

**Acton Community Housing Corporation**  
**Nancy Tavernier, Chairman**  
**TOWN OF ACTON**

Acton Town Hall  
472 Main Street  
Acton, Massachusetts, 01720  
Telephone (978) 263-9611  
[achc@acton-ma.gov](mailto:achc@acton-ma.gov)

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TO: Board of Selectmen  
FROM: Nancy Tavernier, Chair, Acton Community Housing Corporation  
SUBJECT: Proposed Comprehensive Permits – overview of process  
DATE: March 16, 2016

The Board of Selectmen will be reviewing two proposed Comprehensive Permits (40B's) at its March 21, 2016 meeting. ACHC is providing an overview of the review process and a brief introduction to 40B's. Separate memos are included for each of the proposed 40B's.

Chapter 40B is a state statute that enables local Zoning Boards of Appeals (ZBAs) to approve affordable housing developments under flexible rules if at least 25% of the units have long-term affordability restrictions. Also known as the Comprehensive Permit Law, Chapter 40B was enacted in 1969 to help address the shortage of affordable housing statewide by reducing unnecessary barriers created by local approval processes, local zoning, and other restrictions.

There are two main programs used in the state to facilitate the development of affordable housing. They are DHCD LIP and MassHousing. The proposed 40B at 248 High St. is a DHCD LIP project and the proposed 40B at 12 Powder Mill Rd. is a MassHousing project. It will be interesting to follow these projects on a parallel track. There are significant differences in the process followed for these two types of programs.

The Local Initiative Program (LIP) is a state Department of Housing and Community Development program. The LIP is also called a Friendly 40B but it still requires a Comprehensive Permit from the ZBA. It is called "friendly" because local endorsements must come from the Board of Selectmen and the Acton Community Housing Corporation before the application is filed with the state. The Chairs of both boards must sign the application. That requires votes of support from the Selectmen and ACHC.

With LIP projects, the BOS and ACHC have more say in the preliminary design and site plan trying to make its scale most appropriate for the community as well as meeting the most pressing of the housing needs. A prerequisite to participation in LIP is support by the Board of Selectmen. Once an applicant has obtained a letter of support from the Board of Selectmen, the applicant may apply to DHCD for LIP approval. Once a project eligibility letter has been issued, the developer is eligible to apply for a comprehensive permit with the local Zoning Board of Appeals (ZBA).

The Housing Starts program of the Massachusetts Housing Finance Agency (MassHousing) is the second type of 40B programs used by local communities. Developers wishing to develop housing in Massachusetts with a comprehensive permit under Chapter 40B must receive a designation of project eligibility before applying to a local Zoning Board of Appeals (ZBA) for a comprehensive permit. In order to receive such a designation under the Housing Starts program, MassHousing must determine whether the proposed housing development is suitable for the subject site and that the proposal meets the guidelines of Housing Starts.

The project eligibility process is different than the LIP process, however the 12 Powder Mill Rd. project essentially followed the process used for LIP's. In this case, the developer does not need the signature of the Board of Selectmen or the ACHC, they will apply directly to MassHousing. Once the application is received by the state agency, they will forward a copy to the Town for a 30 day comment period. The Selectmen will be expected to comment at that time as will other town boards. The developer is encouraged to work with the Town if questions are raised.

Upon completion of an extensive internal review, MassHousing will issue a written decision to either approve or deny the project eligibility application. Once a project eligibility letter has been issued, the developer is eligible to apply for a comprehensive permit with the local ZBA.

The Zoning Board of Appeals is the permit granting authority under Chapter 40B of the Massachusetts General Laws, to hear and act on applications for low and moderate-income housing. The Zoning Board of Appeals is authorized to apply more flexible standards than the strict local zoning by-law requirements and other local rules and bylaws. It is important to note that State statutes and regulations, such as the Wetlands Protection Act, Title 5, and all building codes, remain fully in effect under the comprehensive permit.

In reviewing proposed 40B's the ACHC uses the guidance of the Town's Comprehensive Permit Policy, adopted by the Board of Selectmen and the Planning Board in 2006. <http://ma-acton.civicplus.com/DocumentCenter/Home/View/114>. ACHC also uses the new Housing Production Plan approved by the Board of Selectmen and the Planning Board in 2015. <http://www.acton-ma.gov/DocumentCenter/View/3239>.

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TO: Board of Selectmen  
FROM: Nancy Tavernier, Chair, Acton Community Housing Corporation  
SUBJECT: Proposed 40B at 12 Powder Mill Rd.  
DATE: March 16, 2016

The Acton Community Housing Corporation has voted to recommend the Comprehensive Permit proposal for 12 Powder Mill Rd. called Powder Mill Crescent. This proposal will be filed directly with MassHousing and the Town will be asked to submit comments in a 30-day comment period. We urge the Board of Selectmen to endorse the proposal and to write a letter of support to MassHousing at the appropriate time.

Developer Joe Maillet and Consultant Peter Conant propose to construct 12 attached dwellings in one duplex and 10 townhouses on 1.5 acres of land on Powder Mill Rd. The units will have 2 bedrooms and 2 ½ baths with three of the units to be sold to first time homebuyers as deed restricted affordable units.

Using the Town's Comprehensive Permit Policy as a guideline for preference criteria, we find the following matches:

- Maximum open space due to the 200 foot setback restrictions from the Assabet River which pushes the development to the front. This gives an opportunity for trails to access the riverfront
- The layout is attractive with a barn design for the duplex at the front of the property
- Small efficient units, 1600 sf each. Market prices under \$400k

It is possible that MassHousing will require at least one 3-bedroom unit as part of the new state policy on family housing. The development is in a non-residential area with commercial uses abutting the property. There are 2 other 40B's within a mile from the site and they are not in residentially zoned areas either. (Westside Village 16 houses and Concord Mews 350 apartments)

Consultant Peter Conant met with ACHC twice, with the land use department heads, and with the Design Review Board.



