



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

TEL: 617.854.1000 |  
FAX: 617.854.1091 | www.masshousing.com  
Videophone: 857.366.4157 or Relay: 711

February 19, 2020

Robert R. Lincoln, Manager  
Shinglemill, LLC  
4 First Street  
Bridgewater, MA 02324

**Re: Shinglemill  
Project Eligibility/Site Approval  
MH ID No. 1055**

Dear Mr. Lincoln:

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”).

Shinglemill, LLC has submitted an application with MassHousing pursuant to Chapter 40B. You have proposed to build two hundred thirty-six (236) units of rental housing (the “Project”) on approximately 29.33 acres of land located at 0 Pond Street and 152 Wilson Street (the “Site”) in Rockland, MA (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 submitted by the Applicant, the Municipality and others in accordance with the Comprehensive Permit Rules.

#### **Municipal Review and Comments**

The Municipality was given a 30-day period in which to review the Site Approval application and submit comments and recommendations to MassHousing. At the request of the Municipality, this period was extended to 45 days.

The Municipality submitted a letter regarding the Application dated December 23, 2019 summarizing comments from municipal officials and departments. Municipal comments identified the following major areas of concern:

- Rockland's Highway Department has concerns relative to traffic and road conditions associated with the proposed Project. In particular, they are concerned that congestion along Pond Street will be negatively impacted from the addition of 236 new housing units. The municipality requests the following information to address their concerns:
  - A traffic study addressing but not limited to an added turn lane into the Site;
  - Plans showing a curbed walkway to the lot line at Pond Street and Wilson Street; and
  - Information relative to the road layout and associated improvements along Wilson Street
- The Highway Department has additional concerns relative to drainage impacts associated with the proposed Project. In particular, they are concerned with any associated impacts that may occur on Curry and Wright Streets and request a drainage study and any respective needed improvements.
- Rockland's Fire Department is concerned with the proposed arrangement of buildings on the Site, noting that the current plans show the buildings being constructed tightly to the wetland buffer, leaving no room for 360-degree access for the required fire department apparatus.
- Abington Rockland Joint Water Works (ARJWW) notes that it currently has concerns pertaining to capacity limitations on its municipal water supply. ARJWW has notified the Applicant of these capacity concerns in addition to its pending application to the Massachusetts Department of Environmental Protection (DEP) seeking to increase withdrawal limits. If approved, sufficient capacity is expected for the proposed Project.
- ARJWW noted further that they had received DEP notification that the Applicant applied for a proposed well field consisting of three wells to be installed as an alternate water supply for the proposed Project. The Municipality's preference remains to provide the proposed Project with municipal water, pending DEP 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.<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 to determine Project Eligibility. If, as here, MassHousing issues a determination

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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.



of Project Eligibility, the Developer may apply to the Zoning Board of Appeals of the Municipality 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 consideration of comments received from the Municipality, and its site and design review, the following issues should be addressed in your application to the local Zoning Board of Appeals ("ZBA") for a Comprehensive Permit and fully explored in the public hearing process prior to submission of your application for Final Approval under the Program:

- Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, wastewater collection and treatment, and hazardous waste safety. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.
- The Applicant should be prepared to provide sufficient data to assess potential traffic impacts on Pond Street, other area roadways and neighborhood streets, and respond to reasonable requests for mitigation.
- The Applicant is encouraged to work with its design team to address concerns related to pedestrian circulation on the Site through enhanced curbing, walkways, and crosswalks throughout the Site.
- The Applicant should be prepared to provide sufficient data to assess potential drainage impacts on and around the Site and respond to reasonable requests for mitigation.
- The Applicant should continue to engage with Rockland's Fire Department to review and modify plans as needed to ensure adequate access is provided for emergency vehicles and responders.
- The Applicant should work with the Municipality to address issues and solutions to water supply capacity.

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 redevelopment of no more than two hundred and thirty-six (236) rental units under the terms of the Program, of which not less than fifty-nine (59) of such units shall be restricted as affordable for low- or moderate-income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a comprehensive permit, the use of any other housing subsidy program, the construction of additional units or a reduction in the size of the Site, you may be required to submit a new Site Approval application for review by MassHousing. Should you consider a

change in tenure type or a change in building type or height, you may be required to submit a new site approval application for review by MassHousing.

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

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

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

**Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the New England Fund Program of the FHLBank Boston, for which MassHousing serves as Subsidizing Agency, as reflected in the applicable regulatory documents. In the interest of providing for an efficient review process and 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 Katherine Miller at (617) 854-1116.

