

15T

## MANNION PLACE

Application for a Comprehensive Permit  
Pursuant to M.G.L. Chap. 40B

Prepared for the  
Town of Littleton Board of Appeals

May 22, 2004

Daniel A. Harvey  
14 Mannion Place  
Littleton, MA 01460

James G. Walsh, III, Esq.  
6 Rail Tree Terrace  
Westford, MA 01886  
(978) 392-0464

## INDEX

### 1.01 INTRODUCTION

### 2.0 OVERVIEW

- a. Project Overview
- b. Local Initiative Program
- c. The Site
- d. The Project Itself
- e. Zoning Relief
- f. Project Financing
- g. Summary

### 3.0 EXHIBITS

- A. Local Initiative Program Guidelines
- B. LIP Application
- C. Regulatory Agreement (Example)
- D. Site Plans
- E. Architectural Plans
- F. Requested Waivers - Zoning Relief
- G. Owner's Deed
- H. Littleton's Current Inventory of Affordable Housing
- I. Listing of Abutters (Certified)
- J. Department of Housing and Community Development Letter  
(To Be Added Upon Receipt)

## INTRODUCTION

## **INTRODUCTION**

This is a proposal for the development of residential housing at 14 Mannion Place, Littleton, MA. The Developer, Daniel Harvey seeks to create 12 units of housing on 2.63 acres of land which encompasses the former Dell Dale Farm house and barns. In renovating the existing dwelling and constructing five (5) additional housing structures, Mr. Harvey proposes to develop the property under the Commonwealth of Massachusetts' Department of Housing and Community Development's (DHCD) Local Initiative Program (LIP), whereby Mr. Harvey, in partnership with the Town of Littleton, will develop, dedicate, and market 25% (3 units) of the housing renovated and/or constructed to people meeting the DHCD' defined eligibility requirements for affordable housing. The housing dedicated to affordable housing (1 three bedroom unit and 2 two bedroom units) will be marketed through a lottery system with preference going to municipal employees and Littleton residents. In order to move this project forward, Mr. Harvey seeks the endorsement and support of the Board of Selectmen of the Town of Littleton.

## **BACKGROUND**

The Town of Littleton currently has approximately 8.5% of its existing housing qualifying as affordable under the state proscribed guidelines. The Commonwealth of Massachusetts, in an effort to provide more affordable housing to its citizens, has enacted various programs to encourage local communities to increase the availability of affordable housing and has set a goal of setting aside 10% of all housing within a community for affordable housing. While the Commonwealth recognizes the need for affordable housing, it is also aware of the economic reality of real estate development and therefore has established various programs

which encourage both the developer and the Towns to act as partners in developing housing for low and moderate income families. Programs such as Comprehensive Permits under Massachusetts General Law Chapter 40B and the Local Initiative Programs allow for greater density of housing than might be normally permitted under local zoning ordinances in return for some advantage being bestowed upon the Town, such as affordable housing or Open Space.

Mr. Harvey is seeking to develop his property under the Local Initiative Program whereby he would develop his property and receive zoning relief for the frontage requirements and density requirements while the Town would receive 3 additional units of badly needed affordable housing to assist them in achieving the Commonwealth's goal of 10% afford-ability.

#### **ELIGIBILITY**

According to the Local Initiative Programs guidelines, as developed by the Massachusetts' Department of Housing and Community Development, in order for a person or persons' to qualify for affordable housing, they must be at or below the Regional median income (\$56,400 for a family of three). Due to the recent housing boom in the Northern Middlesex County Area over the last 20 years, the demand for real estate greatly exceeds the supply. As such, the very people who lend a community its character and make it an attractive place to live, are being economically deprived of the opportunity to live within a community such as Littleton.

Mr. Harvey's plan offers the Town the ability to increase its affordable housing and it would place an emphasis on the units going to local residents and/or municipal employees. Not only does it offer the Town the ability to maintain its neighborly character (which is one of the main reasons it is such a special and desirable place to live) it also increases the economic diversity that makes Littleton special.

## BENEFITS TO THE TOWN

Littleton is a community ideally situated for commuting and working in and around Route 495 and the Greater Boston area. Since the town contains the crossroads of Route 495 and Route 2 and also lies within 15 miles of the New Hampshire border, the town is ideally situated for large families as well as young professionals. The town is rural and residential in nature, however the local zoning does not provide for multi-family construction. Littleton, to its sincere credit, has been very progressive in its encouraging and supporting the establishment of affordable housing and Open Space through its use of Comprehensive Permits (M.G.L. Chap. 40B) and its acquisition of Open Space parcels. While the acquisition of Open Space essentially removes potential affordable housing development from the available land mass, it does allow for the maintenance of the rural character of the town while development continues.

Mr. Harvey's proposal seeks to utilize a parcel already dedicated to residential use. His renovation and restoration of the house at 14 Mansion Place, gives evidence of his commitment to the community and his desire to see a pre-existing building be adapted, in an economically sufficient way, to present and future housing uses. Mr. Harvey's renovation and conversion of the large Victorian structure into three separate units (one of which is a 3 bedroom apartment intended to be designated as affordable) demonstrates his commitment to getting the maximum utilization, and housing units, out of a previously uneconomical structure. Additionally his preservation and renovation of the Victorian structure enhanced the neighborhood ambience while minimizing the developmental impact upon the parcel.

Mr. Harvey's proposal for building additional housing units on the sight also incorporates

keen insight and benefits for the Town. Aside from the increase in tax revenue that will be created by the new units of housing created, there is a potentially added bonus, to the Town's economic health, i.e.: the Condo factor. The housing being developed are condominiums, not single family housing. While there is no guarantee, the potential purchasers of the market-price units are likely to be "young professionals" and "empty nesters" neither of which are likely to increase drains upon the Town's budgetary resources (such as schools) as would a normal residential development. The Town benefits in the fact that it increases its affordable housing percentage and minimizes the potential tax burden.

### CONCLUSION

The development of 14 Mannion Place, Littleton, Massachusetts is a benefit to the Town of Littleton and deserves the support of the citizenry of Littleton and the Board of Selectmen. Mr. Harvey's proposal under the Local Initiative Program creates desperately needed affordable housing and allows the developer and the Town to act as partners in working toward the best interest of the Town.

## OVERVIEW



## PROJECT OVERVIEW

This is an application for a Comprehensive Permit for the development of 12 Units of residential housing within the Town of Littleton. By combining the renovation of a pre-existing house and new construction, the project, as proposed, will increase the number of affordable housing to low and moderate income families and is being developed under the aegis and terms and provisions of Massachusetts General Law Chapter 40B. This development proposal seeks the benefits of the Local Initiative Program, (hereinafter "LIP") as administered by the Massachusetts Department of Housing & Community Development (hereinafter DHCD). The Developer proposes to create 12 condominiums (nine 2 bedroom and three 3 bedroom Units) on a 2.63 acre parcel of land located at 14 Mannion Place in Littleton Massachusetts. The site consists of the former Dell Dale Farm and Dairy and it is the Developers intent to renovate and convert the existing Victorian farmhouse into 3 separate Units (one of which shall be affordable) and to construct 5 new buildings for the additional 9 Units proposed. In accordance with the LIP requirements, 3 of the Units, or 25%, are to be dedicated to affordable housing and will be marketed to families whose income is at or below 80% of the median household income for the State.

## LOCAL INITIATIVE PROGRAM – DHCD

The Local Initiative Program (LIP) is a program established and endorsed by the Commonwealth of Massachusetts that is designed to give local cities and towns additional flexibility in their efforts toward promoting and providing low and moderate income housing.

The program provides technical and other non-financial assistance to housing developers and cities and towns who choose to develop affordable housing and market them to households who fall at or below the 80% of the median household income, as set by DHCD. A copy of the LIP Guidelines is included as Exhibit A.

The LIP guidelines require that:

- at least 25% of the Units must be affordable for families at or below 80% of the regional median income;
- the Units must remain affordable for 30 years;
- the Developer must agree to limit profits;
- the Developer must agree to return any excess profits to the Town;
- there must be a Contract insuring the Units 'long-term affordability; and
- there must be a legal document that establishes a monitoring procedure for the affordable Units.

The Developer has agreed to the terms and provision of the LIP and seeks to have both DHCD and the Town of Littleton Zoning Board of Appeals review and approve its application.

### THE SITE

The site of the proposed project is located at 14 Mannion Place, Littleton, MA. The site is approximately 2.63 acres in size and consists of the former Dell Dale Farm/Dairy. The original Victorian house on the subject property has been renovated into 3 separate housing units consisting of two (2) 2 bedroom units and one (1) 3 bedroom unit (which will be dedicated to affordable housing). The other structures on the property, a dairy milking barn and a conventional barn, are to be razed and new construction will provide 5 new buildings, four

attached Unit buildings and 1 free standing Unit. (Copies of the Site Plans are included herein and labeled Exhibits I & II.)

The Developer and the Town have agreed that as a condition of approval, the Developer will be responsible for extending the Town Water supply line approximately 600 feet along Mannion Place (from Great Road to the project site). In addition the site will be serviced by two on-site sewage disposal systems. (Engineering Plans attached and labeled Exhibit III).

In minimizing the change while maximizing the pre-existing conditions, the driveway to the units will follow the present horse-shoe shape where the pre-existing Victorian is located in the middle and the new construction to be constructed along the outer perimeter. Much of the new construction is anticipated to take place within the "foot-print" of the structures scheduled for demolition.

There is no standing water or wetlands on the site and the developer and the town have enhanced the original development plans to minimize any potential surface water run-off that may occur as a result of the new construction.

### **THE PROJECT ITSELF**

The proposed project is for the development of twelve (12) units of housing with three (3) units being within a pre-existing and renovated structure and 5 new additional buildings containing four (4) two unit buildings and one (1) free standing three (3) bedroom structure. As proposed there are three (3) three bedroom Units (one of which is dedicated to affordable housing) and nine (9) two bedroom Units (two of which are dedicated to affordable housing). The project is proposed to be built on a 2.63 acre site on Mannion Place, Littleton Massachusetts and is the site of the former Dell Dale Farm/Dairy and will incorporate the original Victorian

farmhouse as a 3 Unit housing complex and will utilize the area previously dedicated to the dairy barns and curtilage as the site for the proposed new construction. The site is presently serviced by electric gas and cable services and the developer is committed, upon the permitting of the project, to bring Town Water to the site (at his own expense) The site will be serviced by an on-site sewage subsurface sewage disposal system. The site is mostly rural in character, sits at the top of a hill and consists of open space around the former dairy barn buildings.

The Developer plans to construct and market the property in three Phases. Phase One will market and sell the 3 housing units that are located within the renovated Victorian house on the site (one of which [a 3 bedroom] is designated as affordable). Phase One should take place immediately upon Developers receiving approval of the Comprehensive Permit.

Phase Two will commence very soon after the Comprehensive Permit is approved and will consist of the construction of 3 new buildings on the site which will have two attached Units each. Two Units (both 2 bedrooms) of the Phase Two construction are designated as affordable. The Developer plans to begin marketing the "regular market rate" Units at least three months prior to their completion.

Phase Three construction will commence very shortly after the marketing begins on Phase Two. This Phase will consist of the construction of one 2 Unit building (each Unit having 2 bedrooms) and one stand alone 3 bedroom Unit. It is the Developer's intention to measure the prevailing market conditions and financial conditions to time the completion of the last Phase of this project.

Copies of both the Architectural Plans, Unit Floor Plans and proposed Unit specifications are attached as Exhibit IV, V and VI respectively.

All Units will comply with the State Building Code and all State Environmental Regulations and except for the provisions afforded under the Comprehensive Permit, will comply with all applicable Town codes, ordinances and by-laws.

It is envisioned that this project can and will be completed within one year from the approval of the Comprehensive Permit and that care control and upkeep of the site will be turned over to a Condominium Association in keeping with normal use and customs. It is the intention that the driveways and roadways throughout the project will remain a Private Way with the Condominium Association being responsible for maintenance and snow plowing.

#### ZONING RELIEF

The Developer is seeking a Comprehensive Permit under Massachusetts General Law Chapter 40B. The zoning relief he is seeking is that he be allowed to develop a higher density project than the present Littleton Zoning By-Law allows. In return for the zoning relief, the Developer is willing to abide by the terms and conditions of the Local Initiative Program and will dedicate 25% of the housing to affordable housing and will limit his profits etc.

#### PROJECT FINANCING

The Mannion Place Project is being developed in accordance with the guidelines set forth in the Local Initiative Program. The Developer will obtain private financing for the entire project and it is his intention to utilize a local lending institution.

## SUMMARY

The Mannion Place Project is essentially a partnership between the Developer, Dan Harvey and the Town of Littleton whereby the Town is able to expand affordable housing while at the same time maintaining the character of the Town and neighborhood. The blending of renovation and new construction will allow for the best possible use of the proposed site and will minimize the impact on open space and the Town's rural agricultural ambience. The site has an outstanding location for people who work as Mannion Place is directly off Great Road (Route 2A) and is convenient to Routes 495 & 128 as well as the Greater Boston area and will be developed in an upscale and tasteful manner which should attract middle and upper income level residents which should create a unique and diverse economic microcosm.

The Town of Littleton is a unique place. Throughout the last 375 years, the town's greatest assets have been its people and its diversity. The Town is committed to providing affordable housing to its present and future residents. Despite its best efforts, the Town of Littleton still fails to meet the state mandated 10% level (of affordable housing compared to all housing available). The Mannion Place, while small, will increase the supply of affordable housing and may encourage other developers to build affordable units in the future and enhance the character and charm of Littleton..

**EXHIBIT A**

**LOCAL INITIATIVE PROGRAM GUIDELINES**

# LOCAL INITIATIVE PROGRAM

## RULES AND GUIDELINES





Commonwealth of Massachusetts  
DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT

Mill Romney, Governor ♦ Kerry Healey, Lt. Governor ♦ Jane Wallis Gumble, Director

*LOCAL  
INITIATIVE  
PROGRAM*

GUIDELINES

February 2003



# LOCAL INITIATIVE PROGRAM GUIDELINES

## Table of Contents

	<u>Page</u>
(1) <u>Summary</u> .....	1
(2) <u>Background</u> .....	1
(3) <u>Local Initiative Units</u> .....	3
o General Requirements	
o Local Action Requirement	
o Use Restrictions	
-- Form	
-- Lock-in Period	
o Application Requirements	
(4) <u>Comprehensive Permit Projects</u> .....	6
o General Requirements	
o Regulatory Agreements	
-- Form	
-- Lock-in Period	
-- Use Restrictions	
-- Allowable Profit	
o Local Support	
o Application Requirements	
(5) <u>Qualifying Incomes</u> .....	10
o General Requirements	
o Income Limits by Area	
o Maximum Incomes and Sales Prices	
o Examples	

(6) <u>Technical Assistance</u> .....	17
(7) <u>Marketing and Buyer/Tenant Selection</u> .....	17
o Affirmative Marketing Plans	
o Local Preference	
o Buyer/Tenant Selection	
(8) <u>Other Program Components</u> .....	22
o Minimum Design and Construction Standards	
o Consistency With Critical Housing Needs	
-- General	
-- Contingent Approvals	
o Fees	
o Monitoring & Oversight	
o Subsidized Housing Inventory	
o Qualified Housing Types	

## APPENDICES

- A. Regulations (760 CMR 45.00)
- B. HUD Statistical Area Designations
- C. Percentage of minority population by statistical area
- D. Elderly Exception
- E. Definitions (760 CMR 47.03)
- F. Lottery Example

## Summary

The Local Initiative Program is a state housing program that was established to give cities and towns significantly more flexibility in their efforts to provide low and moderate-income housing. The program provides technical and other non-financial assistance to housing that is developed through the initiative of local government to serve households below 80 percent of the median household income.

Two types of housing are supported by the program: Local Initiative Units, which are developed through a city or town's conventional zoning process, and Comprehensive Permit Projects, which are developed through the comprehensive permit process according to M.G.L. Chapter 40B. All low and moderate income units developed through the Local Initiative Program are "counted" on the Subsidized Housing Inventory toward a community's stock of low and moderate income housing for purposes of Chapter 40B.

The Local Initiative Program responds to a mandate from a special legislative commission and is authorized by state regulation (760 CMR 45.00). It is administered by the Department of Housing and Community Development (DHCD). The purpose of these guidelines is to provide a basis for the operation of the Local Initiative Program and to provide guidance to local public officials, housing developers, and other interested parties.

## Background

M.G.L. Chapter 40B, sections 20-23 (also known as Chapter 774 of the Acts of 1969 or as the Anti-Snob Zoning Act) created a local process for granting "comprehensive permits" for the construction of subsidized low or moderate income housing. These permits, which may supersede all local requirements and regulations including zoning, are granted on a case-by-case basis by local zoning boards of appeals following a public hearing. In cities and towns where less than ten percent of the housing stock is low or moderate income housing, the denial of a comprehensive permit application or the imposition of conditions that render a proposed development infeasible may generally be appealed to the state Housing Appeals Committee.

Chapter 40B defines low and moderate income housing as "any housing subsidized by the federal or state government under any program to assist the construction of low or moderate income housing". Local Boards of Appeal and the Housing Appeals Committee have previously construed this definition to apply to financial subsidies only. As a result, cities and towns have had little incentive to undertake housing

initiatives which do not require direct state or federal financial assistance but which in all significant respects are within the intent of the statute.

A special legislative commission recommended in 1989 that state programs providing in kind support or technical assistance be construed as a subsidy within the meaning of Chapter 40B if they are serving the same households as conventional housing subsidy programs and if they are approved by local officials and by a state agency. The commission specifically recommended that DHCD use its existing statutory authority to create such a program. DHCD responded by designing the Local Initiative Program and by promulgating authorizing regulations for the program in January 1990. The purpose of these guidelines is to implement the program and thus to give local housing initiatives formal standing within the comprehensive permit process.

Unlike conventional housing subsidy programs, in which a state or federal agency must approve every aspect of financing, design and construction, the Local Initiative Program allows most of these decisions to be made by local public officials. Only the most basic aspects of the program -- the incomes of persons served, minimum quality of housing units provided, fair marketing, and level of profit -- are subject to state review. It is entirely up to local officials, for example, to determine the design and site plan that is most appropriate for their community. The "subsidy" provided by the Commonwealth in the Local Initiative Program consists of technical assistance to help cities and towns use the program effectively and oversight review to ensure that housing produced through the program is fully consistent with M.G.L. Chapter 40B

The Local Initiative Program is intended to complement conventional state housing subsidy programs and not to replace them. Local initiative units or projects may not be feasible without municipal or private sector resources such as donated sites, density concessions, and/or below-market financing.

## Local Initiative Units

### General Requirements

The purpose of offering state approval of Local Initiative Units, as part of the Local Initiative Program, is to give communities a greater incentive to create low and moderate income housing, without direct state or federal financial subsidies, using their own zoning and regulatory powers. Local Initiative Units are subject to the following general requirements:

- (1) the units must be serving households at or below 80 percent of median household income (see "Qualifying Incomes, Prices and Rents");
- (2) the units must be subject to Use Restrictions of a substantial duration (see "Use Restrictions") to ensure that the units remain available exclusively to persons with qualifying incomes. These restrictions must have resulted from city or town action or approval (see "Local Action Requirement"); and,
- (3) the units must be sold or rented on a fair and open basis. The owners of the units must execute an equal housing opportunity agreement with DHCD for existing units or adopt an affirmative fair marketing plan for new units (see "Marketing").

### Local Action Requirement

Local Initiative Units must result from city or town action or approval and must be a condition of new construction, building conversion, adaptive re-use, substantial rehabilitation, or other local regulatory or inclusionary zoning provisions. In addition, the units may not be developed with a comprehensive permit (for such projects see "Comprehensive Permit Projects").

The following will generally be sufficient to satisfy this requirement provided that the municipal actions or approvals are conditioned, as a matter of record, upon the provision of low or moderate-income housing:

- (1) Zoning-based approval including rezoning, special permits, density bonuses, site plan review or subdivision approval.
- (2) Financial assistance from funds raised, appropriated or administered by the community.

- (3) Provision of land or buildings that are owned or acquired by the community and conveyed at a below-market cost.

Even if housing units happen to be occupied by low or moderate-income persons, they may not qualify as Local Initiative Units unless there are income restrictions that resulted directly from municipal action. Local Initiative Units must have been created or converted to affordable housing for the explicit purpose of serving low or moderate-income persons.

### Use Restrictions

A use restriction is a legal document that ensures that low or moderate income housing units remain affordable to qualified households during a specified "lock-in" period. In the Local Initiative Program, this lock-in must be achieved for the longest period feasible. The primary purpose of these restrictions is as follows:

- O Rental. For rental units, the use restriction ensures that the rent for low and moderate-income units will only increase in proportion to growth in median household income (for projects utilizing state or federal rental assistance, the units may be restricted instead to "fair market rents" established for those programs).
- O Ownership. For owner-occupied units, the use-restriction ensures that units may only be resold to income-qualified buyers at affordable prices while providing a reasonable rate of appreciation to the seller. DHCD provides a model form of deed restriction for the Local Initiative Program, which may be modified only with prior approval.

Form. Use restrictions for Local Initiative Units must: (1) run with the land and be recorded at the Registry of Deeds as a condition of deed, mortgage, or zoning); (2) be self-enforcing (i.e., have a legal mechanism for compliance that occurs automatically without state or local intervention); and, (3) include a regular reporting process to the community and a process for verification of compliance. For any new development initiated after February 1, 1990, communities are strongly encouraged to use model legal documents already approved by DHCD. Other use restrictions may be approved provided they are consistent with the Local Initiative Program and with the intent of Chapter 40B. Where such model documents exist, are applicable to the proposed

project, and are not used, the cost of DHCD's legal review of alternative documents must be borne by the developer.

Lock-in Period. A community must show in its application for approval of Local Initiative Units that the lock-in period is as long as practicable. This may be accomplished by showing that the lock-in period is reasonable in relation to the consideration (e.g., a density bonus) provided by the community, that attempts to achieve a longer period were unsuccessful, or that a longer period would have been infeasible. Local Initiative Units will be included in the Subsidized Housing Inventory for as long as the lock-in period continues and use restrictions remain in effect (see "Other Program Components - Subsidized Housing Inventory").

In no event will units be approved if the initial lock-in period is less than thirty years for new construction or fifteen years for substantially rehabilitated units. Many communities will feel that a longer lock-in period is appropriate in view of the public action(s) they have taken.

#### Application Requirements

An application for approval of Local Initiative Units must be submitted in the form provided by DHCD. It must also include documentation of the local actions that created the affordable units (see "Local Action Requirement"), a copy of the use restriction, an executed equal opportunity agreement for existing units, and an affirmative marketing plan for new units developed after February 1, 1990 (see "Marketing and Buyer/Tenant Selection").

Communities may request approval of units created prior to the effective date of the Local Initiative Program regulations provided that the units meet the requirements of the Program and that use restrictions remain in effect. Communities are strongly encouraged to obtain DHCD approval of new units before zoning or other local approvals are granted. DHCD expects to process routine approvals or pre-approvals within 60 days. The review period may be significantly shorter for units relying exclusively on model legal documents previously approved by DHCD.



## Comprehensive Permit Projects

### General Requirements

The purpose of allowing Comprehensive Permit Projects within the Local Initiative Program is to enable communities to develop low and moderate income housing -- without direct state or federal financial subsidies -- through the flexible zoning and local approval process provided by Chapter 40B. The program ensures that a substantial percentage of units will serve low or moderate income households, that the units have long-term restrictions, that units are openly and fairly marketed, and that developers realize only a reasonable return on their investment.

