

AIDYLBERG III
COMPREHENSIVE PERMIT APPLICATION

Pursuant to M.G.L. Ch. 40B, §§20-23 and 760 CMR 56.00

APPLICATION OF ISLAND ELDERLY HOUSING, INC.
AND AIDYLBERG III, INC. FOR A 5 UNIT AGE RESTRICTED RENTAL PROJECT

38 WING ROAD, OAK BLUFS

September 30 , 2021

AIDYLBERG III
COMPREHENSIVE PERMIT APPLICATION

Pursuant to M.G.L. Ch. 40B, §§20-23 and 760 CMR 56.00

Aidylberg III - 38 Wing Road

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AIDYLBERG III
NARRATIVE AND PROJECT DESCRIPTION

MGL Chapter 40B Comprehensive Permit Application
Applicants: Island Elderly Housing, Inc. and Aidylberg III, Inc.
Property: Aidylberg, 38 Wing Road, Oak Bluffs
Assessing: Map 17, Parcel 105
Project: Aidylberg III

A. THE APPLICANTS AND BACKGROUND

The Applicants are Island Elderly Housing, Inc. and Aidylberg III, Inc., both of which are Massachusetts Chapter 180 non-profit corporations (“Applicants”). Island Elderly Housing, Inc. has previously developed ten (10) elderly rental units at the Aidylberg site adjacent to the Project locus; five (5) in Phase One and five (5) in Phase Two. This Application is for the third and final Phase of Aidylberg.

This Project is a municipally supported project. The Select Board voted to support this project under the Local Initiative Program (described below) and issued a support letter dated May 25, 2021; a copy is submitted herewith.

B. DEVELOPMENT TEAM

The development team has many years of experience in land development in Massachusetts, including affordable housing projects across the state.

Legal: Freeman Law Group LLC
Peter L. Freeman, Esq.

Civil: Schofield, Barbini & Hoehn, Inc.
Chris Alley, P.E.

Architect: Ignarri Lummis Architects
Jaclyn Monk

C. PROJECT ELIGIBILITY

The Applicant meets the eligibility requirements to apply for a comprehensive permit, as set forth under 760 CMR 56.04. The Applicant received a Project Eligibility Letter for the Project from the Massachusetts Department of Housing and Community Development (“DHCD”) under the Local Initiative Program (“LIP”) dated August 17, 2021. A copy of the Project Eligibility Letter is submitted herewith. The Project Eligibility Letter, under 760 CMR 54.04(1), is the required written determination of Project Eligibility by the Subsidizing Agency that the Applicant satisfies the following requirements:

i) Limited Dividend Organization

The Applicant and/or the ultimate ownership entity (an affiliate of the Applicant) will be a non-profit corporation or limited dividend organization as required under 760 CMR 56.04(1)(a).

ii) Project Funding

The Project is fundable by a Subsidizing Agency (DHCD) under a Low or Moderate Income Housing Program (LIP), as determined by DHCD in the Project Eligibility Letter.

iii) Site Control

The Applicant owns the site.

Therefore, pursuant to the Act and 760 CMR 56.04(1), the Applicant is an eligible applicant for a Comprehensive Permit.

In addition, the Town’s affordable housing inventory falls short of the Chapter 40B statutory minima of 10% of a municipality’s housing stock being comprised of low and moderate (“affordable”) income units. Oak Bluffs percentage is 5.5%, according to the DHCD December

20, 2021 Subsidized Housing Inventory (“SHI”). When a municipality does not satisfy the affordable housing minima, there is a presumption that there is a substantial regional housing need that outweighs Local Concerns - 760 CMR 56.07(3)(a).

D. PROPERTY AND PROJECT INFORMATION

The property at 38 Wing Road is presently vacant. A single-family house had been on the lot; it has been demolished after receiving a demolition permit from the Town of Oak Bluffs. It is located in a R-2 zoning district. Details of the Project are as follows:

A. Project Information

1. Type of Housing:	Total Number of Units
Rental	5
2. Affordable Units	5
3. Project Style:	Multifamily rental building
4. Ground Coverage of the site:	
Buildings:	6,809 sq ft = 19%
Parking & Paved Areas:	14,964 sq ft = 41%
Open (grass) Area:	14,409 sq ft = 40%

5. Sustainable Development Design and Green Building Practices

In accordance with the Sustainable Development Principles adopted by Governor Patrick’s Administration in 2007, DHCD encourages housing development that is consistent with sustainable development design and green building practices.

