



**Town of Falmouth
Zoning Board of Appeals
Application for Comprehensive Permit**
Under Massachusetts General Laws, Chapter 40B, Sections 20-23

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TOWN CLERK

Please note that the Board of Appeals requires a complete application to be filed. Any application that the Board finds incomplete shall receive an automatic denial of a Comprehensive Permit. Applicants and their agents are strongly encouraged to work with the staff of the Board to insure that their application is ready for filing. The final determination of completeness does rest with the Board and will be first order of business at the public hearing. Please submit an original and 7 copies of this Application and 8 copies of the required supporting documentation.

Waiver of Application Requirements: if an applicant believes that any requirement contained in this application will make the 40B project economically unviable, they must first request a waiver from the Board in writing stating why the particular requirement being requested waived is so onerous as to render the entire project uneconomic. The Board will meet and decide to grant the waiver based solely on the written request and no hearing will be scheduled. Waivers of the application requirements will not be granted after an application has been filed.

Date: 8/19/2020

Applicant: Village at Brick Kiln, LLC 1094 Blue Hill Ave, Milton, MA 02186
Full Name Address Telephone

Property Owner: " " " " 617-719-5850
Full Name Address Telephone

Representative Paul C. Glynn 49 Locust Street, Falmouth, MA 02540 508-548-8282
Full Name Address Telephone

Qualification for a comprehensive permit:

- Public agency
- Non-profit Organization (attach IRS information/qualification and certificate of good standing)
- Limited Dividend organization (attach information/qualification/basis for profit limitation and certificate of good standing)

Location of Property: 511 Brick Kiln Road, Falmouth
Name and House Number of Street
26 01 019A 000A
Assessor's Map, Section, Parcel, and Lot number(s)
Book 32731, Page 149
Deed / Certificate Number

How many Lots will be subject to the Comprehensive Permit? 32

Dimensions of each Lot: See Attached Addendum
Frontage Minimum Average Width Square Feet

Dimensions of each Lot: _____
Frontage Minimum Average Width Square Feet

Dimensions of each Lot: _____
Frontage Minimum Average Width Square Feet

Dimensions of each Lot: _____
Frontage Minimum Average Width Square Feet

Dimensions of the entire Comprehensive Permit project area:
188.29 293,594
Frontage Minimum Average Width Square Feet

What is the basis of the applicant's control of the site Deed 32731 / 149 + 29262 / 52
(Deed, Purchase and Sale Agreement, Option Agreement, etc.)

_____ (attach any documentation including copies of actual document showing price, terms and conditions)

Did or will the applicant gain control of the site through an arms length transaction? Yes No
(if no explain in full and complete detail).

Will any previous owner of the property (including beneficiary of a trust) have a financial interest or benefit from the Comprehensive Permit? Yes No

What is the current use of the property: single family residence

How many buildings are now on the lot: two (2)

List sizes of existing and/or proposed buildings: The existing buildings will be razed. Replaced with 32 Single Family Dwellings.

Date of site approval letter April 30, 2020 (attach copy)

Agency providing Site approval MassHousing

Type of Housing: Single Family Detached 32 Condos _____ Multi Family _____

Unit Mix: Total Units 32 Affordable 8 Market 24
(Identify Affordable Units on Plan)

Project Description: _____

The development is 6.74 acres abutting Falmouth High School and Conservation Land. There are 32 homes. Eight (8) are affordable.
There are 20 two (2) bedroom homes: 5 affordable. These are about 1,400 square feet.
There are 12 three (3) bedroom homes: 3 affordable. These are about 1,787 square feet.