Comprehensive Permit Projects must meet the following minimum requirements:

- (1) the project must have the written support of the chief elected official and local housing partnership (see "Local Support").
- (2) at least 25 percent of the units in the proposed development must be affordable to households at or below 80 percent of regional median household income (see "Qualifying Incomes, Prices and Rents");
- (3) the developer must agree to a long term lock-in period for the affordable units that is enforced by a regulatory agreement with DHCD (see "Regulatory Agreements"); and,
- (4) the developer and/or owners of the project must agree to develop and implement an affirmative fair marketing plan in a form approved by or required by DHCD.

### Regulatory Agreements

The purpose of a regulatory agreement is to provide a legal assurance that in consideration of the value of a comprehensive permit, a developer will: (1) construct and maintain the units in accordance with the requirements of the Local Initiative Program, and (2) be limited to a reasonable profit. The execution of a regulatory agreement by a private developer makes the developer a "limited dividend organization" for purposes of M.G.L. Chapter 40B, Section 20.

Form. A regulatory agreement must normally be executed with DHCD in a form provided by the agency (one form for homeownership projects and one for rental).

Except for changes in these documents made by DHCD for the Local Initiative Program as a whole, these legal documents may not be substantially modified for specific projects.

Lock-in Period. The lock-in period for Comprehensive Permit Projects must be for the longest period of time allowed by law. In homeownership projects, this will usually be accomplished through deed restrictions that are renewed each time a unit is resold. For rental projects, the original developer or owner will usually maintain the low and moderate income units for a period of time and may convey them at a later date, with continuing use restrictions, to a non-profit organization or tenant cooperative.

In exceptional circumstances, a community may submit a project with a proposed lock-in period that is not the longest period allowed by law. To be approved by DHCD, such projects require a written waiver from the Director of Housing and Community Development pursuant to section 45.09 of the program regulations (see Appendix). In requesting such approval, a community must demonstrate that a longer lock-in period is infeasible or that the proposed lock-in period is necessary to advance a legitimate public purpose. It must also show that provisions are in place to ensure that no low or moderate-income persons will be displaced upon the expiration of the lock-in period. In no event will units be approved if the initial lock-in period is less than thirty years for new construction or fifteen years for substantially rehabilitated units.

Use Restrictions. Except for the lock-in period, the same use restrictions are generally acceptable for Local Initiative Units and Comprehensive Permit Projects (see "Local Initiative Units - Use Restrictions"). For most rental and cooperative housing projects, a regulatory agreement between the developers and owners of a project and DHCD will also incorporate all necessary use restrictions. In homeownership projects, this agreement will not by itself be sufficient since the units will be sold by the developer upon completion of the project. In this case, the regulatory agreement will also require the developer to attach use restrictions to each low or moderate-income unit in the form of a deed restriction (and in some cases through restrictions in a mortgage agreement).

Allowable Profit. Since a comprehensive permit has substantial economic value, a major requirement of Chapter 40B is that comprehensive permits may only be granted to public agencies, non-profit organizations, or private developers who agree to receive no more than a reasonable profit. For rental and cooperative housing projects, the regulatory agreement will limit distribution of return to all partners and legal or beneficial owners to no more than 10 percent of equity per year during the lock-in period. This is the same method of profit limitation that is applied to projects in other state rental housing programs.

For homeownership projects, profit and developer's fees to all partners and owners will be limited to no more than 20 percent of total development costs. This restriction will be enforced by a certified cost accounting by the developer's accountant(s) at the completion of the project. Any excess profit must be recaptured in the form of an escrow account to write down the cost of the low or moderate-income units upon resale or by payment of the excess amount to the community or to DHCD for the purpose of producing additional low or moderate-income housing.

#### Allowable Acquisition Costs

The development proforma must reflect a land value based on the lower of (1) last "arm's-length" transaction (if within 3 years) plus reasonable carrying and/or maintenance costs or (2) if a comprehensive permit is used, value under pre-existing zoning, plus reasonable carrying costs. DHCD will recognize only one legitimate land value as defined above, even if the actual purchase price of the land will vary or has varied with the number of units approved through zoning variances, or is contingent upon granting of a comprehensive permit.

Last arm's length transaction is defined as that not involving an identity of interest between the seller and the purchaser or any related party to the purchaser. All developers will be required to provide a certification of the last arm's length transaction.

Reasonable carrying costs related to the land include interest, taxes, insurance, and the costs related to option agreements. If a building or improvement is located on the land, DHCD will recognize reasonable maintenance costs, such as security, utilities, and property maintenance.

Pre-existing zoning is defined as the zoning in place at the earlier of: execution of an option agreement or a purchase and sale agreement (P&S); or preliminary developer designation by a local government.

Total allowable land value, including carrying and maintenance costs, cannot exceed the appraised value under "final" zoning (i.e., the zoning under which the project will be built.)

Developers may pay more than the allowable acquisition costs; however, any such "excess acquisition costs" will be paid at the developer's own expense. In no case may allowable acquisition costs, including carrying and maintenance costs, exceed appraised value.

### Local Support

All Comprehensive Permit Projects undertaken through the Local Initiative Program must, as part of an application to DHCD, have the written endorsement of the chief elected official (typically the mayor of a city or the board of selectmen in a town) and, if one exists, the endorsement of a duly-recognized local housing partnership. DHCD expects local public officials to act in good faith and expects local support for housing proposed under the Local Initiative Program not to be unreasonably withheld.

No further evidence of local support is required once a Comprehensive Permit Project has been approved by DHCD. The only exception is for projects that undergo substantial changes during the permitting process that render them inconsistent with the conditions of prior state and local approval.

### Application Requirements

An application for approval of a Comprehensive Permit Project must be submitted in a form provided by or required by DHCD. Applications must also be accompanied by the following: (1) documentation of the developer's interest in the site (i.e., a deed, option, or purchase and sale agreement); (2) a site plan showing the footprint of all proposed buildings, roads, parking and other improvements; (3) sample floor plans and elevations for each building and unit type; (4) a tabulation of the proposed units by size, type, number of bedrooms, location within the project, and proposed rent or sales price; (5) a financial pro forma; (6) a brief description of existing site conditions, permits that will be required, and proposed efforts to mitigate any environmental impacts; (7) an appraisal of the site reflecting the value of the site under existing "by-right" zoning without a comprehensive permit; (8) information regarding the relationship of the proposed project to local or regional growth management plans (DHCD may also request copies of such plans.) *(Please note: Project sponsors may request deferral of the site appraisal until after project approval, if requirement (7) presents a financial hardship. In such cases the appraisal will need to be completed, however, prior to commencement of construction.)*

After an application is filed, a site visit will take place and the project will be evaluated by DHCD. The purpose of this review is to determine whether the project is consistent with the basic requirements of the Local Initiative Program and to identify, for the community's benefit, any unusual problems with the site or proposed development.

Comprehensive Permit Projects approved by DHCD will have legal standing to apply to a zoning board of appeals for a comprehensive permit (the Local Initiative Program regulations do not by themselves grant any legal standing to projects without DHCD approval). DHCD expects to process routine approvals within 60 days.

## Qualifying Incomes, Prices & Rents

### General Requirements

The purpose of the Local Initiative Program is to help cities and towns provide housing for low and moderate-income persons with incomes below 80 percent of the regional median household income. This is accomplished by establishing rents and purchase prices that enable persons with qualifying incomes to obtain housing without spending an excessive percentage of their income on housing costs. The method of determining the maximum allowable rents and purchase prices is similar to other state rental housing and homeownership programs.

*Please note: Affordable units in ownership projects must be priced at levels affordable to buyers with a range of incomes of at least 10% below the maximum listed income. Changing market factors such as interest rates, tax rates, and insurance rates may result in the affordable units being sold at prices below the maximum allowable prices listed in the guidelines.*

## Metropolitan Area

Metropolitan Area		1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person
<b>Barnstable-Yarmouth (median \$58,700)</b>								
Low-Income (80% Limits)		\$ 33,750	\$ 38,600	\$ 43,400	\$ 48,250	\$ 52,100	\$ 55,950	\$ 59,800
Moderate Income (100% Limits)		\$ 42,200	\$ 48,200	\$ 54,300	\$ 60,300	\$ 65,100	\$ 69,900	\$ 74,800
<b>Boston (median \$80,800)</b>								
Low-Income (80% Limits)		\$ 43,850	\$ 50,100	\$ 56,400	\$ 62,650	\$ 67,650	\$ 72,650	\$ 77,650
Moderate Income (100% Limits)		\$ 56,600	\$ 64,600	\$ 72,700	\$ 80,800	\$ 87,300	\$ 93,700	\$ 100,200
<b>Brockton (median \$70,300)</b>								
Low-Income (80% Limits)		\$ 39,350	\$ 45,000	\$ 50,600	\$ 56,250	\$ 60,750	\$ 65,250	\$ 69,750
Moderate Income (100% Limits)		\$ 49,200	\$ 56,200	\$ 63,300	\$ 70,300	\$ 75,900	\$ 81,500	\$ 87,200
<b>Fall River (median \$56,400) (Providence-Fall River-Warwick RI-MA, PMSA)</b>								
Low-Income (80% Limits)		\$ 37,700	\$ 43,050	\$ 48,450	\$ 53,850	\$ 58,150	\$ 62,450	\$ 66,750
Moderate Income (100% Limits)		\$ 47,100	\$ 53,800	\$ 60,600	\$ 67,300	\$ 72,700	\$ 78,100	\$ 83,500
<b>Fitchburg-Leominster (median \$62,100)</b>								
Low-Income (80% Limits)		\$ 34,800	\$ 39,750	\$ 44,700	\$ 49,700	\$ 53,650	\$ 57,650	\$ 61,600
Moderate Income (100% Limits)		\$ 43,500	\$ 49,700	\$ 55,900	\$ 62,100	\$ 67,100	\$ 72,000	\$ 77,000
<b>Lawrence (median \$74,300)</b>								
Low-Income (80% Limits)		\$ 39,550	\$ 45,200	\$ 50,850	\$ 56,500	\$ 61,000	\$ 65,550	\$ 70,050
Moderate Income (100% Limits)		\$ 52,000	\$ 59,400	\$ 66,900	\$ 74,300	\$ 80,200	\$ 86,200	\$ 92,100
<b>Lowell (median \$79,700)</b>								
Low-Income (80% Limits)		\$ 39,550	\$ 45,200	\$ 50,850	\$ 56,500	\$ 61,000	\$ 65,550	\$ 70,050
Moderate Income (100% Limits)		\$ 55,800	\$ 63,800	\$ 71,700	\$ 79,700	\$ 86,100	\$ 92,500	\$ 98,800
<b>New Bedford (median \$52,700)</b>								
Low-Income (80% Limits)		\$ 33,750	\$ 38,600	\$ 43,400	\$ 48,250	\$ 52,100	\$ 55,950	\$ 59,800
Moderate Income (100% Limits)		\$ 42,200	\$ 48,200	\$ 54,300	\$ 60,300	\$ 65,100	\$ 69,900	\$ 74,800

Local Initiative Program

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person
Pittsfield (median \$55,000)							
Low-Income (80% Limits)	\$ 33,750	\$ 38,600	\$ 43,400	\$ 48,250	\$ 52,100	\$ 55,950	\$ 59,800
Moderate Income (100% Limits)	\$ 42,200	\$ 48,200	\$ 54,300	\$ 60,300	\$ 65,100	\$ 69,900	\$ 74,800
Springfield (median \$50,700)							
Low-Income (80% Limits)	1 Person \$ 33,750	2 Person \$ 38,600	3 Person \$ 43,400	4 Person \$ 48,250	5 Person \$ 52,100	6 Person \$ 55,950	7 Person \$ 59,800
Moderate Income (100% Limits)	\$ 42,200	\$ 48,200	\$ 54,300	\$ 60,300	\$ 65,100	\$ 69,900	\$ 74,800
Worcester (median \$68,000)							
Low-Income (80% Limits)	\$ 38,100	\$ 43,500	\$ 48,950	\$ 54,400	\$ 58,750	\$ 63,100	\$ 67,450
Moderate Income (100% Limits)	\$ 47,600	\$ 54,400	\$ 61,200	\$ 68,000	\$ 73,400	\$ 78,900	\$ 84,300
<b>Non-Metro Area</b>							
Barnstable County (median \$58,600)							
Low-Income (80% Limits)	\$ 33,750	\$ 38,600	\$ 43,400	\$ 48,250	\$ 52,100	\$ 55,950	\$ 59,800
Moderate Income (100% Limits)	\$ 42,200	\$ 48,200	\$ 54,300	\$ 60,300	\$ 65,100	\$ 69,900	\$ 74,800
Berkshire County (median \$57,200)							
Low-Income (80% Limits)	\$ 33,750	\$ 38,600	\$ 43,400	\$ 48,250	\$ 52,100	\$ 55,950	\$ 59,800
Moderate Income (100% Limits)	\$ 42,200	\$ 48,200	\$ 54,300	\$ 60,300	\$ 65,100	\$ 69,900	\$ 74,800
Dukes County (median \$61,100)							
Low-Income (80% Limits)	\$ 34,200	\$ 39,100	\$ 44,000	\$ 48,900	\$ 52,800	\$ 56,700	\$ 60,600
Moderate Income (100% Limits)	\$ 42,800	\$ 48,900	\$ 55,000	\$ 61,100	\$ 66,000	\$ 70,900	\$ 75,800
Franklin County (median \$58,300)							
Low-Income (80% Limits)	1 Person \$ 33,750	2 Person \$ 38,600	3 Person \$ 43,400	4 Person \$ 48,250	5 Person \$ 52,100	6 Person \$ 55,950	7 Person \$ 59,800
Moderate Income (100% Limits)	\$ 42,200	\$ 48,200	\$ 54,300	\$ 60,300	\$ 65,100	\$ 69,900	\$ 74,800
Hampden County (median \$64,500)							
Low-Income (80% Limits)	\$ 36,100	\$ 41,300	\$ 46,450	\$ 51,600	\$ 55,750	\$ 59,850	\$ 64,000
Moderate Income (100% Limits)	\$ 45,200	\$ 51,600	\$ 58,100	\$ 64,500	\$ 69,700	\$ 74,300	\$ 80,000

Local Initiative Program

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person
Hampshire County (median \$64,400)							
Low-Income (80% Limits)	\$ 36,200	\$ 41,350	\$ 46,500	\$ 51,700	\$ 55,800	\$ 59,950	\$ 64,100
Moderate Income (100% Limits)	\$ 45,200	\$ 51,700	\$ 58,100	\$ 64,600	\$ 69,800	\$ 74,900	\$ 80,100
Nantucket County (median \$74,900)							
Low-Income (80% Limits)	\$ 46,400	\$ 53,050	\$ 59,700	\$ 66,300	\$ 71,650	\$ 76,950	\$ 82,250
Moderate Income (100% Limits)	\$ 58,000	\$ 66,300	\$ 74,600	\$ 82,900	\$ 89,500	\$ 96,200	\$ 102,800
Worcester County (median \$57,200)							
Low-Income (80% Limits)	\$ 33,750	\$ 38,600	\$ 43,400	\$ 48,250	\$ 52,100	\$ 55,950	\$ 59,800
Moderate Income (100% Limits)	\$ 42,200	\$ 48,200	\$ 54,300	\$ 60,300	\$ 65,100	\$ 69,900	\$ 74,800



## MAXIMUM INCOMES, and SELLING PRICES

- 1) Median Incomes are based on 2002 HUD Estimates for Metropolitan Statistical Areas (MSAs). Income limits are adjusted annually to reflect the HUD figures in effect at that time. Affordable unit applicants must meet the program income limits in effect at the time of all in effect at the time they apply for a unit and must continue to meet the program income limits in effect at the time of all subsequent reviews until they purchase a unit.
- 2) Maximum sales prices are determined by creating a marketing "window" so that buyers within a range of incomes may afford to qualify for a mortgage for a LIP unit despite possible interest rate fluctuations. Project sponsors are required to provide a window of affordability for households with incomes between 70% and 80% of the listed area median income. The maximum sales prices are based upon principal, interest, tax, and insurance payments assuming a 5% down payment. DHCD encourages project sponsors to work with local banks to provide competitive and loan financing to potential first time home buyers.
- 3) The "Affordable" sales price will be determined based on low or moderate income households spending no more than 30% of their income on housing costs. Housing costs include all payments made towards the principle and interest of any mortgages placed on the unit, taxes, and insurance, as well as any homeownership, neighborhood association, or condominium fees
- 4) Rents are determined by creating a 'window' of affordability based on rents equal to 30% of 70% of median income. Rents must include heat and utilities or a utility allowance.
- 5) The initial maximum sale prices for a low and moderate income unit should be set so as to be affordable to a household whose income is between 70% and 80% of area median income, using the method set forth below. For purposes of this calculation, household income applicable to a particular unit will be based on certain assumptions about the size of the family most likely to occupy the unit. For example, in order to calculate the sales price of a 2-bedroom unit, the applicant should begin by determining what is affordable to a family earning 70% of area median income for a three-person household. For a 3-bedroom unit, the calculation should assume a four-person household, and for a 4-bedroom unit a five-person household.

Example:

Boston 4-person Household		Area Median Income		Window Income		30% of Window Income	
70% of Area Median Income	1	\$52,470		\$4,372.50		\$1,311.75	
80% of Area Median Income	1	\$58,300		\$4,858.33		\$1,457.50	

The range between 70% and 80% of the area median income is the "Window of Affordability"

# MAXIMUM INCOMES, and SELLING PRICES

(Examples of calculating maximum sales prices for a 4-person household in the Boston MSA)

Mortgage Terms: 30 year fixed term at 7% Interest Rate

	Example # 1	Example # 2	Example # 3
House Price	\$130,000	\$150,000	\$170,000
Down Payment – 5 %	\$6,500	\$7,500	\$8,500
Mortgage Amount	\$123,500	\$142,500	\$161,500
Principal and Interest	\$821.65	\$944.73	\$1,003.97
Real Estate Taxes	\$165.56	\$173.45	\$198.33
Private Mortgage Insurance	\$69.47	\$72.12	\$41.27
Homeowners Insurance	\$35.00	\$35.00	\$62.83
Association/Condo fee	\$40.00	\$100.00	\$160.00
Total Housing Costs	\$1,131.68	\$1,325.30	\$1,466.40

## 70% AMI monthly housing cost

\$1,311.75

Yes

No

No

## 80% AMI monthly housing cost

\$1,457.50

Yes

Yes

No



## Technical Assistance

Technical assistance is a critical component of the Local Initiative Program because it is the subsidy provided by the state for purposes of M.G.L. Chapter 40B. A site visit and project review meeting will be scheduled by DHCD staff immediately upon acceptance of an application for review under the Local Initiative Program. At a community's request, this may take place instead prior to the submission of a formal application. This review must include DHCD staff, the chief elected official (or designee), the developer, and a representative of the local housing partnership (if applicable). Other local officials may also be included at the discretion of the community.

The purposes of the site visit and meeting are: (1) to identify any problems with site, proposed project or existing units which appear to be inconsistent with the guidelines of the Local Initiative Program; (2) to assist the community in meeting the requirements of the Program; and, (3) to generally provide feedback to the community on the proposed units or projects and to identify key issues for the community to consider as part of its review and approval process. These issues may include, but are not limited to, condominium budgets, environmental issues, land valuation, marketing, financing, development scheduling, developer qualifications, construction warranties, and handicapped access.

## Marketing and Buyer/Tenant Selection

### General

All Comprehensive Permit Projects, and all Local Initiative Units that are developed after February 1, 1990, must have a marketing plan approved by DHCD. The three basic elements of the plan are affirmative marketing to minority households, local preference (if any), and the buyer/tenant selection process. Each aspect of the marketing plan is described below.

### Affirmative Marketing Plans

The goal for each marketing plan is to achieve a percentage of minority ownership or tenancy in low or moderate income units equal to the greater of: (1) the percentage of income-eligible minority households in the community; or, (2) the percentage of income-eligible minority households in the applicable regional planning area. The goals will be established using the 2000 Federal Census until new census data becomes available. Each Comprehensive Permit Project and all applicable Local Initiative Units must have an DHCD-approved affirmative marketing plan which

— outlines the steps that will be taken, including advertising and outreach to minority organizations, to achieve the minority participation goal. The plan must be ongoing and address not only initial sales and rent-up but also resales and rental turnover. In areas where an agency for marketing low and moderate income housing units already exists (e.g., the Cape Cod Clearinghouse or Boston HomeBase Program), participation in the clearinghouse will be a required component of the marketing plan.

— In new construction projects 5% of the affordable units (or one unit in projects of less than 20 affordable units) must be modified to be handicapped accessible if a handicapped buyer is selected in the unit lottery process. Those units must be modified to be handicapped accessible units in accordance with standards approved by the Massachusetts Architectural Access Board. A separate handicapped preference pool also may be created for single handicapped individuals or families containing a handicapped person if the community and project sponsor agree to do so.

### — Local Preference

— The marketing plan may also include local preference for up to 70 % of the low and moderate-income units. Categories of local preference may be freely determined by the community provided they are reasonable and do not have a discriminatory or unlawful effect. A community may also use its local preference to address critical local housing needs. This would, for example, allow communities to jointly undertake a low or moderate income housing initiative with local employers or institutions (e.g. a large industrial company, medical center or public university). In exchange for private resources devoted to a project, such as the donation of sites, the participating employer or institution would gain dedicated housing units while contributing to meeting the housing needs of the community and region as a whole.

### — Buyer/Tenant Selection

— Typically, the demand for low and moderate income housing units developed through the Local Initiative Program will exceed supply. In these circumstances, prospective buyers or tenants must be selected by a fair and equitable process such as a lottery. Typically, a lottery process is established jointly and then managed either by the community or by the developer. Unless the community chooses to assume financial responsibility for the lottery process, the developer must assume the cost.

— Communities are allowed to reserve up to 70% of the affordable units for local residents, as defined by the community. Should a community exercise this right, it shall conduct a multiple pool lottery.

— A multiple pool lottery for projects including a local preference should have two preference pools: a local preference pool, and an open pool. If a development will

include a local preference pool, applicants should be given the opportunity to identify themselves as minorities. After the application deadline has passed, the community should determine the number of local resident minority households, and the percentage of minority applications in the local preference pool. For the purposes of this buyer selection process, if the percentage of minorities in the local preference pool is less than the percentage of minorities in the surrounding HUD defined region, the community should make the following adjustments to the local preference pool.

The community should hold a preliminary lottery comprised of all minority applicants who did not qualify for the local preference pool, and rank the applicants in order of drawing. Minority applicants should then be added to the local preference pool in order of their rankings until the percentage of minority applicants in the local preference pool is equal to the percentage of minorities in the surrounding HUD defined region. Applicants should be entered into all pools for which they qualify. For example, a local resident should have a ballot in both pools.

Preference also may be given to single handicapped individuals if the community and developer have agreed to provide handicapped accessible units. Advertising outreach should be conducted primarily during the sixty-day period immediately preceding the scheduled lottery date.

The lottery process must give preference for LIP units to families of two or more over single individuals in all cases. Units with two or more bedrooms shall be prioritized for larger families requiring additional bedrooms, as follows.

First preference shall be given to families requiring the total number of bedrooms in the unit to house members of the household, based on the following criteria:

- (i) No two persons (with the exception of husband and wife, or those in a similar living arrangement) shall be required to share a bedroom;
- (ii) A person described in (i) shall not be required to share a bedroom if a consequence of sharing would be a severe adverse impact on his or mental or physical health and the lottery director receives reliable medical documentation as to such impact of sharing.