## **Comprehensive Permit Site Approval Application/**Homeownership****

[www.masshousing.com](http://www.masshousing.com) | [www.masshousingrental.com](http://www.masshousingrental.com)

## **Comprehensive Permit Site Approval Application/Homeownership**

Attached is the Massachusetts Housing Finance Agency ("MassHousing") application form for Project Eligibility/Site Approval ("Site Approval") under the state's comprehensive permit statute (M.G.L. c. 40B, Sections 20-23 enacted as Chapter 774 of the Acts of 1969) known as "Chapter 40B". Developers seeking a comprehensive permit to construct affordable housing under Chapter 40B and intending to use a MassHousing financing program or financing through the New England Fund ("NEF") program must receive Site Approval from MassHousing. This approval (also referred to as "project eligibility approval") is a required component of any comprehensive permit application to be submitted to the local Zoning Board of Appeals of the municipality in which the development is to be located.

As part of its review of your application, MassHousing will conduct an inspection of the site and will solicit comments from the relevant municipality. MassHousing will consider any relevant concerns that the municipality might have about the proposed project or the developer. The applicant is encouraged, therefore, to make contact with the municipality prior to submitting the Site Approval application in order to ensure that the applicant understands any concerns that the municipality may be likely to raise regarding the proposed development.

In order for a project to receive Site Approval, MassHousing must determine that (i) the applicant has sufficient legal control of the site; (ii) the applicant is a public agency, non-profit organization or limited dividend organization; and (iii) the applicant and the project are generally eligible under the requirements of the MassHousing program selected by the applicant, subject to final eligibility review and approval. Furthermore, MassHousing must determine that the site of the proposed project is generally appropriate for residential development (taking into consideration municipal actions previously taken to meet affordable housing needs) and that the conceptual project design is generally appropriate for the site. In order for MassHousing to be able to make these findings (required by 760 CMR 56.04 (4)), it is important that you answer all questions in the application and include all required attachments.

**Please note that MassHousing requires that all applicants meet with a member of our 40B Department staff before submitting their application. Applications for any projects that have not been the subject of a required pre-application meeting will not be accepted or processed.**

Upon completion of its analysis, MassHousing will either issue a Site Approval Letter that approves, conditionally approves or denies the application. If the application is approved, the applicant should apply to the Zoning Board of Appeals within two years from the date of the Site Approval Letter (unless MassHousing extends such term in writing).

Please note that Site Approval from MassHousing does not constitute a loan commitment by MassHousing or any other financing program. All potential MassHousing financing is subject to further review and underwriting by MassHousing's Rental Lending Department.

Please be sure you have familiarized yourself with all of the applicable requirements set forth in the Chapter 40B regulations and guidelines, which can be found at

[www.mass.gov/hed/economic/eohed/dhcd/legal/reggs/760-cmr-56.html](http://www.mass.gov/hed/economic/eohed/dhcd/legal/reggs/760-cmr-56.html) and  
[www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf](http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf)

Instructions for completing the Site Approval Application are included in the application form, which is attached. The completed application form and all additional documentation should be sent, after your pre-application meeting has been held, to

**Gregory Watson, Manager of Comprehensive Permit Programs**  
**MassHousing, One Beacon Street, Boston, MA 02108**

We look forward to working with you on your proposed development. Please contact Gregory Watson at 617-854-1880 or [gwatson@masshousing.com](mailto:gwatson@masshousing.com) to discuss scheduling your pre-application meeting or if there is any assistance that we can provide in the meantime to make your application process a smooth and efficient one.

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### **Our Commitment to You**

MassHousing recognizes that applicants seek some measure of predictability regarding the timeframe for our processing of their applications. Our staff will endeavor to adhere to the following schedule for reviewing applications for site approval:

Within two (2) business days of receipt of your application (provided that you have attended a required pre-application meeting) a member of our staff will notify you of any of the items listed on the checklist at the end of the application form that were missing from your application package. Please note that our acknowledgement of receipt of an item does not indicate that any substantive review has yet taken place.

**If your application package is missing any of the items indicated on the checklist by an asterisk, we will not be able to continue processing your application until such items are received.**

If we have received the information that is crucial to the commencement of our review process, we will proceed to (i) give the municipality a period of thirty (30) days in which to submit comments relating to your proposal; (ii) schedule and conduct a site visit; and (iii) solicit bids for and commission and review an "as is" appraisal of your site.

If during our review of your application package we determine that additional information or clarification is needed, we will notify you as soon as possible. Depending on when we receive such additional information, this may affect the amount of time required for MassHousing to complete the site approval process.

Assuming that your application package was complete and that you respond in a timely manner to requests for additional information or clarification, we would expect to issue or deny your site approval within 60 days of our receipt of your application package.



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

Please be sure to answer ALL questions. Indicate “N/A”, “None” or “Same” when necessary.

