

Sample of LDS Massachusetts Chapter 40B Experience

- **2021 – Saugus Ridge, Saugus, Toll Brothers.** LDS worked with the development team to file and obtain final approval from MassHousing for a 300-unit rental housing development on Route 1 in Saugus. Final approval completed October 2021.
- **2021 –J. Woburn Heights, Woburn, Jefferson Apartment Group.** LDS worked with the development team to file and obtain final approval from MassHousing for a 168-unit rental housing development on Washington Street in Woburn. Final approval completed August 2021.
- **2021 – Present 40B Technical Consultant under an MHP Grant to the Town of Seekonk** for a proposed 240-unit rental development. In process.
- **2020 – Present 40B Consultant to Toll Brothers** – Proposed 268-unit rental development in Scituate, MA. LDS prepared the Project Eligibility Application which was granted on July 19, 2021. LDS is working with the project team on the Zoning Board of Appeals comprehensive permit application.
- **2020- Present 40B Consultant to Settlers Glen** – Proposed 20-unit ownership development in Wareham, MA. LDS prepared the Project Eligibility Application which was granted on January 12, 2021. LDS worked with the project team on the Zoning Board of Appeals comprehensive permit application which was granted on May 26, 2021. Sold to a third party.
- **2019- Present 40B Consultant to Corvo Companies** – proposed 60-unit rental development in Norton, MA. LDS prepared a rent comparability study, financial analysis, and a Comprehensive Permit Project Eligibility Letter application which was issued by MassHousing on
- **2019 –Present 40B Consultant to Corvo Companies** – proposed 24-unit rental development in West Bridgewater, MA. LDS prepared a market study with rental recommendations and financial analysis for the proposed development. A Project Eligibility Letter application was submitted on January 31, 2020. LDS worked with the project team on the Zoning Board of Appeals comprehensive permit application which was granted on June 8, 2021. LDS is working on the final approval.
- **2018-Present - 40B Consultant to Cedar Place, LLC** – Proposed 17-unit rental development in Wellesley, MA. LDS prepared the project eligibility/site approval application, which was submitted in November 2018. LDS also prepared a brief market study and financial analysis. The project received its project eligibility letter (“PEL”) from MassHousing on March 29, 2019. On April 17, 2019, it filed for a comprehensive permit with the Wellesley Zoning Board of Appeals and closed the public hearings on December 17, 2019. It was granted a

comprehensive permit on January 27, 2020. LDS also worked on the MassHousing final approval which was granted on February 4, 2021.

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- **2019-Present – 40B Consultant to Barsky Estate Realty Trust** – Proposed 28-unit ownership project and 60-unit rental project in Sherborn, MA. LDS prepared a rent comparability study, ownership recommendation letter, and financial analysis. Project Eligibility Letter applications (one for the ownership project and one for the rental project). PELs issued April 30, 2020. LDS filed ZBA application in November 2020. The ZBA denied the permits and the developer appealed to the HAC.
- **2019 – 40B Consultant to Tamposi Brothers Development** – Two 20-40 unit projects and one 50-100 unit project planned in Milton, MA. LDS prepared a market study letter with rent recommendations, as well as a financial analysis.
- **2019 – 40B Consultant to Elio Silva** – proposed 41-unit rental development in Oak Bluffs, MA. LDS prepared a rent comparability study with market rate rent recommendations.
- **2019 – 40B Consultant to Universal Properties** – 124-unit rental property proposed in Millis, MA. LDS prepared a rent comparability study and financial analysis.
- **2019 – Present 40B Consultant to Eastward Companies** – 60-unit rental property proposed in Brewster, MA. LDS prepared a market study letter and financial analysis.
- **2018-Present - 40B Consultant to NY Ventures, LLC** – 132-unit rental development proposed in North Reading, MA. LDS prepared the project eligibility/site approval application, which was filed in December 2018. LDS also prepared a market study and is providing financial analyses for the project. The project received its PEL from MassHousing on March 27, 2019. The project filed for a comprehensive permit with the North Reading Zoning Board of Appeals and the town has claimed a safe harbor under the gross minimum land area. LDS is working on project alternatives as well as supporting the team on the safe harbor appeal.
- **2018- 40B Consultant to Szecon Development**– 124-unit rental property in Melrose, MA. LDS prepared a market study and performed financial analyses for the proposed project. LDS also prepared the PEL application for the 124-unit project, which was filed in December 2018. The project scope has since been revised, and now proposes to construct 44 townhouse-style homeownership units, a reduction of 80 units. LDS prepared the PEL application for the updated project, which was filed in March 2019 and after a number of changes, the development received a site eligibility letter on September 20, 2019 for 36 town house ownership units.
- **2018-40B Technical Consultant under an MHP Grant to the Town of Dartmouth, MA Zoning Board of Appeals. Proposed 300-unit apartment development.** LDS provided