Second preference shall be given to families requiring the number of bedrooms in the unit minus one, based on the above criteria; third preference shall be given to families requiring the number of bedrooms in the unit minus two; and so on.

A "family" shall mean two or more persons who will live regularly in the unit as their primary residence and who are related by blood, marriage, law or who have otherwise evidenced a stable inter-dependent relationship.

Lottery drawings shall result in each applicant being given a ranking among other applicants and larger families being prioritized for units with appropriate numbers of bedrooms based on the above criteria.

Typically, a lottery drawing is organized in the following manner: All applicants are given a registration number to allow public monitoring of lottery activities without sacrificing applicant privacy. Applicants should indicate the minimum number of bedrooms that the household legitimately needs to be accommodated, based on the above criteria. This bedroom need information should be shown on the registration card. Cards with the registration number for applicant households are placed in each and all lottery pools in which they qualify (For example: a local household would have a registration card in both pools). All of the cards are randomly drawn for both of the pools and placed in the order drawn (an applicant in more than one pool would likely have a different ranking position in each pool). If a project has units with different bedroom sizes, a specific number of units of each of the available bedroom sizes should be proportionally distributed among each lottery pool category. Units are then awarded (largest bedroom units first) by proceeding down the list of lottery winners to the first household on the list that needs a minimum number of bedrooms equal to the largest available unit. Once all larger households have been assigned to appropriate sized units in this manner, the selection order returns to the top of the list to the applicants with the next highest bedroom need. This process continues until all available units have been assigned buyers. Remaining unselected households will be drawn upon in the same manner should alternate buyers be needed. If the local preference pool requires adjustment as described above, the preliminary lottery should be conducted before the final lottery begins.

Affirmative fair marketing intended to reach minority applicants should include researching the region in which the development is to be located for the availability of minority focused businesses, non-profits, religious organizations, newspapers and any other organizations that may provide access to potential first-time homebuyer households. Outreach in the local preference category should include, at a minimum, advertising in all local publications, regional non-profit publications and neighborhood associations that may be a source of qualified applicants.

If a community has elected to expand the Local Preference category beyond current residents, additional outreach will be necessary to attract these additional qualified applicants. The community will alert existing residents if their parents and/or children are allowed in this pool. Outreach to current employees if they are allowed in this pool can take the form of flyers accompanying paychecks, separate mailings to municipal employees or informational sessions targeted to these employees.

Before holding a lottery, the community or the developer may either pre-screen applicants to determine that they are eligible to purchase or rent a unit or may establish criteria by which potential applicants "self-screen" before they apply. In doing so, the following general rules shall apply:

- O Without exception, all applicants must be within the income limit of the Local Initiative Program and within the income limits designated for the particular unit(s) they are seeking to rent or purchase. Affordable unit applicants must also meet the program income limits in effect at the time they apply for a unit as well as meet the program income limits in effect at the time of all subsequent reviews until they purchase a unit.
- O The income-eligibility limits for the Local Initiative Program, in the case of both initial sales and subsequent resales, (see "Qualifying Incomes, Prices and Rents") will be based on the number of persons in a household, using the HUD data and adjustment factors in the Appendix.
- O In determining the household income of an applicant, the "passbook value" of any assets shall be included as income. An applicant may not own any residential property unless, in the case of a unit for the elderly, it will be sold to create income to provide a down payment and/or to pay monthly rent or mortgage costs. *(See Appendix C for the "Elderly Exception")*
- O Allowable assets of potential buyers shall not exceed \$50,000. Affordable unit buyers must also qualify for a minimum mortgage amount equal to 50% of the purchase price of the unit.
- O For homeownership units, it is also necessary to determine whether applicants have sufficient resources to meet down payment and closing costs and can support the carrying costs required for a specific unit. For family units, communities are generally encouraged to limit applicants to first-time homebuyers (i.e., have never owned a home or have not owned a home as a principal residence for three prior years).

The pre-screening process, if any, may be carried out by the developer, a public agency, or a contracted third party that is approved as a "certifying agent" by DHCD.

Exceptions to the lottery requirement may be allowed where, by nature of the project, occupancy is already restricted to persons selected through an open affirmative marketing process. One such example would be a rental project in which low or moderate income units are being marketed exclusively to persons with MRVP rental assistance certificates.



## Other Program Components

### Minimum Design and Construction Standards

All low and moderate income housing units developed through the Local Initiative Program must be indistinguishable from market-rate units from the exterior unless the project has an approved alternative development plan. All low and moderate income units must contain complete living facilities including a stove, kitchen cabinets, plumbing fixtures, and washer/dryer hookup. All low and moderate-income units for families must have two or more bedrooms. Units for the elderly or handicapped accessible units are exempt from this requirement. It is recommended that at least 50% of the low and moderate-income units for families have three or more bedrooms. All bedrooms should meet state sanitary code requirements for the accommodation of two or more persons (100 square feet minimum). In addition, all low and moderate-income units must meet the following minimum square footage requirements and bathroom requirements:

- 1 bedroom - 700 square feet \ 1 bath
- 2 bedroom - 900 square feet \ 1 bath
- 3 bedroom - 1200 square feet \ 1 & 1/2 bath
- 4 bedroom - 1400 square feet \ 2 bath

Housing developed through the program must comply in full with the State Building Code, with other state building and environmental regulations, and (to the degree not exempted by a comprehensive permit) with all applicable local codes, ordinances and bylaws.

Alternative Development Plans. Provided a project is developed as part of an alternative development plan approved by the Director, market rate units are permitted to be distinguishable on the exterior from affordable units. Alternative development plans are intended to provide communities with greater flexibility to create a diverse housing stock to meet the needs of a range of residents. Development plans should provide housing with a range of square footages and bedroom mixes for both market rate and low and moderate-income units. Proportional numbers of units of each bedroom size should be maintained for market rate and affordable dwellings. While low and moderate income units in alternative development plan projects are not required to be indistinguishable from market rate units on the exterior, these units should be sufficiently integrated into the development so as to prevent casual identification. In developments comprised of detached single-family dwellings, this goal can be accomplished by providing the same number of market rate and affordable units for each affordable exterior design type or by situating multiple affordable units within structures that have comparable exteriors to the market rate units. Creative land use designs which minimize

infrastructure costs and environmental impacts and/or maximize resident recreational areas and open space are encouraged. DHCD staff will review Alternative Development Plans as part of the application process and provide recommendations to project sponsors for modifications should the plan fail to be approved.

*The following are two examples of acceptable unit mix scenarios for a hypothetical 24-unit development with six affordable units:*

Scenario A:

Affordable Units

Three 3 BRs @ 1,200sf.  
Three 4 BRs @ 1,400sf.

Market rate Units

Three 3 BRs @ 1,200sf.  
Three 3 BRs @ 1,400sf.  
Three 3 BRs @ 1,800sf.  
Three 4 BRs @ 1,800sf.  
Six 4 BRs @ 2,200sf.

Scenario B:

Affordable Units

One 2,400sf. duplex containing  
Two 3 BRs @ 1,200sf.  
One 2,600sf. duplex containing  
One 3 BR @ 1,200sf.  
One 4 BR @ 1,400sf.  
One 2,800sf. duplex containing  
Two 4 BRs @ 1,400sf.

Market rate Units

Six 3 BRs @ 2,400sf.  
Three 3 BRs @ 2,600sf.  
Three 4 BRs @ 2,600sf.  
Six 4 BRs @ 2,800 sf.

Consistency with Growth Planning Criteria

Pursuant to state Executive Order No.385 ("Planning for Growth"), for new construction projects DHCD will take into consideration whether a proposed project is supported by local or regional growth management plans. Also pursuant to the Executive Order, DHCD encourages proposals that seek to minimize unnecessary loss of environmental quality and resources that might result from the proposed development.

Consistency With Critical Housing Needs

General. The purpose of all state housing development programs, including the Local Initiative Program, is to address state, regional and local housing needs. The most critical needs in the Commonwealth are for family and special needs housing in general and low-income family housing in particular. DHCD will withhold approval from units or projects proposed in conjunction with the Local Initiative Program that,

in context with other housing efforts by the community, are unresponsive to needs for family housing.

Contingent Approvals. In communities that have previously developed low-income family housing, but have not done so in the previous five years, DHCD will make approval of elderly or moderate income units/projects through the Local Initiative Program contingent upon a written commitment by the community to develop additional low-income family housing. In communities that have never previously developed low-income family housing, DHCD will make approval of elderly or moderate-income units/projects through the Local Initiative Program contingent upon the concurrent development of low-income family housing.

### Fees

Fees will be charged for Comprehensive Permit Projects and for Local Initiative Units developed after the effective date of the regulations to cover the cost of DHCD's review. The application fee for Comprehensive Permit Projects is \$1,500 per project and an additional \$20 per unit. The application fee for newly developed Local Initiative Units is \$50 per unit. These fees will be reduced by one-half for non-profit developers and waived for housing developed by public agencies. Checks must be made payable to the Department of Housing and Community Development. Fees will be refunded in full if an application is not accepted or is rejected without the need for substantial review. One-half of the fee will be refunded if the application is not approved.

Additional fees may be charged to cover the cost of legal review where model legal documents are available, applicable to the proposed project or units, and not used.

### Monitoring & Oversight

The chief elected official must annually certify to DHCD, in writing, that units approved by the Local Initiative Program continue to be occupied by income-qualified persons, that any vacancies were filled or units were resold in accordance with the requirements of the program, and that the units have otherwise been maintained in a manner consistent with the Program and with the applicable use restriction or regulatory agreement. The chief elected official may designate a municipal board, a public agency (e.g. a local housing authority), or non-profit organization to be responsible for ensuring such compliance, but certification must be provided by or through the chief elected official.

DHCD and the chief elected official shall, as a condition of the use restriction and/or regulatory agreement for each approved project or unit, have reasonable access to records necessary to monitor compliance with the Local Initiative Program

## Subsidized Housing Inventory

The subsidized housing inventory is a compilation of low and moderate-income units in each city and town compiled periodically by DHCD. The inventory is used by zoning boards of appeal and by the Housing Appeals Committee to determine whether ten percent of the housing stock in a given community is low or moderate housing within the meaning of M.G.L. Chapter 40B. If a community exceeds the ten percent threshold, then local decisions on comprehensive permits may not be overruled by the Housing Appeals Committee.

Local Initiative Units and Comprehensive Permit Projects approved by DHCD will immediately be included in DHCD's public record of subsidized housing units and will be listed in the next regular update of the subsidized housing inventory as soon as the Comprehensive permit or building permit has been issued. They will remain in the inventory and be considered low or moderate income housing units for purposes of M.G.L. Chapter 40B, for as long as the DHCD-approved use restrictions and lock-in period remain in effect for these units and for as long as the units are otherwise in compliance with the regulations and guidelines of the Local Initiative Program. If a city or town fails to submit an annual certification of the units or projects (see "Monitoring & Oversight") then the units or project will no longer be considered low or moderate income housing units and will no longer be included in DHCD's inventory.

Generally, only the low and moderate income units in a Comprehensive Permit Project count toward the municipality's ten percent goal under M.G.L. Chapter 40B and are listed as such in the DHCD Subsidized Housing Inventory. However, in rental projects if the affordable units are set aside for families at the same income level as those served by state and federal mixed-income rental developments, and if the proportion of affordable units in the project is also comparable, then all of the units in the project will be counted. That is, normally, all of the units will be counted only if at least twenty percent of the units are affordable to households with incomes below fifty percent of the regional median income or at least twenty-five percent of the units are affordable to households with incomes below eighty percent of the regional median income.

## Qualified Housing Types

To qualify for the Local Initiative Program, units must be residential accommodations that contain separate and complete living facilities. A nursing home, for example, would not qualify, while housing with shared facilities and services (such as congregate elderly housing) would qualify if each unit includes a kitchen and its own separate facilities.

The Director also reserves the right to disapprove any unit or project that, in his or her judgment, is inconsistent with state housing policy or with the intent of the Local Initiative Program. These circumstances might include, but are not limited to,

segregation of low and moderate income units within specific floors, buildings or portions of a site; unusually isolated or substandard sites; poor quality of materials or design; or the excessive concentration of a community's low and moderate income housing in particular sites or neighborhoods. In these instances, the Director shall set forth the reasons for disapproval in writing and give the city or town a reasonable opportunity to respond.

DEPARTMENT OF HOUSING AND COMMUNITY  
DEVELOPMENT

LOCAL INITIATIVE PROGRAM

CODE OF MASSACHUSETTS REGULATIONS  
Volume 760 - Section 45

760 CMR: DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
760 CMR 45.00: LOCAL INITIATIVE PROGRAM

Section

- 45.01: Purpose and Effective Date
- 45.02: Definitions
- 45.03: Local Initiative Units
- 45.04: Local Housing Program
- 45.05: Local Initiative General Program
- 45.06: Technical Assistance
- 45.07: Inclusion of Units in Subsidized Housing Inventory
- 45.08: Guidelines
- 45.09: Waivers

45.01: Purpose and Effective Date

M.G.L.c. 40B §§ 20 through 23 provides a process for granting comprehensive permits for the construction of subsidized low or moderate income housing. Comprehensive permits which may override local requirements and regulations, including zoning provisions, are granted by local zoning boards of appeals. In cities and towns where less than ten percent of total housing units are low or moderate income housing, the denial of a comprehensive permit or the imposition of burdensome conditions in a comprehensive permit may be appealed to the state Housing Appeals Committee by a developer.

M.G.L. c. 40B defines low and moderate income housing as "any housing subsidized by the federal or state government under any program to assist the construction of low or moderate income housing."

In April 1989, the Report of the Special [Legislative] Commission Relative to the Implementation of Low or Moderate Income Housing Provisions recommended that programs be implemented providing for subsidies in kind or through technical assistance or other supportive services in addition to direct financial subsidies. It recommended establishment of a local initiative program sponsored by the Commonwealth working in conjunction with its cities and towns.

The purpose of 760 CMR 45.00 is to implement a program within which local housing initiatives may be developed and implemented. The program imposes requirements for affordability and the term of affordability of low or moderate income housing, and standards for effective administration, monitoring and enforcement as is reasonably necessary to preserve the long-term affordability of housing. The housing so produced will qualify as low or moderate income housing on the Subsidized Housing Inventory.

The Local Initiative Program enables three types of local initiatives. The first type of initiative recognizes municipal efforts to work under the local zoning to produce qualifying units which are called "Local Initiative Units". The second type of initiative is more formally structured as a "Local

Housing Program" which sets out a comprehensive set of rules for production of qualifying units. Production of units pursuant to a "Local Housing Program" may be authorized by a comprehensive permit although units produced by a Local Housing Program also may be authorized by the local zoning (these Local Housing Program units produced without a comprehensive permit will also qualify as Local Initiative Units). The third type of initiative is a program with rules set out in Guidelines issued by the Department of Housing and Community Development. This program is available for use by a city or town which desires to produce low or moderate income housing where the housing is not permitted by zoning and the city or town does not have a Local Housing Program under which a comprehensive permit could be issued. The Local Initiative General Program offers a convenient means for these communities to take advantage of the planning flexibility available through a comprehensive permit for production of affordable housing.

The 2002 Amendments to 760 CMR 45.00 shall be effective to applications filed on or after November 30, 2002, and the provisions of 760 CMR 45.00 as theretofore existing shall remain effective with respect to applications previously existing.

#### 45.02: Definitions

The following definitions shall apply to 760 CMR 45.00 et seq:

Accessory Apartment: *an accessory housing unit which meets the requirements of the State Sanitary Code, which is approved pursuant to a city or town's local ordinance or zoning by-law, and is occupied by a household earning no more than 80 percent of the area median income must be subject to a Use Restriction of at least 15 years, which may be revocable upon sale of the principal residence.*

Board of Appeals: the board established by a city or town pursuant to M.G.L. c. 40A § 14.

Chief Elected Official: the mayor of a city, the board of selectmen in a town, or such other official who is the city or town's chief executive as may be so recognized by the Department.

Comprehensive Permit: a permit for the development of subsidized low or moderate income housing pursuant to M.G.L. c 40B, §§ 20 through 23 and its implementing regulations in 760 CMR 30.00 et seq and 31.00 et seq..

Comprehensive Permit Project: a Local Initiative Program housing development developed with a Comprehensive Permit under a local housing program (760 CMR 45.04) or the Local Initiative General Program (760 CMR 45.05).

Department: the Department of Housing and Community Development.

HUD: the U.S. Department of Housing and Urban Development

LIP: the Local Initiative Program.



Local Housing Partnership: a municipally appointed advisory group, with responsibility for encouraging low and moderate income housing, which has been recognized as a local housing partnership by the Massachusetts Housing Partnership Fund.

Local Housing Program: a housing program adopted by a city or town by ordinance or bylaw providing for Low or Moderate Income Housing meeting the requirements set out in 760 CMR 45.04 which has been approved by the Department as a part of the Local Initiative Program.

Local Initiative Unit: a unit of Low or Moderate Income Housing which has been developed without a comprehensive permit and which meets the requirements set out in 760 CMR 45.03 and which has been approved as a Local Initiative Unit by the Department.

Low or Moderate Income: household income, computed pursuant to Department guidelines, which does not exceed 80% of area median income based on household size as determined by HUD.

Low or Moderate Income Housing: decent, safe and sanitary housing included in the LIP or other state or federal housing production program which is restricted for occupancy by households of Low or Moderate Income.

Regulatory Agreement: an agreement, in a form required or approved by the Department, in which a developer agrees to develop Low or Moderate Income Housing in accordance with Use Restrictions, which Use Restrictions may be included as part of the Regulatory Agreement. For rental housing, the Regulatory Agreement shall require a developer to operate and manage the housing in accordance with the Use Restrictions and other material terms and shall provide for effective monitoring, administration and enforcement during the term of affordability. For ownership housing, the Regulatory Agreement shall specify the terms of development and require the developer to impose an approved Use Restriction on each Low or Moderate Income Unit at the time of initial sale of the unit.

If a project is a Comprehensive Permit Project, as part of the Regulatory Agreement, a developer shall further agree:

(a) for rental housing, to limit distribution of return to all partners or legal or beneficial owners to no more than ten percent of equity (land shall be valued without consideration of the value of the Comprehensive Permit) per year during the term of such agreement, or

(b) for ownership housing, to limit profit to all such partners or owners to no more than twenty percent of total development costs; (the cost of land shall not exceed fair market value at acquisition without consideration of the value of the Comprehensive Permit).

Subsidized Housing Inventory: the list of Subsidized Housing Units by city or town compiled by the Department for use by the Housing Appeals Committee as provided in 760 CMR 31.04(1).

Subsidized Housing Units: housing units qualifying for the Subsidized Housing Inventory, including Local Initiative Units and units produced under a Local Housing Program or under the Local Initiative General Program.

Use Restriction: a contract, mortgage agreement, deed restriction, condition of zoning approval, or other legal instrument approved by the Department which effectively restricts occupancy of Low and Moderate Income Housing to households at specified Low or Moderate Income level(s) and which provides for effective administration, monitoring and enforcement of such restriction during the term of affordability.

#### 45.03: Local Initiative Units

The Department shall, upon application by the Chief Elected Official of a city or town for approval of units as Local Initiative Units, approve the application if the units meet the following requirements, and The Department shall thereafter count the units on The Subsidized Housing Inventory during the term of affordability as provided in 760 CMR 45.07.

1. Local Action: The municipality has taken an action or given an approval that contributes to the creation of qualifying housing units through new construction, building conversion, adaptive re-use, or rehabilitation. Local action also includes Local Housing Programs and ordinances or bylaws providing for Low or Moderate Income Housing Units, which may include Accessory Apartments.
2. Income and Asset Limits: For tenants and purchasers household income shall not exceed 80% of area median income based on household size as determined by HUD, but the municipality may set lower limits. For tenants of rental housing and purchasers of ownership housing there shall be reasonable household asset limits; asset limits shall not be so high that a household has no substantial need of a rental unit with a reduced rent or of an ownership unit with a reduced purchase price.
3. Affordability of Rental Units: Monthly rents payable by a household exclusive of utilities, shall not exceed 30% of the monthly income of a household earning 80% of area median income based on household size. If services are included in the monthly rent (e.g., in assisted living projects), and monthly rent exceeds the limit set forth in the previous sentence, the services must be clearly defined and sufficiently comprehensive to justify the additional percentage of household income that must be devoted to rent. In the event a unit receives a state, federal or local subsidy, maximum rent may be as provided in the rent subsidy program so long as the tenant share of rent does not exceed the maximum set herein.
4. Affordability of Ownership Units: Initial purchase prices and resale prices shall be established so that households are not required to spend more than 30% of the income of a household earning 80% of area median income for annual debt service on a mortgage (at 30-year fixed-interest rates at the time of initial sale), taxes, insurance, and condominium or homeowners fees with no more than a five percent (5%) down- payment, including any required entrance deposit.
5. Use Restriction: There shall be a Use Restriction. The LIP documents may be used. The Use Restriction and any Regulatory Agreement shall include provision for satisfaction of the requirements in 760 CMR 45.03, as well as the following: (a) A local public or quasi-public entity must be a holder of the restriction with the right and the obligation to enforce it during the term of affordability; (b) the restriction must provide for effective monitoring, and enforcement by the local public or quasi-public holder which may enter into a contract for monitoring services with a private

entirely experienced in affordable housing operation, but which retains final responsibility for ensuring compliance with the restriction.; (c) the restriction shall provide for selection of eligible tenants of rental units or owners of ownership units in a fair and reasonable manner in compliance with fair housing laws, and such tenants and owners shall be required to occupy the units as their domiciles and principal residences; (d) absent demonstrable need for a shorter term of affordability, there shall be a term of no less than 30 years for new construction and of no less than 15 years for rehabilitation provided that the Use Restriction of an Accessory Apartment may be contemporaneous with the ownership of the dwelling to which it is accessory.

6. Reporting: Provision shall be made for an annual determination whether (1) rental units are rented to Low or Moderate Income Households at rents not exceeding the maximum rents set forth above, and (2) ownership units continue to be occupied as the domicile and principal residence of the owner. In the event of a resale of an ownership unit the monitoring entity shall determine whether the unit has been resold to a Low or Moderate Income buyer for no more than the maximum permissible resale price and subject to a new or continued Use Restriction. The monitoring entity shall publicly report annually on whether there has been compliance with these requirements. The Department shall be provided a copy of the report. In the event of noncompliance the local holder of the Use Restriction shall take prompt action to restore compliance, including litigation if necessary.

7. Nondiscrimination in Tenant or Buyer Selection: There shall be a specific prohibition of discrimination on the basis of race, creed, color, sex, age, handicap, marital status, sexual preference, national origin or any other basis prohibited by law in the leasing or sale of units.

#### 45.04: Local Housing Program

The Department shall, upon application by the Chief Elected Official of a city or town for approval of a Local Housing Program, approve the application if the program meets the following requirements and the Department shall thereafter count units produced pursuant to and in accordance with the Local Housing Program in the manner provided in 760 CMR 45.07.

1. Municipal Administration: The program shall provide for municipal administration. The program administrator shall be a municipal employee and shall have the responsibility to ensure that the program operates in accordance with its terms, to ensure monitoring and enforcement of program rules, including but not limited to affordability, restrictions and rules for selection of tenants and/or homeowners, and to provide program information to the public and to the Department.

2. Income and Asset Limits: The maximum income limit shall be 80% of area median income based on family size, but program limits may be lower. There shall be reasonable asset limits imposed by the program on household assets. Asset limits shall not be so high that a household has no substantial need of a rental unit with a reduced rent or need of an ownership unit with a reduced purchase price.