**Section 1: GENERAL INFORMATION** (also see Required Attachments listed at end of Section 1)

Name of Proposed Project: \_\_\_\_\_

Municipality: \_\_\_\_\_

Address of Site: \_\_\_\_\_

Cross Street (if applicable): \_\_\_\_\_

Zip Code: \_\_\_\_\_

Tax Parcel I.D. Number(s) (Map/Block/Lot): \_\_\_\_\_

**Name of Proposed Development Entity** (typically a single purpose entity): \_\_\_\_\_

Entity Type: Limited Dividend Organization \_\_\_\_\_ Non-Profit\* \_\_\_\_\_ Government Agency \_\_\_\_\_

*\* If the Proposed Development Entity is a Non-Profit, please contact MassHousing regarding additional documentation that must be submitted.*

Has this entity already been formed? Yes \_\_\_ No \_\_\_

**Name of Applicant** (typically the Proposed Development Entity or its controlling entity or individual): \_\_\_\_\_

Applicant's Web Address, if any: \_\_\_\_\_

Does the Applicant have an identity of interest with any other member of the development team or other party to the Proposed Project? Yes \_\_\_ No \_\_\_ If yes, please explain: \_\_\_\_\_

**Primary Contact Information** (required)

Name of Individual: \_\_\_\_\_

Relationship to Applicant: \_\_\_\_\_

Name of Company (if any): \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone (office and cell) and Email: \_\_\_\_\_

**Secondary Contact Information** (required)

Name of Individual: \_\_\_\_\_

Relationship to Applicant: \_\_\_\_\_

Name of Company (if any): \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone (office and cell) and Email: \_\_\_\_\_

**Additional Contact Information** *(optional)*

Name of Individual: \_\_\_\_\_

Relationship to Applicant: \_\_\_\_\_

Name of Company *(if any)*: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone *(office and cell)* and Email: \_\_\_\_\_

**Anticipated Permanent Financing:** MassHousing \_\_\_\_\_ NEF Bank \_\_\_\_\_

If NEF Bank, Name of Bank: \_\_\_\_\_

Total Number of Units \_\_\_\_\_ # Affordable Units \_\_\_\_\_ # Market Rate Units \_\_\_\_\_

Age Restricted? Yes/No \_\_\_\_\_ If Yes, 55+ or 62+? \_\_\_\_\_

**Brief Project Description (150 words or less):** \_\_\_\_\_

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**Required Attachments Relating to Section 1**

**1.1 Location Map**

Provide a USGS or other form of map clearly marked to show the site's location, and an approximate property boundary.

**1.2 Tax Map**

Provide a copy of municipal tax map (assessor's plan) with subject parcels and parcel ID #'s clearly identified.

**1.3 Directions**

Provide 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.

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

**Section 2: EXISTING CONDITIONS / SITE INFORMATION** (also see Required Attachments listed at end of Section 2)

*In order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that the site is generally appropriate for residential development.*

Name of Proposed Project: \_\_\_\_\_

**Buildable Area Calculations**

**Sq. Feet/Acres** (enter “0” if applicable—do not leave blank)

Total Site Area	
Wetland Area	
Flood/Hazard Area	
Endangered Species Habitat (animal and/or plant)	
Conservation/Article 97 Land	
Protected Agricultural Land	
Other Non-Buildable (Describe)	
<b>Total Non-Buildable Area</b>	
<b>Total Buildable Site Area</b>	

Current use of the site and prior use if known: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

Is the site located entirely within one municipality? Yes \_\_\_ No \_\_\_

If not, in what other municipality is the site located? \_\_\_\_\_

How much land is in each municipality? (the Existing Conditions Plan must show the municipal boundary lines) \_\_\_\_\_

\_\_\_\_\_

Current zoning classification and principal permitted uses: \_\_\_\_\_

\_\_\_\_\_

**Previous Development Efforts**

Please list (on the following page) any previous applications pertaining to construction on or development of the site, including (i) type of application (comprehensive permit, subdivision, special permit, etc.); (ii) application filing date; (iii) date of denial, approval or withdrawal. Also indicate the current Applicant’s role, if any, in the previous applications. Note that, pursuant to 760 CMR 56.03 (1), a decision of a Zoning Board of Appeals to deny a Comprehensive Permit, or (if the Statutory Minima defined at 760 CMR 56.03 (3) (b or c) have been satisfied) grant a Comprehensive Permit with conditions, shall be upheld if a related application has previously been received, as set forth in 760 CMR 56.03 (7).

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To the best of your knowledge, has this site ever been rejected for project eligibility/site approval by another subsidizing agency or authority? \_\_\_\_\_

Existing Utilities and Infrastructure	Yes/No	Description
Wastewater-private wastewater treatment		
Wastewater-public sewer		
Storm Sewer		
Water-public water		
Water-private well		
Natural Gas		
Electricity		
Roadway Access to Site		
Sidewalk Access to Site		
Other		

Describe surrounding land use(s): \_\_\_\_\_

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Surrounding Land Use/Amenities	Distance from Site	Available by Public Transportation?
Shopping Facilities		
Schools		
Government Offices		
Multi-Family Housing		
Public Safety Facilities		
Office/Industrial Uses		
Conservation Land		
Recreational Facilities		
Houses of Worship		
Other		

List any public transportation near the site, including type of transportation and distance from the site:

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**Site Characteristics and Development Constraints**

*Please answer "Yes", "No" or "Unknown" to the following questions. If the answer is "Yes" please identify on Existing Conditions Plan as required for Attachment 2.1 and provide additional information and documentation as an attachment as instructed for Attachment 2.4., "Documentation Regarding Site Characteristics/Constraints".*

Are there any easements, rights of way or other restrictions of record affecting the development of the site? \_\_\_\_\_

Are there documented hazardous waste sites on or within a 1/2 mile radius of the site? \_\_\_\_\_

Is there any evidence of underground storage tanks or releases of hazardous material, including hazardous waste, on the site or within close proximity to the site? \_\_\_\_\_

Are there any above-ground storage containers with flammable or explosive petroleum products or chemicals on or within 1/2 mile of the site? \_\_\_\_\_

Is the site, or any portion thereof, located within a designated flood hazard area? \_\_\_\_\_

Does the site include areas designated by Natural Heritage as endangered species habitat? \_\_\_\_\_

Are there documented state-designated wetlands on the site? \_\_\_\_\_

Are there documented vernal pools on the site? \_\_\_\_\_

Is the site within a local, state or federal Historic District? \_\_\_\_\_

Is the site or any building(s) on the site listed, nominated or eligible for listing on the National Register of Historic Places? \_\_\_\_\_

