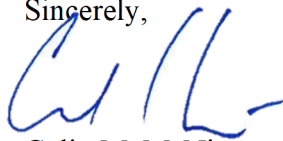
<sup>1</sup> MassHousing has relied on the Applicant to provide truthful and complete information with respect to this approval. If at any point prior to the issuance of a comprehensive permit MassHousing determines that the Applicant has failed to disclose any information pertinent to the findings set 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.

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,



Colin M. McNiece  
General Counsel

cc: Jennifer Maddox, Undersecretary, DHCD  
The Honorable Rebecca L. Rausch  
The Honorable Denise C. Garlick  
Robyn Hunter, Chair, Board of Selectmen  
R. Alan Fryer, Chair, Zoning Board of Appeals  
Carl Valente, Interim Town Administrator

## Attachment 1

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

### **Dover Homes, Dover, MA #1158**

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 Dover is \$111,850.

The Applicant submitted a letter of financial interest from MutualOne 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.

According to DHCD’s Chapter 40B Subsidized Housing Inventory, updated through March 22, 2023, Dover has Subsidized Housing Inventory (SHI) units (1.18% of its housing inventory), which is 172 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 streets/Integration into existing development patterns**

Dover is located approximately 25 miles southwest of downtown Boston, with access to Route 9 and the Mass Pike approximately 6-8 miles to the north, through the neighboring communities of Natick and Wellesley. Interstate 95 is located approximately 5 miles to the east in the neighboring

communities of Dedham and Needham. The subject property is off Claybrook Road and between Centre and Main Streets, approximately 2.5 miles north of Dover's town center. Access to the Site is limited to vehicular access, however nearby Routes 16 and 135 are main thoroughfares providing access to Wellesley and Needham Centers where there is Commuter Rail access.

The Site itself consists of four scattered vacant lots, 2 adjacent to one another on Troutbrook Road, one at the corner of Troutbrook Road and Chickering Drive, and one on Edgewater Drive. The neighborhood is quiet and rural in nature, primarily consisting of single-family homes and undeveloped woodland/conservation land. The proposed Project is consistent with surrounding development patterns.

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

The proposed site layout includes four scattered lots, each containing one single-family home. The homes are in close keeping with frontage, setback, and height requirements for the surrounding R4 zoning. Facades will include exterior materials and detailing consisting of a mix of horizontal clapboard and shake shingles with shutters, covered front porches with craftsmen-style entry doors, carriage-style garage doors, and the use of classic New England colors in keeping with the style of homes in the surrounding area.

### **Density**

The Applicant proposes to build four (4) homeownership units on approximately 4.77 acres, 3.08 of which are buildable. The resulting density is 1.3 units per buildable acre, which is acceptable given the proposed housing type.

### **Conceptual Site Plan**

The proposed site layout includes four scattered house lots, each containing one single-family home. Each lot is served by its own individual driveway which leads to a front- or side-facing two-car garage. The four homes will be served by private wells and septic systems, also on each individual property. To comply with wastewater and wetland requirements, the two adjacent lots on Troutbrook Road are proposed to be reconfigured such that one lot will form a u-shape around the other to accommodate the location of one of the septic systems. An access and utility easement between the two lots will be needed in connection with the proposed configuration.

### **Environmental Resources**

There are 1.69 acres of unbuildable wetland on the Site, distributed across the rear of all four parcels. The areas have been delineated and confirmed by ANRAD, and the Applicant has indicated they will need to obtain an Order of Conditions from the Conservation Commission. Proposed site layouts are organized in such a way to locate improvements away from the wetland areas.

### **Topography**

The topography is generally level, with minor slopes downward toward the wetland areas at the rear of each parcel. The topography is not a significant factor contributing to the proposed development.

***(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 Department's Guidelines, and the Project appears financially feasible and consistent with the Department's Guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;***

The initial pro forma has been reviewed for the proposed residential use, and the Project appears financially feasible based on the acquisition cost of \$12,000, with a projected profit margin of 14.47%. In addition, a third-party appraisal commissioned by MassHousing determined that the "As Is" land value for the Site of the proposed Project is \$500,000.

***(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 entire Site by virtue of a deed between The Fellows of Harvard College and the Applicant, dated April 8, 2004 and registered with the Norfolk County Registry District of the Land Court, as Document No. 1022395.