3. Affordability of Rental Units: Monthly rents payable by a household shall not exceed 30% of the monthly income of a household earning 80% of area median income based on household size. If services are included in the monthly rent (e.g., in assisted living projects), and monthly rent exceeds the limit set forth in the previous sentence, the services must be clearly defined and

sufficiently comprehensive to justify the additional percentage of household income. In the event a unit receives a state, federal or local rent subsidy, maximum rent may be as provided in the rent subsidy program so long as the tenant share of the rent does not exceed the maximum set herein.

4. Affordability of Ownership Units: Initial purchase prices and resale prices shall be established so that households are not required to spend more than 30% of the income of a household earning 80% of area median income for annual debt service on a mortgage (at then prevailing 30-year fixed-interest rates), taxes, insurance, and condominium or homeowners fees with no more than a *five percent (5%)* down-payment, including any required entrance deposit.

5. Selection of Eligible Tenants and Homeowners: The program shall establish a fair and reasonable procedure in compliance with fair housing laws for the selection of tenants for affordable rental units and for the selection of homeowners for affordable homeownership units. The municipal program administrator may contract with a quasi-public, public or private entity, experienced in affordable housing operation, for provision of tenant and homeowner selection services but shall be required to monitor the performance of any private entity providing such services and shall retain final responsibility for ensuring compliance.

6. Percentage of Affordable Units: With respect to a comprehensive permit project the program shall require that no less than twenty-five percent (25%) of total units shall be Low or Moderate Income Housing. With respect to other projects program rules may provide for a lesser percentage of units to be Low or Moderate Income Housing.

7. Program Documents: The program shall have standard documents. These documents shall include a Regulatory Agreement and Use Restriction for both rental and ownership projects and shall be subject to approval by the Department. These documents shall subject the Low or Moderate Income Housing to program rules and procedures, including affordability restrictions. The municipality or the municipal program administrator shall be a party to the Regulatory Agreement and the holder of the Use Restriction with the rights and obligation to enforce it during the term of affordability. The program documents shall provide for effective selection procedures, monitoring, administration and enforcement. The municipal program administrator may enter into a contract for monitoring services with a public, quasi-public or private entity experienced in affordable housing operation, provided the municipal program administrator shall be required to monitor the performance of any private entity providing such services and shall retain final responsibility for ensuring compliance.

8. Reporting: Provision shall be made for an annual determination (1) whether rental units are rented to Low or Moderate Income Households at rents not exceeding the maximum rents set forth above, and (2) whether ownership units continue to be occupied as the domicile and principal residence of the owner. In the event of a resale, provision shall be made for the municipal program administrator to determine whether the unit has been resold to a Low or Moderate Income buyer for no more than the maximum permissible resale price and subject to a new or continued Use Restriction. The municipal program administrator shall publicly report annually on whether there has been compliance with these requirements. The Department shall be provided a copy of the report. In the event of noncompliance the municipal program administrator shall take prompt action to restore compliance, including litigation if necessary.

9. Nondiscrimination: There shall be a specific prohibition of discrimination on the basis of race, creed, color, sex, age, handicap, marital status, sexual preference, national origin or any other basis prohibited by law in the leasing or sale of units and in program administration.

10. Occupancy of Units: Tenants of rental units and owners of ownership units shall be required to occupy the units as their domiciles and principal residences.

#### 45.05: Local Initiative General Program

The Department shall, upon application by the Chief Elected Official of a city or town for approval of a proposed development as a Local Initiative General Program development eligible for a comprehensive permit, approve the application if the proposed development meets all material requirements set out by the Department in Guidelines for the Local Initiative General Program and if the Department makes a determination of Project Eligibility (Site Approval). The Department shall thereafter count the units thereby produced on the Subsidized Housing Inventory in the manner provided in 760 CMR 45.07.

#### 45.06: Technical Assistance

The Department shall provide technical assistance, as part of the Local Initiative Program. The purpose of such technical assistance is to support Low or Moderate Income Housing which does not require direct state or federal financial assistance. The assistance rendered by the Department may include, but is not limited to, assistance in evaluating sites, reviewing development proposals, determining project feasibility, and monitoring and enforcing compliance with Use Restrictions and Regulatory Agreements.

#### 45.07: Inclusion of Units in Subsidized Housing Inventory

Local Initiative Units and units produced by a Local Housing Program or by the Local Initiative General Program shall be included in the Subsidized Housing Inventory as follows:

1. Local Initiative Units shall be included in the Subsidized Housing Inventory for as long as approved Use Restrictions remain in effect for these units and the units are otherwise in compliance with 760 CMR 45.03.

2. Units produced by a Local Housing Program or by the Local Initiative General Program shall be included in the Subsidized Housing Inventory for as long as approved Use Restrictions remain in effect and the projects are otherwise in compliance with 760 CMR 45.04 (Local Housing Program) or with 760 CMR 45.05 (Local Initiative General Program).

3. Within Comprehensive Permit Projects Low or Moderate Income Housing units will be counted as Subsidized Housing Units in an ownership development and all units will be counted as Subsidized Housing Units in a rental development provided that at least 25% of total units are Low or Moderate Income Housing units and otherwise only Low or Moderate Income Housing units will be counted.

45.08: Guidelines

The Department shall issue guidelines from time to time which set out requirements of the Local Initiative General Program. These may include but are not limited to standards, application requirements, compliance monitoring and enforcement procedures.

45.09: Waivers

The Director of the Department may waive, in writing, any provision of 760 CMR 45.00 when exceptional circumstances exist and strict compliance would not be in the public interest and would be inconsistent with the purposes of the Local Initiative Program.

Regulatory Authority: G.L. c. 23B; G.L. c 40B 20-23.

## APPENDIX A

### STATISTICAL DATA AND SPECIFIC AREAS OF CONCERN

A.1.00 - Minority Population

B.1.00 - Elderly Exception

C.1.00 - Executive Office of Community Develop.  
Definitions

D.1.00 - Lottery Example
































## -----PMSA/MSA METROPOLITAN AREAS-----

## TOWNS-

MSA: Barnstable-Yarmouth, MA

MSA PART : Barnstable

Barnstable, Brewster, Chatham, Dennis, Eastham, Harwich, Mashpee, Orleans  
Sandwich, Yarmouth

PMSA: Boston, MA-NH

MSA PART : Bristol

MSA PART : Essex

MSA PART	: Bristol	Berkeley, Dighton, Mansfield, Norton, Taunton city
MSA PART	: Essex	Amesbury, Beverly city, Danvers, Essex, Gloucester city, Hamilton, Ipswich Lynn city, Lynnfield, Manchester, Marblehead, Middleton, Nahant, Newbury Newburyport city, Peabody city, Rockport, Rowley, Salem city, Salisbury Saugus, Swampscott, Topsfield, Wenham
MSA PART	: Middlesex	Action, Arlington, Ashland, Ayer, Bedford, Belmont, Boxborough, Burlington

MSA PART : Middlesex

:Middlesex

MSA PART : Norfolk

MSA PART	: Norfolk	Wilmingtong, Winchester, Woburn city
MSA PART	: Suffolk	Bellingham, Braintree, Brookline, Canton, Cohasset, Dedham, Dover
MSA PART	: Worcester	Foxborough, Franklin, Holbrook, Medfield, Medway, Millis, Milton, Needham
		Norfolk, Norwood, Plainville, Quincy city, Randolph, Sharon, Stoughton
		Walpole, Wellesley, Westwood, Weymouth, Wrentham
MSA PART	: Plymouth	Carver, Duxbury, Hanover, Hingham, Hull, Kingstong, Marshfield, Norwell
MSA PART	: Suffolk	Pembroke, Plymouth, Rockland, Scituate, Wareham
MSA PART	: Worcester	Boston city, Chelsea city, Revere city, Winthrop
		Berlin, Blackstone, Bolton, Harvard, Hopedale, Lancaster, Mendon, Milford
		Millville, Southborough, Upton

MSA PART : Plymouth

Plymouth

MSA PART : Suffolk

:- Suffolk

MSA PART : Worcester

: Worcester

Millville, Southborough, Upton

Millville, Southborough, Upton



-----PMSA/MSA METROPOLITAN AREAS-----

-----T O W N S-----

PMSA: Brockton, MA

MSA PART : Bristol  
MSA PART : Norfolk  
MSA PART : Plymouth

Easton, Raynham

Avon

Abington, Bridgewater, Brockton city, East Bridgewater, Halifax, Hanson  
Lakeville, Middleborough, Plympton, West Bridgewater, Whitman

MSA : Fitchburg-Leominster, MA

MSA PART : Middlesex  
MSA PART : Worcester

Ashby  
Ashburnham, Fitchburg city, Gardner city, Leominster city, Lunenburg  
Templeton, Westminster, Winchendon

PMSA: Lawrence, MA-NH

MSA PART : Essex

Andover, Boxford, Georgetown, Groveland, Haverhill city, Lawrence city  
Merimac, Methuen, North Andover, West Newbury

PMSA: Lowell, MA-NH

MSA PART : Middlesex

Billerica, Chelmsford, Dracut, Dunstable, Groton, Lowell city, Pepperell  
Tewksbury, Tyngsborough, Westford

MSA : New Bedford, MA

MSA PART : Bristol  
MSA PART : Plymouth

Acushnet, Dartmouth, Fairhaven, Freetown, New Bedford city  
Marion, Mattapoisett, Rochester

MSA : Pittsfield, MA

MSA PART : Berkshire

Adams, Cheshire, Dalton, Hinsdale, Lanesborough, Lee, Lenox  
Pittsfield city, Richmond, Stockbridge

PMSA: Providence-Fall River-Warwick, RI-MA

MSA PART : Bristol

Athleboro city, Fall River city, North Attleborough, Rehoboth, Seekonk  
Somerset, Swansea, Westport

-----PMSA/MSA METROPOLITAN AREAS-----

-----T O W N S-----

MSA : Springfield, MA

MSA PART : Franklin

MSA PART : Hampden

MSA PART : Hampshire

Sunderland  
Agawam, Chicopee city, East Longmeadow, Hampden, Holyoke city, Longmeadow  
Ludlow, Monson, Montgomery, Palmer, Russell, Southwick, Springfield city  
Westfield city, West Springfield, Wilbraham  
Amherst, Belchertown, Easthampton, Granby, Hadley, Hatfield, Huntington  
Northampton city, Southampton, South Hadley, Ware, Williamsburg

MSA : Worcester, MA-CT

MSA PART : Hampden

MSA PART : Worcester

Holland  
Auburn, Barre, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley  
East Brookfield, Grafton, Holden, Leicester, Millbury, Northborough  
Northbridge, North Brookfield, Oakham, Oxford, Paxton, Princeton, Rutland  
Shrewsbury, Southbridge, Spencer, Sterling, Sturbridge, Sutton, Uxbridge  
Webster, Westborough, West Boylston, West Brookfield, Worcester city

-----NONMETROPOLITAN AREAS-----

NON MSA PART: Barnstable

Bourne, Falmouth, Provincetown, Tnuo, Wellfleet

NON MSA PART: Berkshire

Alford, Becket, Clarksburg, Egremont, Florida, Great Barrington, Hancock  
Monterey, Mount Washington, New Ashford, New Marlborough, North Adams city  
Otis, Peru, Sandisfield, Savoy, Sheffield, Tyringham, Washington  
West Stockbridge, Williamstown, Windsor

COUNTY : Dukes

NON MSA PART: Franklin

Ashfield, Bernardston, Buckland, Charlemont, Colrain, Conway, Deerfield  
Erving, Gill, Greenfield, Hawley, Heath, Leverett, Leyden, Monroe  
Montague, New Salem, Northfield, Orange, Rowe, Shelburne, Shutesbury  
Warwick, Wendell, Whately

---PMSA/MSA METROPOLITAN AREAS---

-----T O W N S-----

NON MSA PART: Hampden

Blandford, Brimfield, Chester, Granville, Tolland, Wales

NON MSA PART: Hampshire

Chesterfield, Cummington, Goshen, Middlefield, Pelham, Plainfield  
Westhampton, Worthington

COUNTY : Nantucket

NON MSA PART: Worcester

Athol, Hardwick, Hubbardston, New Braintree, Petersham, Phillipston  
Royalston, Warren

A.1.00 - Minority Population

# Percent Minority by MSA/PMSA/Non-metro area

MSA/PMSA	Total Persons	Total Minority Persons	Percent Minority Persons
MSA: Barnstable, Yarmouth Total	162,582	9,062	5.6%
MSA: Boston Total	3,394,907	594,775	17.5%
MSA: Fitchburg - Leominster Total	142,284	14,997	10.5%
MSA: Pittsfield Total	84,699	4,372	5.2%
MSA: Providence - Fall River - Warwick Total	233,064	14,510	6.2%
MSA: Springfield Total	595,076	109,258	18.4%
Non-Metro Barnstable Total	59,648	3,770	6.3%
Non-Metro Berkshire Total	50,254	2,346	4.7%
Non-Metro Dukes Total	14,987	1,395	9.3%
Non-Metro Franklin Total	67,758	2,867	4.2%
Non-Metro Hampden Total	9,545	185	1.9%
Non-Metro Hampshire Total	8,372	190	2.3%
Non-Metro Nantucket Total	9,520	1,157	12.2%
Non-Metro Worcester Total	27,588	754	2.7%
PMSA: Brockton Total	255,459	44,997	17.6%
PMSA: Lawrence Total	264,873	52,683	19.9%
PMSA: Lowell Total	290,772	42,300	14.5%
PMSA: New Bedford Total	175,198	24,627	14.1%
PMSA: Worcester Total	502,511	57,566	11.5%
Grand Total	6,349,097	981,811	15.5%

B.1.00 - Elderly Exception

### Elderly Exception:

The primary reason for the elderly exception is that elderly households typically live on fixed incomes, which are eroded by inflation.

1. Applicants will be reviewed on a case-by-case basis.
  - a. The Elderly Exception to the first-time homebuyer applies only when everybody in the household is over the age of 62.
  - b. If any member of the household is under the age of 62, then the household must qualify under rules that apply to normal households.
2. The elderly need not be first-time homebuyers if a presently owned home will be sold to create income to provide a down payment and/or to pay monthly rent or mortgage costs.
3. The requirement of a minimum mortgage of 50% does not apply to the elderly; the LIP unit may be bought with cash.
4. The elderly must meet the \$50,000 asset test. That is, the cash value of retirement accounts, savings accounts, mutual funds, insurance, etc. will be considered as assets. However, if the equity from the sale of a home will be applied to the purchase price of the LIP unit, then the excess not applied, up to a maximum amount of \$100,000, will not be considered an asset, though interest from this excess will be imputed at the passbook rate established by HUD and considered as income.
5. The elderly must meet income eligibility requirements. DHCD will include, as income, income from assets such as retirement accounts, savings accounts, mutual funds, insurance, etc., as well as more typical sources of income.

C.1.00 - Executive Office of Community Develop.  
Definitions



## 47.03: Definitions

Applicant means any person, private for-profit or non-profit organization, or political subdivision of the Commonwealth which submits to the EOCD/DCA any application, contract, request, or plan for financial assistance from the EOCD/DCA which the Secretary is not obliged by law to fund.

Clearinghouse means any individual, organization, or agency established for, among other reasons, the purpose of furthering fair housing opportunities on a regional or city-wide basis.

Commission means the Massachusetts Commission Against Discrimination (MCAD).

DCA means the Department of Community Affairs.

EOCD/DCA means the Executive Office of Communities and Development.

Financial Assistance means:

- (a) any grant, loan or advance of state or federal funds,
- (b) grant or donation of state or federal property or interest in property,
- (c) any state or federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance, such as the allocation of federal or state tax credits, tax-exempt bond authority, or loan guarantees, and/or
- (d) the sale, lease, or licensing of state or federal property, both real and personal, or any interest in such property, at a price below the current market value of such property interest.

LHA means a Local Housing Authority as established under M.G.L. c.121B or comparable legislation.

MBE means a business organization that is beneficially owned and controlled 51% or more by one or more Minority Group Members and is certified as such by the Massachusetts State Office of Minority and Women's Business Affairs.

Minority Group Member means a person who is of one of the following groups:

- (a) Native American or Alaskan Native - A person having origins in any of the original peoples of North America, and who maintains cultural identifications through tribal affiliations or community recognition.
- (b) Asian or Pacific Islander - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-continent, or the Pacific

Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands and Samoa.

(c) Black - A person having origins in any of the black racial groups of Africa.

(d) Hispanic - A person of Mexican, Puerto Rican, Cuban, Dominican, Central, or South American origin.

(e) Cape Verdean - A person having origins in the Cape Verde Islands.

Political Subdivisions means any unit of local government, city, town, county, or subdivision thereof; instrumentality of the Commonwealth; or any other government entity, including authorities.

Secretary means the Secretary of the Executive Office of Communities and Development/Department of Community Affairs.

WBE means a business organization that is beneficially owned and controlled 51% or more by one or more women and is certified as such by the Massachusetts State Office of Minority and Women's Business Affairs.

## D.1.00 - Lottery Example

### Lottery Example:

The lottery will have two pools, an OPEN POOL that includes all applicants and a LOCAL PREFERENCE POOL with only applicants from the local area.

- Total Applicants in lottery: 100
- Minority Applicants in total: 20
- The community in which the lottery takes place falls within the HUD Boston Metropolitan Statistical area and has a minority population of 17.5%.

#### Steps:

1. Determine the total number of applicants that may claim local preference and be placed in the local preference pool.
2. Determine the number of minority applicants in the local preference pool.
3. Determine the percentage of minority applicants.

Total Applicants in Local Preference Pool	Total Minority Applicants in Local Preference Pool	% Minority Applicants
90	10	11%

If the percentage of minority applicants in the local preference pool is below the percentage of minority residents in the HUD defined statistical area, then a preliminary lottery will be required. (In this example 11% is below the Boston standard of 17.5%)

#### 4. Preliminary Lottery Drawing

The minority applicants that *do not* have a local preference are entered into a preliminary drawing, and assigned a rank based on the order of their draw.

In this example, 10 minority applicants do not have a local preference. The 10 non-local applicants are placed in the preliminary drawing and are ranked and assigned numbers according to the order picked.

Minority applicants from the preliminary drawing are then added to the local preference pool in order of their rank until the local preference pool has at least as great a percentage of minority applicants as the larger statistical area. (In this example, 7 applicants will be added to the local preference pool to bring the percentage of minority applicants up to 18%)

5. New Local Preference Pool:

Total Applicants in Local Preference Pool	Total Minority Applicants in Local Preference Pool	% Minority Applicants
97	17	18

Once the Local preference pool has been adjusted, draw all the ballots and assign rankings to each household.

The family preference will still apply and all efforts should be made to match the size of the affordable unit to the legitimate need for bedrooms of each household.

6. Open Pool Drawing:

Once all the units reserved for local residents have been allocated, the open pool should proceed in a similar manner. All local residents should have ballots in both pools, and all minority applicants that were put in the local pool should remain in the open pool as well.

**EXHIBIT B**

**LOCAL INITIATIVE PROGRAM APPLICATION**

LOCAL INITIATIVE PETITION  
APPLICATION

Local Initiative Program Application  
for Comprehensive Permit and Units Only Projects

Introduction

The Local Initiative Program is a state housing initiative administered by the Department of Housing and Community Development (DHCD) to encourage communities in the production of low- and moderate-income housing. Through the Local Initiative program, DHCD provides technical assistance to communities working with non-profit or for-profit developers to produce privately financed affordable units. DHCD also evaluates the project application sponsored by the community. The Local Initiative program permits access to the comprehensive permit process pursuant to Chapter 40B. If DHCD approves a Local Initiative application, and if the project is built in conformance with the approved application, the community may request of DHCD certification of the affordable units pursuant to Chapter 40B. Affordable units are defined as units for rent or purchase by households earning 80% or less of median income for the area in which the project is located.

To apply for state approval of a Local Initiative project, the community must submit three fully completed copies of the attached application to the Department of Housing and Community Development, One Congress Street, 10<sup>th</sup> FL, Boston, MA 02114 (Attention: Miryam Bobadilla). *NOTE If the Local Initiative application being submitted is for a rental project, the One Stop application must be completed. The One Stop application can be obtained online at the Department of Housing and Community Development website.*

The submission must include a check made payable to DHCD to cover the processing fee. The fee for a Comprehensive Permit Project application is \$1,500 per project plus an additional \$20 per unit. The fee for a Local Initiative Units Only application (non-comprehensive permit application) is \$50 per Local Initiative unit. The application may be submitted in person.

Table of Contents

I. Community Information	p. 2
II. Community Support	p. 4
III. The Site	p. 6
IV. Zoning	p. 9
V. The Project	p. 12
VI. Project Feasibility	p. 16
VII. The Development Team	p. 20
VIII. Marketing Plan and Affirmative Action Goals	p. 25
IX. Design and Construction	p. 27



I. Community Information

SEE ATTACHED APPLICATION  
EXHIBIT I

SECTION 3: COMMUNITY INFORMATION

Chief Elected Official:

(Name) JOSEPH CATALDO  
(Title) Chairman - Board of Selectmen  
(Address) Shattuck Street  
(City/Town) Littleton ZIP 01460  
(Telephone) (978) 952-2311

Chairman, Local Housing Partnership:  
(If any)

(Name) WALTER BARTKUS  
(Title) Chairman - Affordable Housing Committee  
(Address) Shattuck Street  
(City/Town) Littleton ZIP 01460  
(Telephone) (978) 952-2311

City/Town Planner:  
(If any)

(Name) \_\_\_\_\_  
(Title) \_\_\_\_\_  
(Address) \_\_\_\_\_  
(City/Town) \_\_\_\_\_ ZIP \_\_\_\_\_  
(Telephone) (\_\_\_\_) \_\_\_\_\_

Chairman, Zoning Board of Appeals:

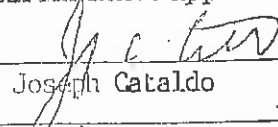
(Name) RAYMOND CORNISH  
(Title) Chairman - Zoning Board of Appeals  
(Address) Shattuck Street  
(City/Town) Littleton ZIP 01460  
(Telephone) (\_\_\_\_) \_\_\_\_\_

Community Contact Person for this project:

(Name) TIMOTHY GODDARD  
(Title) Town Administrator  
(Address) Shattuck Street  
(City/Town) Littleton, MA ZIP 01460  
(Telephone) (978) 952-2312

Signatures of support for the Local Initiative application:

Chief Elected Official:

 (name)  
Joseph Cataldo (date)

Chairman, Local Housing Partnership:

\_\_\_\_\_  
Walter Bartkus\* (name)  
\_\_\_\_\_  
(date)

\* Chairman, Walter Bartkus, resigned his position after approving, but before signing this petition. No successor has been appointed.

II. Community Support

SEE ATTACHED APPLICATION  
EXHIBIT II

## Section II: Community Support

By definition, a Local Initiative application must be sponsored by the community in which the project will be built. DHCD is interested in other ways in which the community has supported the project. Please provide the following information in this section:

A. A narrative description of the project, including a summary of the history of the project and the ways in which the community is providing support. The summary should include information on how the development team has addressed any concerns the community has raised about the project. The narrative must be signed by the chief elected official of the community. SEE APPLICATION EXHIBIT II

B. A signed letter of support from the local housing partnership (if one exists) describing the working relationship between the partnership and the developer.  
Does Not Exist

C. A list of local contributions to the project. Please indicate which of the following contributions the community has made to the project.