Sincerely,

  
Chrystal Kornegay  
Executive Director

cc: Jennifer Maddox, Acting Undersecretary, DHCD  
The Honorable John F. Keenan  
The Honorable David F. DeCoste  
Michael O'Loughlin, Chair, Board of Selectmen  
Robert Rosa, Chair, Zoning Board of Appeals  
Douglas Lapp, Town Administrator



## Attachment 1

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

### **Shinglemill 0 Pond Street and 152 Wilson Street, Rockland, MA MH ID No. 1055**

MassHousing hereby makes the following findings, based upon its review of the application, and considering 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 Rockland is \$89,200.

Proposed gross rent levels of \$1,561 for a studio, \$1,673 for a one-bedroom affordable unit, \$2,007 for a two-bedroom affordable unit and \$2,319 for a three-bedroom affordable unit are within the current affordable rent levels for the Boston HMFA under the NEF Program, less utility allowances of \$75, \$94, \$130, and \$152 for the studio, one-, two-, and three-bedroom units, respectively.

A letter of interest for project financing 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 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 directly address the local need for housing.

The Municipality does have a DHCD approved Housing Production Plan, which expires on November 30, 2021. According to DHCD’s Chapter 40B Subsidized Housing Inventory (SHI), updated through November 2019, Rockland has 452 Subsidized Housing Inventory (SHI) units (6.43% of its housing inventory), which is 251 SHI units shy of the 10% SHI threshold.

*(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):**

The Site is located between low-density residential neighborhoods to the south and east, and large-footprint commercial development to the north and west. The surrounding residential development consists primarily of modestly sized single-family homes. A townhome condominium development is also located in proximity to the Site, roughly one-quarter mile to the south off of Pond Street. The residential areas are buffered by tracts of forested wetlands and woodlands that line the perimeter of the Site, providing vegetative screening. The surrounding commercial development consists primarily of large-footprint box-store and industrial or office park development. The Home Depot directly abuts the Site on an approximately 10-acre parcel to the north.

The proposed development consists of two, 5-story residential buildings and one clubhouse, comprising a total of 236 studio, one-, two-, and three-bedroom rental apartments. The residential buildings are pulled back from Pond Street and were kept to two structures to limit Site disturbance and maintain dense vegetated buffers throughout the property. Exterior architectural features of the two residential buildings are predominantly contemporary in style. Transitions between materials, material colors, window openings, and changes to the plane of the exterior walls all combine to visually break up the mass of the buildings. The architectural design of the clubhouse is more traditional in style, emulating building typologies found in the adjacent single-family neighborhood and creating a transition to the proposed Project.

**Relationship to Adjacent Streets/Integration into existing development patterns**

The proposed Project is located at 0 Pond Street in the northeast corner of Rockland, just south of the Route 3 and Route 228 interchange. Access to the Site is directly off Pond Street, by a two-way road that extends southwest into the Site, providing access to the residential buildings and their associated surface parking. The proposed Project is located immediately south of large-scale commercial development on Route 228 and is able to integrate into this existing mixed-use development pattern.

**Density**

The Developer intends to build two hundred and thirty-six (236) rental units on approximately 29.33 acres of land, 12.87 of which are buildable, resulting in a density of approximately 18.3 units per buildable acre. The proposed density is acceptable given the housing type and its location to nearby similarly sized mixed-use development.

**Conceptual Site Plan**

The site plan consists of two 5-story U-shaped multi-family apartment buildings, each organized around central courtyards. The buildings and associated courtyards are oriented inward, facing the proposed Project's large surface parking area, which includes a total of 293 parking spaces for a parking ratio of 1.24 spaces per rental unit. The Site's two-way access road provides direct



vehicular access from Pond Street to the parking and residential areas. A one-story clubhouse is located at the end of the access road where it meets the surface parking area, creating a transitional point of entry into the developed area of the Site. A stand of established existing vegetation along the perimeter of the development will remain, providing an attractive vegetative border.

### **Environmental Resources**

There are approximately 16.46 acres of unbuildable wetland area on the Site that will be subject to further review by the local conservation commission under a Notice of Intent. An additional 0.92 acres beyond this wetland area is located within a 100-year floodplain. The site plan is organized in a way that locates the built portion of the development away from these wetland and floodplain areas.

### **Topography**

The topography is generally level and 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 appraisal report for the Site indicates that the subject property competes within the Route 128 South and Route 3 corridor submarkets and that rental rate trends, inventory and new construction levels, vacancy rates and absorption trends indicate that the market is in equilibrium. MassHousing's Appraisal and Marketing team (A&M) performed a Competitive Market Analysis and found that proposed market rents for each unit type fall within the range of adjusted comparable market rents.

***(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 \$3,700,000. Based on a proposed investment of \$22,893,579 in equity, the development 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***

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 29.33-acre Site by virtue of the following deeds:

<b>Address</b>	<b>Ownership Status</b>	<b>Plymouth Registry of Deeds Info</b>
0 Pond Street	Deed	Book 51016, Page 303
152 Wilson Street	Deed	Book 52044, Page 229