A. How the Project follows Sustainable Development Principles?

From a utility standpoint, there will be low-flow water fixtures in all units and common areas. There will be no garbage disposals and no dishwashers in any of the unit kitchens or in the common area kitchenette. There will be one laundry room, with one washing machine and one dryer.

From an architectural standpoint, the design of the project will include a wraparound porch that will allow for congregate communal space that is open to the public and residents and allow the building to relate directly to the island vernacular; and the L-shaped layout will maximize the functionality of the site while fitting into the existing street structure.

B. “Green design” elements included in the Project (e.g., reduction of energy and water consumption, increasing durability and improving health).

Daylighting of building corridors will be used to reduce lighting needs/energy usage and increase occupant health from increased sun absorption. Occupancy sensors will be placed in all common areas to reduce lighting demand/energy usage. Operable windows in each unit will allow for passive cooling and airflow on appropriate days and increase the amount of fresh air in each unit.

B. Site Information

1. Total Acreage: .83 Total Buildable Acreage: 100%
2. Describe the current and prior uses of the subject site:

Prior use: a single family house that has been razed.
3. Current Zoning Classification:

Residential R-2 (minimum lot size 20,000 s.f.)
4. Does any portion of the site contain significant topographical features such as wetlands?

Yes No
5. Is the site located within a designated flood hazard area?

Yes No
6. Is the site within a Historic District? No

7. Indicate which utilities are available to the site:

Public Sewer	<input checked="" type="checkbox"/>	Private Septic	<input checked="" type="checkbox"/>	Public Streets	<input checked="" type="checkbox"/>
Public Water	<input checked="" type="checkbox"/>	Private Wells	<input type="checkbox"/>	Private Ways	<input type="checkbox"/>
Natural Gas		Electricity	<input checked="" type="checkbox"/>		

The Applicants have received a Disposal System Construction Permit from the Town of Oak Bluffs Board of Health; see copy submitted herewith.

8. Describe any known or suspected hazardous waste sites on or within a ½ mile radius of the project site.

There are no known or suspected sites to our knowledge.

E. REQUESTED RELIEF FROM LOCAL REQUIREMENTS AND BYLAWS

The Applicant requests that a Comprehensive Permit issue for the Property for the Project as shown on the Plans in lieu of any requirement that the Applicant apply to any individual local board, department or official separately, including any permission necessary to connect to municipal water system, and that all necessary waivers from Local Requirements and Bylaws be granted accordingly. A specific Waiver Request list is included with this Application.

Please note that the Applicant will comply with all technical local requirements related to connecting to the municipal water system, except as specifically requested. The Applicant requests waivers for the Project from otherwise applicable local building permit and water department fees for all of the units (they are all affordable units). The Applicant reserves the right to amend the Requested Waivers during the public hearing process.

Please note that, as expressly provided for under 760 CMR 56.05(7), the Applicant seeks waivers only from the “as-of-right” zoning requirements set forth in the Town’s Zoning By-law (“ZBL”). No waivers are needed (or sought) from any special permit requirement set forth under the ZB: 760 CMR §56.05(7) expressly provides that: “Zoning waivers are required solely from

the “as of right” requirements of the zoning district where the project site is located; there shall be no requirement to obtain waivers from the special permit requirements of the district.”

F. CONCLUSION:

The Applicants and Development Team are committed to delivering a high quality project to the Town and its residents serving the acute need for affordable housing. The Applicant respectfully requests that the Board of Appeals grant the relief requested and issue the Comprehensive Permit pursuant to the Application and based upon the Waiver List and Plans submitted herewith.

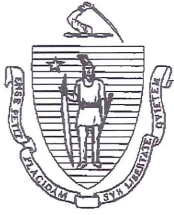
September 30, 2021

Respectfully submitted,

Applicants
By their attorney,



Peter L. Freeman
Freeman Law Group LLC
86 Willow Street
Yarmouth Port, MA 02675
508-362-4700
pfreeman@freemanlawgroup.com



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

August 17, 2021

Mr. Brian Packish, Chair
Board of Selectmen
Town of Oak Bluffs
56 School Street
Oak Bluffs, Massachusetts 02557

Ms. Dorothy Young
Executive Director
Island Elderly Housing, Inc.
60B Village Road
Vineyard Haven, Massachusetts 02568

RE: Aidylberg III, Oak Bluffs, Massachusetts
Determination of Project Eligibility under the Local Initiative Program (LIP)

Dear Mr. Packish and Ms. Young:

I am pleased to inform you that your application for project eligibility under the Local Initiative Program (LIP) for the proposed Aidylberg III project has been approved. This approval is based on your application that sets forth a plan for the development of five rental units. The proposed rents for the LIP units are generally consistent with the standards for affordable housing to be included in a community's Chapter 40B affordable housing stock.

