



## 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.

All Site Approval Applications seeking financing through the Federal Home Loan Bank of Boston's New England Fund Program must also comply with the [Guidelines for Housing Programs in Which Funding is Provided Through a Non-Governmental Entity](#) (the DHCD "NEF Guidelines").

*Last Updated October 15, 2007*

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](#).

***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.

Please note that MassHousing will issue a Project Eligibility (“Site Approval”) Letter for Home Ownership or Rental developments that are subject to the regulations listed below. However, in such cases, MassHousing’s Site Approval Letter will note to the Applicant that the affected municipality may have rights under the referenced regulations, including the right to deny such comprehensive permit application or grant a comprehensive permit with conditions.

- **General Land Area Minimum** (see [760 CMR 31.04 \(2\)](#)) – Projects within a municipality in which low and moderate income housing exists on sites comprising more than 1.5% of the total land area zoned for residential, commercial or industrial use, pursuant to MGL c. 40B §20.
- **Recent Progress Toward Housing Unit Minimum** (see [760 CMR 31.07 \(1\)\(d\)](#)) – Projects within a municipality that has made recent progress toward its required Housing Unit Minimum, as defined in 760 CMR 31.04 (1), through the creation of housing units during the preceding 12 months equal to or greater than 2% of the municipality’s total housing units.
- **Large Scale Project Review** (see [760 CMR 31.07 \(1\)\(g\)](#)) – Projects proposing a total number of units in excess of the following maximums:

<u># Housing Units in Municipality</u>	<u>Maximum # of Project Units</u>
7,500+	Greater of 300 units or 2% of total housing units
5,001 – 7,499	250 units
2,500 – 5,000	200 units
2,499 or fewer	150 units

- **Planned Production** (see [760 CMR 31.07 \(1\)\(i\)](#)) – Projects within a municipality that has adopted an affordable housing plan approved by the Department of Housing and Community Development.
- **Related Applications** (the “Cooling-Off Period”; see [760 CMR 31.07 \(1\)\(h\)](#)) – Projects involving a site for which an application for a variance, special permit, subdivision, comprehensive permit or other approval related to construction was denied, withdrawn, disposed or is currently pending, provided such previous application did not include low or moderate income housing or did not involve insubstantial construction or modification of the preexisting use of the land.

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

**Home Ownership Projects:**

Michael Busby  
Loan Specialist  
MassHousing  
One Beacon Street, 29th Floor  
Boston, MA 02108

**Rental Projects:**

Nancy Andersen  
Manager of Rental Programs and Development  
Rental Development Department  
MassHousing  
One Beacon Street, 26th 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  
Michael Busby  
Loan Specialist  
MassHousing  
One Beacon Street, 29th Floor  
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  
Rental Development Department  
MassHousing  
One Beacon Street, 26th Floor  
Boston, MA 02108

**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: Michael Busby 617.854.1219 or [mbusby@masshousing.com](mailto:mbusby@masshousing.com)  
Rental Projects: Nancy Andersen 617.854.1360 or [nandersen@masshousing.com](mailto:nandersen@masshousing.com)

***For further program information, see***

Home Ownership Projects: [www.masshousing.com/housingstarts](http://www.masshousing.com/housingstarts)  
Rental Projects: [www.masshousing.com/rentaldevelopers](http://www.masshousing.com/rentaldevelopers)