- ☐ Land donation \_\_\_\_\_
  - ☐ Building donation \_\_\_\_\_
  - ☐ Marketing assistance \_\_\_\_\_
  - ☐ Other work by local staff \_\_\_\_\_
  - ☐ Density increase \_\_\_\_\_ 4.5 x density requested
  - ☐ Waiver of permit fees for affordable \_\_\_\_\_ Amount \$ \_\_\_\_\_
  - ☐ Local funds (cash) \_\_\_\_\_ units
  - ☐ Agreement by a lender to provide favorable end-loan financing \_\_\_\_\_
  - ☐ Other (specify) Appropriate zoning relief (homeownership projects only) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

### III. The Site

SEE ATTACHED

"APPLICATION EXHIBIT-III"

### Section III: The Site

Please provide all the information requested in this section:

#### A. Site address

Street and no.: 14 Mannion Place, Littleton, MA  
Community: Littleton, MA  
Zip code: 01460

#### B. Site characteristics

Summary description (please note the presence of any development constraints such as wetlands, ledges, hazardous waste, etc.):

2.63 Acres. Property contains 3 family Victorian home and barn with historical elements and value.

SEE ATTACHED "APPLICATION EXHIBIT III"

C. 1. Acreage on site: 2.63  
2. Proposed density with comprehensive permit 12 units  
3. Total buildable acreage on site: 2.63

#### D. Site control - (Comprehensive Permit Projects Only)

##### 1. Site ownership

*If the developer owns the site, attach a copy of the deed.*

Daniel A. Harvey and Susan L. Harvey

SEE ATTACHED "APPLICATION EXHIBIT IV"

##### 2. Site under agreement or option

*If the developer currently holds a purchase-and-sale agreement or an option to purchase the site, provide the following information:*

Name and address of seller: Daniel A. Harvey and Susan L. Harvey  
14 Mannion Place  
Littleton, MA 01460

Proposed selling price: to be determined by appraisal

Expiration date of P&S or Option agreement: N/A

3. Last arm's length transaction

*Attach verification of the cost of the land at last arms-length transaction if the transaction occurred within the last three (3) years.*

E. Site utilities

Sanitary sewer:

Public X  
Private     

On-site septic X shared  
Sewage Treatment Plant     

Water:

Public x to be brought to site  
Wells     

Gas:

Available on site       
Not available on site X

Existing streets  
on site:

Public X  
Private     

F. Surrounding neighborhood

SEE ATTACHED "APPLICATION EXHIBIT V"

Briefly describe the land use and prevailing zoning in the neighborhood immediately surrounding the site. Residential

G. Directions to the site

SEE ATTACHED "APPLICATION EXHIBIT VI"

Attach detailed site directions from Boston.

H. Community/Area map of the site

SEE ATTACHED "APPLICATION EXHIBIT VII"

Attach a map of the community, with the site clearly marked.

I. Include a photo if there are existing buildings.

SEE ATTACHED "APPLICATION EXHIBIT VIII"

#### IV. Zoning

##### SINGLE FAMILY RESIDENCE



Section IV: Zoning

A. If a comprehensive permit for the project has not yet been granted, or is not being sought please complete this section. If a comprehensive permit has been granted, please proceed to the next page.

1. Current zoning

Zoning classification: residence

Usage allowed: single family

Units per acre allowed: one

2. Agricultural Zoning (comprehensive permit projects only)

If zoning is "agricultural", have you received notification from the Massachusetts Department of Food and Agriculture concerning the applicability of Executive Order 193 to the site?

N/A                      yes \_\_\_\_\_ no \_\_\_\_\_

If "Yes", attach as Exhibit 8 a copy of the letter with this section.

3. Has a 21E hazardous waste assessment ever been done on this site?

yes X                      no \_\_\_\_\_

If "yes", summarize the findings.                      No Contamination

4. Has the developer ever submitted a site/project eligibility application to the Massachusetts Housing Finance Agency for this project pursuant to another subsidy program (e.g. HOP)?

yes \_\_\_\_\_ no X \_\_\_\_\_

If "yes", was the application approved? yes \_\_\_\_\_ no \_\_\_\_\_

If "yes", on what date?   /  /  

5. If a comprehensive permit is being sought, what is the proposed density of the project in units per acre?

4.5 per acre

B. If the local zoning board of appeals already has granted a comprehensive permit for the project, please complete this section. Note: If a comprehensive permit has been granted pursuant to another subsidy program, the local zoning board of appeals must be notified of the change in the project to the Local Initiative Program.

1. On what date was the comprehensive permit granted?     /    /    

2. What is the total acreage of the site?     2.63    

How many units per acre are permitted by the comprehensive permit?  
                                

How many units per acre were permitted under prior zoning?  
                                

3. Attach a copy of the comprehensive permit with this section.

## V. The Project

# Section V: The Project

A. Type of project (please check):

Total number of units

☒ Ownership

X

12

☐ Other

B. Project style (please check):

Total number of units

☒ Single-family detached

X

1-3 B.R.

☐ Attached

X

3 unit Victorian\*  
four 2 unit duplexes\*\*

☐ Low-Rise  
(less than 35 feet)

X

☐ Mid-Rise  
(35 - 70 feet)

☐ Other (Specify)

C. Breakdown of Units

Number

Percentage of  
Total Units:

Affordable units\*

3

25%

Market-rate units

9

75%

Other units (if applicable)\*\*

Total units

12

100%

\* Affordable units are units to be made available for purchase or rental to low- or moderate-income households pursuant to Chapter 40B.

\*\* Some projects may include units to be purchased with Massachusetts Housing Finance Agency financing.

\* 1 - 3 B.R. (affordable) In existing Victorian house.  
2 - 2 B.R. (market) In existing Victorian house.

\*\* 1 - 3 B.R. (market, free standing)  
8 - 2 B.R. (2 affordable; 6 market)

### D. Development Schedule

Complete the chart below by providing the appropriate month and year. If you plan to develop the project in one phase, complete only the first vertical column. If you plan to develop in two or three phases, complete the second and/or third columns as well. If you are developing a project with more than three phases, add additional columns representing the additional phases.

	<u>Phase 1</u> already exist	<u>Phase 2</u>	<u>Phase 3</u>	<u>Total</u>
Number of affordable units:	<u>1</u>	<u>2</u>	<u>0</u>	<u>3</u>
Number of market units:	<u>2</u>	<u>4</u>	<u>3</u>	<u>9</u>
Subtotal by Phase:	<u>3</u>	<u>6</u>	<u>3</u>	<u>12</u>

Please complete the following chart with the appropriate projected dates:

All permits granted:	<u>9/31</u>	<u>3/1</u>	<u>3/1</u>	<u>        </u>
Construction start:	<u>N/A</u>	<u>10/1</u>	<u>10/1</u>	<u>        </u>
Marketing start - affordable units:	<u>10/1</u>	<u>10/1</u>	<u>10/1</u>	<u>        </u>
Marketing start - market units:	<u>10/1</u>	<u>10/1</u>	<u>10/1</u>	<u>        </u>
Construction completed on 1st phase:	<u>10/1</u>	<u>12/1</u>	<u>2/1</u>	<u>        </u>
Initial occupancy:	<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>

### Public Funds

If any public funds will be used to develop this project, please provide the following information:

Source: Not Applicable

Amount:

If the project will be an ownership project, complete the chart below. Include a separate entry for **each** unit type according to its square footage and/or sales price.

Tax Rate

### Amenities

yes\_ X \_\_\_\_\_ no\_\_\_\_\_

Note: Based on the information provided on this page, DHCD will determine the income level necessary for buyers of the affordable units to qualify for conventional-rate mortgages. If the income levels exceed 80% of median income for the area in which the project is located, the project will not meet the requirements of Ch. 40B.

## VI: Project Feasibility

Section VII: The Development Team—Members and Experience

A. Development Team Principals

Developer	(Name) <u>Manion Place Development, LLC</u> (Firm Name) _____ (Tax ID No.) _____ (Address) <u>14 Mannion Place</u> (City/Town) <u>Littleton, MA</u> (Zip) <u>01460</u> (Telephone) <u>(978) 952-0140</u>
Contractor/Builder	(Name) <u>Daniel A Harvey</u> (Firm Name) <u>Harvey Homes</u> (Tax ID No.) _____ (Address) <u>14 Mannion Place</u> (City/Town) <u>Littleton, MA</u> (Zip) <u>01460</u> (Telephone) <u>(978) 952-0140</u>
Architect/Engineer (Person who is responsible for drawings)	(Name) <u>Paul L. Davies Associates</u> (Firm Name) _____ (Tax ID No.) _____ (Address) <u>635 Roger Street - Unit 4</u> (City/Town) <u>Lowell, MA 01852</u> (Zip) _____ (Telephone) _____
Attorney	(Name) <u>James G. Walsh, III</u> (Firm Name) <u>James G. Walsh, III Attorney-at-Law</u> (Address) <u>6 Rail Tree Terrace</u> (City/Town) <u>Westford, MA</u> (Zip) <u>01886</u> (Telephone) <u>(978) 392-0464</u>
Marketing Agent (Affordable Units)	(Name) <u>Mark Demirgian</u> (Firm Name) <u>Realty Mark</u> (Address) <u>103 Main Street</u> (City/Town) <u>Westford, MA</u> (Zip) <u>01886</u> (Telephone) <u>(978) 692-8688</u>
Marketing Agent (Market Units)	(Name) <u>Mark Demirgian</u> (Firm Name) <u>Realty Mark</u> (Address) <u>103 Main Street</u> (City/Town) <u>Westford, MA</u> (Zip) <u>01886</u> (Telephone) _____
Consultant	(Name) <u>N/A</u> (Firm Name) _____ (Reg. No.) _____ (Address) _____ (Zip) _____ (City/Town) _____ (Telephone) _____





SEE ATTACHED "APPLICATION EXHIBIT IX"

[illegible]

VIII. Marketing Plan and Affirmative Action Goals

SEE ATTACHED "APPLICATION EXHIBIT X"

Section VIII: Marketing Plan and Affirmative Action Goals

A. Marketing Plan

Summarize the comprehensive plan for marketing the Local Initiative project. SEE ATTACHED "APPLICATION EXHIBIT X"

B. Outreach to Minorities

Identify in detail the steps that will be taken to alert minorities to the affordable housing opportunities available in the project. SEE ATTACHED "APPLICATION EXHIBIT X"

C. Proposed Lottery Process for Affordable Units

Describe the lottery process through which you intend to select buyers or renters for the affordable units. Indicated who will oversee the process and how many units will be included in each preference category. Refer to pages 11 and 12 of the Local Initiative guidelines to prepare a description. SEE ATTACHED "APPLICATION EXHIBIT X"

IX. Design and Construction

SEE ATTACHED "APPLICATION EXHIBIT XI"

Section IX: Design and Construction

- A. Drawings--Please fold architectural materials into 8-1/2" x 11" format and submit two copies with this application package. Preliminary drawings must be stamped and signed by a registered architect or engineer. Drawings should not be larger than 30" x 42".

Cover sheet showing written tabulation of

SEE ATTACHED "APPLICATION EXHIBIT XII"

Proposed buildings by design, ownership type and size.

Dwelling unit distribution by floor, size bedroom/bath number and handicapped designation.

Square footage breakdown between commercial, residential, community and other usage in the buildings.

Number of parking spaces, parking ration required and proposed.

Dwelling units per acre under proposed zoning.

Percentage breakdown of the tract to be occupied by buildings, by parking and other paved vehicular areas, and open areas.

Site plan showing:

SEE ATTACHED "APPLICATION EXHIBIT XIII"

Lot lines, streets and existing buildings.

Proposed building footprint(s), parking, site improvements and general dimensions.

Zoning restrictions (i.e. setback requirements, easements, height restrictions, etc).

Wetlands, contours, ledge and other environmental constraints.

Identification of units as affordable or market rate.

Utilities plan showing:

SEE ATTACHED "APPLICATION EXHIBIT XLII"

Existing and proposed locations and types of sewage, water, drainage facilities, etc.

Graphic description of the design concept showing:

Typical building plan.

Typical unit plan for each unit type with square footage tabulation.

\_\_\_\_ Elevation, section, perspective or photograph.

\_\_\_\_ Typical wall section.

B. Construction Information

<u>Foundations</u>	<u>No. of Units</u>	<u>Attic</u>	<u>No. of Units</u>
Slab on Grade	_____	Unfinished	_____
Crawl Space	_____	Finished	_____
Full Basement	_____	Other	_____

<u>Exterior Finish</u>	<u>No. of Units</u>	<u>Parking</u>	<u>No. of Units</u>
Wood	_____	Outdoor	_____
Vinyl	_____	Covered	_____
Brick	_____	Garage	_____
Other	_____		

Heating System

Oil	_____	Forced Hot Air _____ or Forced Hot Water _____
Gas	_____	Forced Hot Air _____ or Forced Hot Water _____
Electric	_____	Heat Pump _____ or Baseboard _____

APPLICATION EXHIBIT I  
COMMUNITY INFORMATION



## THE COMMUNITY

The Town of Littleton, is located at the Northwestern corner of Middlesex County. The area was originally established in 1654 as the Nashoba Plantation for "God Fearing and Praying Indians". Later through the colonial times the name of the town was changed to Nashoba Farm, Nashoba and finally Littleton.

The Town remained an agrarian farming community from its earliest days through the middle of the 20<sup>th</sup> century. Its many farms produced apples vegetables and cattle. As the later part of the 20<sup>th</sup> century emerged, Littleton, with its access to Routes 2 and 495 as well as Great Road (2A) began to change from a rural agricultural based community to a more diverse suburban community. Many of the former farms have been developed into sites for small manufacturing and high tech business and many of the local residents are employed in non-agricultural based employment.

The Town is 16 square miles in size and has a population of 8,225. The Town has an Open Town Meeting form of Governments and has 2 elementary schools, 1 middle school and a brand new high school.

The location of the proposed project is to the southeastern portion of the Town. Mannion Place sits directly off of Great Road (Route 2A) and is very close to the Littleton-Acton border. The site is extremely suitable for commuting to Greater Boston or to businesses located within the Route 128 - Route 495 belt.

APPLICATION EXHIBIT II  
COMMUNITY SUPPORT

## COMMUNITY SUPPORT

The proposed project is for the development of twelve (12) units of housing with three (3) units being within a pre-existing and renovated structure and 5 new additional buildings containing four (4) two unit buildings and one (1) free standing three (3) bedroom structure. As proposed there are three (3) three bedroom Units (one of which is dedicated to affordable housing) and nine (9) two bedroom Units (two of which are dedicated to affordable housing).

The project is proposed to be built on a 2.63 acre site on Mannion Place, Littleton Massachusetts and is the site of the former Dell Dale Farm/Dairy and will incorporate the original Victorian farmhouse as a 3 Unit housing complex and will utilize the area previously dedicated to the dairy barns and curtilage as the site for the proposed new construction. The site is presently serviced by electric gas and cable services and the developer is committed, upon the permitting of the project, to bring Town Water to the site (at his own expense) The site will be serviced by an on-site sewage subsurface sewage disposal system. The site is mostly rural in character, sits at the top of a hill and consists of open space around the former dairy barn buildings. The developer in cooperation with the Municipal Boards and the Highway Department have engineered the property to minimize all surface water run-off to the surrounding street and abutting properties.

The proponent of this project has met on numerous occasions with the Littleton Affordable Housing Committee, the Littleton Board of Selectmen, the Littleton Electric Light and Water Department and the Littleton Highway Department. The purpose of these meetings were to form a partnership to allow for the best possible project which would benefit both the developer and the Town jointly. The issues discussed concerned density, parking, public safety,

snow removal, surface water runoff, the bringing of Municipal Water to the site, and the impacts to the community. In meeting with the various municipal Boards, the developer and the Town were able to identify specific areas of concern to the Town and implement the changes necessary to remedy these concerns.

The result of these meetings were that the design and the affordable housing component for the development of 14 Mannion Place, Littleton has been enthusiastically and unanimously supported by both the Affordable Housing Committee and the Board of Selectmen and both have endorsed the Developer's Application to the Local Initiative Program.

APPLICATION EXHIBIT III

THE SITE

## THE SITE AND ITS CHARACTERISTICS

The site of the proposed project is located at 14 Mannion Place, Littleton, MA. The site is approximately 2.63 acres in size and consists of the former Dell Dale Farm/Dairy. The original Victorian house on the subject property has been renovated into 3 separate housing units consisting of two (2) 2 bedroom units and one (1) 3 bedroom unit (which is slated to dedicated to affordable housing). The other structures on the property, a dairy milking barn and a conventional barn are to razed and new construction will provide 5 new buildings four attached Unit buildings and 1 free standing Unit.

The driveway to the units will be in a horse-shoe shape with the pre-existing Victorian located in the middle and the new construction to be constructed along the outer perimeter. Much of the new construction is anticipated to take place within the "foot-print" of the structures scheduled for demolition.

There is no standing water or wetlands on the site and the developer and the Town have enhanced the original development plans to minimize any potential surface water run-off that may occur as a result of the new construction.

APPLICATION EXHIBIT IV

THE DEED

2.17  
BK 30398 PG 326

QUITCLAIM DEED

We, PAULINE S. BYRNE and BARBARA J. BYRNE, of Littleton, MA

for consideration of TWO HUNDRED NINETY THOUSAND AND NO/100  
(\$290,000 00) DOLLARS

grant to DANIEL A. HARVEY and SUSAN L. HARVEY, husband and wife, as tenants  
by the entirety.

of 14 Mainion Place, Littleton, Massachusetts

WITH QUITCLAIM COVENANTS

A certain lot of land with the buildings thereon located on the westerly side of Mannion  
Place, Littleton, Middlesex County, Massachusetts, being shown as Lot S-D on a plan  
entitled "Plan of Land in Littleton, Mass., Prepared for Pauline S. Byrne and Barbara J.  
Byrne, Scale 1" = 100', February 1999, David E. Ross Associates, Inc., Civil Engineers,  
Land Surveyors, Environmental Consultants, P.O. Box 368 - 111 Fitchburg Rd. - Ayer,  
Mass. 01432, (Tel. No. 978-772-6232) Job No. 10827, Plan No. L-5419" recorded with  
Middlesex South District Registry of Deeds on June 7, 1999 as Plan No. 601,  
to which plan reference is made for a more particular description. *Book 34254  
Page 336*

Said Lot S-D contains 2.63 acres according to said plan.

*S/A Edward T. Byrne*  
Edward T. Byrne is now deceased with a date of death of June 5, 1998. See  
death certificate recorded with Middlesex South District Registry of Deeds in Book  
Page 25 in s.d. m.c. N. 4 on p. 443.

For title, see deed from E.D.D. Corporation dated December 29, 1992 and recorded with  
Middlesex South District Registry of Deeds in Book 22963, Page 309.

WITNESS our hands and seals this 1st day of July, 1999.

*Pauline S. Byrne*  
PAULINE S. BYRNE

*Barbara J. Byrne*  
BARBARA J. BYRNE

RSJ 87/98/59 1811403 312  
1992.40 P. 4  
Property Address: 14 Mannion Place, Littleton, MA  
EXCISE TAX  
1993

01  
1992.40  
1993  
1994  
1995  
1996  
1997  
1998  
1999  
2000  
2001  
2002  
2003  
2004  
2005  
2006  
2007  
2008  
2009  
2010  
2011  
2012  
2013  
2014  
2015  
2016  
2017  
2018  
2019  
2020  
2021  
2022  
2023  
2024  
2025  
2026  
2027  
2028  
2029  
2030  
2031  
2032  
2033  
2034  
2035  
2036  
2037  
2038  
2039  
2040  
2041  
2042  
2043  
2044  
2045  
2046  
2047  
2048  
2049  
2050  
2051  
2052  
2053  
2054  
2055  
2056  
2057  
2058  
2059  
2060  
2061  
2062  
2063  
2064  
2065  
2066  
2067  
2068  
2069  
2070  
2071  
2072  
2073  
2074  
2075  
2076  
2077  
2078  
2079  
2080  
2081  
2082  
2083  
2084  
2085  
2086  
2087  
2088  
2089  
2090  
2091  
2092  
2093  
2094  
2095  
2096  
2097  
2098  
2099  
2100

3



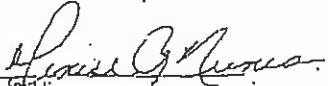
DK 303986327

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

July 1, 1999

Then personally appeared the above-named PAULINE S. BYRNE and  
BARBARA J. BYRNE and acknowledged the foregoing to be their free act and deed  
before me,

  
Notary Public

My commission expires:

DENISE R. NUNES  
NOTARY PUBLIC

My Commission Expires Sept. 23, 2005

4

APPLICATION EXHIBIT V

THE SURROUNDING NEIGHBORHOOD

## THE SURROUNDING NEIGHBORHOOD

14 Mannion Place, Littleton, MA at the top of a hill near the border of the Towns of Acton and Littleton. Mannion Place is approximately 1/3 of mile long with both street ends intersecting with Great Road (Route 2A). The site is approximately 2.63 acres in size and consists of the last remaining portion of the former Dell Dale Farm/Dairy. The Victorian house was the former owner's home and the surrounding property was dedicated to agricultural uses. Throughout the years, the former owner's family and various other developers have subdivided the Farm parcels and built single family homes along Mannion Place and along Nashoba Road to the South of the property.

The renovation of the pre-existing Victorian house on the property has repeatedly received favorable reviews from the surrounding neighbors and Town of Littleton officials who have indicated that the renovation has enhanced the aesthetically as well as enhancing the rural agricultural ambience of the neighborhood.

The construction of the 5 new buildings will not impact in any great fashion. Three of buildings are slated to be constructed within the foot print of the existing barn and dairy building. The driveway to the units will follow the present horse-shoe shape where the pre-existing Victorian is located in the middle and the new construction to be constructed along the outer perimeter and will require no additional "curb cuts" but will provide for additional drainage to avoid surface water run-off channeling onto Mannion Place.