As part of the review process, Department of Housing and Community Development (DHCD) staff has performed an on-site inspection of the proposed project site. DHCD has made the following findings:

1. The proposed project appears generally eligible under the requirements of LIP, subject to final program review and approval;
2. The site of the proposed project is generally appropriate for residential development;
3. The conceptual plan is generally appropriate for the site on which the project is located;
4. The proposed project appears financially feasible in the context of the Oak Bluffs housing market;
5. The initial pro forma for the project appears financially feasible and consistent with cost examination and limitations on profits and distributions on the basis of estimated development costs;

6. The project sponsor and the development team meet the general eligibility standards of LIP;
7. The project sponsor owns the site.

The proposed project must comply with all state and local codes not specifically exempted by a comprehensive permit.

Please provide us with a copy of the comprehensive permit as soon as it is issued. The DHCD legal office will review the comprehensive permit and other project documentation. Additional information may be requested as is deemed necessary. Following the issuance of the comprehensive permit, the specifics of this project must be formalized in a regulatory agreement signed by the municipality, the project developer, and DHCD prior to starting construction.

As stated in the application, the Aidylberg III project will consist of five units, all of which will be affordable; all will be eligible for inclusion in the Town's subsidized housing inventory. The affordable units will be marketed and rented to eligible households whose annual income may not exceed 80% of area median income, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development.

Please note that under the Comprehensive Permit Guidelines, IV.B.1.b, this project qualifies as an exception to the requirement to submit an as-is appraisal of the property.

The conditions that must be met prior to final DHCD approval include:

1. A final affirmative fair marketing and lottery plan with related forms shall be submitted that reflects LIP requirements including consistency with the *Comprehensive Permit Guidelines, Section III, Affirmative Fair Housing Marketing Plans*;
2. Any changes to the application previously reviewed and approved, including but not limited to alterations in unit mix, rents, development team, unit design, site plan and financial pro forma reflecting land value, must be approved by DHCD;
3. The project must be organized and operated so as not to violate the state anti-discrimination statute (M.G.L. c151B) or the Federal Fair Housing statute (42 U.S.C. s.3601 et seq.). No restriction on occupancy may be imposed on the affordable unit (other than those created by state or local health and safety laws regulating the number of occupants in dwelling units); and

4. The Town shall submit to DHCD the finalized details of the comprehensive permit.

As the Aidylberg III project nears completion of construction, DHCD staff may visit the site to ensure that the development meets program guidelines.

When the units have received Certificates of Occupancy, the developer must submit to both DHCD and the Oak Bluffs Board of Selectmen a project cost compilation for the comprehensive permit project.

This letter shall expire two years from this date or on August 17, 2023, unless a comprehensive permit has been issued.

We congratulate the town of Oak Bluffs and Island Elderly Housing, Inc. on your efforts to work together to increase the Town's supply of affordable housing. If you have any questions as you proceed with the project, please call Anna Dolmatch at 617-352-8952.

Sincerely,



Catherine Racer
Associate Director

cc: Deborah Potter, Town Administrator
Andrea Rogers, Zoning Board of Appeals
Office of the Chief Counsel, DHCD

Enc.



TOWN OF OAK BLUFFS

Post Office Box 1327 • Oak Bluffs, MA 02557
Telephone 508-693-3554 • Fax 508-696-7736

Select Board

Brian C. Packish, *Chair*
Jason Balboni
Gail M. Barmakian
Emma Green-Beach
Ryan P. Ruley

May 25, 2021

Local Initiative Program
Department of Housing & Community Development
100 Cambridge Street – Suite 300
Boston, MA 02114
Attn: Alana Murphy, Director of Policy; Deputy Director Housing Development

Wendy M. Brough
Acting Town Administrator

Re: Island Elderly Housing - Aidylberg III
5 Unit Rental Apartment 40B Project
LIP Application

Dear Ms. Murphy:

On behalf of the Town of Oak Bluffs Board of Selectmen, I am pleased to send you this Letter of Support for the above-referenced Chapter 40B Local Initiative Program ("LIP") project. At its meeting last night, the Select Board voted to endorse this 5 unit rental apartment project which will have 5 affordable rental units and to issue this Letter of Support.

