



Massachusetts Housing Finance Agency  
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | FAX: 617.854.1091  
VP: 866.758.1435 | [www.masshousing.com](http://www.masshousing.com)

August 15, 2016

Steven N. Zieff  
Eden Management Inc.  
80 Hope Avenue, Suite 512  
Waltham, MA 02453

**Re: Robsham Village  
Project Eligibility/Site Approval  
MassHousing ID No. 825**

Dear Mr. Zieff:

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 (“FHLBB”).

Eden Management Inc. has submitted an application with MassHousing pursuant to Chapter 40B. You have proposed to build 300 units of rental housing (the “Project”) on approximately 119.9 acres of land located on Route 16/East Main Street (the “Site”) in Milford (the “Municipality”). In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility (“Site Approval”) 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, which local boards and officials were invited to attend, 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**

The Municipality was given a thirty (30) day period, in which to review the Site Approval application and submit comments to MassHousing. At the request of the Municipality this period was extended by 30 additional days. Richard A. Villani, Milford Town Administrator, submitted a letter written on behalf of the Board of Selectmen, (received by MassHousing on August 3, 2016) summarizing comments from municipal officials, staff, and members of the public.

Municipal comments identified the following major specific area of concern:

- Municipal officials expressed concern that existing Town infrastructure was insufficient to serve a Project of this size at the proposed location. They stated that the Project could not be served by the Town's sewer system without significant upgrades to the East Main Street Pump Station. Similarly, the Milford Water Company advised that required fire flows and pressure could not be provided to the Project without replacement of the existing water main on East Main Street.
- Milford Public Safety officials suggested that a multi-family project of this size would result in a dramatic increase in demand for service, and would require additional staff and resources.
- Town comments included concerns about Project impacts on the already high levels of traffic volume on Route 16, and associated reductions in level of service and increased risks for area drivers and pedestrians. In particular, the Town Engineer noted that the sight lines from the proposed Project entrance onto Route 16 were insufficient and advised that a line-of-sight easement over adjacent property would be necessary.
- The Town expressed concern with the Project's environmental impacts. The Town Engineer noted that the Site features multiple certified vernal pools, endangered species habitat, and large wetland areas, and warned that extensive grading and earth work required to construct the project could alter drainage patterns, resulting in potential damage to on and off-site natural resources.
- Public Safety Officials expressed concern that as currently designed, the Site Plan did not provide adequate access to project buildings, and, in particular, the proposed subsurface parking areas. They further noted the lack of a secondary or emergency access in and out of the Site, and associated public safety risks for project residents.
- Municipal officials expressed the opinion that the Project was inconsistent with Town planning goals, noting that its location within an area zoned Business Development would eliminate the opportunity for the potential economic benefit associated with commercial development. They further noted that the Project's remote location at the Milford/Holliston line had only limited access to public transit, and was not within walking distance to shops and services.
- The Town Engineer expressed concern that the size, height and style of the Project were out of context with surrounding building typology, characterized by traditional, single-family homes. This concern was reiterated by MassHousing's Design and Technical staff (D&T) in their review of the Project.
- The Town Planner expressed concerns about the project's financial feasibility, and suggested that the necessary infrastructure upgrades, extensive site grading, and wetlands replication required to construct the Project were not adequately reflected in the pro-forma.

### **Comments Outside of the Findings**

While Comprehensive Permit Rules require MassHousing, acting as Subsidizing Agency under the Guidelines, to “accept written comments from Local Boards and other interested parties” and to “consider any such comments prior to issuing a determination of Project Eligibility,” they also limit MassHousing to specific findings outlined in 760 CMR 56.04(1) and (4). The following comments submitted to MassHousing identified issues that are not within the scope of our review:

- The Superintendent of the Milford Public Schools expressed concern about the Project’s potential impacts on school population, and advised further study prior to approval.

### **MassHousing Determination**

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. 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.