Has the site or any building(s) on the site been designated as a local, state or national landmark? \_\_\_\_\_

Are there existing buildings and structures on site? \_\_\_\_\_

Does the site include documented archeological resources? \_\_\_\_\_

Does the site include significant areas of ledge? \_\_\_\_\_

Does the site include areas with slopes greater than 10%? \_\_\_\_\_

If applying for MassHousing Financing, is any portion of the site considered "Prime" or "Unique" agricultural land under Executive Order 193? \_\_\_\_\_

## Required Attachments Relating to Section 2

### 2.1 Existing Conditions Plan

Please provide a detailed Existing Conditions Plan showing the entire site prepared, signed and stamped by a registered engineer or land surveyor. Plans should be prepared at a scale of 1"=100' or 1"=200' and should include the following information:

- a. Reduced scale locus map
- b. Surveyed property boundaries
- c. Topography (2' contours)
- d. Wetland boundaries (if applicable)
- e. Existing utilities (subsurface and above ground)
- f. Natural features including bodies of water, rock outcroppings
- g. Existing easements and/or rights of way on the property
- h. Existing buildings and structures, including walls, fences, wells
- i. Existing vegetated areas; specimen trees or those with caliper greater than 18" should be shown individually
- j. Existing site entries and egresses

Please provide two (2) sets of full size (30" x 40" plans) along with three (3) sets of 11" x 17" reproductions.

### 2.2 Aerial Photographs

Please provide one or more aerial photograph(s) of the site (such as those available online) showing the immediate surrounding area if available. Site boundaries and existing site entrance and access points must be clearly marked.

### 2.3 Site/Context Photographs

Please provide photographs of the site and surrounding physical and neighborhood context, including nearby buildings, significant natural features and land uses. Please identify the subject and location of all photographs.

### 2.4 Documentation Regarding Site Characteristics/Constraints

Please provide documentation of site characteristics and constraints as directed including narratives, summaries and relevant documentation including:

- Flood Insurance Rate Map (FIRM) showing site boundaries
- Wetlands delineation
- Historic District nomination(s)

### 2.5 By-Right Site Plan *(if available)*

MassHousing will commission, at your expense, an "as-is" appraisal of the site in accordance with the Guidelines, Section B (1). Therefore, if there is a conceptual development plan which would be permitted under current zoning and which you would like the appraiser to take into consideration, or if permits have been issued for alternative development proposals for the site, please provide two (2) copies of a "by-right" site plan showing the highest and best use of the site under current zoning, and copies of any existing permits. These will assist the appraiser in determining the "as is" value of the site without any consideration being given to its potential for development under Chapter 40B.

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

**Section 3: PROJECT INFORMATION** (also see Required Attachments listed at end of Section 3)

*In order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that the proposed project appears generally eligible under the requirements of the housing subsidy program and that the conceptual project design is generally appropriate for the site.*

Name of Proposed Project: \_\_\_\_\_

Project Type (mark both if applicable): New Construction \_\_\_\_\_ Rehabilitation \_\_\_\_\_ Both \_\_\_\_\_

Total Number of Dwelling Units: \_\_\_\_\_

Total Number of Affordable Units: \_\_\_\_\_

**Unit Mix: Affordable Units**

Unit Type	0 Bedroom	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Number of Units					
Number of Bathrooms					
Square Feet/Unit					

**Unit Mix: Market Rate**

Unit Type	0 Bedroom	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Number of Units					
Number of Bathrooms					
Square Feet/Unit					

Percentage of Units with 3 or More Bedrooms\*: \_\_\_\_\_

*\* Note that the January 17, 2014 Interagency Agreement Regarding Housing Opportunities for Families with Children requires that at least 10% of the units in the project must have three (3) or more bedrooms. Evidence of compliance with this requirement must be provided at Final Approval.*

Number of Handicapped Accessible Units: \_\_\_\_\_ Market Rate: \_\_\_\_\_ Affordable: \_\_\_\_\_

Gross Density (units per acre): \_\_\_\_\_

Net Density (units per buildable acre): \_\_\_\_\_

**Residential Building Information**

Building Type and Style <i>(single-family detached, townhouse, multi-family)</i>	Construction or Rehabilitation	Number of Stories	Height	GFA	Number Bldgs. of this type

**Non-Residential Building Information**

Building Type and Style	Construction or Rehabilitation	Number of Stories	Height	GFA	Number Bldgs. of this type

Will all features and amenities available to market unit residents also be available to affordable unit residents?  
If not, explain the differences. \_\_\_\_\_

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**Parking**

Total Parking Spaces Provided: \_\_\_\_\_

Ratio of Parking Spaces to Housing Units: \_\_\_\_\_

**Lot Coverage** *(Estimate the percentage of the site used for the following)*

Buildings: \_\_\_\_\_

Parking and Paved Areas: \_\_\_\_\_

Usable Open Space: \_\_\_\_\_

Unusable Open Space: \_\_\_\_\_

Lot Coverage: \_\_\_\_\_

Does project fit definition of "Large Project" (as defined in 760 CMR 56.03 (6))? Yes/No \_\_\_\_\_

## Required Attachments Relating to Section 3

### 3.1 Preliminary Site Layout Plan(s)

Please provide preliminary site layout plans of the entire site prepared, signed and stamped by a registered architect or engineer. Plans should be prepared at a scale of 1"=100' or 1"=200', and should show

- Proposed site grading (2' contours)
- Existing lot lines
- Easements (existing and proposed)
- Access to a public way must be identified
- Required setbacks
- Proposed site circulation (entrances/egresses, roadways, driveways, parking areas, walk ways, paths, trails)
- Building and structure footprints (label)
- Utilities (existing and proposed)
- Open space areas
- Schematic landscaping and screening
- Wetland and other restricted area boundaries and buffer zones

Please provide two (2) sets of full size (30" x 40") plans along with three (3) sets of 11" x 17" reproductions.