APPLICATION EXHIBIT VI

DIRECTIONS TO 14 MANNION PLACE, LITTLETON



[Send To Printer](#) [Back To Directions](#)

Start: Boston, MA  
US

End: 14 Mannion Pl  
Littleton, MA  
01460-2229 US

Distance: 27.26 miles

Total Estimated Time: 43 minutes

Holiday Inn Hotels: Official Site

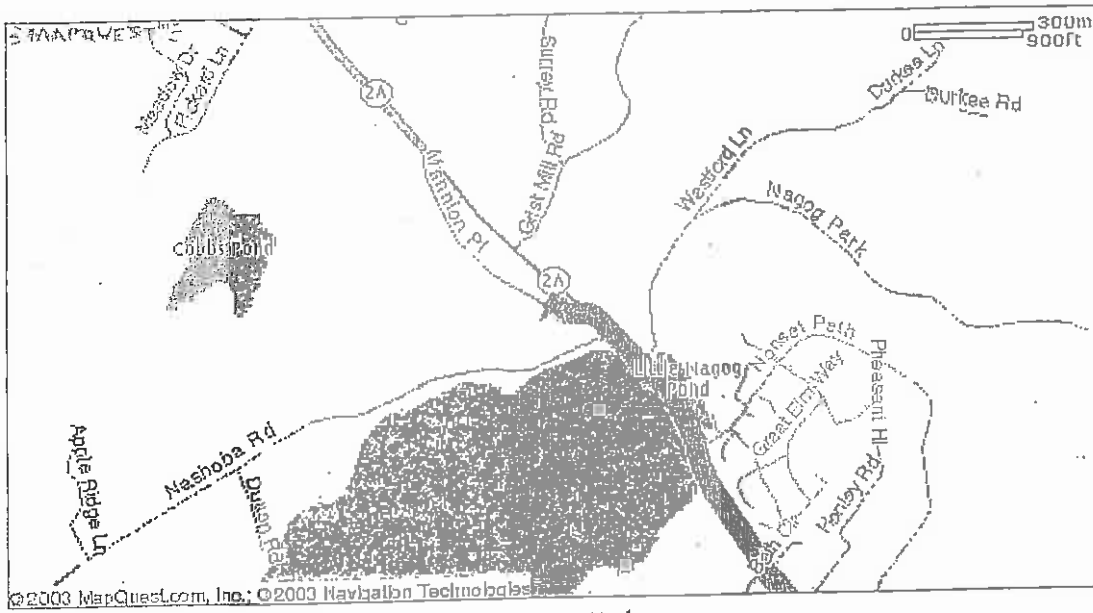
Guaranteed Lowest Internet Rates

Book Online and pay no booking fees

[Click Here to Make a Reservation!](#)

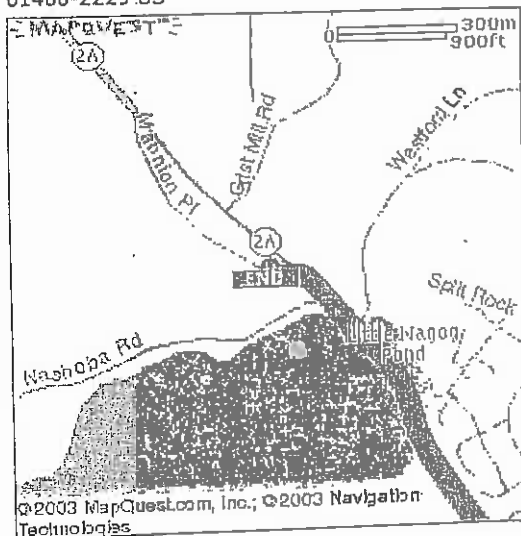
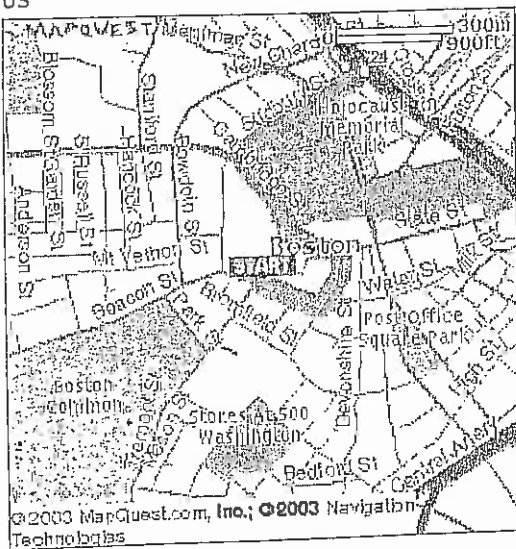
Or Call 800-236-1465 to make a reservation

Directions	Distance
1. Start out going Southwest on TREMONT ST toward BEACON ST.	0.0 miles
2. Turn LEFT onto SCHOOL ST.	0.1 miles
3. Turn LEFT onto WASHINGTON ST.	0.0 miles
4. Turn LEFT onto COURT ST.	0.0 miles
5. Turn SLIGHT RIGHT onto CAMBRIDGE ST/CITY HALL PLZ.	0.1 miles
6. Turn SLIGHT RIGHT onto SUDBURY ST/NEW SUDBURY ST.	0.2 miles
7. Merge onto I-93 N via the ramp- on the left.	3.9 miles
8. Take the RT-16/MYSTIC VALLEY PKWY exit- exit number 31- toward ARLINGTON.	0.2 miles
9. Stay straight to go onto MYSTIC VALLEY PKWY/MA-16 W.	1.9 miles
10. Enter next roundabout and take 2nd exit onto ALEWIFE BROOK PKWY/MA-16 W.	1.4 miles
11. Turn SLIGHT RIGHT onto MA-2 W/CONCORD TURNPIKE. Continue to follow MA-2 W.	9.9 miles
12. Turn LEFT onto MA-2 W/CONCORD TURNPIKE.	4.4 miles
13. Enter next roundabout and take 2nd exit onto MA-2A W/MA-119 W.	4.5 miles
14. Turn SLIGHT LEFT onto MANNION PL.	0.0 miles
End at 14 Mannion Pl, Littleton, MA 01460-2229 US	



Start:  
Boston, MA  
US

End:  
14 Mannion Pl  
Littleton, MA  
01460-2229 US



Notes:

All rights reserved. Use Subject to License/Copyright

These directions are informational only. No representation is made or warranty given as to their content, road conditions or route usability or expeditiousness. User assumes all risk of use. MapQuest and its suppliers assume no responsibility for any loss or delay resulting from such use.



[Send To Printer](#) [Back to Map](#)

14 Mannion Pl  
Littleton MA  
01460-2229 US

Notes:

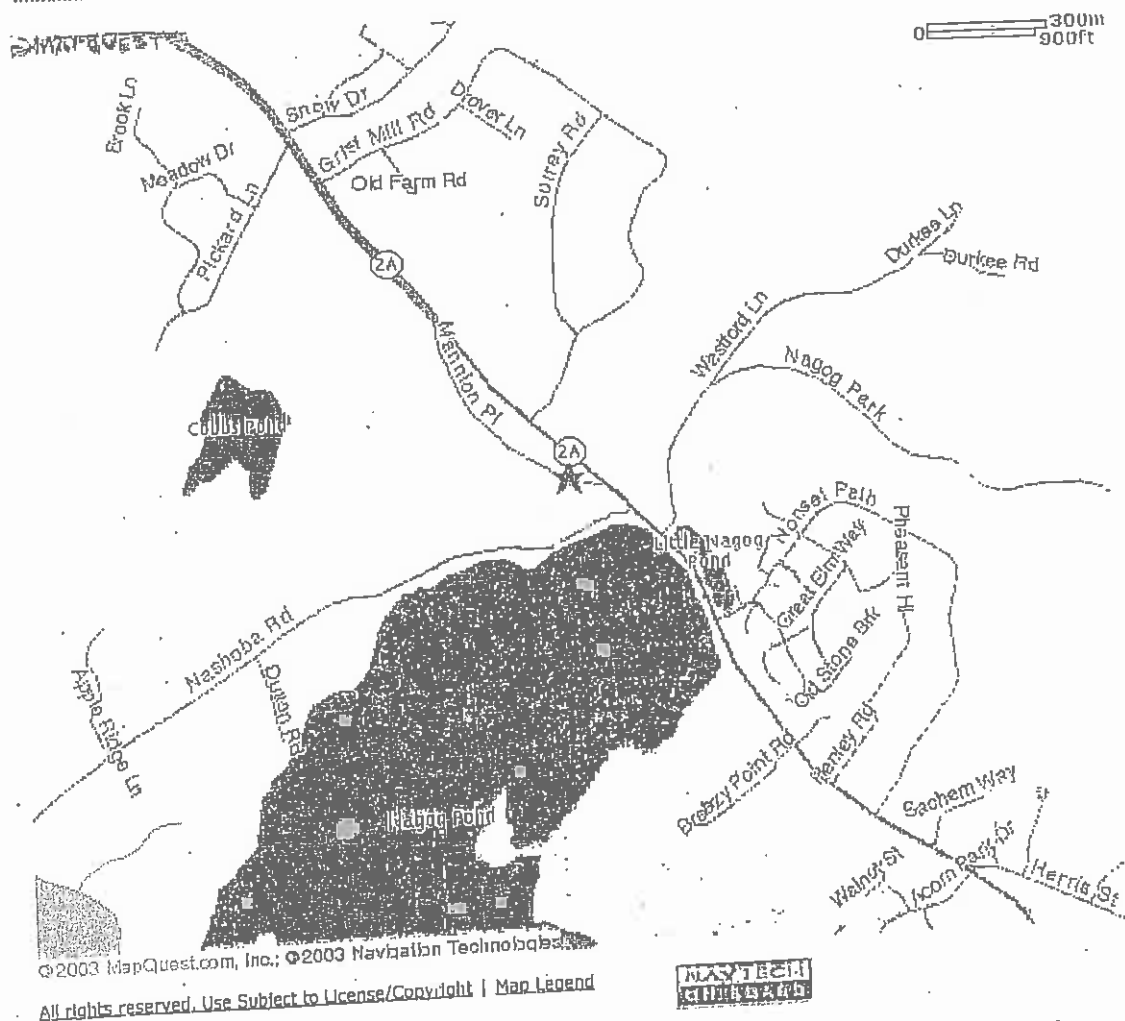
.....  
.....  
.....  
.....

## Need Ink?

Buy printer cartridges:  
Save up to 75%  
Free UPS 2-day shipping

[Buy Now!](#)

[www.InkSell.com](http://www.InkSell.com)



This map is informational only. No representation is made or warranty given as to its content. User assumes all risk of use.  
MapQuest and its suppliers assume no responsibility for any loss or delay resulting from such use.

[Privacy Policy](#) & [Legal Notices](#) © 2004 MapQuest.com, Inc. All rights reserved.



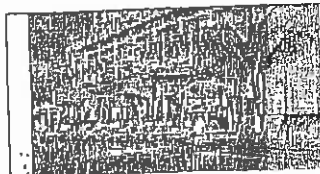
MAPS

DRIVING  
DIRECTIONSYELLOW  
PAGES

Home | Help | Settings | Mobile

MapQuest Search

Enter Business or C



Find a hotel

Save up to 70% on Orbitz

Savers: Nationwide Search now!



Driving Directions

Print | E-Mail | Download to PDA | Reverse | New Directions

Show Offers: ☐

START Boston, MA US - Hotels - Flights

END 14 Mannlon Pl, Littleton, MA 01460-2229 US - Hotels - Flights

Luxury HotelsPlan Your Trips with  
Deals on Air, Hotel &  
www.ORBITZ.com

## Maneuvers

Distance Maps

- 1: Start out going Southwest on TREMONT ST toward BEACON ST.
- 2: Turn LEFT onto SCHOOL ST.
- 3: Turn LEFT onto WASHINGTON ST.
- 4: Turn LEFT onto COURT ST.
- 5: Turn SLIGHT RIGHT onto CAMBRIDGE ST/CITY HALL PLZ.
- 6: Turn SLIGHT RIGHT onto SUDBURY ST/NEW SUDBURY ST.
- 7: Merge onto I-93 N via the ramp- on the left.
- 8: Take the RT-16/MYSTIC VALLEY PKWY exit- exit number 31- toward ARLINGTON.
- 9: Stay straight to go onto MYSTIC VALLEY PKWY/MA-16 W.
- 10: Enter next roundabout and take 2nd exit onto ALEWIFE BROOK PKWY/MA-16 W.
- 11: Turn SLIGHT RIGHT onto MA-2 W/CONCORD TURNPIKE. Continue to follow MA-2 W.
- 12: Turn LEFT onto MA-2 W/CONCORD TURNPIKE.
- 13: Enter next roundabout and take 2nd exit onto MA-2A W/MA-119 W.
- 14: Turn SLIGHT LEFT onto MANNION PL.
- 15: End at 14 Mannlon Pl Littleton MA

0.0 miles

[Map](#)

0.1 miles

[Map](#)

0.0 miles

[Map](#)

0.0 miles

[Map](#)

0.1 miles

[Map](#)

0.2 miles

[Map](#)

3.9 miles

[Map](#)

0.2 miles

[Map](#)

1.9 miles

[Map](#)

1.4 miles

[Map](#)

9.9 miles

[Map](#)

4.4 miles

[Map](#)

4.5 miles

[Map](#)

0.0 miles

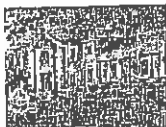
[Map](#)Hotel Rooms -Huge Savings at Gre  
Low Rate Now!  
www.expedla.comDiscount HotelTravel smarter! Top-  
discount prices. Book  
www.hotwire.comDiscount HotelCompare Prices and  
the Best Deals at Blz  
www.BlzRate.comMassachusettsGreat Waltham Locat  
Area Attractions. Sav  
www.Waltham-Hot



Total Est. Time: 43 minutes

Total Est. Distance: 27.26 miles

Find a New Home



Search over 100,000 New Homes

powered by homeadvisor

- Enter a City -

- Select a State -

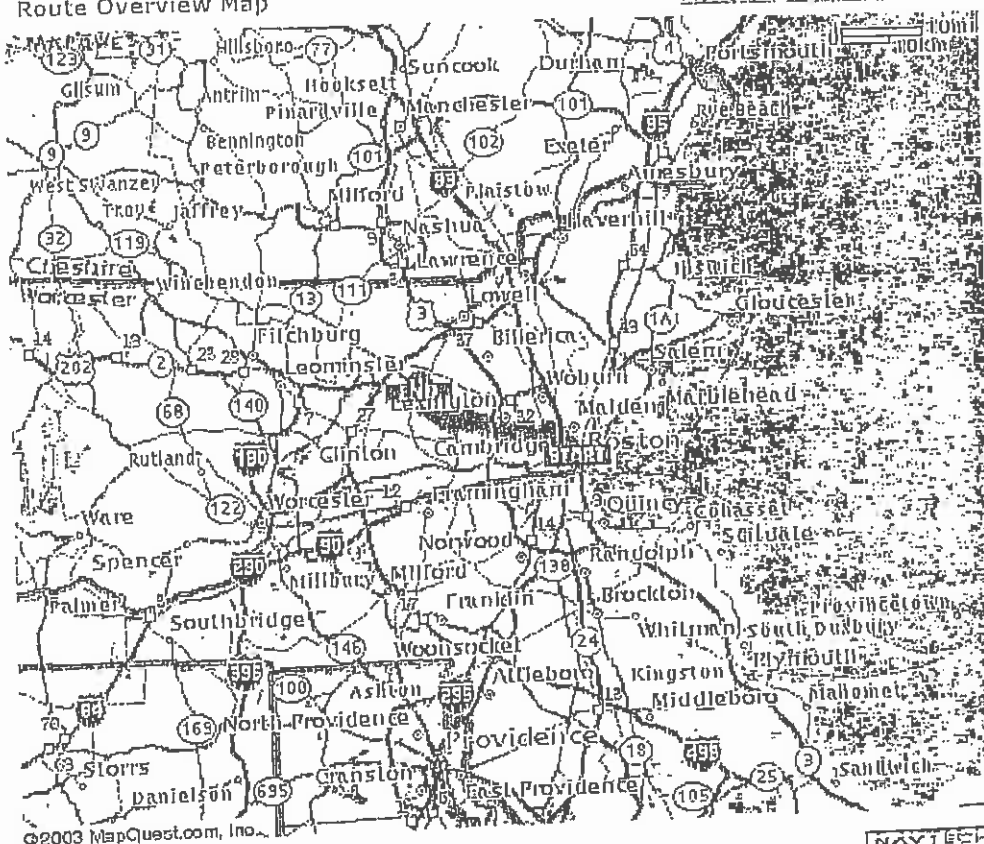


**Hotels** - Save up to 70% on Orbitz Savers nationwide. Search Littleton, MA

**Flights** - Find low fares to the Boston area!

Route Overview Map

[Make this map interactive](#)



©2003 MapQuest.com, Inc.

All rights reserved. Use Subject to License/Copyright | [Map Legend](#)

These directions are informational only. No representation is made or warranty given as to their content, road conditions or route usability or expeditiousness. User assumes all risk of use. MapQuest and its suppliers assume no responsibility for any loss or delay resulting from such use.

[Site Index](#) | [About](#) | [Partners](#) | [Advertise](#) | [Privacy Policy & Legal Notices](#) © 2004 MapQuest.com, Inc. All rights reserved.

[Yahoo!](#) [My Yahoo!](#) [Mail](#)
**YAHOO! GetLocal**  
 Maps

[Sign In](#)  
[New User?](#) [Sign Up](#)

 Search  
 the web

M.

 Starting from: **A** 1 Congress St, Boston, MA 02114-2010

 Arriving at: **B** 14 Mannion Pl, Littleton, MA 01460-2229

Distance: 24.9 miles    Approximate Travel Time: 46 mins

**Directions**

1.	Start at 1 CONGRESS ST, BOSTON going towards NORTH ST - go 0.2 mi
2.	Turn <b>R</b> on STATE ST - go 0.1 mi
3.	Continue on COURT ST - go 0.1 mi
4.	Continue on CAMBRIDGE ST/CITY HALL PLZ - go 0.1 mi
5.	Continue on CAMBRIDGE ST - go 0.2 mi
6.	CAMBRIDGE ST becomes CAMBRIDGE ST/CHARLES RIVER PLZ - go < 0.1 mi
7.	CAMBRIDGE ST/CHARLES RIVER PLZ becomes CAMBRIDGE ST - go 0.4 mi
8.	CAMBRIDGE ST becomes LONGFELLOW BRG - go 0.3 mi
9.	LONGFELLOW BRG becomes MAIN ST - go 0.2 mi
10.	MAIN ST becomes BROADWAY - go 0.5 mi
11.	Turn <b>R</b> on HAMPSHIRE ST/KENDALL SQ - go 0.1 mi
12.	Continue on HAMPSHIRE ST - go 0.7 mi
13.	Continue on HAMPSHIRE ST/INMAN SQ - go < 0.1 mi
14.	Continue on HAMPSHIRE ST - go 0.1 mi
15.	Continue on BEACON ST - go 1.2 mi
16.	Turn <b>L</b> on SOMERVILLE AVE - go 0.2 mi
17.	Continue on PORTER SQ/SOMERVILLE AVE - go 0.1 mi
18.	Continue on MASSACHUSETTS AVE - go 1.2 mi
19.	Turn <b>L</b> on ALEWIFE BROOK PKY - go 0.4 mi
20.	Continue on a local road - go 0.1 mi
21.	Continue on CONCORD TPK - go 0.5 mi
22.	Continue on RT-2 WEST - go 13.9 mi
23.	Continue on a local road - go < 0.1 mi
24.	Continue on ELM ST - go 0.6 mi
25.	ELM ST becomes GREAT RD - go 4.0 mi

26. Bear  on MANNION PL - go 0.1 mi

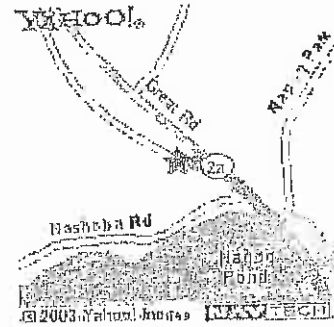
27. Arrive at 14 MANNION PL, LITTLETON

When using any driving directions or map, it's a good idea to do a reality check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.

Full Route



Destination



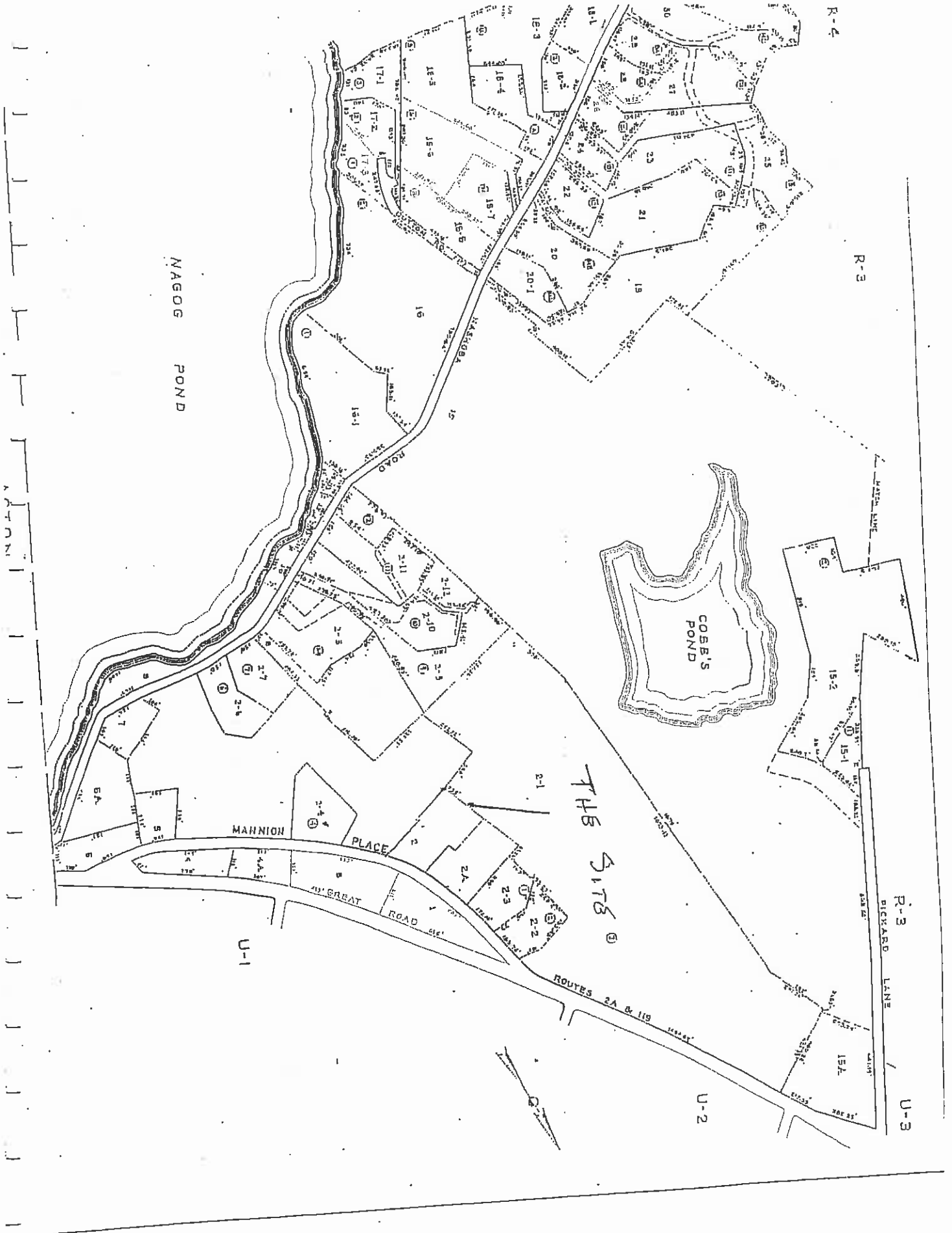
14 Mannion Pl  
Littleton, MA 01460-2229

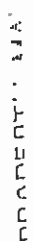
Copyright © 2004 Yahoo! Inc. All rights reserved.  
[Privacy Policy](#) - [Terms of Service](#) - [Copyright Policy](#) - [Yahoo! Maps](#) [Terms of Use](#) - [Help](#) - [Ad Feedback](#)

APPLICATION EXHIBIT VII

MAP OF LITTLETON







24. 6881-1

上

APPLICATION EXHIBIT VII  
PHOTOGRAPHS OF THE SITE



APPLICATION EXHIBIT IX

CONTRACTOR / DEVELOPER  
EXPERIENCE

CONTRACTOR / DEVELOPER  
EXPERIENCE

The Developer/Contractor, Daniel Harvey has overseen and constructed many single and multi unit housing projects over the past 25 years. Mr. Harvey has performed both renovation/rehabilitation work as well as "from the ground up" construction. Additionally, Mr. Harvey has performed site work construction and excavation for numerous contractors and developers.

The following is a brief listing of the most recent projects Mr. Harvey has undertaken:

1.) 479 West Street, Carlisle, MA

- This was a construction of a single family home at the above address.
- The project had a development cost of 1.2 million and was completed in 2002.
- There was no state subsidy of this project.
- A reference for this project is Howard Hensleigh, (Owner) 978-287-0567.

