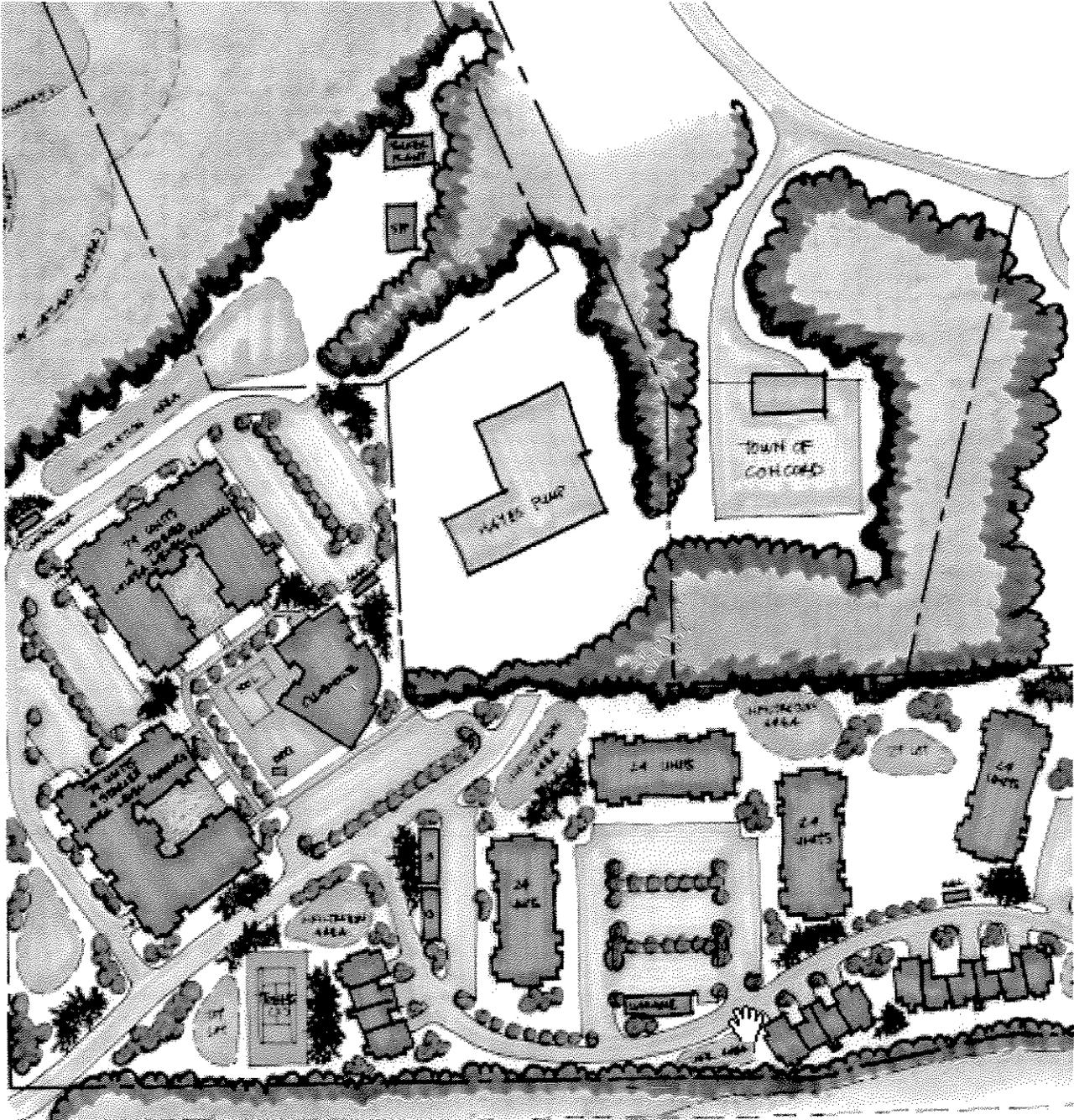


Site Approval Application
Alexan Concord
Concord, Massachusetts
January 9, 2007

6/25/07

④



Needham Corporate Center
160 Gould Street, Suite 121
Needham, MA 02494
Phone: (781) 455-0999
Fax: (781) 455-0996

West Concord Development LLC
An affiliate of Trammell Crow Residential

January 9, 2007

Massachusetts Housing Finance Agency
Attn: Nancy Andersen, Manager of Rental Programs and Development
One Beacon Street
Boston, MA 02108

Ladies and Gentlemen:

We respectfully submit this Site Approval Application for determination of Project Eligibility ("Site Approval") under Massachusetts General Law Chapter 40B for the proposed Alexan Concord development located at 48 Old Powder Mill Road in Concord, MA.

