

ATTACHMENT D

**Application for Chapter 40B Project Eligibility/Site Approval
for MassHousing-Financed and New England Fund ("NEF") Homeownership Projects**

Section 5: FINANCIAL INFORMATION – Site Approval Application Homeownership 40B

In order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that an initial pro forma has been reviewed and that the Proposed Project appears financially feasible and consistent with the Chapter 40B Guidelines, and that the Proposed Project is fundable under the applicable program.

Name of Proposed Project: Townhomes

Initial Capital Budget (please enter "0" when no such sales/revenue or cost is anticipated)

Sales/Revenue

Market	<u>6,405,750</u>
Affordable	<u>482,400</u>
Identity of Interest (Market)	<u> </u>
Other Income	<u> </u>
Total Sales/Revenue	<u>6,888,150</u>

Pre-Permit Land Value, Reasonable Carrying Costs

Item	Budgeted
Site Acquisition: pre-permit land value (to be determined by MassHousing commissioned appraisal) plus reasonable carrying costs.	1,000,000

Costs

Item	Budgeted
Acquisition Cost	
Site Acquisition: pre-permit land value (to be determined by MassHousing Commissioned Appraisal) plus reasonable carrying costs	<u>1,000,000</u>
Subtotal – Acquisition Costs	<u>1,000,000</u>

**Construction Costs – Residential
Construction (Hard Costs)**

Building Structure Costs	<u>3,360,000</u>
Hard Cost Contingency	<u>182,650</u>
Subtotal – Residential Construction (Hard Costs)	<u>3,542,650</u>

Costs

Item

Budgeted

Construction Costs – Site Work (Hard Costs)

Earth Work	200,000
Utilities: On Site	
Utilities: Off Site	
Roads and Walks	100,000
Site Improvement	150,000
Lawns and Planting	50,000
Geotechnical Condition	
Environmental Remediation	
Demolition	
Unusual Site Conditions/Other Site Work	
Subtotal – Site Work (Hard Costs)	500,000

Construction Costs – General Conditions, Builders Overhead and Profit (Hard Costs)

General Conditions	
Builder's Overhead	
Builder's Profit	
Subtotal – General Conditions Builder's Overhead and Profit (Hard Costs)	0

General Development Costs (Soft Costs)

Appraisal and Marketing Study <i>(not 40B "as is" appraisal)</i>	4,000
Lottery	24,120
Commissions/Advertising-Affordable	
Commissions/Advertising-Market	304,273
Model Unit	5,000
Closing Costs <i>(unit sales)</i>	12,000
Real Estate Taxes <i>(during construction)</i>	20,000
Utility Usage <i>(during construction)</i>	5,000
Insurance <i>(during construction)</i>	20,000
Security <i>(during construction)</i>	
Inspecting Engineer	
Fees to Others	
Construction Loan Interest	186,000
Fees to Construction Lender	37,500
Architectural	340,000
Engineering	65,000
Survey, Permits, etc.	36,530
Clerk of the Works	
Construction Manager	25,000

Item	Budgeted
General Development Costs (Soft Costs) – Continued	
<i>Bond Premiums (Payment/Performance/Lien Bond)</i>	
Legal	50,000
Title (including title insurance) and Recording	42,000
Accounting and Cost Certification (incl. 40B)	10,000
Relocation	
40B Site Approval Processing Fee	
40B Technical Assistance/Mediation Fund Fee	
40B Land Appraisal Cost (as-is value)	
40B Final Approval Processing Fee	
40B Subsidizing Agency Cost Certification Examination Fee	
40B Monitoring Agent Fees	7,500
40B Surety Fees	
Other Financing Fees	
Development Consultant	
Other Consultants (describe)	
Other Consultants (describe)	
Soft Cost Contingency	20,000
Other General Development (Soft) Costs	
Subtotal – General Development Costs (Soft Costs)	1,193,923
Developer Overhead	
Developer Overhead	48,000
Subtotal – Developer Overhead	48,000
Summary of Subtotals	
Sales/Revenue	6,888,150
Site Acquisition	1,000,000
Residential Construction	3,542,650
Site Work	500,000
Builder's Overhead, Profit and General Conditions	0
General Development Costs	1,193,923
Developer Overhead	48,000
Summary	
Total Sales/Revenue	6,888,150
Total Development Costs (TDC)	6,284,573
Profit (Loss) from Sales/Revenue	603,577
Percentage of Profit (Loss) Over the Total Development Costs	9.60%