2.) 53 West Street, Carlisle, MA

- This was a construction of a single family home at the above address.
- The project had a development cost of \$800,000 and was completed in 2001.
- There was no state subsidy for this project.
- A reference for this project is Jonathan Beakley, (Owner) 978-287-5385.

3.) Samantha Way, Salisbury, MA

- This was construction of an 8 unit development of single family homes.
- The units sold for an average \$200,000.00 and was completed in 2000.
- There was no state subsidy.
- A reference for this project is Bob Dougherty (Homeowner) 978-462-4996.

4.) 14 Mannion Place, Littleton, MA

- This was a renovation of a 100+ year old Victorian farmhouse and a conversion to 3 individual condominium units.
- The units await LIP approval before being sold but the renovation costs exceed \$600,000.
- There is no state subsidy.
- A reference for this project is Roland Bernier, Building Commissioner, Town of Littleton, MA.

APPLICATION EXHIBIT X

MARKETING PLAN AND AFFIRMATIVE ACTION GOALS

## MARKETING PLAN

### A MARKETING PLAN & STRATEGY

The Marketing Process will begin as soon as the permits are in place for the 3 Units within the pre-existing Victorian Building presently renovated and available for occupancy. One of the Units will be a 3 bedroom Unit that is slated for affordable housing. The other two Units will market priced and are 2 bedroom Units. Prior inquiry and present demand indicate that the original three plus a number of the market rate Units may be sold rather quickly.

The Marketing Plan is for the Units to be marketed in Three Phases. Phase One would commence immediately upon receiving the Comprehensive Permit pursuant to Massachusetts General Law Chapter 40B from the Town of Littleton Zoning Board of Appeals.

The Marketing Plan for Phase Two and Three would be for the Units to be marketed approximately 3 months prior to the completion of construction. Phase Two is planned to include the 2 additional affordable Units and they would be marketed by lottery.

In terms of marketing strategy, the Marketing team plans to advertise in newspapers such as the Lowell Sun, the Littleton Independent, the Acton Beacon and other Community Newspaper Publications. They further plan to advertise the affordable units through various Housing Authorities and Affordable Housing Committees in surrounding Towns and through public notices at the various Town Halls and Town Offices of surrounding Towns.

### B TARGETED MARKET

Due to the limited number of Units being developed and the extremely limited amount of affordable Units included in this project, the Developer will seek to accommodate the spirit of the LIP Guidelines in reaching out to all persons in need of affordable housing and will conform

the eligibility guidelines to comport with the Affirmative Action guidelines set forth in the LIP Program.

Although the Affordable Units will be marketed in a lottery type system, the Developer and the marketing team will take affirmative steps to target minority populations to attract potential buyers. Although the Marketing Teams main focus will target residents who already live in Littleton and can not afford the cost of a single family home (young first time buyers) or do not want the hassles of home ownership (i.e. The empty nesters). We understand the drastic need for affordable housing in all cities and towns, and we will make an effort to market the both the affordable and market priced properties to a wider and more diverse audience.

The Marketing Team and the Developer are committed to creating diversity within the proposed project and will market the properties through ads in newspapers serving the town of Ayer as well as the cities of Lowell and Lawrence. All promotional materials will carry the "equal opportunity housing statement" and all marketing representatives will understand its meanings and will adhere to both its meaning and its. In addition, it is the Marketing Team's intention to use local affordable housing groups as well as various local civic and religious organizations serving the minority communities to advertise and promote the availability of the affordable units and to emphasize our intention to give minority preferences in accordance with LIP guidelines.

#### C PROPOSED LOTTERY FOR AFFORDABLE UNITS

The selection of buyers for the affordable units will be done by lottery. There are to 3 units available for sale and they are planned to be sold during Phase One and Phase Two. The Developer proposes to dedicate two Units, sixty six percent (67%) of the affordable units, to be

**EXHIBIT G**

**OWNER'S DEED**

sold to individuals meeting not only the applicable DHCD guidelines but also local preferences.

The local preferences will be:

1. The applicant is a current resident of Littleton;
2. The applicant has immediate family members who are Littleton residents; or
3. The applicant is a municipal employee of the Town of Littleton.

To enter the lottery, envisioned, the applicants must submit an application form. In the application they will be required to state their first time home buyer status, income eligibility, and preference category (if applicable). Once the application is received, it will be screened for eligibility to insure that the information can be verified.

The Developer in conjunction with the Littleton Affordable Housing Committee will conduct open houses to allow applicants the opportunity to view and inspect the affordable Units prior to the holding of the lottery being held. Upon completion of the application time period, the Developer in conjunction with the Littleton Affordable Housing Committee will hold a public lottery drawing at a public place and on an advertised time and date.

The Lottery is intended to be a "Two Pool Lottery" in order to address both the Local Preference Candidates and the Open Poll Candidates. The applicants will be given, during the application process to identify themselves as minorities in order to qualify as a minority applicant within the Local Preference Pool. After the application deadline has passed, the Developer and the Littleton Affordable Housing Committee will determine the number of local resident minority applicants and the percentage of minority applicants in the Local Preference Pool. If the percentage of minority applicants in the Local Pool is less than 17.5%, it will be adjusted accordingly by holding a preliminary lottery to rank all minority applicants. Minority applicantys will then be added to the local preference pool in accordance with the ranking

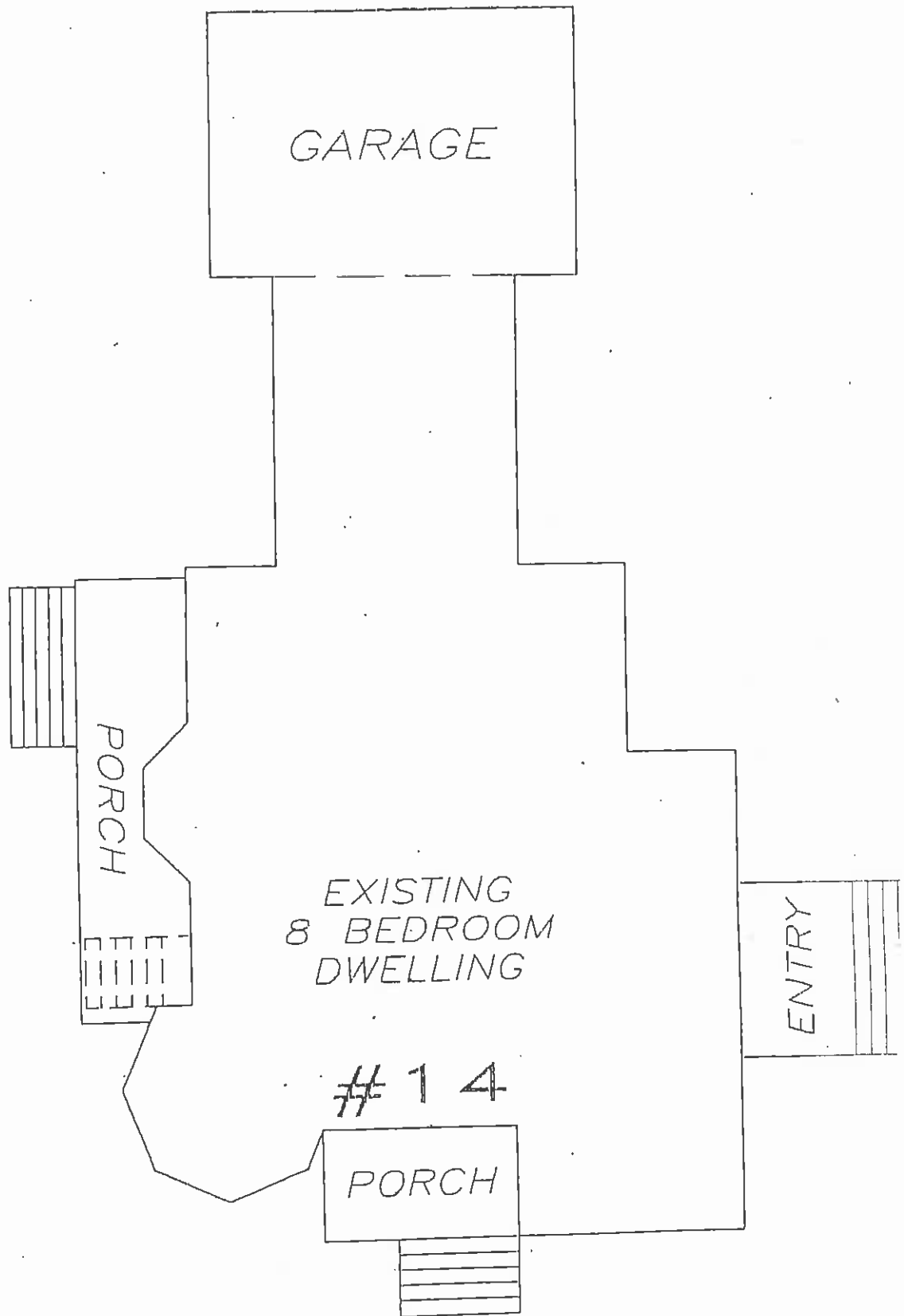
established under the Preliminary Lottery until the percentage of minority applicants in the Local Preference Poll reaches 17.5%.

In order to insure confidentiality and to allow the public to monitor the process without compromising an applicants personal privacy all applicants will be given registration numbers at the time they are approved as eligible for the lottery(s). Cards with the registration numbers will be placed into the lottery pool(s) for which the applicant qualifies. The cards will then be drawn to determine who the winners are and they will be ranked. The Units will be assigned according to the ranking of the applicants in each pool. Pending the final review of eligibility, the Units will be sold accordingly.

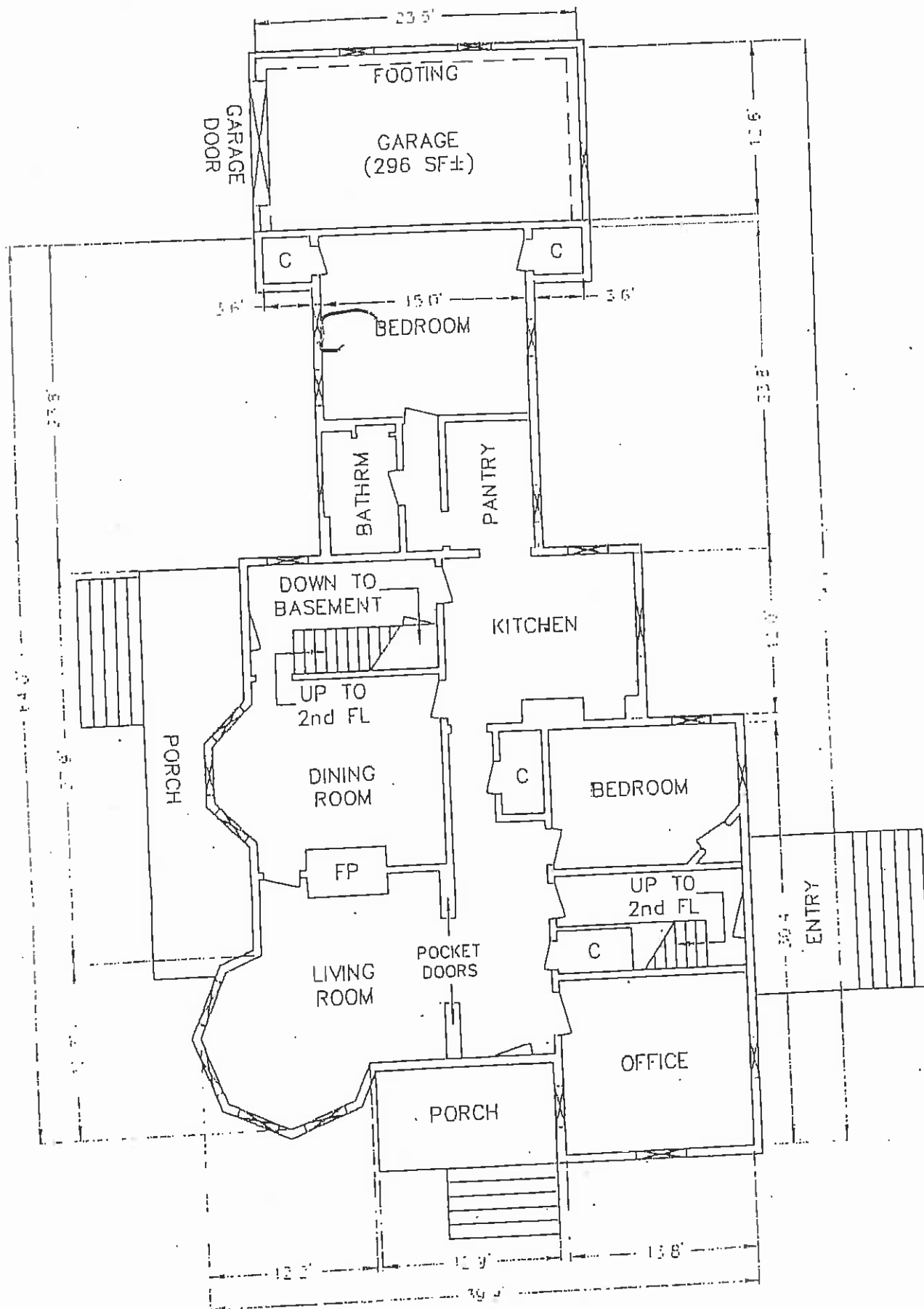
If in the event that a chosen applicant is found to be unqualified or for some reason can not or chooses not to purchase the assigned Unit, the Unit will be sold to the next applicant in the ranking.



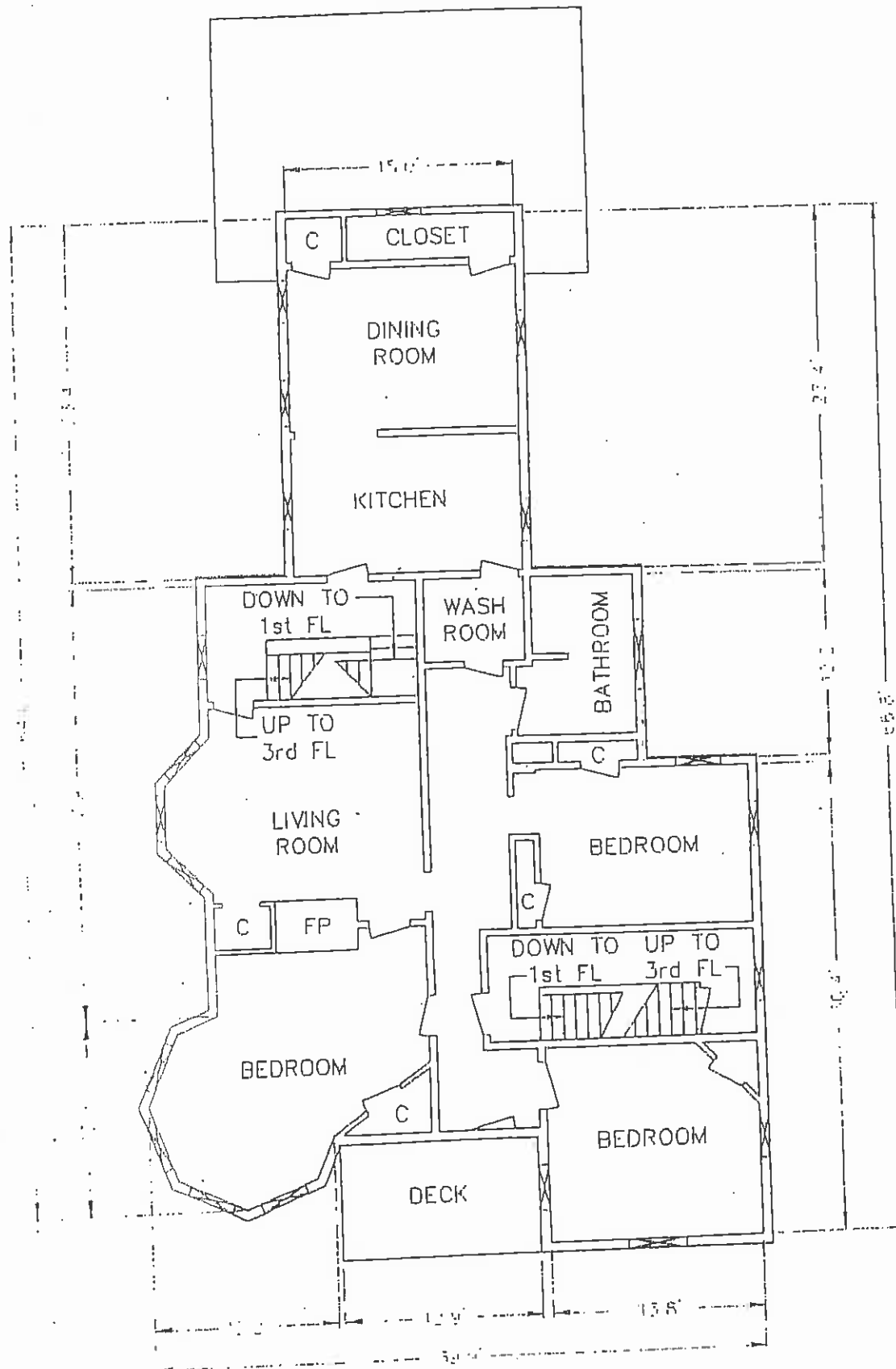
APPLICATION EXHIBIT XI  
DESIGN AND CONSTRUCTION



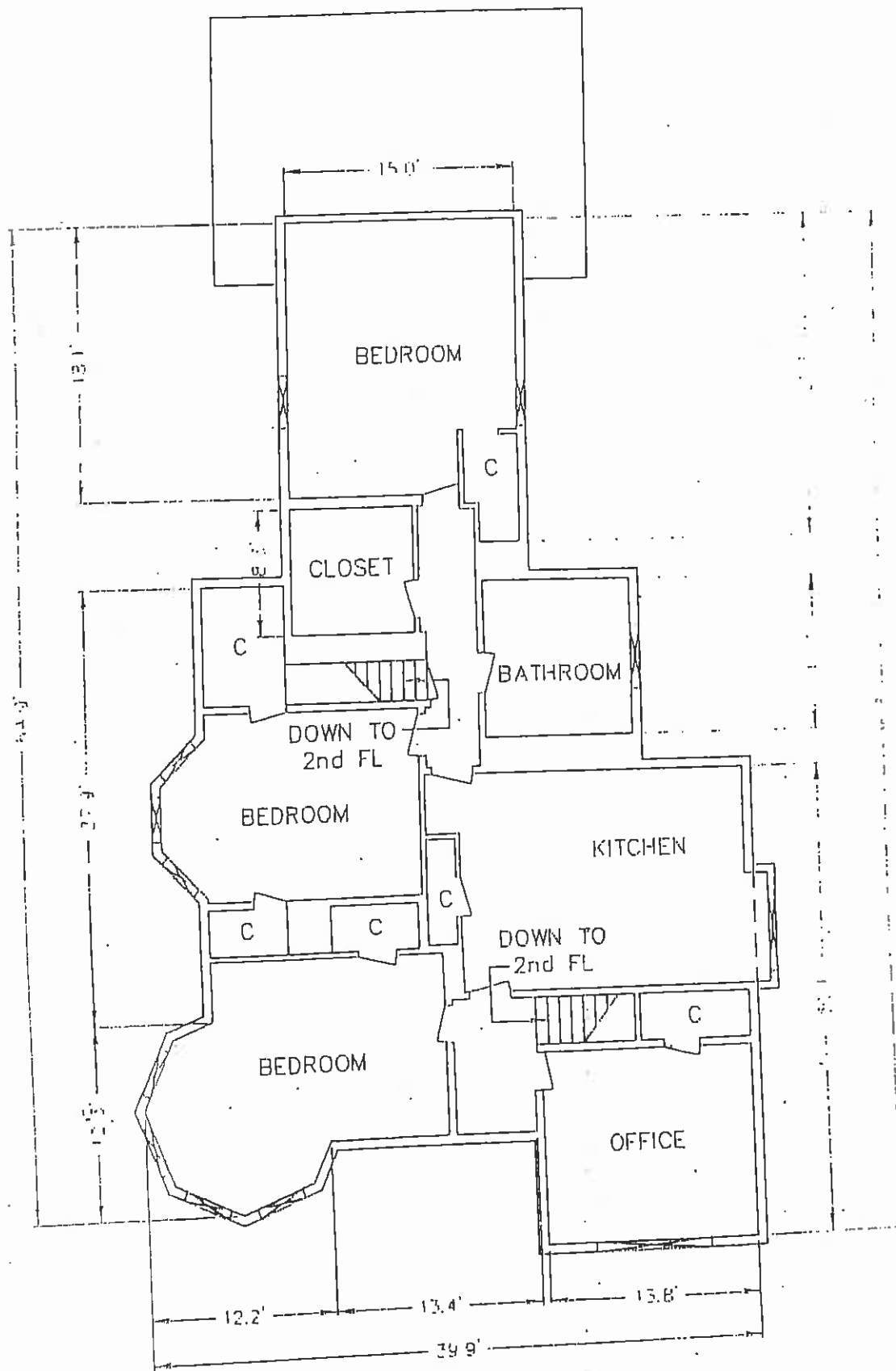




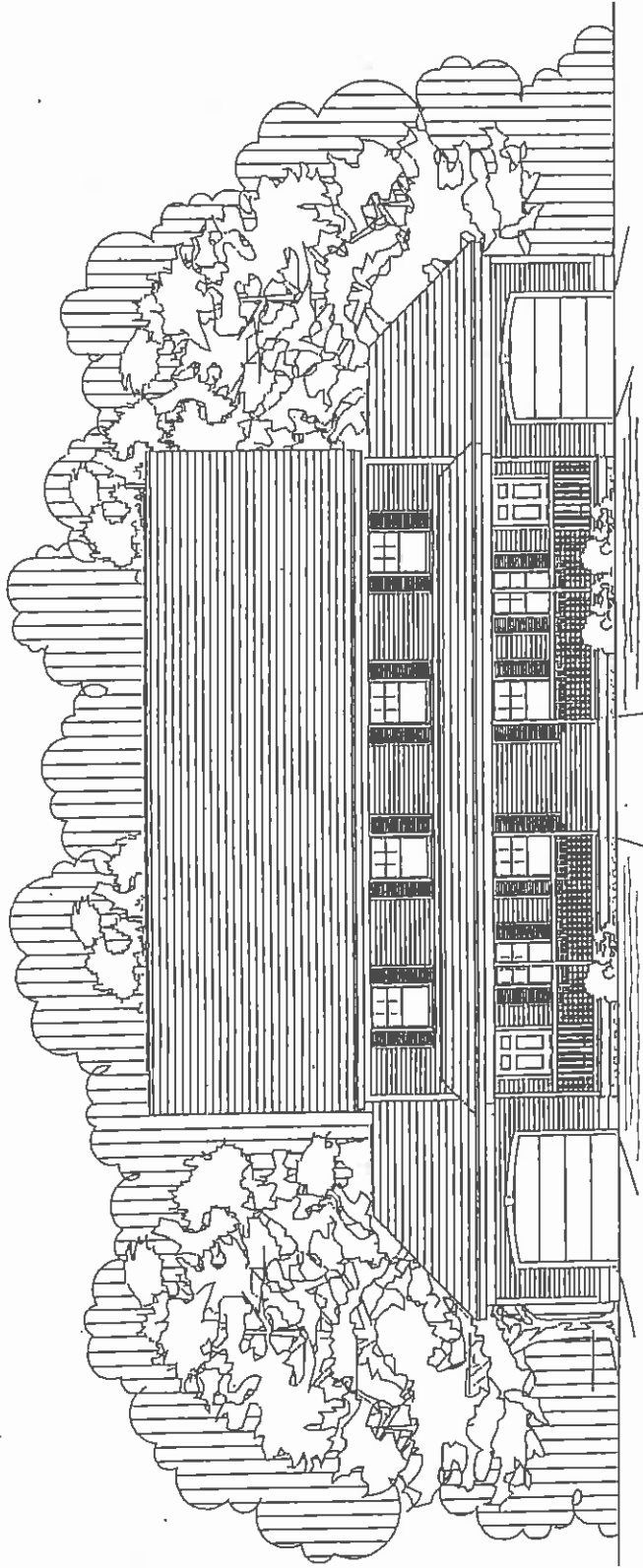
UNIT 14A  
FIRST FLOOR  
1,580 SF±



UNIT 14B  
SECOND FLOOR  
1,534 SF±



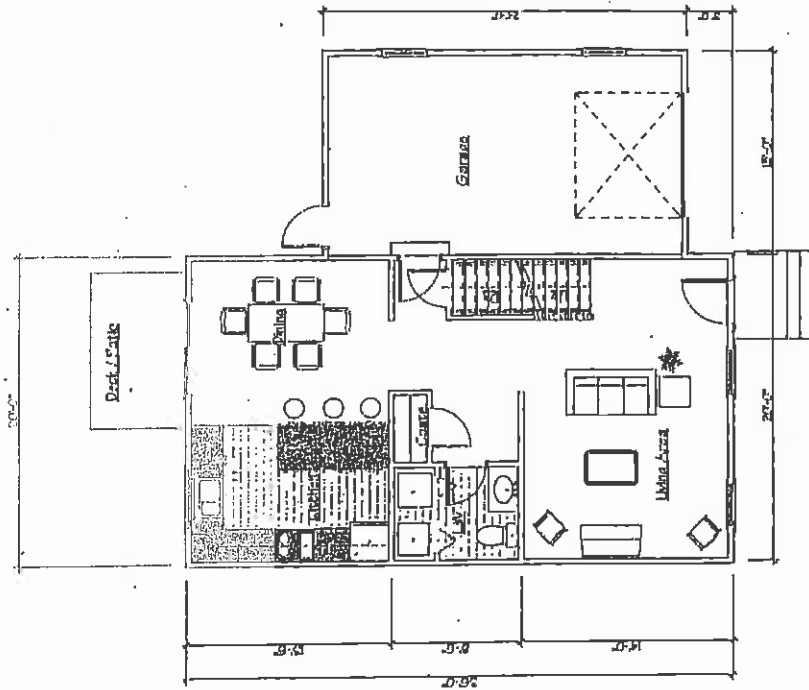
UNIT 14C  
THIRD FLOOR  
1,556 SF±



FRONT ELEVATION-Models A & B  
Scale: 1/4" = 1'-0"