The Alexan Concord site is well-suited for development of rental housing as the location complies with guidelines for Smart Growth and the new community will transform an aging industrial parcel into a vibrant neighborhood containing a mix of housing types. Neighboring properties potentially affected by the development are few and those that exist will be buffered by topography, existing vegetation, and other screening. The soil and groundwater conditions at the site are also ideal for a proposed self contained waste water treatment plant.

Over the past few months we have discussed the proposed development with numerous Town of Concord officials. All of them have reacted quite positively to the proposed residential community and have indicated a desire to move the process along expeditiously. We understand that Town officials view this project as an opportunity to provide affordable housing in the Town, to create a new residential neighborhood by redeveloping an existing industrial parcel, and to provide the new housing with no impact on the Town's wastewater system. Attached to this application is a letter from the Town's Board of Selectmen allowing our application for 350 units to proceed. The Board was fully apprised of the "large project cap" (250 units in Concord) but voted to issue the letter not withstanding.

We hope that this application and supporting materials provide sufficient information for issuance of a Site Eligibility Letter. If additional information is required, please contact us at your earliest convenience and we will respond promptly.

Sincerely,

West Concord Development LLC



Timothy W. O'Connor

Vice President

Attachments

cc: Town of Concord Board of Selectmen; Chairwoman, Virginia McIntyre

Site Approval Application
Alexan Concord
48 Old Powder Mill Road, Concord, MA

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 - Chapter 40B Site and Final Approval Applications Required Initial Budgets

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 - List of Contact with Local Officials

 - Letter from Town of Concord Board of Selectmen's Office, dated December 18, 2006

 - Smart Growth Self-Assessment

Supporting Materials

- Attachment 1 – Evidence of Site Control
- Attachment 2 – Town/City Map
- Attachment 3 – Site Description
- Attachment 4 – Plans and Specifications (bound separately and enclosed with this application)
- Attachment 5 – Site Approvals or Determinations
- Attachment 6 – Federal Home Loan Bank of Boston
- Attachment 7 – Developer/Applicant Qualifications

Site Approval Application Fees

- MassHousing Application Processing Fee - \$2,500 (Check No. 5356)

- Chapter 40B Technical Assistance/Mediation Fee -\$13,000 (Check No. 5354)
[\$2,500 + 350 units * \$30/unit = \$13,000]



Site Approval Checklist

Site Approval Application Requirements

For projects financed under a MassHousing program or the New England Fund (NEF) program, Determination of Project Eligibility ("Site Approval") by MassHousing will commence upon submission to MassHousing of a complete Site Approval Application, which must include:

- **Cover Letter** - The cover letter from the developer/applicant must identify the project and the projected date for filing a Comprehensive Permit application.
- **Smart Growth Self-Assessment** (the "Smart Growth Criteria Scorecard") – Effective January 1, 2006, an applicant seeking Site Approval for a project must demonstrate that the proposal is consistent with the Commonwealth's Ten Sustainable Development Principles by completing the Smart Growth Criteria Scorecard. For further assistance in completing the Scorecard, please refer to the Smart Growth Guidelines for Project Consistency with the Commonwealth's Sustainable Development (also known as the "Smart Growth Evaluation Criteria") issued by the Massachusetts Department of Housing and Community Development (DHCD).
- **Site Approval Application and Supporting Materials** – In addition to the Smart Growth Criteria Scorecard discussed above, an applicant must complete a Site Approval Application:

Home Ownership Projects: Site Approval Application (Housing Starts Program)
Rental Projects: Site Approval Application

The completed forms must indicate that the development proposal is financially feasible based on the requirements of the financing program selected, the housing market in which the project is proposed, estimated financing sources and development costs, and sales prices or rents.

Note: All Site Approval Applications submitted after November 7, 2005 must comply with the budget and other standards identified in the Local 40B Review and Decision Guidelines (the "MHP 40B Guidelines") issued by the Massachusetts Housing Partnership.

In addition, the following information is required for Home Ownership or Rental Projects:

Home Ownership Projects

Please refer to the Checklist included on Page 9 of the Home Ownership Site Approval (Housing Starts Program) Application above, and the Housing Starts Process and Guidelines.

Last Updated July 31, 2006

Rental Projects

Please submit the following along with the Smart Growth Criteria Scorecard and Site Approval Application forms:

1. **Evidence of Site Control (Attachment 1)** – Documentation, such as a deed, purchase and sale agreement or option to purchase, that shows the applicant/developer has site control.
2. **Town/City Map (Attachment 2)** – A map that identifies the site location and distances from
 - Schools
 - Police and Fire Stations
 - Hospitals
 - Churches and Houses of Worship
 - Recreational Facilities
 - Public Transportation (specify)
 - City Hall and Public Buildings
 - Shopping Facilities
3. **Site Description (Attachment 3)** – A description that includes detailed written directions to the site, noting the entrance to the site, relevant boundaries and any prominent landmarks that can be used for identification purposes. Confirmation and description of access to a public way must be included and identified on the submitted site plans. An aerial photograph of the site or regular photo of the entrance of the site with an appropriate landmark should also be included. Several companies have taken aerial photographs of all parts of the state that are available for purchase.
4. **Plans and Specifications (Attachment 4)** – The application must include the following:
 - a. ***Preliminary Drawings*** – Two (2) sets of drawings (not larger than 30" x 42"), signed by a registered architect or engineer, which include