Is the property currently nonconforming? Yes No

If yes, are you seeking zoning relief as a preexisting nonconforming use(s)? Yes No

Are you seeking relief as a preexisting nonconforming structure(s)? Yes No

(You must provide a narrative history of the property explaining, how, when and why the property became nonconforming)

Describe the specific zoning relief (exemptions) the applicant is seeking noting the relevant section of the Zoning By-law. State specifically the amount of relief necessary including what is proposed and what is required under the By-law. (use separate sheets if necessary and number each exemption separately)

1. Section 240-67A: LOT AREA for the AGAA District is 80,000 SF and for Water Resource Protection district is 80,000 SF.
2. Section 240-67A: MINIMUM WIDTH for the AGAA District is 200 Feet and for the Water Resource Protection District is 200 feet.
3. Section 240-67A: MINIMUM FRONTAGE requirement for the AGAA District is 150 feet and for the Water Resource Protection District is 150 feet.
4. Section 240-68: FRONT YARD SETBACK for Structures of 25 feet
5. Section 240-69: LOT COVERAGE REQUIREMENT for the AGAA District for Structures, Parking and Paving is 20%.
6. Section 240-68B: SIDE and REAR YARD SETBACKS of 10 feet.

The applicant requests waivers for all of the six (6) items above for all 32 lots.

A Table of Requirements and Specific Data to each of the 32 Lots with respect to these waiver requests is attached hereto.

Number of Parking Spaces Required: 76 Number Provided: 152
Article XXII, Chapter 240

Total Gross area of the Site: Acreage: 6.74 Square Footage: 293,600+/-SF

Total Buildable area of the Site: Acreage: 6.56 Acres Square Footage: 285,600+/-SF

Zoning Bylaw Waivers By Lot #

Lot No.	Required	Provided	Required Lot	Provided
	Lot Area	Lot Area	Coverage 40%	Lot Coverage
	80,000 SF AGAA		Structures/	
	80,000 SF WRPD		Parking/Paving	
1		6,290		34%
2		4,565		38.00%
3		4,540		43.40%
4		4,990		40.70%
5		4,582		43.60%
6		5,480		36.20%
7		9,260		25.80%
8		9,700		29.20%
9		8,915		36.20%
10		7,000		32.80%
11		6,130		37.30%
12		6,180		45.50%
13		8,330		29.90%
14		6,780		34.00%
15		6,170		39.10%
16		4,780		43.30%
17		5,560		37.10%
18		6,570		39.50%
19		8,290		30.60%
20		8,290		29.40%
21		7,130		34.90%
22		7,090		40.20%
23		8,570		29.60%
24		5,775		39.60%
25		4,320		40.60%
26		6,610		33.60%
27		5,900		37.30%
28		6,135		40.60%
29		5,490		40.50%
30		8,170		33.40%
31		4,930		42.60%
32		5,184		37.50%

Zoning Bylaw Waivers By Lot #

Lot No	Required Frontage	Provided Frontage	Required Front	Provided Front
	150 AGAA		Yard Setback	Yard Setback
	150 WRPD		25 Feet	
1		157.73'		9.2'
2		66.30'		6.6'
3		67.62'		10.0'
4		76.58'		7.8'
5		64.27'		6.5'
6		56.47'		13.6
7		78.76'		11.0'
8		114.92'		16.2'
9		86.44'		6.8'
10		48.59'		12.8'
11		46.93'		20.9'
12		30.58'		25.9'
13		45.30'		44.8'
14		56.65'		21.6'
15		37.26'		20.2'
16		37.27'		4.3'
17		50.91'		9.4'
18		37.58'		14.6'
19		98.86'		8.6'
20		106.30'		9.5'
21		44.67'		30.4'
22		36.37'		28.7'
23		41.39'		28.3'
24		44.18'		15.7'
25		63.88'		8.8'
26		131.78'		9.8'
27		73.27'		8.6'
28		64.88'		10.7'
29		49.44'		12.5'
30		60.14'		21.6'
31		71.47'		11.1'
32		136.86'		10.5'