ATTACHMENT E

TOWN OF ARLINGTON

INSPECTORS OF BUILDING, PLUMBING AND WIRE

51 GROVE STREET, ARLINGTON, MA 02476

TELEPHONE: (781) 316-3390

No: 23469

Date 9/11 20 16

Rec'd From Oaktree Greenline, LLC

Address 84 Sherman Street

Cambridge, MA 02140

By AM

CASH
CHECK

		AMOUNT	
B	Zoning Board of Appeals	\$ 2,800	
	"40 B MUGAR"		
	check #3310		

Customer - White

Inspector - Blue

ATTACHMENT F

**THORNDIKE PLACE
List of Requested Waivers**

As required under 760 CMR 56.05(2)(h), the following is a list of Waivers to “Local Requirements and Regulations,” including waivers from the Bylaws of the Town of Arlington (the “Bylaws”), including the Town of Arlington Zoning Bylaw, as amended (the “Zoning Bylaw”), and other Local Requirements and Regulations as defined under 760 CMR 56.02 of the Chapter 40B Regulations, including all local legislative, regulatory, or other actions which are more restrictive than state requirements, if any, including local zoning and wetlands ordinances, subdivision and board of health rules, and other local ordinances, codes, and regulations, in each case which are in effect on the date of the Project’s application to the Board. In addition to the following list of requested Waivers listed below, the Applicant requests an exception from such provision or requirement of all Local Requirements and Regulations issued by a “Local Board” (defined under the Chapter 40B Regulations as means any local board or official, including, but not limited to any board of survey; board of health; planning board; conservation commission; historical commission; water, sewer, or other commission or district; fire, police, traffic, or other department; building inspector or similar official or board; city council, as well as all boards, regardless of their geographical jurisdiction or their source of authority [that is, including boards created by special acts of the legislature or by other legislative action] if such local board perform functions usually performed by locally created boards).

Pursuant to Chapter 40B rules described under 760 CMR 56.05(7), “[z]oning waivers are required solely from the “as-of-right” requirements of a zoning district where the project is located; there shall be no requirement to obtain waivers from the special permit requirements of the district.” Accordingly, any waivers which reference special permit requirements are included only for illustration purposes.

This waiver list continues to be preliminary and, as such, will be revised within the Public Hearing. Prior to the Board’s vote on the Comprehensive Permit application, a final waiver list shall be submitted and reflect waivers consistent with plans as revised within hearing process.

LIST OF WAIVERS/EXCEPTIONS

A. BY-LAWS OF THE TOWN OF ARLINGTON, MASSACHUSETTS (GENERAL BYLAWS)				
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Title III: Article I, Sections 1 and 2	Use of Streets for Construction or Demolition Materials	Work adjacent to public ways and use of ways to place building materials or rubbish, and related application and fee requirements.	Application, permits from Board of Public Works (or Town Engineer), bond and bond requirements.	Waiver, except that Applicant shall comply with all bonding requirements.
Title III: Article I, Section 20	Excavation in Streets and Sidewalks	Work in public ways, excavation and related application and fee requirements	Application, permits and fee.	Waiver of permit and 25% of fees.

