



**Comprehensive Permit
Site Approval Application
Homeownership**

www.masshousing.com | 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 Planning and Programs 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

<https://www.mass.gov/doc/760-cmr-56-comprehensive-permit-low-or-moderate-income-housing/download>
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:

**Manager of Planning Programs
One Beacon Street, Boston, MA 02108**

We look forward to working with you on your proposed development. Please contact Jessica Malcolm at 617-854-1201 or jmalcolm@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 .

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 one week 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 which 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 90 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

Section 1: GENERAL INFORMATION

Name of Proposed Project: The Residences at 3 Uncas

Municipality: Oak Bluffs

County: Dukes

Address of Site: 3 Uncas Ave

Cross Street: Circuit Ave

Zip Code: 02557

Tax Parcel I.D. Number(s): Map 11, Block 156, Lot 0

Name of Proposed Development Entity: Flowerwood LLC

(typically a single purpose entity):

Entity Type: Limited Dividend Organization

** 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

State Formed: Massachusetts

Name of Applicant: Flowerwood LLC

(typically the Proposed Development Entity or its controlling entity or individual)

Applicant's Web Address:

Does the Applicant have a related party relationship with any other member of the development team? Yes

If yes, please explain:

Marketing of the development.

Primary Contact Information:

StateDesc

Contact Name: Dean E Harrison

Relationship to Applicant:

Company Name: Flowerwood LLC

Address: PO Box 1408

Municipality: Vineyard Haven

State: Massachusetts

Zip: 02568

Phone: 5088131388

Cell Phone: 5088131388

Email: deanharrison13@outlook.com

Secondary Contact Information:

Contact Name:

Relationship to Applicant:

Company Name:

Address:

Municipality:

State:

Zip:

Phone:

Cell Phone:

Email:

Additional Contact Information:

Contact Name:

Relationship to Applicant:

Company Name:

Address:

Municipality:

State:

Zip:

Phone:

Cell Phone:

Email:

Anticipated Financing:

Name of Lender (if not MassHousing financed):

Age Restriction: None

Brief Project Description:

This 8-unit affordable housing project is designed to provide reasonably priced, good quality, year-round workforce housing on Martha's Vineyard which is desperately needed by employers. It will be built under M.G.L. c. 40B, known as the Massachusetts Comprehensive Permit Act. The term "affordable housing" has many meanings. In the context of the 40B law it does not mean "low cost" housing as some might assume. On the contrary it means only that, at a minimum, 25% of the units must be affordable to home-seekers earning no more than 80% of the average of other families in the area ("AMI"). The remaining dwelling units are not restricted by income but will be very reasonable priced and directed to contribute to the huge shortage of workforce housing. Accordingly, all 8 dwelling units will be affordable.

In addition to the planned eight residences there will be one drive-up unmanned ATM and a small storage space fronting Circuit Avenue, the town's main commercial street. The project will contain 8 parking spaces with one space reserved for each dwelling unit.

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Section 2: EXISTING CONDITIONS / SITE INFORMATION

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.

Buildable Area Calculations (Acres)

Total Site Area:	0.17
Wetland Area (per MA DEP):	0.00
Flood Hazard Area (per FEMA):	0.00
Endangered Species Habitat (per MESA):	0.00
Conservation / Article 97 Land:	0.00
Protected Agricultural Land (i.e. EO 193):	0.00
Other Non-Buildable:	0.00
Total Non-Buildable Area:	0.00
Total Buildable Area:	0.17

Current use of the site and prior use if known:

The site is presently occupied by a vacant (non-occupiable) single family house. The house has recently undergone Asbestos remediation. The non-insulated house is both very old and dilapidated

Is the site located entirely within one municipality? Yes

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

How much land is in each municipality? NA

Additional Site Addresses:

Current zoning classification and principal permitted uses:

R-1, Residential

Previous Development Efforts

Please list 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).

None

To the best of your knowledge, has this site ever been rejected for project eligibility/site approval by another subsidizing agency or authority? No

If Rejected, Please Explain:

NA

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

Describe Surrounding Land Uses:

Area is zoned residential but is totally surrounded by commercial uses. It abuts a bowling center with restaurant and function room and is across the street from a gallery, appliance dealer, bank and small office building.