Chapter 40B training to ZBA members and town staff on April 4, 2018 and is currently worked with the ZBA to review the application. The town issued a comprehensive permit in 2021.

- **2017 - 40B Development Consultant to Ten Gates Development, Gloucester, MA**
LDS worked with Ten Gates Development on the adaptive re-use of an existing building in downtown Gloucester to 7 units of affordable rental housing. The project is fully supported by the Mayor of Gloucester, is offering and two additional affordable units over and above what is required by Chapter 40B. It will also offer a veteran's preference. It received its site eligibility application from DHCD in less than 60 days in March 2018, with no comments from the City of Gloucester, and filed with the City of Gloucester Zoning Board of Appeals on April 5, 2018. It received CPA funding in the amount of \$120,000 and a comprehensive permit in August 2018. LDS obtained DHCD final approval in November 2018. LDS also assisted with the affordable housing lottery. The project is fully occupied and has completed its cost certification.
- **2016- 40B Technical Consultant under an MHP Grant to the Town of West Bridgewater Zoning Board of Appeals.** Proposed project 139 homes located off of Maple Street.
Unanimous decision of West Bridgewater ZBA in October 2016 to build 89 single family homes, a reduction of 50 units.
- **2016 - 40B Fiscal Impact Consultant to the Gutierrez Companies, Westford, MA –**
Proposed 282 rental apartments off of Littleton Road and Concord Road. To provide the Town of Westford with an understanding of the Project's long-term impacts on the local tax base, LDS provided a fiscal impact analysis study. This involved identifying key fiscal characteristics of the proposed project and estimating the project's annual fiscal benefit and financial impacts on municipal services. Resulted in white paper from LDS on how to approach fiscal impact studies.
- **2015 -Present 40B Technical Consultant to the Holland Companies, Washington Place, Braintree, MA –** 72-unit rental and 8 unit ownership development. LDS provided a market study and completed ownership and rental site eligibility application materials, including an affordable fair marketing and tenant selection plan and fiscal impact analysis. LDS provided sustainable development principles for the project's 40B application in August 2016. The site eligibility letters were filed on October 31, 2016. LDS was involved in the community meeting process and helped facilitate and create presentation materials for two community meetings held in January 2017. The project received site eligibility letters on February 13, 2017. LDS contributed to the applications to the Braintree ZBA, which were filed on February 14, 2017. The Town filed with DHCD under a safe Harbor provision for 1.5% land area. LDS provided GIS research regarding the land area requirement and DHCD ruled in favor of the developer. The Town appealed this decision to HAC and LDS continue to work on SHI, GIS and land area matters. The case was heard by HAC in December 2017 and a decision rendered in favor of the developer. The developer team used the draft DHCD regulations as part of its appeal. Among other matters, LDS preformed a lot of

registry research to identify deed restrictions. As of November 2019, the development is in front of the Braintree Zoning Board of Appeals.