### 3.2 Graphic Representations of Project/Preliminary Architectural Plans

- Typical floor plans
- Unit plans showing dimensions, bedrooms, bathrooms and overall unit layout
- Exterior elevations, sections, perspectives and illustrative rendering.

### 3.3 Narrative Description of Design Approach

Provide a narrative description of the approach to building massing, style and exterior materials; site layout; and the relationship of the project to adjacent properties, rights of way and existing development patterns. The handbook called [Approach to Chapter 40B Design Reviews](#) prepared by the Cecil Group in January 2011 may be helpful in demonstrating the nature of the discussion that MassHousing seeks in this narrative.

### 3.4 Tabular Zoning Analysis

Zoning analysis in tabular form comparing existing zoning requirements to the waivers that you will request from the Zoning Board of Appeals for the proposed project, showing required and proposed dimensional requirements including lot area; frontage; front, side and rear setbacks; maximum building coverage; maximum lot coverage; height; number of stories; maximum gross floor area ratio; units per acre; units per buildable acre; number of parking spaces per unit/square foot; and total number of parking spaces (proposed and required).

### 3.5 Completed Sustainable Development Principles Evaluation Assessment Form *(see attached form)*

All developments seeking Chapter 40B site approval must demonstrate consistency with the Commonwealth's May 2007 Sustainable Development Principles.

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

**Section 4: SITE CONTROL** (also see Required Attachments listed at end of Section 4)

*In order to issue Site Approval, MassHousing must find (as required by 760 CRM 56.04 (4)) that the Applicant controls the site.*

Name of Proposed Project: \_\_\_\_\_

Describe current ownership status of the entire site as shown on the site layout plans (attach additional sheets as necessary if the site is comprised of multiple parcels governed by multiple deeds or agreements):

- Owned (or ground leased) by Development Entity or Applicant \_\_\_\_\_
- Under Purchase and Sale Agreement \_\_\_\_\_
- Under Option Agreement \_\_\_\_\_

*Note: The Grantee/Buyer on each document must be either the Applicant or the Proposed Development Entity, or you must attach an explanation showing direct control of the Grantee/Buyer by the Applicant or the Proposed Development Entity.*

Grantor/Seller: \_\_\_\_\_

Grantee/Buyer: \_\_\_\_\_

Grantee/Buyer is (check one):

- Applicant \_\_\_\_\_
- Development Entity \_\_\_\_\_
- Managing General Partner of Development Entity \_\_\_\_\_
- General Partner of Development Entity \_\_\_\_\_
- Other (explain) \_\_\_\_\_

Are the Parties Related? \_\_\_\_\_

**For Deeds or Ground Leases**

Date(s) of Deed(s) or Ground Lease(s): \_\_\_\_\_

Purchase Price: \_\_\_\_\_

**For Purchase and Sale Agreements or Option Agreements**

Date of Agreement: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

If an extension has been granted, date of extension: \_\_\_\_\_

If an extension has been granted, new expiration date: \_\_\_\_\_

Purchase Price: \_\_\_\_\_

Will any easements or rights of way over other properties be required in order to develop the site as proposed?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, please describe current status of easement:

- Owned (or ground leased) by Development Entity or Applicant \_\_\_\_\_
- Under Purchase and Sale Agreement \_\_\_\_\_
- Under Option Agreement \_\_\_\_\_

Note: The Grantee/Buyer on each document must be either the Applicant or the Proposed Development Entity, or you must attach an explanation showing direct control of the Grantee/Buyer by the Applicant or the Proposed Development Entity.

Grantor/Seller: \_\_\_\_\_

Grantee/Buyer: \_\_\_\_\_

Are the Parties Related? \_\_\_\_\_

**For Easements**

Date(s) of Easement(s): \_\_\_\_\_

Purchase Price: \_\_\_\_\_

**For Easement Purchase and Sale Agreements or Easement Option Agreements**

Date of Agreement: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

If an extension has been granted, date of extension: \_\_\_\_\_

If an extension has been granted, new expiration date: \_\_\_\_\_

Purchase Price: \_\_\_\_\_

**Required Attachments Relating to Section 4**

**4.1 Evidence of Site Control (required)**

Copies of all applicable, fully executed documents (deed, ground lease, purchase and sale agreement, option agreement, land disposition agreement) showing evidence of site control, including any required easements, along with copies of all amendments and extensions. Copies of all plans referenced in documents must be included.

**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: \_\_\_\_\_

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

**Sales/Revenue**

Market \_\_\_\_\_  
 Affordable \_\_\_\_\_  
 Identity of Interest (Market) \_\_\_\_\_  
 Other Income \_\_\_\_\_  
**Total Sales/Revenue** \_\_\_\_\_

**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.	

**Costs**

Item	Budgeted
------	----------

**Acquisition Cost**

Site Acquisition: pre-permit land value (to be determined by MassHousing Commissioned Appraisal) plus reasonable carrying costs \_\_\_\_\_  
**Subtotal** – Acquisition Costs \_\_\_\_\_

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

Building Structure Costs \_\_\_\_\_  
 Hard Cost Contingency \_\_\_\_\_  
**Subtotal** – Residential Construction (Hard Costs) \_\_\_\_\_