Surrounding Land Use/Amenities	Distance from Site	Available by Public Transportation?
Shopping Facilities	0.10	Yes
Schools	0.75	Yes
Government Offices	1.00	Yes
Multi-Family Housing	0.00	N/A
Public Safety Facilities	0.50	Yes
Office/Industrial Uses	0.10	Yes
Conservation Land	0.10	Yes
Recreational Facilities	0.10	Yes
Houses of Worship	0.10	Yes
Other	0.00	N/A

Public transportation near the Site, including type of transportation and distance from site:

Vineyard Transit Bus near project site and stop is located on Circuit Ave.

Site Characteristics and Development Constraints

Are there any easements, rights of way or other restrictions of record affecting the development of the site ?	No
Is there any evidence of hazardous, flammable or explosive material on the site?	No
Is the site, or any portion thereof, located within a designated flood hazard area?	No
Does the site include areas designated by Natural Heritage as endangered species habitat?	No
Are there documented state-designated wetlands on the site?	No
Are there documented vernal pools on the site?	No
Is the site within a local or state Historic District or listed on the National Register or Historic Places?	Yes
Has the site or any building(s) on the site been designated as a local, state or national landmark?	No
Are there existing buildings and structures on site?	Yes
Does the site include documented archeological resources?	No
Does the site include any known significant areas of ledge or steep slopes?	No

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Section 3: PROJECT INFORMATION

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.

Construction Type: New Construction

Total Dwelling Units:	9	Total Number of Affordable Units:	2
Number of Market Units:	7	Number of AMI 50% Affordable Units:	0
		Number of AMI 80% Affordable Units:	2

Unit Information:

Unit Type	Bedrooms	Baths	# Of Units	Unit Sq. Ft.	Sales Price	Condo/HO Fee
Affordable Unit - Below 80%	Studio	1 Bath	2	425	\$175,000	\$150
Market	Studio	1 Bath	6	425	\$275,000	\$150
Market	3 Bedroom	1 Bath	1	0	\$0	\$0

Approach to calculating any additional fees relating to Condominium Association or Homeowners Association:

Condo fees were based on similar developments.

Percentage of Units with 3 or More Bedrooms: 11

* 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.

Handicapped Accessible Units - Total:	4	Market Rate:	2	Affordable:	2
Gross Density (units per acre):	52.9412	Net Density (units per buildableacre):	52.9412		

Building Information

Building Type	Building Style	Construction Type	Stories	Height	GFA	Number Bldg
Residential	Multi-family	Construction	2	24	3,400	1
Non-Residential	Other	Construction	1	16	350	1

Will all features and amenities available to market unit residents also be available to affordable unit residents?

Yes

If not, explain the differences:

Parking

Total Parking Spaces Provided: 8 **Ratio of Parking Spaces to Housing Units:** 0.89

Lot Coverage

Buildings:	30%	Parking and Paved Areas:	60%
Usable Open Space:	10%	Unusable Open Space:	0%
Lot Coverage:	90%		

Does project fit definition of "Large Project" (as defined in 760 CMR 56.03 (6))?

No

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Section 4: SITE CONTROL

Grantor/Seller:

Grantee/Buyer:

Grantee/Buyer Type: Applicant

If Other, Explain:

Are the Parties Related? No

For Deeds or Ground Leases:

Date(s) of Deed(s) or Ground Leases(s): 12/27/2018

Purchase Price: \$0

For Purchase and Sales Agreements or Option Agreements:

Date of Agreement:

Expiration Date:

Date of Extension *(if extension granted):*

New Expiration Date *(if extension granted):*

Purchase Price: \$0

Will any easements or rights of way over other properties be required in order to develop the site as proposed?: No

If Yes, Current Status of Easement: Owned by Development Entity

Date(s) of Easements(s):

For Easements:

Date of Agreement:

Purchase Price: 0.00

For Easement Purchase and Sales Agreements or Easement Option Agreements:

Expiration Date:

Date of Extension *(if extension granted):*

New Expiration Date *(if extension granted)*

Purchase Price: \$0

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Section 5: FINANCIAL INFORMATION

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.