Based on MassHousing’s site and design review, and in light of feedback received from the Municipality, the following issues should be addressed prior to the submittal of your application for a Comprehensive Permit from the Milford Zoning Board of Appeals (ZBA), and you should be prepared to explore them more fully in the local hearing process:

1. 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, and wastewater collection and treatment,. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.
2. The Applicant should be prepared to provide detailed information relative to the proposed water and sewer expansion, identify potential impacts to existing service and capacity, and discuss appropriate mitigation.
3. The Applicant should be prepared to provide sufficient data to assess potential traffic impacts on area roadways and intersections, and to discuss appropriate mitigation. In particular, the Applicant should be prepared to address Municipal concerns relative to Project impacts on existing high levels of traffic volume.
4. The Applicant should be prepared to address Town concerns relative to the adequacy of sight distances at the proposed intersection of the site drive with Route 16.
5. The Applicant should provide a detailed stormwater management plan identifying erosion and sedimentation control and stormwater management measures to be implemented during and after construction.

6. The Applicant should be prepared to respond to concerns about Project impacts to on-site natural resources, including vernal pools, wetlands and wildlife, and to provide appropriate mitigation.
7. The Applicant should be prepared to verify that the site plan is fully compliant with public safety standards relative to the provision of unimpeded access for emergency vehicles both in and out of the Site, as well as along internal routes of circulation.
8. The Applicant should work with the Municipality to address concerns relative to the height, bulk, mass and design of proposed Project buildings. In particular, the Applicant should explore possible modifications to building elevations, including the incorporation of materials and design details intended to enhance the Project's compatibility within the surrounding neighborhood context.
9. In light of the number of two and three bedroom units, the site plan should include dedicated play space for young children. The Applicant should also provide information relative to snow storage, mail delivery, and trash pick-up.

This Site Approval is expressly limited to the development of no more than 300 rental units under the terms of the Program, of which not less than 25% (77) 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 NEF 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 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 of the following: (1) the Applicant applies to the local ZBA for a Comprehensive Permit, (2) the ZBA issues a decision and (3) 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

*Robsham Village*  
*MassHousing #842*

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 FHLBB, 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 in order 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 Katy Lacy at (617) 854-1098

Sincerely,



Timothy C. Sullivan  
Executive Director

cc: Ms. Chrystal Kornegay, Undersecretary, DHCD  
William D. Buckley, Chairman, Board of Selectmen  
David R. Consigli, Chairman, Zoning Board of Appeals  
Larry L. Dunkin, Town Planner  
Richard A. Villani, Town Administrator

## Attachment 1

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

### Robsham Village, Milford, MA MH # 842

After the close of a 30-day review period and extension, if any, 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 (AMI), 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 Milford is \$65,700.

Proposed affordable rent levels of \$1094 for a studio apartment, \$1172 for a one-bedroom unit, \$1373 for a two-bedroom unit and \$1573 for a three-bedroom unit accurately reflect current affordable rent levels for the Worcester HMFA under the NEF Program, plus utility allowances of \$126, \$135, \$195, and \$239 for the studio, one, two- and three-bedroom units, respectively.

A letter of interest was provided by Rockland Trust, a member bank of the Federal Home Loan Bank of Boston.

***(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 MassHousing staff's site inspection, 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.

The Site has good access to I-495 and Route 16, which is a primary route in the area. It is also close (less than one mile) to the recently redeveloped Fortune Boulevard/Quarry Drive industrial-office park (located at the intersection of 495 and Route 16), which offers a wide variety of goods, services, and places of employment. Milford does not have a DHCD Certified Housing Production Plan. According to DHCD's Chapter 40B Subsidized Housing Inventory (SHI), updated through June 9, 2016, Milford has 714 Subsidized Housing Inventory (SHI) units (6.27 % of its housing inventory), which is 423 SHI units shy of the 10% SHI threshold.

U.S. Census data from the 2010-2014 American Community Survey (ACS) further supports the need to increase the supply of affordable housing in Milford. According to the ACS, of the 10,706 households in the Town of Milford, approximately 67.6% earned less than 80% of the 2016 AMI (\$111,300); 45.7% earned less than 60% AMI; and 38.1% earned less than 50% AMI.

*(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)*

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

Nearby building typology is characterized by traditional, wood-frame, single-family houses with peaked roofs and traditional residential features including porches, dormers and multi-paned windows. The two, modern, five-story buildings proposed for Robsham Village represent a significant departure from nearby building typology, with flat roofs, cast-in place composite decking, vertical, full-story windows, and pre-cast concrete and wood toned siding. The contrast in style between old and new is mitigated by the Project's physical separation from Main Street and abutting properties, and its campus-like setting screened by vegetation on all sides.