The Board is very appreciative that Applicant Island Elderly Housing has taken the time over the last months, prior to submitting its LIP Application to the Board, to meet with our Town staff and department heads to review the proposal and its possible impacts with them and to listen to their feedback. Our Town Administrator and staff have indicated that the feedback was well received and helped shape the plans that have been submitted. We believe that the Applicant has shown a good track record in creating similar affordable housing developments in our community and are pleased that the Applicant will own and manage the development long-term, which should serve well for the property and the Town.

The location of the project is appropriate and we look forward to working with the Applicant on the final more detailed plans when they proceed to the Zoning Board of Appeals for a Comprehensive Permit. We believe that through that process, Oak Bluffs will benefit from the addition of 5 high quality affordable rental units for seniors which are greatly needed in our Town.

Therefore, we lend our support and urge you to approve this LIP Application.

Thank you.

Very truly yours,

Brian Packish
Board Chairman

**AIDYLBURG III – 38 WING ROAD, OAK BLUFFS
COMPREHENSIVE PERMIT
REQUESTED WAIVERS**

Applicants request that the Oak Bluffs Zoning Board of Appeals (“Board”) issue a Comprehensive Permit for the five (5) unit elderly affordable rental project, Aidylberg III, (“Project”) as shown on the proposed drawings and plans submitted herewith (“Plans”). Under M.G.L. c. 40B, §§. 20-23, the Comprehensive Permit will be a master permit for the Project and will be issued in lieu of any requirement that the Applicant apply to any other Local Boards

Under 760 CMR 56.02, the term “Local Board” means any local board or official, including, but not limited to, any board of survey, board of health, planning board, conservation commission, historical commission, water, sewer or other commission or district; fire, police, traffic, or other department, building inspector or similar official or board, and any select board or any other board that performs functions usually performed by locally created boards. Waivers requested from the Local Requirements and Regulations shall be acted upon accordingly by the Board, so that the Applicant need not make separate applications to the individual Local Boards.

Please note that the Applicant will comply with all technical local requirements related to connecting to the municipal water systems unless a specific waiver is requested and granted. The Applicant hereby requests waivers for the Project from otherwise applicable local building permit and water connection and related fees required for the 5 units (all affordable units).

The Applicant reserves the right to amend the Requested Waivers during the public hearing process and hereby requests waivers from the Board for the Project from the following Local Requirements and Regulations and requests that all of the waivers identified below be granted.

A. Oak Bluffs Zoning Bylaw Provisions

As provided for under 760 CMR 56.05(7), the Applicant seeks waivers only from the “as-of-right” zoning requirements set forth in the Oak Bluffs Zoning By-law (“ZBL”) as set forth below. No waivers are needed (or sought) from any special permit requirement set forth under the Zoning Bylaws because 760 CMR §56.05(7) expressly provides that: “Zoning waivers are required solely from the “as of right” requirements of the zoning district where the project site is located; there shall be no requirement to obtain waivers from the special permit requirements of the district.”

The Applicant believes that it *does* comply with the following dimensional requirements of the Zoning Bylaw:

1- The Lot is a conforming R-2 lot per Appendix B - Lot is 36,182 sq ft; minimum required is 20,000 sq ft; and Lot frontage is 160.90 ft.; minimum required is 115 ft. of frontage.

- 2- The structure conforms to required setbacks & building height (Appendix B).
- 3- The Project meets the lot coverage requirements (Section 4.2.5).
- 4- The Project meets the parking requirements (Section 5.1).
- 5- If a new sign is to be proposed, it will either comply with Section 5.3, or the Applicant will submit a waiver request with a sign design and dimensions.

The Applicant requests Waivers from the following:

Section 3.1 – Appendix - use relief for a multifamily building and use

Section 4.2.4 - to allow for five dwelling units on one lot.