Initial Capital Budget

Sales / Revenue

Market: \$1,650,000

Affordable: \$350,000

Related Party: \$0

Other Income: \$0

Total Sales/Revenue: \$2,000,000

Pre-Permit Land Value

Item	Budgeted
As-Is Market Value*:	\$600,000
Reasonable Carrying Costs:	0
Subtotal - Pre-Permit Land Value:	\$600,000

* As-Is market value to be determined by a MassHousing commissioned appraisal

Uses (Costs)

Item	Budgeted
Acquisition Cost (Actual):	
Actual Acquisition Cost: Land	\$600,000
Actual Acquisition Cost: Buildings	\$0
Reasonable Carrying Costs	\$0
Total Acquisition Cost (Actual)	\$600,000
Construction Costs-Residential Construction Costs (Hard Costs):	
Building Structure Costs	\$425,000
Hard Cost Contingency	\$69,260
Subtotal - Residential Construction (Hard Costs)	\$494,260
Construction Costs-Site Work (Hard Costs):	
Earth Work	\$20,000
Utilities: On-Site	\$35,000
Utilities: Off-Site	\$15,000
Roads and Walks	\$35,000
Site Improvement	\$0
Lawns and Plantings	\$20,000
Geotechnical Condition	\$0
Environmental Remediation	\$0
Demolition	\$45,000
Unusual Site Conditions/Other Site Work	\$10,000
Subtotal - Site Work (Hard Costs)	\$180,000
Construction Costs-General Conditions, Builders Overhead and Profit (Hard Costs):	
General Conditions	\$36,300
Builder's Overhead	\$12,826
Builder's Profit	\$38,478
Subtotal - General Conditions, Builder's Overhead & Profit	\$87,604
General Development Costs (Soft Costs):	
Appraisal and Marketing Study <i>(not 40B "As Is" Appraisal)</i>	\$10,000
Lottery	\$10,000
Commissions/Advertising-Affordable	\$10,500
Commissions/Advertising-Market	\$82,500
Model Unit	\$0
Closing Costs <i>(unit sales)</i>	\$15,000
Real Estate Taxes	\$2,500
Utility Usage <i>(during construction)</i>	\$7,500
Insurance <i>(during construction)</i>	\$15,000

Security <i>(during construction)</i>	\$0
Inspecting Engineer <i>(during construction)</i>	\$5,000
Construction Loan Interest	\$50,000
General Development Costs (Soft Costs) - <i>continued</i>	

Item	Budgeted
Fees to Construction Lender: Cape Cod 5	\$3,500
Fees to Other Lenders:	\$0
Architectural	\$40,000
Engineering	\$10,000
Survey, Permits, etc.	\$5,000
Clerk of the Works	\$0
Construction Manager	\$0
Bond Premiums <i>(payment/performance/lien bond)</i>	\$0
Legal	\$25,000
Title <i>(including title insurance)</i> and Recording	\$4,000
Accounting and Cost Certification <i>(incl. 40B)</i>	\$10,000
Relocation	\$0
40B Site Approval Processing Fee	\$7,803
40B Technical Assistance / Mediation Fee	\$2,900
40B Land Appraisal Cost <i>(as-is value)</i>	\$2,500
40B Final Approval Processing Fee	\$2,500
40B Subsidizing Agency Cost Certification Examination Fee	\$10,000
40B Monitoring Agent Fee	\$0
40B Surety Fees	\$0
Other Financing Fees	\$0
Development Consultant	\$20,000
Other Consultant:	\$0
Other Consultant:	\$0
Soft Cost Contingency	\$35,000
Other Development Costs	\$0
Subtotal - General Development Costs (Soft Costs)	\$386,203
Developer Overhead:	
Developer Overhead	\$32,000
Subtotal Developer Fee and Overhead	\$32,000

Summary of Subtotals

Item	Budgeted
Sales/Revenue	\$2,000,000
Pre-Permit Land Value	\$600,000
Residential Construction	\$494,260
Site Work (Hard Costs)	\$180,000
General Conditions, Builder's Overhead & Profit (Hard Costs)	\$87,604
General Development Costs (Soft Costs)	\$386,203
Developer Fee and Overhead	\$32,000

Summary

Total Sales/Revenue	\$2,000,000
Total Uses (TDC)	\$1,780,067
Profit (Loss) from Sales Revenue	\$219,933
Percentage of Profit (Loss) Over the Total Development Costs (TDC)	12.3553

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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.