- **Relationship to adjacent streets/Integration into existing development pattern**

The proposed Project entrance is located directly across East Main Street from Whispering Pine Drive, creating a four-way, stop-controlled intersection. Sight lines appear to be sufficient in all directions.

The surrounding area on East Main Street is sparsely developed, characterized by modest, single-family homes set back from the road on traditional, rectangular house lots. Small subdivision roadways characterized by a similar residential development pattern branch off of East Main Street at regular intervals nearby. The proposed, campus-style development, set far back from Main Street and separated by dense stands of existing vegetation, is physically and visually separated from the surrounding neighborhood.

- **Density**

The Developer intends to build 300 homes on 116.9 acres (86 buildable acres). The resulting density is 3.7 units per buildable acre, which is low for multi-family housing in any context.

- **Conceptual Site Plan**

The Site Plan concentrates development in the central, upland core of the property, separated both physically and visually from the surrounding neighborhood. Proposed site grading and clearing will result in the creation of a roughly circular, open, central plateau. A two-lane site drive leads approximately 1000' into the Site from East Main Street, terminating in a circular drive providing drop-off access to the two, multi-story buildings on either side. The majority of the parking will be located under the two buildings,

allowing for large lawn areas on all side of the buildings. The overall effect is of a residential campus.

### **Environmental Resources**

The Site includes heavily vegetated wetland areas on all sides, along with a series of small vernal pools. Project buildings will be located on an upland plateau roughly in the center of the property, approximately 1000 feet west of the entrance on East Main Street. A second potentially buildable area of upland further to the west will be left unbuilt. The main entry drive leading into the Site from East Main Street includes two wetland crossings, which are replicated in three smaller areas nearby. The heavily vegetated wetlands surrounding the developed central core of the property effectively screen the Project from view from East Main Street and abutting areas to the north, west and south.

### **Topography**

The Site is characterized by varying topography with wetland areas at lower elevations alternating with pockets of upland marked by periodic rock outcrops. Areas with the steepest slopes (10-15%) are located on the western portion of the Site, which will remain undeveloped.

Proposed grading will require a fairly significant amount of cut and fill, but generally follows existing site topography, resulting in the creation of a gently sloping site drive leading approximately 1000' into the Site from East Main Street to a level central plateau where the two Project buildings will be located. More steeply sloped embankment areas slope down around the perimeter of the central developed area, allowing drainage to flow towards the surrounding wetland areas.

***(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 Applicant proposes 300 rental apartments to be financed under the NEF Program. There will be 223 market-rate units with proposed average rent levels of \$1,536 for the studio apartments, \$1,622-\$1,971 for the one bedroom units; \$2,489-\$2,645 for the two-bedroom units; and \$2,821 for the three-bedroom units.

MassHousing's Appraisal and Marketing Department (A&M) performed a preliminary analysis of Project feasibility based on the area's market conditions and comparable rents. In summary, A&M found that the area's conventional apartment market has been very stable, with increasing occupancy rates. A&M noted that the developer's proposed market rents appear to fall partially within the range of adjusted comparable market rents for the one- and three-bedroom units but are above comparable rents for the studio and two-bedroom units.

A&M noted that while the site is in a community of higher income and home values, the proposal does not appear to include many of the amenities found at higher- end comparable properties. They also noted however, the very limited supply of newer rental apartments in Milford. A&M recommends that a full market study be conducted prior to Final Approval in order to determine the depth of the market for rental housing in this location at that time.



***(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;***

MassHousing has commissioned an as "As-Is" appraisal which indicates a land valuation of \$4,700,000. A preliminary review of the Project pro-forma indicates that the per-unit construction costs are well within the normal range for similar multi-family developments in a suburban/small city context. Based on a proposed investment of \$18,447,561 in private equity, the application pro forma appears to be financially feasible and within the limitations on profits and distributions.

***(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***

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 by virtue of a Quitclaim Deed dated January 23, 2009 recorded at the Worcester District Registry of Deeds recorded at Book 43719, page 205.