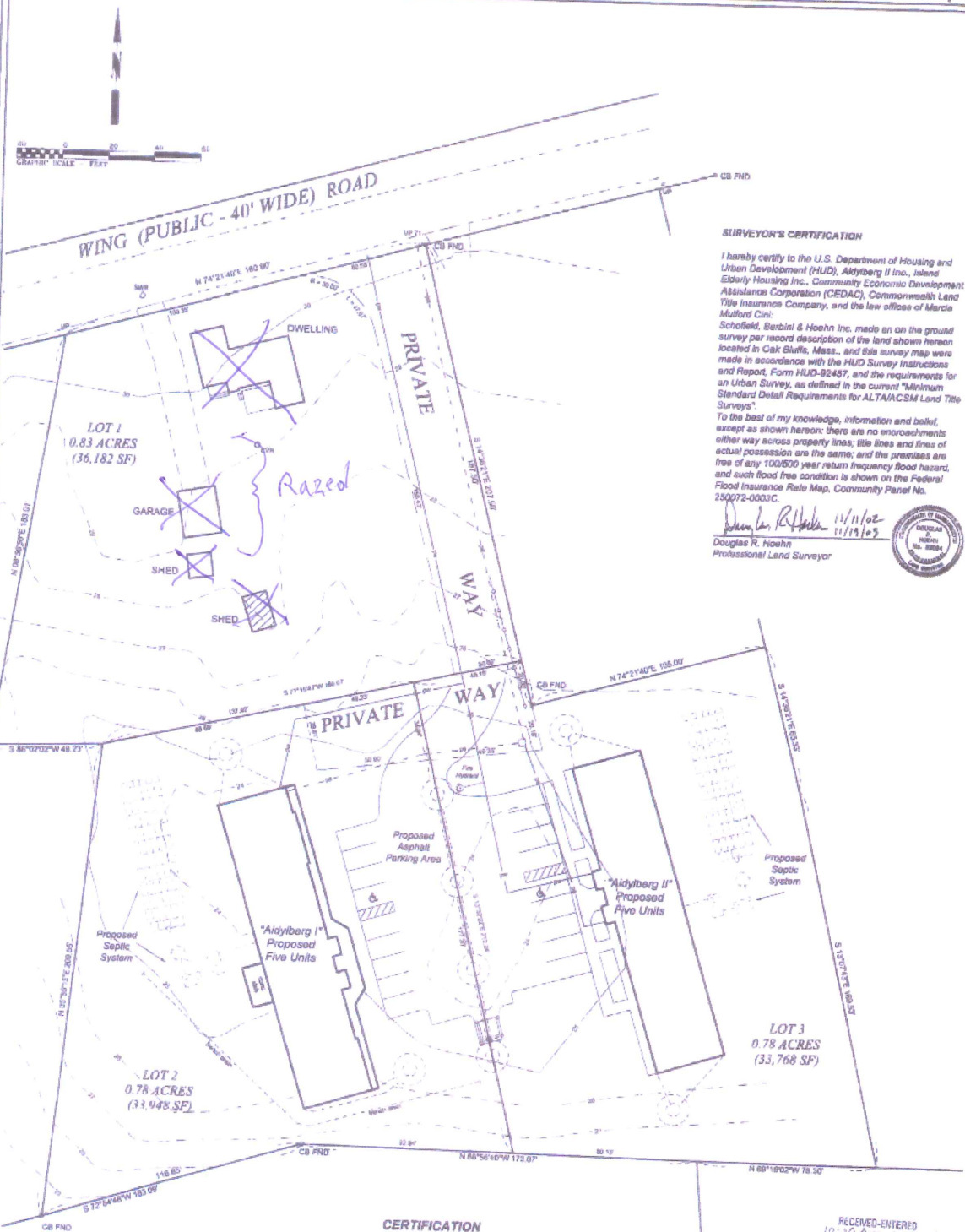
B. Fees

As stated above, the Applicants requests that the otherwise applicable building permit fees and water connection fees be waived.

The Applicant reserve the right to modify the waiver requests during the public hearing.

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SURVEYOR'S CERTIFICATION

I hereby certify to the U.S. Department of Housing and Urban Development (HUD), Aidylberg II Inc., Island Elderly Housing Inc., Community Economic Development Assistance Corporation (CEDAC), Commonwealth Land Title Insurance Company, and the law offices of Marcia Mulford Cini; Schofield, Barbini & Hoehn Inc. made an on the ground survey per record description of the lands shown hereon located in Oak Bluffs, Mass., and this survey map was made in accordance with the HUD Survey Instructions and Report, Form HUD-92457, and the requirements for an Urban Survey, as defined in the current "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys".

To the best of my knowledge, information and belief, except as shown hereon: there are no encroachments either way across property lines; title lines and lines of actual possession are the same; and the premises are free of any 100/200 year return frequency flood hazard, and such flood free condition is shown on the Federal Flood Insurance Rate Map, Community Panel No. 250072-0003C.