Cover sheet showing written tabulation of

- Proposed buildings by construction type (refer to categories under "Project Information" of the Site Approval Application) and sizes (square feet/height).
- Dwelling unit distribution by floor, size, bedroom/bath number and handicapped designation.
- Square footage breakdown by commercial, residential and other usage.
- Number of parking spaces, parking ratio required and proposed.
- Proposed dwelling units per acre under the proposed zoning, as well as allowable dwelling units per acre, if applicable, under current zoning.
- Percentage breakdown of the tract to be occupied by buildings, by parking and other paved vehicular areas, and open areas.

Site plan showing

- Contours
- Lot lines, streets and existing buildings.
- Building footprints, parking, site improvements and general dimensions.
- Adjacent building construction types and uses, footprints and heights.
- Zoning use, dimensional and bulk restrictions (i.e., setback requirements, height restrictions, etc.) applicable to the proposed development site, as well as easements and related restrictions.

- Wetlands and buffer zones, flood hazard areas, ledges and other environmental constraints.

Utilities plan showing

- Existing and proposed locations.
- Types of sewage, water, drainage facilities, etc.

Graphic Description of the Design Concept showing

- Typical building floor plans.
- Typical unit plans with square footage tabulations.
- Elevations, sections, perspectives or photographs.
- Typical wall sections.

- b. **Reports and Maps** – One (1) set of each of the following
- Soils Report or Bearings for proposed new construction; structural report for proposed rehabilitation of existing building.
 - An original U.S. Geological Survey map showing location of the site.
5. **State Approvals or Determinations (Attachment 5)**– Include all applicable approvals or determinations relating to the site and/or project proposal, if any, such as Conservation Commission Order of Conditions, DEP Superceding Order of Conditions, MEPA Determinations, Executive Order 193 Determinations, etc.

Also include any environmental information, such as the following:

- Site Assessments, if any, performed under Chapter 21E, and/or any Phase I or II Environmental Assessments.
 - Wetland delineations and/or flood hazard areas (include a copy of applicable Flood Insurance Maps), as well as required local and state buffer zones.
6. **Federal Home Loan Bank of Boston (Attachment 6)** – Member Bank Letter of Interest (See also 40B Other Required Information form noted above for further details).
7. **Developer/Applicant Qualifications (Attachment 7)** – Include a list of prior related experience (within the last five years) for each development team member (See 40B Other Required Information form noted above for further details).

Land Value Appraisal

MassHousing has endorsed the Uniform Land Value Policy described in the MHP 40B Guidelines issued by MHP. Under the MHP 40B Guidelines, the allowable land acquisition cost that may be included in the project's development budget will be limited to the market value of the development site under its pre-40B zoning (the "As Is" Value), plus reasonable and verifiable carrying costs associated with the acquisition of the land. Please refer to Appendix A of the MHP Guidelines for further discussion regarding acquisition value.

Site Approval Notification Requirements

All Home Ownership or Rental Project Site Approval Applications submitted to MassHousing are subject to the following notification requirements:

1. **Notice of Application to Chief Elected Official** – Upon submission of the Site Approval application to MassHousing, the applicant must forward a copy of the application and plans to the Chief Elected Official of the community in which the development is to be located.

Upon MassHousing's determination of its receipt of a complete application, MassHousing will initiate the 30-day review period to allow comments from the community in which the development is to be located.

Large Scale Projects: Please note that MassHousing will not issue a Project Eligibility ("Site Approval") Letter for Home Ownership or Rental developments proposing a total number of units in excess of the maximums allowed under the "changes to the Housing Appeals Committee Regulations" of September 1, 2001 (see 760 CMR 31.07 (1)(g)), unless the affected municipality's Chief Elected Official submits a letter stating that the municipality fully supports a larger number of units. Developments in excess of the following maximum number of project units are considered "Large Scale Projects" and require a letter of support from the Chief Elected Official:

# Housing Units in Municipality	Maximum #of Project Units
7,500+	Greater of 300 units or 2% of total housing units
5,000 – 7,499	250 units
2,500 – 4,999	200 units
2,499 or fewer	150 units

2. **Notice of Application and Determination to the Department of Housing and Community Development (DHCD)**
 - *Filing of Application* - Within 10 days of filing a Site Approval Application with MassHousing, the applicant must also provide written notice of the application to

Director
Massachusetts Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114

Such Notice to DHCD shall be sent via CERTIFIED MAIL or HAND DELIVERY. Failure to provide this Notice (and proof of delivery, such as a copy of a return receipt) within the required 10-day period shall be considered by Masshousing as a withdrawal of the application.