- **2013 – Present - 40B Technical Consultant The Holland Companies, Randolph Avenue, Milton, MA** – 90 unit rental development. LDS provided a market study and worked with the client on development, income and operating pro-formas as well as on completing application materials such as the AHFMP, Smart growth score card. LDS contributed strategic advice and research throughout the 40B permitting process and is participating in the appeal process. LDS was critical member of the team to prove to DHCD that the Town of Milton had not met its 1.5% land area requirement. LDS was an expert witness at the HAC hearing on behalf of the developer. HAC found in favor of the developer and the Town Appealed to the Land Court.
- **City of Newton Housing Partnership** – Lynne Sweet was a long time member of the City of Newton Housing Partnership which regularly reviews and comments on Chapter 40B site eligibility applications as well as development applications for HOME, CDBG and CPA funds. The review includes pro-formas for affordable housing developments, both rental and ownership, as well as reviewing plans, developer team qualifications and site visits. Projects in that past year include Kessler Woods, Rowe Street, 135 Wells Avenue, Austin Street mixed use, Turtle Lane Playhouse, 1521 Beacon Street. LDS was instrumental in negotiating the re-design of Court Street.
- 2015– 40B market researcher for a 31-unit mixed income development on Beacon Street in Newton, MA for ownership, rental and office as well as site design and planning services.
- 2014-Present – 40B Technical Consultant for a 36 market rate rental development, North Attleborough. Conducted a market study and provided site and building design consulting. Provided financial pro-formas. Project did not work financially.
- 2014-2017 40B Technical Consultant 68 unit affordable rental development, North Attleborough, MA. Conservation Commission order of Conditions received, ZBA hearing closed, permit approved and broke ground in 2017. It is constructed and occupied.
- **2013 – 2016 40B Technical Consultant in Sudbury, MA for a 300 unit rental development.** LDS provided a market study and worked with client on development, income and operating pro-formas as well as on completing application materials. In 2016, LDS is worked on the appeal on matters concerning local and regional need for affordable housing, and provided research and expert testimony regarding the regional need. The developer settled with the town.
- **Hingham Affordable Housing Trust (“HAHT”)** – LDS was the 40B consultant to the HAHT. Our work included assisting on the vision for the site and preparing the financial pro-formas and the LIP application for an 8 unit homeownership project, with 2 affordable

units of small single family homes as well as taking the lead on the RFP process to find a third party developer. A lot of LDS's time was been spent on helping the Trust understand the economics of the transaction, and to create a project that will be achievable. We also took the lead on the community process and attended a meeting with the Board of Selectman as well as public meeting for abutters. In addition, we worked hard to keep Trust members focused on their goals. We pride ourselves in the skill of recognizing Trust member's contributions, while gently steering them back to the task at hand.

The HAHT received its site plan approval letter from DHCD in less than 60 days and DHCD staff stated that they will use the development as a model for other developers. LDS also prepared the filing with the ZBA for the comprehensive permit that was submitted in early June 2011 and the ZBA vote favorably for the development in the fall of 2011. Then the Trust asked LDS to assist with writing an RFP for a third party developer to build the development and run the RFP process, which RFP was issued in April 2012. The RFP received of three-dozen inquiries, six proposals from qualified bidders, narrowed the field to 3 development teams for interviews that were held on May 30, 2012. LDS prepared the questions for the trust for the interviews, and followed up on references for the lead bidder. The project was awarded to a developer and has been completed as of April 2014.

When we worked in Hingham, we worked with the local Trust on a development that would not overburden the surrounding neighborhood. There was an educational component throughout the development including neighborhood meetings. By coming up with a low density plan, and bringing in the interested parties right away, as well as working with members of the community that were well respected in the community, we had minimal comments from the selectman and ZBA. Communication, conservative development goals, and facts and credibility were what led to the success of this development.

- **Norwell, MA** – LDS was the 40B technical consultant to the Norwell Affordable Housing Trust on a potential 24 unit homeownership project on Wildcat Lane.
- **Duxbury, MA** – LDS is the 40B technical consultant to the Duxbury Affordable Housing Trust on a two unit potential homeownership project on sites known as the grange and fire station in Duxbury, MA. LDS worked on a cost benefit analysis to inform the trust of several development and funding options.