Douglas R. Hoehn 11/11/02
11/19/03
Douglas R. Hoehn
Professional Land Surveyor

CERTIFICATION
This is to certify that this plan, prepared for Island Elderly Housing, Inc., and dated December 11, 2002, is the plan referred to in a decision by the Oak Bluffs Zoning Board of Appeals dated 11/20/03

Oak Bluffs Zoning Board of Appeals
David P. [Signature]
[Signature]
[Signature]
Date: 11/20/03

RECEIVED-ENTERED
10:19 AM 1-14-04
County of Dukes County
REGISTRY OF DEEDS
DIANNE E. POWERS
[Signature]

NOTES

- w- existing water lines
- e- existing underground electric and utility lines
- pw- proposed water lines
- pe- proposed underground electric and utility lines
- proposed 14 ft. wide by 6 ft. deep leaching basins

* Specific water line location and specifications to be confirmed with Oak Bluffs Water Department prior to construction.
* Specific electric and utility line locations and specifications to be confirmed with NStar prior to construction.
* See also plan entitled "Proposed Sewage Disposal System", "To Serve 5 One - Bedroom Housing Units", (Aidylberg II), applicant Island Elderly Housing Inc., December 11, 2002, for additional specifications for drainage system, septic system and grading.

"AIDYLBURG I & II"
SITE PLAN
OAK BLUFFS, MASS.

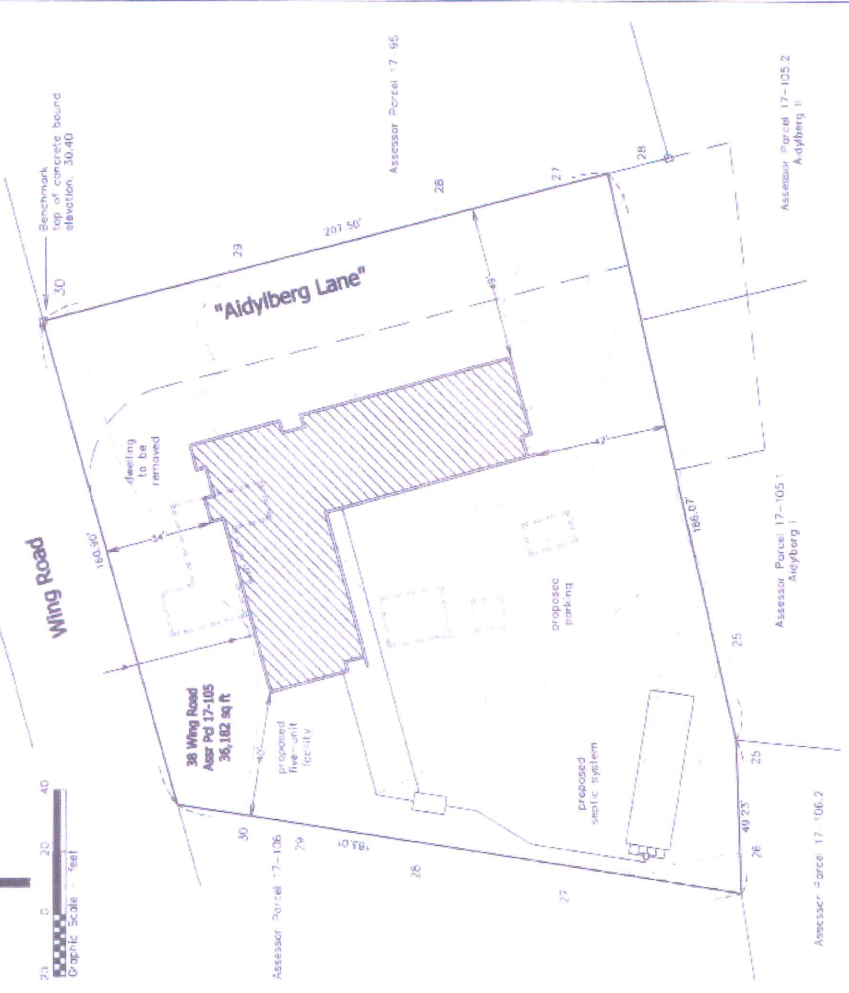
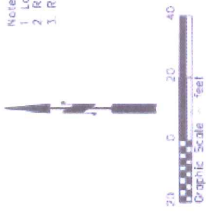
PREPARED FOR
ISLAND ELDERLY HOUSING INC.