**Costs**

Item	Budgeted
<b>Construction Costs – Site Work (Hard Costs)</b>	
Earth Work	_____
Utilities: On Site	_____
Utilities: Off Site	_____
Roads and Walks	_____
Site Improvement	_____
Lawns and Planting	_____
Geotechnical Condition	_____
Environmental Remediation	_____
Demolition	_____
Unusual Site Conditions/Other Site Work	_____
<b>Subtotal</b> – Site Work (Hard Costs)	_____
<b>Construction Costs – General Conditions, Builders Overhead and Profit (Hard Costs)</b>	
General Conditions	_____
Builder's Overhead	_____
Builder's Profit	_____
<b>Subtotal</b> – General Conditions Builder's Overhead and Profit (Hard Costs)	_____
<b>General Development Costs (Soft Costs)</b>	
Appraisal and Marketing Study <i>(not 40B "as is" appraisal)</i>	_____
Lottery	_____
Commissions/Advertising-Affordable	_____
Commissions/Advertising-Market	_____
Model Unit	_____
Closing Costs <i>(unit sales)</i>	_____
Real Estate Taxes <i>(during construction)</i>	_____
Utility Usage <i>(during construction)</i>	_____
Insurance <i>(during construction)</i>	_____
Security <i>(during construction)</i>	_____
Inspecting Engineer	_____
Fees to Others	_____
Construction Loan Interest	_____
Fees to Construction Lender	_____
Architectural	_____
Engineering	_____
Survey, Permits, etc.	_____
Clerk of the Works	_____
Construction Manager	_____

Item	Budgeted
------	----------

**General Development Costs (Soft Costs) – Continued**

Bond Premiums ( <i>Payment/Performance/Lien Bond</i> )	_____
Legal	_____
Title ( <i>including title insurance</i> ) and Recording	_____
Accounting and Cost Certification ( <i>incl. 40B</i> )	_____
Relocation	_____
40B Site Approval Processing Fee	_____
40B Technical Assistance/Mediation Fund Fee	_____
40B Land Appraisal Cost ( <i>as-is value</i> )	_____
40B Final Approval Processing Fee	_____
40B Subsidizing Agency Cost Certification Examination Fee	_____
40B Monitoring Agent Fees	_____
40B Surety Fees	_____
Other Financing Fees	_____
Development Consultant	_____
Other Consultants ( <i>describe</i> ) _____	_____
Other Consultants ( <i>describe</i> ) _____	_____
Soft Cost Contingency	_____
Other General Development (Soft) Costs	_____
<b>Subtotal</b> – General Development Costs (Soft Costs)	_____

**Developer Overhead**

Developer Overhead	_____
<b>Subtotal</b> – Developer Overhead	_____

**Summary of Subtotals**

Sales/Revenue	_____
Site Acquisition	_____
Residential Construction	_____
Site Work	_____
Builder's Overhead, Profit and General Conditions	_____
General Development Costs	_____
Developer Overhead	_____

**Summary**

<b>Total Sales/Revenue</b>	_____
<b>Total Development Costs (TDC)</b>	_____
<b>Profit (Loss) from Sales/Revenue</b>	_____
<b>Percentage of Profit (Loss) Over the Total Development Costs</b>	_____

## **Required Attachments Relating to Section 5**

### **5.1 New England Fund Lender Letter of Interest** *(required for projects with NEF financing)*

Please attach a Letter of Interest from a current Federal Home Loan Bank of Boston (FHLBB) member bank regarding financing for the proposed development. The letter of interest must include, at a minimum, the following:

- Identification of proposed borrower, and brief description of the bank's familiarity with the borrower;
- Brief description of the Proposed Project, including location, number of units, and type of building (townhouse, garden style, etc.);
- Confirmation that the bank is a current FHLBB member bank and that the bank will specifically use NEF funds for the proposed development.

*NOTE: Binding Construction and Permanent Financing Commitments (or evidence of closed loans) will be required at the time you apply for Final Approval from MassHousing.*

### **5.2 Market Sale Comparables** *(required)*

Please provide a listing of market sales being achieved in properties comparable to the proposed project.

### **5.3 Market Study** *(if available)*

MassHousing may require a market study at Final Approval for projects located in areas where the need or demand for the type of housing being proposed cannot be clearly demonstrated.

**Application for Chapter 40B Project Eligibility/Site Approval  
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**Section 6: APPLICANT QUALIFICATIONS, ENTITY INFORMATION AND CERTIFICATION**

*In order to issue Site Approval, MassHousing must find (as required by 760 CRM 56.04 (4)) that the applicant is either a non-profit public agency or would be eligible to apply as a Limited Dividend Organization and meets the general eligibility standards of the program.*

Name of Proposed Project: \_\_\_\_\_

**Development Team**

Developer/Applicant: \_\_\_\_\_

Development Consultant (if any): \_\_\_\_\_

Attorney: \_\_\_\_\_

Architect: \_\_\_\_\_

Contractor: \_\_\_\_\_

Lottery Agent: \_\_\_\_\_

Management Agent: \_\_\_\_\_

Other (specify): \_\_\_\_\_

Other (specify): \_\_\_\_\_

**Role of Applicant in Current Proposal**

Development Task	Developer/Applicant	Development Consultant (identify)
Architecture and Engineering		
Local Permitting		
Financing Package		
Construction Management		
Other		

**Applicant's Ownership Entity Information**

Please identify for each of (i) the Applicant and, if different (ii) the Proposed Development Entity, the following (collectively with the Applicant and the Proposed Development Entity, the "Applicant Entities"): the Managing Entities, Principals, Controlling Entities and Affiliates of each.