A copy of the required DHCD Notice and proof of delivery must also be sent by CERTIFIED MAIL or HAND DELIVERY to

Nancy Andersen
Manager of Rental Programs and Development, MassHousing
One Beacon Street, 27th Floor
Boston, MA 02108

- **Site Approval Determination** – Within ten (10) days of the receipt of a written Site Approval Determination from MassHousing, the applicant is responsible for forwarding a copy of the Determination via CERTIFIED MAIL or HAND DELIVERY to the Director of DHCD at the address listed above.
3. **Notice of Application to Executive Office of Environmental Affairs** – Depending on certain development characteristics (e.g., more than 100 units, the need for a curb cut from a state road, etc.), a developer may need to file an Environmental Notification Form (ENF) in order to comply with state requirements. For further information, please contact

*Massachusetts Executive Office of Environmental Affairs
Massachusetts Environmental Policy Act (MEPA) Unit
251 Causeway Street, Suite 900
Boston, MA 02114*

4. **Notices Following Issuance of Site Approval Letter** – Pursuant to the terms of the MassHousing Site Approval Letter, the applicant is required to file for a Comprehensive Permit with the municipality's Zoning Board of Appeals (ZBA) within two (2) years following issuance of the Site Approval Letter, unless an extension is granted in writing by MassHousing. In addition, the developer/applicant is required to notify MassHousing at the following times, if applicable, during the Chapter 40B Comprehensive process
- Comprehensive Permit Application Filing with the ZBA
 - Comprehensive Permit Approval or Denial by the ZBA
 - Appeal Filing with the Housing Appeals Committee (HAC) and/or Superior Court
 - HAC and/or Superior Court Decision
 - Change of Financing to a Non-MassHousing or NEF Source

Site Approval Fees

The following fees are due at the time of each Site Approval Application submittal to MassHousing, regardless of whether funding is sought through a MassHousing program and/or the New England Fund (NEF) program:

1. **MassHousing Application Processing Fee** – \$2,500
2. **Chapter 40B Technical Assistance/Mediation Fee** – Under an Interagency Agreement between DHCD, MassHousing, MHP and MassDevelopment, an additional fee will be collected

by MassHousing and remitted to MHP to fund the following services related to the Chapter 40B permitting process:

- Technical assistance grants to local governments reviewing Chapter 40B applications
- Mediation services to resolve community issues arising from the Chapter 40B process
- Professional staff for HAC.

The total amount of the Technical Assistance/Mediation Fee is based on the combination of the following two (2) fees:

- a. **Base Fee (based on sponsor type)**
Limited Dividend Organization Sponsor – \$2,500; or
Non-Profit Organization or Public Agency Sponsor – \$1,000
 - b. **Unit Fee (all projects)**
Each project, regardless of sponsor type – \$30 per unit
3. **Land Appraisal Cost** – At the expense of the applicant, MassHousing will commission a pre-40B land value appraisal to confirm compliance with MassHousing's Acquisition Value Policy (for Rental Programs) and the Appendix of the MHP Guidelines. MassHousing will select the appraiser from its list of pre-approved appraisers, who are all General Real Estate Appraisers licensed by the Commonwealth of Massachusetts, and the appraiser will be required to submit a Self-Contained Appraisal Report to MassHousing in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP).

Please Submit Required Site Approval Application Materials and Fees as follows:

Home Ownership Projects

Submit original application and one (1) copy of plans to
Anne Good, Production Analyst
MassHousing
One Beacon Street
Boston, MA 02108

Rental Projects

Submit original plus three (3) copies of application and two (2) copies of plans to
Nancy Andersen, Manager of Rental Programs and Development
MassHousing
One Beacon Street

Please Note: Neither Site Approval nor Final Approval from MassHousing constitutes a Loan Commitment under any financing program by MassHousing, the Federal Home Loan Bank of Boston or its member banks. All potential MassHousing and NEF financing for the project is subject to further review and underwriting following receipt of a Comprehensive Permit and a complete application for a Loan Commitment.

PLEASE REFER TO THE FINAL APPROVAL CHECKLIST FOR FURTHER REQUIREMENTS UPON
ISSUANCE OF A COMPREHENSIVE PERMIT AND REQUIRED REGULATORY DOCUMENT TEMPLATES

For further information, please contact

Home Ownership Projects: Anne Good 617.854.1316 or agood@masshousing.com

Rental Projects: Doug Lloyd 617.854.1372 or dlloyd@masshousing.com

For further program information, see

Home Ownership Projects: www.masshousing.com/housingstarts

Rental Projects: www.masshousing.com/rentaldevelopers