SCALE: 1" = 20' DECEMBER 11, 2002
SCHOFIELD, BARBINI & HOEHN INC.
STATE ROAD, VINEYARD HAVEN, MASS
MV 799 - 1 & 2

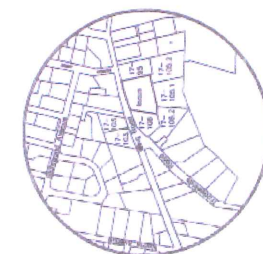
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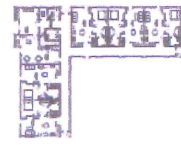
- Notes:
1. Site lies within the Oak Bluffs R-3 Zoning District
 2. Required lot size 20,000 sq ft
 3. Required property line setbacks: 25'-20'-20'



Plan (scale 1"=20')



Locus Map (no scale)



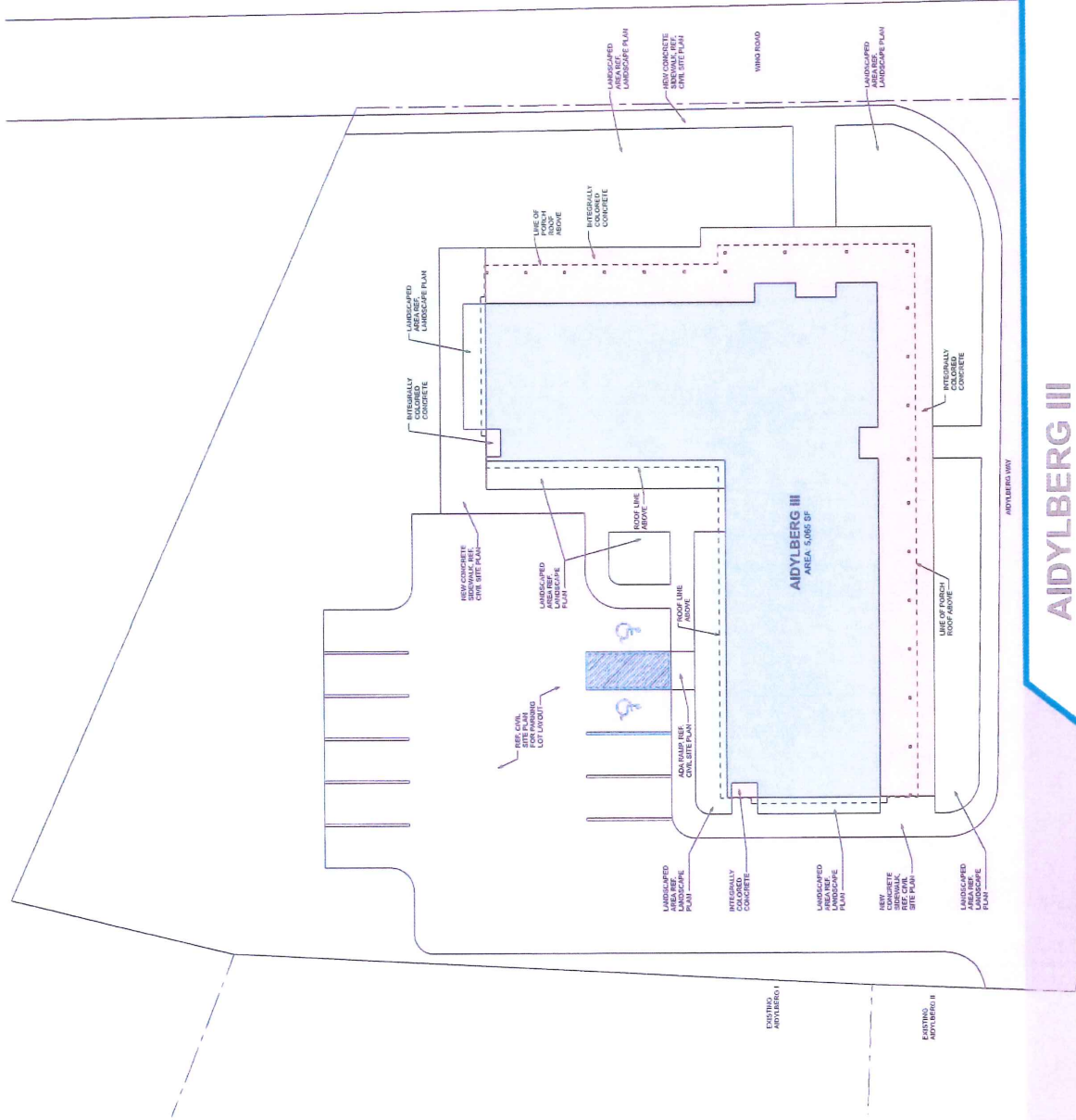
Floor Plan (no scale)

Aidyberg III Site Plan
Oak Bluffs, Mass.