Zoning Bylaw Waivers By Lot #

Lot No	Required Lot Coverage	Provided Lot Coverage	Side / Rear Yard Setbacks	Provided Side/ Rear Yard Setbacks
	Structures 20%		10 Feet	
1		29.70%		14.2' / 13.9'
2		34.80%		10.0' / 16.2'
3		40.10%		10.1' / 9.3'
4		37.40%		8.8' / 14.0'
5		40.80%		6.0' / 10.5'
6		33.20%		6.2' / 25.9'
7		24.40%		8.3' / 43.4'
8		20.30%		7.2' / 66.6'
9		25.30%		8.1' / 48.9'
10		28.60%		5.8' / 22.8'
11		30.50%		6.9' / 14.8'
12		36.70%		2.8' / 12.4'
13		21.80%		5.7' / 9.8'
14		27.60%		6.5' / 12.0'
15		32.40%		3.8' / 15.8'
16		41.20%		5.5' / 12.2'
17		33.60%		6.3' / 22.7'
18		34.50%		7.1' / 21.7'
19		23.70%		5.4' / 76.0'
20		27.20%		2.0' / 76.7'
21		26.20%		4.5' / 33.7'
22		32.05%		5.3' / 17.9'
23		23.05%		7.6' / 33.9'
24		32.30%		5.2' / 13.7'
25		36.80%		8.0' / 13.6'
26		30.30%		6.4' / 8.0'
27		33.30%		8.9' / 13.0'
28		37.00%		7.9' / 19.5'
29		35.80%		8.9' / 9.0'
30		27.80%		10.2' / 16.8'
31		37.90%		6.6' / 15.9'
32		35.10%		9.5' / 10.6'

Zoning District in which property is located: AGAA

Under the current zoning, how many units would be eligible to be built? three (3)

Does any portion of the site contain wetlands? Yes No (If yes, attach map of site noting wetland resource areas)

Has your proposal been reviewed by the Falmouth Conservation Commission under the State Wetlands Regulations? Yes No

Is the site located within a designated Flood Hazard area? Yes No If yes, which zone? _____

Does any portion of the site lie within a: Water Resource Protection District Yes No
(If yes to any, provide map identifying these areas Coastal Pond Overlay District Yes No
and provide a narrative explaining mitigation Zone II Yes No
and/or economic impact of compliance) Area of Critical Environmental Concern Yes No
District of Critical Planning Concern Yes No
Wildlife Corridors Yes No
Accident Prevention Zones Yes No
FEMA designated Velocity Zone Yes No
Historic District Yes No

Is a Conservation Commission Hearing Required: Yes No

Has a Notice of Intent or Request for Determination of Applicability been filed? Yes No

Are there any hazardous waste sites within a 1/2 mile radius of the site? Yes No

Has a M.G.L. ch. 21E assessment been performed of the locus? Yes No
(if yes attach a copy)

Does the project cross any MEPA thresholds (301 CMR 11.00 et seq.)? Yes No

If yes, has an Environmental Notification Form been filed with the Executive Office of Environmental Affairs?
Yes No

Is the site or any building located on the site listed, nominated or eligible for listing on the National Register of Historic Places? Yes No

Does the site qualify as "Prime Agricultural Land" under Executive Order 193? Yes No

If yes, has this proposal been discussed with the Department of Food and Agriculture? Yes No

Availability of Utilities (Indicate which utilities will be available to this site):

Public Sewer _____

Private Septic X

Public Water X

Private Wells _____

Natural Gas X

Electricity X

Type of Sewage Disposal:

Sewer _____

Title V X

Denitrification _____

Has there been a percolation test done? Yes No

If alternative system, please describe the type:

Project Information

Size of Development:

1. Total Number of Units: 32

2. Number of Handicapped Accessible Units: 0

3. Number of Buildings: 32

4. Number of Stories in Buildings: one + two stories

5. Number of Commercial Units: 0

Total Gross Square Footage of Building Space: 0

Total Gross Square Footage of Commercial Space: 0

Construction Type:

New Construction X Rehabilitation _____ Conversion _____

Type of Fuel:

Natural Gas _____ Oil _____ Electric X Other _____

Parking Spaces Provided:

Enclosed 53 # Outdoor 53 # Per Unit 3.3

What is the total lot coverage by structures? 21.5 % by structures, paving & parking? 40.7 %

Describe how/when the affordable units will be allocated? The Applicant is asking the Board to allow the first eight (8) units sold to be at market rate. Then one Affordable for each Market rate.

Will you use a lottery agent? Yes No

Who will be your lottery agent? Housing Assistance Corporation
(attach a copy of commitment from lottery agent listing, all fees charged, and methodology used to determine qualification)

Has your lottery agent performed this function for a Comprehensive Permit previously? Yes No

Will the affordable units be limited to persons older than age 55? Yes No

Will the affordable units be limited to persons older than age 65?