*Note: For the purposes hereof, "Managing Entities" shall include all persons and entities (e.g., natural persons, corporations, partnerships, limited liability companies, etc., including beneficiaries of nominee trusts) who are managers of limited liability companies, general partners of limited partnerships, managing general partners of limited liability partnerships, directors and officers of corporations, trustees of trusts, and other similar persons and entities that have the power to manage and control the activities of the Applicant and/or Proposed Development Entity.*

"Principal or Controlling Entities" shall include all persons and entities (e.g., natural persons, corporations, partnerships, limited liability companies, etc., including beneficiaries of nominee trusts) that shall have the right to

- (i) approve the terms and conditions of any proposed purchase, sale or mortgage;
- (ii) approve the appointment of a property manager; and/or
- (iii) approve managerial decisions other than a decision to liquidate, file for bankruptcy or incur additional indebtedness.

Such rights may be exercisable either (i) directly as a result of such person's or entity's role within the Applicant or the Proposed Development Entity or the Managing Entities of either or (ii) indirectly through other entities that are included within the organizational structure of the Applicant and/or Proposed Development Entity and the Managing Entities of either.

In considering an application, MassHousing will presume that there is at least one Principal or Controlling Entity of the Applicant and of the Proposed Development Entity. Any person or persons who have purchased an interest for fair market value in the Applicant and/or Proposed Development Entity solely for investment purposes shall not be deemed a Principal or Controlling Entity.

"Affiliates" shall include all entities that are related to the subject organization by reason of common control, financial interdependence or other means.

**Applicant**

Name of Applicant: \_\_\_\_\_

Entity Type (limited liability company, limited partnership, limited liability partnership, corporation, trust, etc.):  
\_\_\_\_\_

State in which registered/formed: \_\_\_\_\_

List all Managing Entities of Applicant (you must list at least one): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List all Principals and Controlling Entities of Applicant and (unless the Managing Entity is an individual) its Managing Entities (use additional pages as necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List all Affiliates of Applicant and its Managing Entities (use additional pages as necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Proposed Development Entity**

Name of Proposed Development Entity: \_\_\_\_\_

Entity Type *(limited liability company, limited partnership, limited liability partnership, corporation, trust, etc.):*

\_\_\_\_\_

State in which registered/formed: \_\_\_\_\_

List **all** Managing Entities of Proposed Development Entity *(you must list at least one):* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List **all** Principals and Controlling Entities of Proposed Development Entity and *(unless the Managing Entity is an individual)* its Managing Entities *(use additional pages as necessary):* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List **all** Affiliates of Proposed Development Entity and its Managing Entities *(use additional pages as necessary):* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Applicant Entity 40B Experience**

Please identify **every** Chapter 40B project in which the Applicant or any Applicant Entity (as defined above) has or had an interest. For each such project, state whether the construction has been completed and whether cost examination has been submitted *(use additional pages as necessary)*.

40B Project	Municipality	Number of Units/Type	Year Completed	Cost Cert Submitted?

**Certification**

I hereby certify on behalf of the Applicant, *under pains and penalties of perjury*, that the information provided above for each of the Applicant Entities is, to the best of my knowledge, true and complete; and that each of the following questions has been answered correctly to the best of my knowledge and belief:

*(Please attach a written explanation for all of the following questions that are answered with a "Yes". Explanations should be attached to this Section 6.)*

Is there pending litigation with respect to any of the Applicant Entities? **Yes** \_\_\_ **No** \_\_\_

Are there any outstanding liens or judgments against any properties owned by any of the Applicant Entities? **Yes** \_\_\_ **No** \_\_\_

Have any of the Applicant Entities failed to comply with provisions of Massachusetts law related to taxes, reporting of employees and contractors, or withholding of child support? **Yes** \_\_\_ **No** \_\_\_

Have any of the Applicant Entities ever been the subject of a felony indictment or conviction? **Yes** \_\_\_ **No** \_\_\_

During the last 10 years, have any of the Applicant Entities ever been a defendant in a lawsuit involving fraud, gross negligence, misrepresentation, dishonesty, breach of fiduciary responsibility or bankruptcy? **Yes** \_\_\_ **No** \_\_\_

Have any of the Applicant Entities failed to carry out obligations in connection with a Comprehensive Permit issued pursuant to M.G.L. c. 40B and any regulations or guidelines promulgated thereunder (whether or not MassHousing is or was the Subsidizing Agency/Project Administrator) including, but not limited to, completion of a cost examination and return of any excess profits or distributions? **Yes** \_\_\_ **No** \_\_\_

Have any of the Applicant Entities ever been charged with a violation of state or federal fair housing requirements? **Yes** \_\_\_ **No** \_\_\_

Are any of the Applicant Entities not current on all existing obligations to the Commonwealth of Massachusetts, and any agency, authority or instrument thereof? **Yes** \_\_\_ **No** \_\_\_

I further certify that the information set forth set forth in this application (including attachments) is true, accurate and complete as of the date hereof to the best of my/our knowledge, information and belief. I further understand that MassHousing is relying on this information in processing the request for Site Approval in connection with the above-referenced project; and

I further certify that we have met with a representative of the 40B Department at MassHousing and understand the requirements for a) completing this application and b) the procedures if and when Site Approval is granted, including the requirement for (i) the use of the standard MassHousing Regulatory Agreement, (ii) submission to MassHousing, within one hundred eighty (180) days after substantial completion or, if later, within ninety (90) days of the date on which all units are sold, of a cost certification examined in accordance with AICPA attestation standards by an approved certified public accountant and (iii) the posting of surety for completion of the cost certification as a condition of Final Approval by MassHousing under Chapter 40B.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## **Required Attachments Relating to Section 6**

### **6.1 Development Team Qualifications**

Please attach resumes for principal team members (Applicant, consultant, attorney, architect, general contractor, management agent, lottery agent, etc.) and list of all relevant project experience for 1) the team as a whole and 2) individual team members. Particular attention should be given to demonstrating experience with (i) projects of a similar scale and complexity of site conditions, (ii) permitting an affordable housing development, (iii) design, and (iv) financing. The development team should demonstrate the ability to perform as proposed and to complete the project in a competent and timely manner, including the ability to pursue and carry out permitting, financing, marketing, design and construction.