Prepared for
Island Elderly Housing
Scale: As Noted
October 9, 2019
Schufeldt, Barbill & Hoehn Inc.
Land Surveying & Civil Engineering
12 Surveyor's Lane, Box 139
Vineyard Haven, Mass 06595-0139
www.schufeldt.com
MA 799



11/14/19



MA-101

David H. Lummis, AIA
AIA No. 14880

AIDYLBURG III

PRESENTATION SITE PLAN

3/32" = 1'-0"

38 WING ROAD OAK BLUFFS, MA 02557
9542 / 11/14/19

Ignarri Lummis
ARCHITECTS
38 WING ROAD OAK BLUFFS, MA 02557
9542 / 11/14/19



MA-901

© 2013 Lummis Inc.

AIDYLBURG III RENDERING

33 WING ROAD OAK BLUFFS, MA 02537
9542 0115-13

CLAYCO ACCESSORY HOMES, INC.
3087 VILLAGE ROAD
BIRMGHAM, ALABAMA 35243

Ignarri Lummis
ARCHITECTS
100 W. WASHINGTON ST. SUITE 200
PORTLAND, ME 04101
TEL: 603.733.1111



No. REV-36-19
RECEIVED
JAN 14 2021

FEE N/A
Revision

COMMONWEALTH OF MASSACHUSETTS

Board of Health, Oak Bluffs, MA.

OB BD OF HEALTH APPLICATION FOR DISPOSAL SYSTEM CONSTRUCTION PERMIT

Application for a Permit to Construct () Repair () Upgrade () Abandon () - Complete System Individual Components

Location <u>38 Wing Rd.</u>	Owner's Name <u>Island Elderly Housing</u>
Map/Parcel# <u>17-105</u>	Address <u>608 Village Rd. 05</u>
Lot#	Telephone#
Installer's Name	Designer's Name <u>SBH Inc</u>
Address	Address <u>PO BOX 339 UH.</u>
Telephone#	Telephone# <u>508 693-2781</u>

Type of Building Elderly Housing Facility Lot Size 36,182 sq. ft.
Dwelling - No. of Bedrooms _____ Garbage grinder ()
Other - Type of Building _____ No. of persons _____ Showers (), Cafeteria ()
Other Fixtures _____
Design Flow (min. required) 330 gpd Calculated design flow 550 Design flow provided 874 gpd
Plan: Date 5/21/2019 Number of sheets _____ Revision Date Jan 4, 2021
Title proposal sewage disposal system
Description of Soil(s) _____
Soil Evaluator Form No. _____ Name of Soil Evaluator CPR Date of Evaluation 3/5/2019

DESCRIPTION OF REPAIRS OR ALTERATIONS _____

The undersigned agrees to install the above described Individual Sewage Disposal System in accordance with the provisions of TITLE 5 and further agrees to not place the system in operation until a Certificate of Compliance has been issued by the Board of Health.

Signed JC Smith Date Jan 4 2020

Inspections _____

No. _____

COMMONWEALTH OF MASSACHUSETTS

FEE _____

Board of Health, _____, MA.

CERTIFICATE OF COMPLIANCE

Description of Work: Individual Component(s) Complete System

The undersigned hereby certify that the Sewage Disposal System, Constructed (), Repaired (), Upgraded (), Abandoned ()

by: _____

at _____

has been installed in accordance with the provisions of 310 CMR 15.00 (Title 5) and the approved design plans/as-built plans relating to application No. _____, dated _____, Approved Design Flow _____ (gpd)

Installer _____

Designer: _____ Inspector: _____ Date: _____

The issuance of this permit shall not be construed as a guarantee that the system will function as designed.

REV-36-19
No. 36-19

FEE N/A

COMMONWEALTH OF MASSACHUSETTS

Board of Health, Oak Bluffs, MA.

DISPOSAL SYSTEM CONSTRUCTION PERMIT

Permission is hereby granted to; Construct () Repair () Upgrade () Abandon () an individual sewage disposal system at 38 Wing Rd. M17 P 105 as described in the application for

Disposal System Construction Permit No. REV-36-19, dated 1/14/21.

Provided: Construction shall be completed within three years of the date of this permit. All local conditions must be met.