Development Team:

Company Name	Contact Name	Contact Role	Applicant	Dev Entity	Primary
Flowerwood LLC	Dean E Harrison	Development Consultant	Yes	Yes	Yes
Maurile O'Connoer Architect	Maurile O'Connoer	Consultant - Architect and Engineering	No	No	Yes
Dean E. Harrison	Dean E Harrison	Consultant - Local Permit	No	No	Yes
Flowerwood LLC	Robert M. Sawyer	Consultant - Construction Management	No	No	No
Cape Cod 5	Christopher Langlais	Construction Lender	No	No	No

Entities Responsible for Development Tasks:

Development Task	Developer / Applicant	Contact Name / Company
Architecture and Engineering	No	Maurile O'Connoer Architect, Maurile C
Construction Management	No	Flowerwood LLC, Robert M. Sawyer
Finance Package	No	Cape Cod 5, Christopher Langlais
Local Permitting	No	Dean E. Harrison, Dean E Harrison

Affiliated Entities:

Company Name	Individual Name	Affiliation	Relation
Flowerwood LLC		Managing Entity	Applicant
Flowerwood LLC		Managing Entity	Development Entity

Previous Applications:

Project Name:

Filing Date:

Municipality:

Decision Date:

Subsidizing Agency:

Decision:

Type:

Other Reference:

Certification and Acknowledgement

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.)

Question	Answer
Is there pending litigation with respect to any of the Applicant Entities ?	No
Are there any outstanding liens or judgments against any properties owned by any of the Applicant Entities ?	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?	No
Have any of the Applicant Entities ever been the subject of a felony indictment or conviction ?	No
During the last 10 years, have any of the Applicant Entities ever been party to a lawsuit involving fraud , gross negligence, misrepresentation, dishonesty, breach of fiduciary responsibility or bankruptcy?	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?	No
Have any of the Applicant Entities ever been charged with a violation of state or federal fair housing requirements ?	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?	No

I further certify that the information 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 hereby acknowledge our commitment and obligation to comply with requirements for cost examination and limitations on profits and distributions, all as found at 760 CMR 56.04(8) and will be more particularly set forth in a Regulatory Agreement by and between the Applicant and MassHousing.

I hereby acknowledge that will be required to provide financial surety by means of bond, cash escrow and a surety escrow agreement or letter of credit with the agreement that it may be called upon or used in the event that the Developer fails either to (i) complete and submit the examined Cost Certification as required by 760 CMR 56.04(8) and the Regulatory Agreement, or (ii) pay over to the Subsidizing Agency or the Municipality any funds in excess of the limitations on profits and distributions from capital sources as required by 760 CMR 56.04(8) and as set forth in the Regulatory Agreement.

Signature: _____

Name: Robert Sawyer

Title: Managing Member

Date: 03/20/2023

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Section 7: NOTIFICATION AND FEES

Notices

Event	Date
Date(s) of meetings, if any, with municipal officials prior to submission of application to MassHousing :	12/01/2022
Date of Pre-Application Meeting with MassHousing:	01/17/2023
Date copy of complete application sent to chief elected office of municipality :	03/22/2023
Date notice of application sent to DHCD:	03/22/2023

Fees

All fees that are payable to MassHousing should be sent via ACH/Wire Transfer. Please contact MassHousing for the ACH/Wire Transfer instructions.

Fees payable to the Massachusetts Housing Partnership should be sent directly to MHP with the [MHP Cover Letter](#)

Fee	Amount	Instructions
MassHousing Application Processing Fee:	\$7,803	payable to MassHousing
Chapter 40B Technical Assistance/Mediation Fee:	\$2,500	(Limited Dividend Sponsor \$2,500, Non-Profit or Public Agency Sponsor \$1,000)
Unit Fee:	\$450	(\$50 per Unit)
Total TA/Mediation and Unit Fee:	\$2,950	(Payable to Massachusetts Housing Partnership)

Land Appraisal Cost: You will be required to pay for an "as-is" market value appraisal of the Site to be commission by MassHousing. MasHousing will contact you once a quote has been received for the cost of the appraisal.

SUSTAINABLE DEVELOPMENT CRITERIA

MassHousing encourages housing development that is consistent with sustainable development designs and green building practices. Please provide information indicating that your development complies with either Method 1 or Method 2 of the Sustainable Development Principles

Method 1 - Redevelop First

If Rehabilitation:

Rehabilitation/Redevelopment/Improvements to Structure	No
Rehabilitation/Redevelopment/Improvements to Infrastructure	Yes

If New Construction:

- Contributes to revitalization of town center or neighborhood	Yes
- Walkable to:	
(a) transit	Yes
(b) downtown or village center	Yes
(c) school	Yes
(d) library	Yes
(e) retail, services, or employment center	Yes
- Located in municipally-approved growth center	No

Explanation (Required):

The project includes demolition of a dilapidated building and blighted building.