*(If the Applicant (or, if the Applicant is a single purpose entity, its parent developer entity) has received financing from MassHousing within the past five (5) years for a development of comparable size and complexity to the Proposed Project, no resume or list of project experience need be submitted for the Applicant or, as applicable, its parent developer entity. Information regarding the other team members still will be required.)*

### **6.2 Applicant's Certification**

Please attach any additional sheets and any written explanations for questions answered with "yes" as required for Certification.

**Application for Chapter 40B Project Eligibility/Site Approval  
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**Section 7: NOTIFICATIONS AND FEES**

Name of Proposed Project: \_\_\_\_\_

**Notice**

Date(s) of meetings, if any, with municipal officials prior to submission of application to MassHousing: \_\_\_\_\_

Date copy of complete application sent to chief elected office of municipality: \_\_\_\_\_

Date notice of application sent to DHCD: \_\_\_\_\_

**Fees** *(all fees should be payable to MassHousing)*

MassHousing Application Processing Fee (\$2500): \_\_\_\_\_

Chapter 40B Technical Assistance/Mediation Fee

a. Base Fee: \_\_\_\_\_  
*(Limited Dividend Sponsor \$2500, Non-Profit or Public Agency Sponsor \$1,000)*

b. Unit Fee *(all projects)* \$30 per Unit: \_\_\_\_\_

Total TA/Mediation Fee *(Base Fee plus Unit Fee)*: \_\_\_\_\_

Total Fees Due: \_\_\_\_\_

**Land Appraisal Cost**

*You will be required to pay for an “as-is” market value appraisal of the site to be commissioned by MassHousing. MassHousing will contact you once a quote has been received for the cost of the appraisal.*

## **Required Attachments Relating to Section 7**

- 7.1** Narrative describing any prior correspondence and/or meetings with municipal officials
- 7.2** Evidence (such as a certified mail receipt) that a copy of the complete application package was sent to the chief elected official of municipality (may be submitted after the application is submitted to MassHousing)
- 7.3** Copy of notice of application sent to DHCD
- 7.4** Check made payable to MassHousing for Processing Fee (\$2500)
- 7.5** Check made payable to MassHousing for Technical Assistance/Mediation Fee
- 7.6** W-9 (Taxpayer Identification Number)

## Application Checklist

The documentation listed below must, where applicable, accompany each application. For detailed descriptions of these required documents, please see the relevant sections of the application form.

\* Applications missing any of the documents indicated by an asterisk will not be processed by MassHousing until MassHousing receives the missing item(s).

- \* Completed application form, and certification under pains and penalties of perjury (*one (1) signed original accompanied by two (2) copies of the complete application package*)
- \* Location Map
- Tax Map
- \* Directions to the Proposed Site
- \* Existing Conditions Plan
- Aerial Photographs
- Site/Context Photographs
- \* Documentation Regarding Site Characteristics/Constraints
- \* By Right Site Plan, if applicable
- \* Preliminary Site Layout Plan(s)
- \* Graphic Representations of Project/Preliminary Architectural Plans
- \* Narrative Description of Design Approach
- \* Tabular Zoning Analysis
- Sustainable Development Principles Evaluation Assessment Form
- \* Evidence of Site Control (*documents and any plans referenced therein*)
- Land Disposition Agreement, if applicable
- \* NEF Lender Letter of Interest
- Market Sales Comparables
- Market Study, if required by MassHousing
- \* Development Team Qualifications
- Applicant's Certification (*any required additional sheets*)
- Narrative describing prior contact (*if any*) with municipal officials
- \* Evidence that a copy of the application package has been received by the chief elected official in the municipality (*may follow after initial submission of application package, but site visit will not be scheduled nor request for municipal comments made until such evidence is received by MassHousing*)
- Copy of Notification Letter to DHCD
- \* Fees (\$5,000 plus \$30 per unit of housing proposed) payable to MassHousing (*once an appraiser has been selected by MassHousing and an appraisal fee quoted, an additional non-refundable appraisal fee will be required*)

**[ATTACH SUSTAINABLE DEVELOPMENT SCORECARD HERE]**

# 248 High Street Adeline Way

8 Unit Single Family Development

Adeline



# 248 High Street



# Site Description

- 1.5 Acre Site
- Abutting Open Space
- No Wetlands
- No Building Constraints
- Town Water
- Town Sewer
- Natural Gas
- Walking Distance to Stop & Shop Shopping Center

# What is Being Proposed?

- 8 Single Family
- 2 Affordable
- 6 Market
- 3 Bedroom, 2 ½ bath, 2 car garage
- Approximately 1800-2400sqft



# Street View Coming From South Acton

TBN  
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 **Artform Home Plans**  
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# Street View Coming From Stop & Shop

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# Street View From Across The Street

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# Aerial

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# House 1 Concept

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Alternate 1

# House 2 Concept

**Torri**  
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Alternate Garage Dormer

# House 3 Concept

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Alternate 3

# House 4 Concept

**Torri**  
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Some items shown are optional and/or may vary. Builder's written specifications always govern.

1. Gas fireplace and it's surround or mantel
2. Kitchen - island, cabinet style & trim, countertop material, etc.
3. Door styles and trim
4. Window grilles and trim, window treatments
5. Stair balusters or low walls at stairs
6. Lighting
7. Material selections (flooring, siding, roofing, paint colors, etc.)
8. Other furnishings
9. Landscaping, paving and walkways
10. Gutters, shutters and other exterior trim components
11. Deck size, railing style, stair location, etc.
12. Amount of exposed basement and/or wood framed walls at basement.

These images are not of any specific building site. Sun and view through windows will vary, as will the site around the house on the exterior and the slope of the land.