A. BY-LAWS OF THE TOWN OF ARLINGTON, MASS. (GENERAL BYLAWS) (cont.)				
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Title V: Article 8 and Town Wetland Protection Regulations	Wetland Protection By-Law; Wetland Regulations of the Town of Arlington Conservation Commission (dated June 4, 2015)	Local Wetlands Bylaw and Related Regulations and Fees.	Procedures, jurisdictional requirements, applications, fees, costs, regulations, policies, and enforcement, consultant fees.	Waiver as may be necessary under Section 23, Subparts C, D; Section 24 and Section 25, Subparts B-D, to be consistent with Site Plans. Buildings have been designed outside of 25' no build zone of Adjacent Upland Resource. Project will comply with the State Wetlands Protection Act (MGL c. 131, s. 40) and accompanying regulations under 310 CMR 10.00 et seq.
Title V; Article 8, Section 16.B.11	Wetlands Consultant Fees	Consultant Fees		Waiver requested of 25% of consultant fees (for 25% affordable component).
Title V: Article 15, Section 1-5	Stormwater Mitigation	Stormwater Management and permitting	Procedures, applications, Engineering Division review and approval, relief from DPW	Waiver in its entirety. Project will comply with Order of Conditions issued pursuant to state standards as contained in M.G.L. c.131, §40 and 310 CMR 10.00 et seq.
Title IX: Article 3, Sections 4A, 4B	Town Fees and Charges, Department of Community Safety and Office of Building Inspector.	Fees and charges.	Payment of fees related to fire safety, building permits, plan reviews, occupancy permits, plumbing permit, gas fitting, electrical	Waiver allowing for 25% reduction of fees (reflecting 25% of project as affordable).
Water Connection Fee Regulations	Water Privilege Fee	Fee for water connections		Waiver requested of 25% of fee (reflecting 25% of project as affordable).

Thorndike Place (Arlington)

Sewer Privilege Fee	Sewer Privilege Fee	Fee for connection to public sewer system	Waiver requested of 25% of fee (reflecting 25% of project as affordable).
---------------------	---------------------	-------------------------------------------	---------------------------------------------------------------------------

B. TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015)				
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Article 2	Definitions	Various definitions.	Various definitions applying to provisions under bylaws.	Waived in its entirety to the extent definitions vary and/or conflict with MGL c. 40B and the Site Plans.
Article 4, Sec. 4.04	Mixed Uses	Application of regulations for mixed use projects	Requires application of regulation for each use in case of mixed occupancy	Waiver to allow for use of Property for 12 units housed in 6 duplex/two-family units, together with 207-unit apartment house, accessory parking and improvements together with open space as per site plans.
Article 5, Sec. 5.01	Use Regulations	Applicability	Buildings, structures or land shall be used only as set forth in Article 5.	Waived so that the use of buildings, structures or land shall be used in accordance with Comprehensive Permit decision pursuant to G.L.c.40B, unless otherwise provided herein.
Article 5, Sections 5.03, 5.04	Use Regulations	Uses subject to other regulations and Table of Use Regulations	Requires special permit for: a) six or more single family dwellings; b) six or more units in two family or duplex on one or more contiguous lots, requires special permit for apartment house; does not designate conservation land as permitted as of right; requires special permit for other accessory use customarily incidental to a permitted principal use. .	Waived to allow residential uses, open space and residential accessory uses to be governed by Comprehensive Permit decision.

TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015) (cont.)				
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
ARTICLE 6 – GENERAL REGULATIONS				
Article 6, Section 6.00 – Table of Dimensional and Density Regulations	Dimensional and Density Regulations	Table of Dimensional and Density Regulations	Regulates minimum lot size, frontage; maximum floor area; maximum lot coverage; min. lot area, lot depth (front, side and rear); maximum heights, minimum landscaped areas and usable open space.	Waived to allow Project to be constructed in accordance with dimensional requirements of zoning ordinance in PUD district except as waived herein and depicted on approved plans described within Comprehensive Permit decision.

TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015) (cont.)			
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED / PROPOSED
Article 6, Sections 6.01, 6.03(a) and Table of Dimensional and Density Regulations, generally and applicable to PUD District (p.61 of zoning bylaw), and Sections 6.13, 6.21, 6.28	General (Dimensional and Density) Regulations and Table; Reduced Height Limits in Height Buffer Area; Planned Unit Development Yards and Setbacks	Lot Areas and Separation of Lots; spacing of a residential building on the same lot with another principal building; in PUD district establishes a lower (40') building height on parts of lot within defined height area buffer, with greater height allowed by special permit; and sets out setbacks to street lines and front, rear, side lot lines	<p>PUD requirements include</p> <ul style="list-style-type: none"> • 200,000 min. lot size; • .80 max FAR; • Max height: 85'/40' • Residential uses to be no more than 5 floors of a building; • Minimum open space requirement in PUD of 10% landscaped and 10% usable; • Allowance for buildings to street line if street is 60' wide or opposite side of street is not R2 zoning; all other instances, buildings to be set back ¼ height of average principal buildings along lot line, but minimum of 25ft from front, side, rear lot lines. <p>Requirements include use of lot or yard areas to apply to each new building on a lot and where two or more buildings intended for dwelling, required yards be provided unless modified by special permit. Regulations for yard setbacks within PUD district and maximum height of 40' for portion of lot in Height Buffer Area or special permit to exceed same, with referenced incorporation of Sections 6.13, 6.21, 6.28</p>
			<p>Waived to allow Project to be constructed as depicted on approved plans described within Comprehensive Permit decision and described as follows:</p> <ul style="list-style-type: none"> - to allow more than one building on property as Project includes one larger apartment building and six two-family units. - to include reduction of setbacks and waiver of maximum height of building for portion of lot within Height Buffer area, as applicable, as shown on site plans. - to allow open space as landscaped and usable in accordance with approved plans; - to allow front yard and side yard setbacks of less than 25 feet in accordance with approved plans.

TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015)			
BY-LAW/REG.	TITLE	DESCRIPTION	PROPOSED
		REQUIRED	
Article 6, Section 6.07	Buildings in Floodplains	Dimensional and density regulations together with additional regulations of Section 11.04	Waived to the extent not consistent with Site Plans
Article 6, Section 6.10	Sale or Lease of Lots in a Planned Unit Development	Upon completion of environmental design review, tracts of land of at least 30,000 sf may be leased or sold for development in accordance with PUD site plan	Waiver of provisions, consistent with waiver of Section 11.06 environmental design review process; project to be governed by Comprehensive Permit decision and incorporated plans therein
Article 6, Section 6.12b	Exception to Maximum Floor Area Ratios		Applicant to submit materials to ZBA/ARB under Section 11.06
Article 6, Section 6.26	Buildings of Uneven Height or Alignment	Establishes formula to determine setback for buildings of uneven height or alignment	Waiver to allow for setbacks as shown on Site Plans incorporated in Comprehensive Permit decision.
Article 6, Section 6.30	Open Space Regulations for Planned Unit Developments	Sets out minimum open space within PUD district for apartment uses	Waiver of provisions; project to be governed by Comprehensive Permit decision and incorporated plans therein
<u>ARTICLE 8 – OFF STREET PARKING AND LOADING</u>			
Article 8, Section 8.12.a(3)	Parking/Loading space standards – Minimum access aisle widths	Establishes minimum aisle widths for off street parking spaces	Waiver to allow for reduced access aisle width of 23+ feet within garaged parking.

TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015)			
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED
			PROPOSED
Article 8, Section 8.12(a)(11)	Parking/Loading space standards	Special permit to allow up to 20% of spaces in a garage/parking lot to be sized for compact cars	Special permit to allow up to 20% of spaces in a garage/parking lot to be sized for compact cars
Article 8, Section 8.12(b)(1)	Parking/Loading space standards	Establishes setbacks for paved parking surfaces for parking for over 5 spaces not inside a structure	10-foot setback to front lot lines/lot lines abutting residences or 5 foot rear/side setback for wall/fence with plantings; or no less than front yard setback of district.
Article 8, Section 8.12(b)(3)	Parking/Loading space standards	Location of parking areas	Parking not to be within required front yard.
ARTICLE 10: ADMINISTRATION AND ENFORCEMENT			Waived. Project governed by Comprehensive Permit.
Article 10, Section 10.02	Permit Required	Permits issued only in compliance with zoning bylaw.	No permit shall be issued if the building, structure or lot as constructed or used would be in violation of any provision of the Bylaw
Article 10, Section 10.11	Special Permits	Special Permit process	Waiver so that construction and use of buildings and land be in accordance with the Comprehensive Permit decision. ZBA review to adhere to Chapter 40B and 760 CMR 56.00 review standards, provisions for lapse of permits and single board (ZBA) review for local permitting of Comprehensive Permit application.

TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015) (cont.)			
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED / PROPOSED
Article 10, Section 10.12	Variations	Variance review process	ZBA is empowered to grant variances of Bylaw in accordance with Section 10 of Chapter 40A. Waiver; ZBA review to adhere to Chapter 40B and 760 CMR 56.00 review standards and to issue waivers of local regulation, bylaws or rules.
ARTICLE 11 SPECIAL REGULATIONS			
Article 11, Section 11.04(a)-(g)	Floodplain District	Governing regulations and special permit review by ZBA/ARB	Permit required for specific uses and structures; seeks to require compliance with Sections 11.04 and 11.05 of Bylaw and Wetlands Protection Bylaw (Title V, Art. 8 of Town Bylaws), in addition to State Law (MGL 131, 40) and State Regulations (310 CR 10.00) and State Building Code. Establishes special permit process for new buildings or earth movement in floodplain. Waiver for special permit process/environmental design review and waiver of application of local wetlands bylaw (Title 5 of Article 8), rules or regulations and Section 11.05 of Zoning Bylaw. Project to be governed by Comprehensive Permit.
Article 11, Section 11.05(b), (d), (e), (f)	Inland Wetland District	Permit required for specific uses and structures.	Special Permit required for specific uses and structures. To extent portions of property are within district, waiver given as Project governed by Comprehensive Permit. (For informational purposes, per 40B waivers are not required for special permit uses).

TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015) (cont.)			
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED PROPOSED
Article 11, Section 11.06(b), 11.06(d)(1), (4), (5), (6), and 11.06(e) and 11.06(f)	Environmental Design Review	Environmental design review and standards for projects including six or more dwelling units (11.06(b)(1)(b) or use within a PUD (Section 11.06(b)(2)).	<p>Uses subject to Section 11.06(b) may be allowed subject to special permit upon application to ARB to include materials set out in Section 11.06(d) as well as certified land surveyor survey plan of land and corner points of lot to be marked by monument or other physical demarcation. Before special permit to issue, public hearing before ARB. Review standards as contained in Section 11.06(f).</p> <p>Waiver of Environmental Design Review (EDR), special permit application submittal, standards, and hearings before ARB. Waiver to include waiver from adherence to EDR submittal requirements of Section 11.06(d) and review standards of Section 11.06(e)/(f). Applicant proposes to submit to ZBA within review of Comprehensive Permit application 3D computer modeling for project and existing conditions plans scaled 1"=80' overall and 1" =30'; waiver of environmental impact statement; waiver of sign applications; signage to comply with zoning bylaw and are to be depicted on final approved site plans, with exception of temporary construction signage as approved by Building Official from time of commencement of project to completion of construction.. Project review to be accordance with public hearing process as established under MGL c.40B and its regulations at 760 CMR 56.00 et seq.; project to be governed by Comprehensive Permit decision.</p>

TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015)			
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED
			PROPOSED
Article 11, Section 11.07	Filling of Any Water or Wet Area	Filing submission requirements, review and standards within Environmental Design Review involving fill of water or wet areas of 500 cubic yards or greater or where area involved is >10,000 sq. ft. and approved under State WPA	Conditions on filing requirements and fill standards/limits.
Article 11, Section 11.08	Affordable Housing Requirements	Affordable housing requirements for projects including six or more residential units under Section 1.06	<p>Waiver to forego preparation of plans/documents for separate review. To the extent project requires submission of Notice of Intent under State WPA to the Arlington Conservation Commission; standards and criteria applicable are those contained in State Act and its regulations.</p> <p>Requires 15% of new residential units be Affordable Units (as defined in Zoning Bylaw, Section 11.08), or contribution to Affordable Housing Trust Fund, by allowance of ARB</p> <p>Waiver to the extent Section 11.08 varies or is not consistent with Chapter 40B, its regulations and the rules and policies of DHCD and MassHousing. Applicant's project is subject to affordable housing requirements as contained in M.G.L. c.40B and its regulations under the New England Fund Program of Home Loan Bank of Boston, in accordance with Site Approval given by MassHousing and Regulatory Agreement approved by the State.</p>

ZONING BOARD OF APPEALS OF TOWN OF ARLINGTON COMPREHENSIVE PERMIT REGULATIONS			
REGULATION	TITLE	DESCRIPTION	REQUIRED PROPOSED
Section 3.1, 3.2	Application and Documentation	Application contents	<p>Complete application filed upon submittal of documentation of Section 3.0</p> <p>Waiver of certain submission requirements beyond the requirements of 760 CMR 56.00 at time of initial filing; additional documentation to be submitted to Board within public hearing process and review by peer review consultants.</p>
Section 3.2.5	Preliminary Site Development Plan	Includes defined elements of Site Plans submitted as preliminary site development plans	<p>Under 3.2.5.7, Preliminary Site Plans to include proposed lighting and photometric analysis. Revised site plans show lighting but photometric analysis to be supplemented within public hearings.</p> <p>Waiver to allow for submitted revised preliminary site plans, with photometric analysis to be supplemented within public hearing process.</p>
Section 3.2.7	Preliminary Scaled Architectural Drawings	Preliminary Architectural	<p>To be on scale of 1/8"=1"; include typical floor plans, typical elevations and sections; construction type and finish and signed by architect;</p> <p>Waiver sought for scale of 1/8"= 1" for all architectural drawings. Typical sections and elevations at 1/8"=1; Building Layout Plan at 1/4"=1'; 1/32'= 1" and related architectural plans on larger scale consistent with engineering plans.</p>

Thorndike Place (Arlington)

<p>Section 3.2.11</p>	<p>List of Requested Exemptions</p>	<p>Local Bylaw waivers</p>	<p>List of Exemptions to contain location on plan, complete explanation as to economic impact of local rule or regulation</p>	<p>Waiver sought to present preliminary waiver list, in light of fact that project design expected to be revised/modified within public hearing; final waiver list to be filed sufficiently in advance of Board consideration and vote on application.</p>
<p>Section 3.2.13</p>	<p>Impact Analysis of the Natural and Built Environment</p>	<p>Impact analysis to be prepared by wetland scientist, environmental professional, hydrologist, soil scientist, botanist, hydrogeologist or other scientific professional</p>	<p>Impact analysis by professional to assess predevelopment conditions and post-development impacts water quantity/quality; recharge, open space/recreational land; wildlife habitat and wetland resources; species of special concern and historic/cultural resources</p>	<p>Waiver for an impact analysis at initial filing and to be supplemented to the Board within the public hearing process, as project may be further refined within public process.</p>
<p>Section 3.2.15</p>	<p>Statement of Impact on Municipal Facilities and Services</p>	<p>Applicant to provide impact analysis</p>	<p>Detailed analyses of costs imposed on Town as well as anticipated tax and other revenue to be generated</p>	<p>Waiver of impact analysis at initial filing; Applicant agrees to timely provide the same within the public hearing process for review by Board and its consultant, as project may be further refined within public hearing process.</p>