Yes No

What provisions have you made for children?

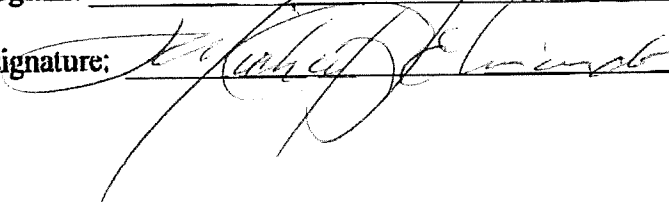
Complete the chart below:

Unit Mix:

<i>Unit Type</i>	<i># of Units</i>	<i># of Bedrooms</i>	<i># of Baths</i>	<i>Square Footage</i>	<i>Sales Prices</i>
<i>Affordable</i>	8	19	10		
<i>Market</i>	24	57	36		
<i>Total</i>	32	76	46		

Subsidizing Agency: MassHousing

Subsidy Program: Housing Starts

Applicant signature:  Date: 8/19/2020

**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: The Village at Brick Kiln

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

Sales / Revenue

Market	<u>12,720,000.00</u>
Affordable	<u>1,633,000.00</u>
Related Party	<u> </u>
Other Income	<u> </u>
Total Sales/Revenue	<u>14,353,000.00</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.	460000

Costs

Item	Budgeted
Acquisition Cost	
Site Acquisition: pre-permit land value (to be determined by MassHousing Commissioned Appraisal) plus reasonable carrying costs	<u>376,000.00</u>
Subtotal Acquisition Costs	<u>376,000.00</u>
 Construction Costs-Residential Construction (Hard Costs)	
Building Structure Costs	<u>9,122,400.00</u>
Hard Cost Contingency	<u>456,120.00</u>
Subtotal – Residential Construction (Hard Costs)	<u>9,578,520.00</u>

Costs

Item	Budgeted
Construction Costs-Site Work (Hard Costs)	
Earth Work	
Utilities: On Site	350,000.00
Utilities: Off-Site	25,000.00
Roads and Walks	850,000.00
Site Improvement	
Lawns and Planting	160,000.00
Geotechnical Condition	
Environmental Remediation	
Demolition	15,000.00
Unusual Site Conditions/Other Site Work	25,000.00
Subtotal -Site Work (Hard Costs)	1,425,000.00
Construction Costs-General Conditions, Builders Overhead and Profit (Hard Costs)	
General Conditions	200,000.00
Builder's Overhead	500,000.00
Builder's Profit	
Subtotal - General Conditions Builder's Overhead and Profit (Hard Costs)	700,000.00
General Development Costs (Soft Costs)	
Appraisal and Marketing Study <i>(not 40B "as is" appraisal)</i>	4,000.00
Lottery	16,000.00
Commissions/Advertising-Affordable	
Commissions/Advertising-Market	500,000.00
Model Unit	
Closing Costs <i>(unit sales)</i>	80,000.00
Real Estate Taxes <i>(during construction)</i>	20,000.00
Utility Usage <i>(during construction)</i>	30,000.00
Insurance <i>(during construction)</i>	20,000.00
Security <i>(during construction)</i>	
Inspecting Engineer	
Fees to Others	
Construction Loan Interest	313,000.00
Fees to Construction Lender	75,000.00
Architectural	25,000.00
Engineering	50,000.00
Survey, Permits, Etc.	25,000.00
Clerk of the Works	
Construction Manager	

Item	Budgeted
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General Development Costs (Soft Costs) - Continued

Bond Premiums (Payment/Performance/Lien Bond)	50,000.00
Legal	30,000.00
Title (including title insurance) and Recording	20,000.00
Accounting and Cost Certification (incl. 40B)	2,500.00
Relocation	
40B Site Approval Processing Fee	
40B Technical Assistance/Mediation Fund Fee	
40B Land Appraisal Cost (as-is value)	2,500.00
40B Final Approval Processing Fee	
40B Subsidizing Agency Cost Certification Examination Fee	5.00
40B Monitoring Agent Fees	
40B Surety Fees	
Other Financing Fees	
Development Consultant	
Other Consultants (describe)	
Other Consultants (describe)	
Soft Cost Contingency	
Other General Development (Soft) Costs	
Subtotal - General Development Costs (Soft Costs)	1,260,505.00