In Duxbury, we came into a development that was pretty far down the road. We put the brakes on the project. This time out allowed us to educate the Trust on the legal, financial and building matters relevant to creating a creditable and successful development. We provided the Trust with three development alternatives that allowed them to make an informed decision and re-start the development process so that they could reach their goal.

- **Mixed Income Rental Housing** – LDS represented the owners of a 196 unit rental housing development in Georgetown, MA. LDS prepared the site eligibility application as well as

provided market research advice to the owner all the way through the Chapter 40B permitting process. The development, Longview is successful in large part to several elevator buildings that have attracted senior renters.

- **Seekonk, MA** – LDS is the 40B consultant to a local contractor looking to create a small homeownership development. Our work has included preparing the financial pro-formas for the development and educating the client about the timing and costs for the 40B process.
- **Multi-Family Rental** - LDS was a consultant on the redevelopment of the Bliss School in Attleboro, Massachusetts to 40 units of affordable multi-family housing. On behalf of Great Bridge Properties, Inc. of New Hampshire, LDS identified the site, identified the appropriate use and worked on the zoning analysis and market study for the initial September 2004 low income housing tax credit application. In the winter of 2005 LDS assisted with amending a 15-year-old Comprehensive Permit for the site, obtaining City Council Approval to amend Deed Restrictions and preparation of the second low income housing tax credit application to the Commonwealth. The development was awarded Low Income Tax credits, HOME Funds and Affordable Housing Trust Funds in July 2005. Opened October 2006.
- **Mixed Income Home Ownership** - LDS was a 40B financial consultant to developers of a 16 unit duplex condominium in Bridgewater, Massachusetts. The work involved preparing financial pro-forma's for the Site Plan Approval Application and educating the client on various financing options.
- **Chapter 40B Technical Assistance** - LDS represented the **Town of Framingham** Zoning Board of Appeals on local need and financial issues in connection with a friendly Chapter 40B application for Jewish Community Housing for the Elderly for 150 units of elderly rental housing, currently under construction.
- **Rental Market Examined for 300-unit Project in Bridgewater** - LDS analyzed market-rate rental housing in the Bridgewater area to help new client Claremont Companies make decisions about its proposed 300-unit, mixed-income development. Specifically, LDS examined 11 market-rate apartment complexes in Bridgewater and seven neighboring communities. Everything from the complexes' rents to occupancies were studied as part of the work. Ultimately, LDS offered recommendations on several issues, including proposed rents, target customers and amenities.
- **40B Expert Witness**
 - Principal Lynne Sweet testified in late November 2009 in a hearing before the Massachusetts Housing Appeals Committee (HAC) in support of Sugarbush Meadows, a Chapter 40B development in Sunderland. She served as an expert witness on regional need for affordable housing and other zoning by law matters such as the application of sustainable development principals within the bylaws. The case was decided in July 2010 in favor of the developer.

- Principal Lynne Sweet was an expert witness for Cambridge Housing Authority in connection with the abutter appeal of a comprehensive permit granted by the City of Cambridge for 42 units of rental housing. LDS prepared written testimony and was disposed. The case settle before it was heard in Superior Court.

- **MHP 40B Technical Consultant**

- **LDS is a 40B Monitoring Agent for:**
- Bellingham, Lakeview Estates
- Berlin, Berlin Woods and Green Acres
- Berlin, Capes of Berlin
- Dover, Dover Farms
- Foxborough, Highland Ridge
- Littleton, Kimloch Farms
- Medfield, Chapel Hill Landing
- Middleboro, Louise Estates
- Norfolk, Meetinghouse Village
- Norfolk, The Enclave at Norfolk
- Norwell-Hingham, Damon Farm
- Plymouth, Cottages at Twin Pines
- Reading, Reading Woods (40R development)
- Salisbury, Northpointe Village
- Wayland, Craftsman Village