Developer Overhead

Developer Overhead	40,500.00
Subtotal - Developer Overhead	40,500.00

Summary of Subtotals

Sales/Revenue	14,353,000.00
Site Acquisition	376,000.00
Residential Construction	9,578,520.00
Site Work	1,425,000.00
Builder's Overhead, Profit and General Conditions	700,000.00
General Development Costs	1,260,505.00
Developer Overhead	40,500.00

Summary

Total Sales/Revenue	14,353,000.00
Total Development Costs (TDC)	13,380,525.00
Profit (Loss) from Sales/Revenue	972,475.00
Percentage of Profit (Loss) Over the Total Development Costs	7.27%

Required Supporting Documents
Please Provide 8 copies¹ of the Following:
(please make a check as appropriate on each line)

	Included	N/A
1. Complete Application with Filing Fee	<input type="checkbox"/>	
2. Project Eligibility Letter	<input type="checkbox"/>	
3. Site Approval Letter	<input type="checkbox"/>	
4. Evidence of Site Control	<input type="checkbox"/>	
5. List of Development Team Members and their Responsibilities	<input type="checkbox"/>	
6. Marketing Plan	<input type="checkbox"/>	
7. Site Conditions Report	<input type="checkbox"/>	
8. Topographic Plan	<input type="checkbox"/>	
9. Utilities Plan	<input type="checkbox"/>	
10. Preliminary Site Development Plans	<input type="checkbox"/>	
11. Architectural Drawings & Outline Specs	<input type="checkbox"/>	
12. Building Tabulations	<input type="checkbox"/>	
13. Traffic impact report	<input type="checkbox"/>	
14. Required District, Zone, Area, Corridor maps/plans	<input type="checkbox"/>	<input type="checkbox"/>
15. IRS Certification as a non profit organization	<input type="checkbox"/>	<input type="checkbox"/>
16. Limited Dividend Organization qualification	<input type="checkbox"/>	<input type="checkbox"/>
17. Limited Dividend Organization audited financial report	<input type="checkbox"/>	<input type="checkbox"/>
18. Secretary of State Certificate of Good Standing	<input type="checkbox"/>	<input type="checkbox"/>
19. Zoning History	<input type="checkbox"/>	<input type="checkbox"/>
20. Mitigation/Economic Impact Report	<input type="checkbox"/>	<input type="checkbox"/>
21. Notice of Intent/RDA	<input type="checkbox"/>	<input type="checkbox"/>
22. Ch. 21E Assessment	<input type="checkbox"/>	<input type="checkbox"/>
23. FNF	<input type="checkbox"/>	<input type="checkbox"/>
24. Lottery information	<input type="checkbox"/>	
25. Monitoring information	<input type="checkbox"/>	<input type="checkbox"/>
26. Additional Information:	<input type="checkbox"/>	

¹ An original signed application and 7 copies of the application.

- a. **Developer Standing**
- b. **Local Endorsement**
- c. **Pro Forma Financial Review**

Limited Dividend Organization

Addendum

Date Organization created November 15, 2019

Fiscal year Calendar

Does your organization have an audited financial report? Yes No
(if yes provide copy).

Who will monitor your financial compliance with this comprehensive Permit?
MassHousing will appoint a Monitor

Include name address, point of contact and telephone number

Do you have a commitment from your monitoring agent? Yes No
(if yes attach copy).

If no, why not: Mass Housing is centralizing Monitoring; they are qualifying
Monitoring Agents that will be assigned to a development.

Has your monitoring agent monitored other Comprehensive Permits? Yes No

If yes list, projects (if more than five list five most recent projects including the name of the project and the
municipality). If no, explain their qualifications.

Do you have a monitoring agreement? Yes No
If yes attach a copy, if no list the terms including fee.