Prepared For: Daniel A & Susan L Harvey  
14 Mannion Place Littleton, MA  
Prepared By: Paul L Davies & Assoc., Architects  
635 Rogers St #4 Lowell, MA  
January 2004

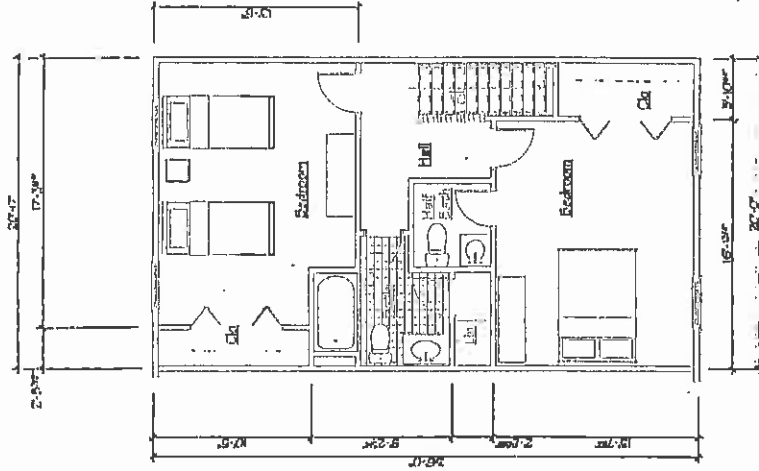
PROPOSED DELL DALE FARM CONDOMINIUM  
Mannion Place Littleton, Massachusetts



FIRST FLOOR PLAN-Model A

Scale: 1/4" = 1'-0"  
720 Square Feet

PROPOSED DELL DALE FARM CONDOMINIUM  
Mannion Place  
Littleton, Massachusetts

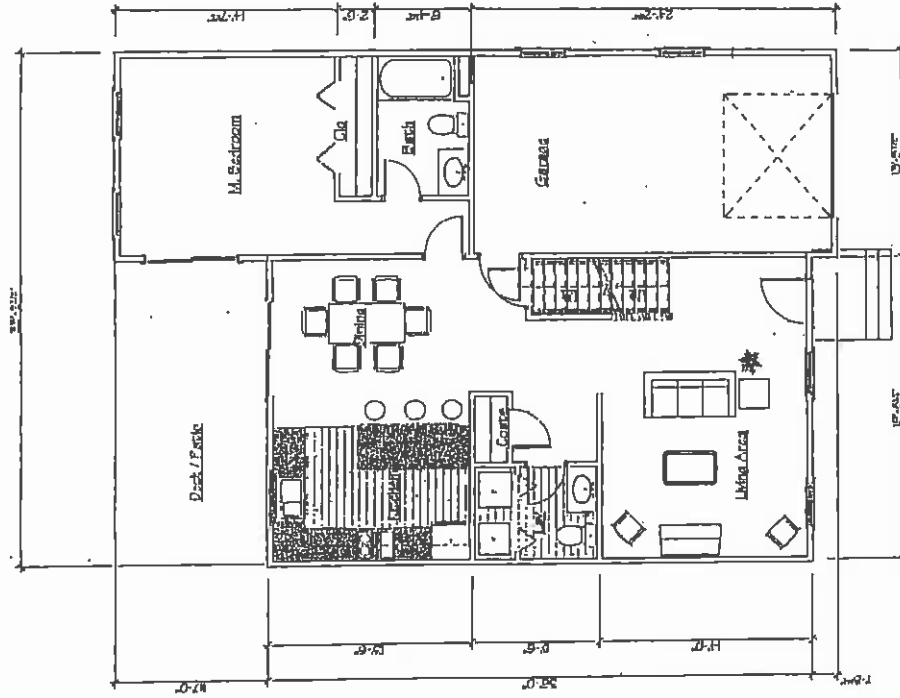


SECOND FLOOR PLAN-Model A

Scale: 1/4" = 1'-0"  
720 Square Feet

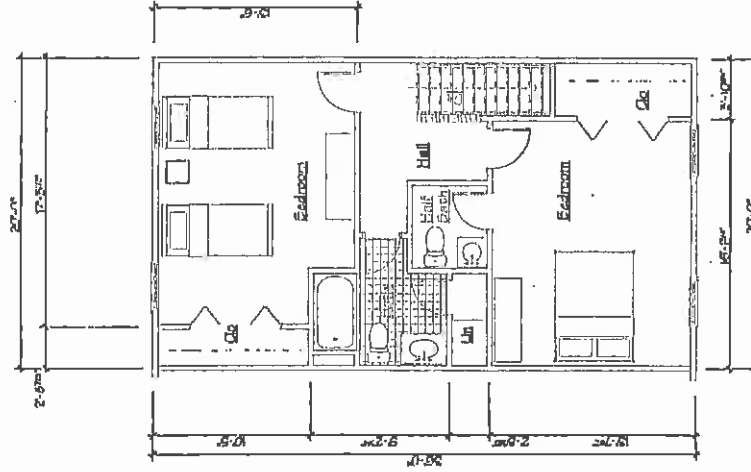
Prepared For: Daniel A. & Susan L. Harvey  
14 Mannion Place Littleton, MA  
Prepared By: Paul L. Davies & Assoc., Architects  
635 Rogers St #4 Lowell, MA  
January 2004





FIRST FLOOR PLAN-Model B

Scale: 1/4" = 1'-0"  
 8720 Square Feet



SECOND FLOOR PLAN-Model B

Scale: 1/4" = 1'-0"  
 720 Square Feet

PROPOSED DELL DALE FARM CONDOMINIUM

Mannion Place Littleton, Massachusetts

Prepared For: Daniel A. & Susan L. Harvey  
 14 Mannion Place Littleton, MA

Prepared By: Paul L. Davies & Assoc., Architects  
 635 Rogers St #4 Lowell, MA

12/1/2004

APPLICATION EXHIBIT XII

TABULATION OF COSTS, SQUARE FOOTAGE & PARKING

## TABULATION OF COSTS, SQUARE FOOTAGE AND PARKING

3 Units in the Victorian Building	approximately 1550/Unit	4670 S.F.
7 Two Bedroom Units	approximately 1400/Unit	9800 S.F.
2 Three Bedroom Units	approximatly 1700/Unit	3400 S.F.
Total		17,870 S.F.

Total Project Cost                      \$3,197,850.00 / 17,870

PER SQUARE FOOT BUILDING COST INCLUDING  
WATER TO SITE AND SHARED SEPTIC                      \$179.15

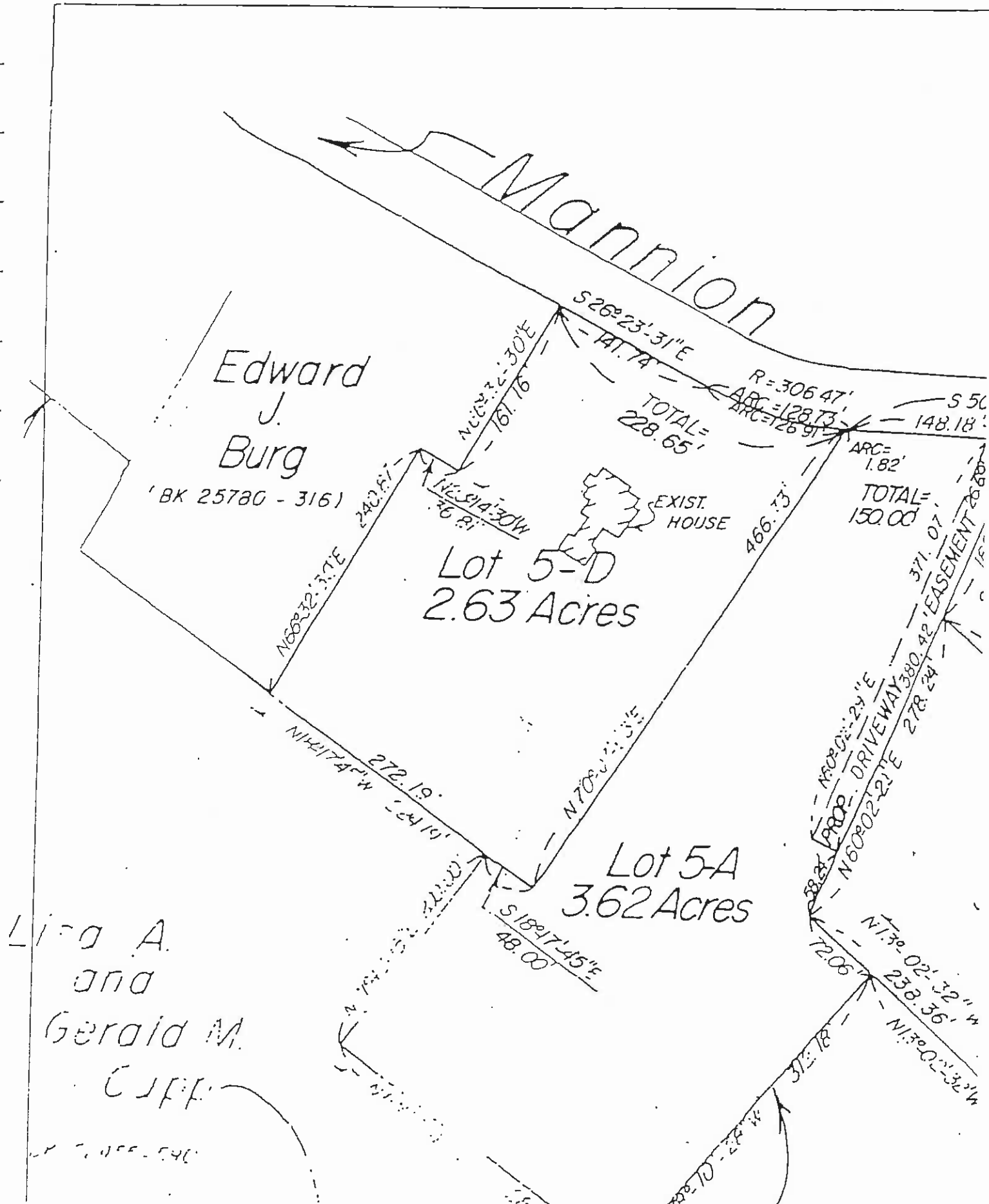
### PARKING

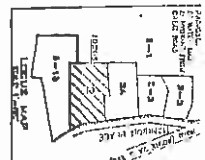
PARKING IS PROVIDED WITH OFF SITE PARKING EXCLUSIVE TO EACH UNIT  
ONE GARAGE SPACE AND ONE DRIVEWAY SPACE, PLUS COMMON AREA  
PARKING

APPLICATION EXHIBIT XIII

SITE AND UTILITIES PLAN(S)

# Barrett & Co.



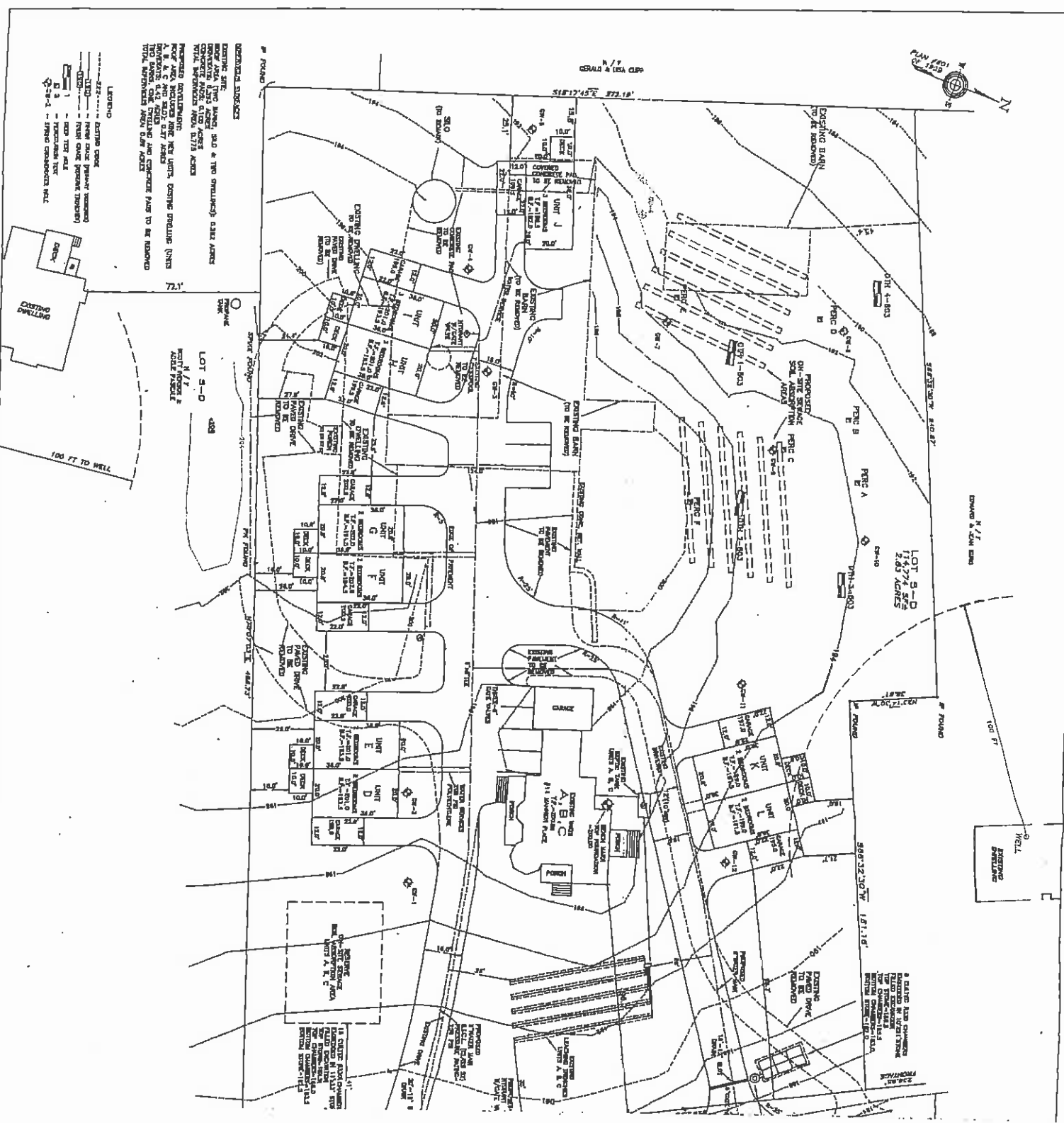
[illegible]

GRAPHIC SCALE

0 10 20 30 40 50

MOTOR FILE

[illegible]



**EXHIBIT C**

**REGULATORY AGREEMENT  
(EXAMPLE)**



LOCAL INITIATIVE PROGRAM  
REGULATORY AGREEMENT  
AND  
DECLARATION OF RESTRICTIVE COVENANTS  
FOR  
OWNERSHIP PROJECT

This Regulatory Agreement and Declaration of Restrictive Covenants (the "Agreement") is made this \_\_\_\_ day of \_\_\_\_\_ 200\_\_ by and among the Commonwealth of Massachusetts, acting by and through the Department of Housing and Community Development ("DHCD"), pursuant to Chapter 204 of the Acts of 1996, the City/Town of \_\_\_\_\_ ("the Municipality"), and \_\_\_\_\_, a Massachusetts corporation/limited partnership, having an address at \_\_\_\_\_, and its successors and assigns ("Project Sponsor").

WITNESSETH:

WHEREAS, pursuant to G.L. c. 40B, §§ 20-23 (the "Act") and the final report of the Special Legislative Commission Relative to Low and Moderate Income Housing Provisions issued in April 1989, regulations have been promulgated at 760 CMR 45.00 (the "Regulations") which establish the Local Initiative Program ("LIP");

WHEREAS, the Project Sponsor intends to construct a housing development known as \_\_\_\_\_ at a \_\_\_\_\_ acre site on \_\_\_\_\_ Street/Road in the Municipality, more particularly described in Exhibit A attached hereto and made a part hereof (the "Project");

WHEREAS, such Project is to consist of a total number of \_\_\_\_ condominium units/detached dwellings (the "Units") and \_\_\_\_ of the Units will be sold at prices specified in this Agreement to persons or households with incomes at or below eighty percent (80%) of the regional median household income (the "Low and Moderate Income Units");

WHEREAS, the Chief Elected Official of the Municipality (as that term is defined in the Regulations) and the Project Sponsor have made application to DHCD to certify that the Project is a valid Comprehensive Permit Project (as that term is defined in the Regulations) within the LIP Program and therefore that the Project Sponsor is qualified to apply to the Municipality's Board of Appeals (as that term is defined in the Regulations) for a comprehensive permit pursuant to the Act (the "Comprehensive Permit"), or have made application to DHCD to certify that the units in the Project are Local Initiative Units (as that term is defined in the Regulations) with the LIP Program; and

WHEREAS, in partial consideration of the execution of this Agreement, DHCD has issued or will issue its final approval of the Project within the LIP Program and has given and will give technical and other assistance to the Project;

NOW, THEREFORE, in consideration of the agreements and covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which each of the parties hereto hereby acknowledge to the other, DHCD, the Municipality, and the Project Sponsor hereby agree and covenant as follows (the provisions in brackets apply only to Comprehensive Permit Projects):

1. The Project Sponsor agrees to construct the Project in accordance with plans and specifications approved by the Municipality and DHCD (the "Plans and Specifications") [and in accordance with all terms and conditions of the Comprehensive Permit]. In addition, all Low and Moderate Income Units to be constructed as part of the Project must be indistinguishable from other Units in the Project from the exterior, and must contain complete living facilities including but not limited to a stove, kitchen cabinets, plumbing fixtures, and washer/dryer hookup, all as more fully shown in the Plans and Specifications.

- \_\_\_\_\_ of the Low and Moderate Income Units shall be one bedroom units;
- \_\_\_\_\_ of the Low and Moderate Income Units shall be two bedroom units;
- \_\_\_\_\_ of the Low and Moderate Income Units shall be three bedroom units; and,
- \_\_\_\_\_ of the Low and Moderate Income Units shall be four bedroom units.

All Low and Moderate Income Units to be occupied by families must contain two or more bedrooms. Low and Moderate Income Units must have the following minimum areas:

- one bedroom units - 700 square feet
- two bedroom units - 900 square feet
- three bedroom units - 1200 square feet
- four bedroom units - 1400 square feet

The Project must fully comply with the State Building Code and with all applicable state and federal building, environmental, health, safety and other laws, rules, and regulations, including without limitation all applicable federal and state laws, rules and regulations relating to the operation of adaptable and accessible housing for the handicapped. [Except to the extent that the Project is exempted from such compliance by the Comprehensive Permit.] the Project must also comply with all applicable local codes, ordinances and by-laws.

2. Each Low and Moderate Income Unit will be sold for no more than the price set forth in Exhibit B attached hereto and made a part hereof to an Eligible Purchaser. An Eligible Purchaser is a purchaser who satisfies the criteria set forth in the LIP Guidelines for Communities (the "Guidelines"). Currently, under the Guidelines, an Eligible Purchaser is a person or family who has an annual income no greater than a Maximum Income of \$\_\_\_\_\_, which is eighty percent (80%) of the regional median household income for a family of four. The Maximum Income may be increased for larger families to the extent permitted by the Guidelines. The Maximum selling price set forth in Exhibit B for Low and Moderate Income Units having three or more bedrooms may be increased by Five Thousand Five Hundred (\$5,500) Dollars, if such Low and Moderate Income Units are marketed with preferential marketing conducted in a manner satisfactory to DHCD and the Municipality.

3. Upon issuance of a building permit for the project, the Project will be included in the Subsidized Housing Inventory as that term is described in 760 CMR 31.04(1). Only Low and Moderate Income Units will be counted as Subsidized Housing Units for the purposes of the Act.

4. (a) At the time of sale of each Low and Moderate Income Unit by the Project Sponsor, the Project Sponsor shall execute and shall as a condition of the sale cause the purchaser of the Low and Moderate Income Unit to execute a Deed Rider in the form of Exhibit C attached hereto and made a part hereof (the "Deed Rider"). Such Deed Rider shall be attached to and made a part of the deed from the Project Sponsor to the Unit Purchaser. Each such Deed Rider shall require the Unit Purchaser at the time he desires to sell the Low and Moderate Income Unit to offer the Low and Moderate Income Unit to the Municipality and to DHCD at a discounted purchase price more particularly described therein. The Municipality and DHCD shall have the option upon terms more particularly described in the Deed Rider to either purchase the Low and Moderate Income Unit or to find an Eligible Purchaser. The Deed Rider shall require the Unit Purchaser and the Eligible Purchaser to execute at the time of resale a similar Deed Rider which will be attached and made a part of the deed from the Unit Purchaser to the Eligible Purchaser, so that the affordability of the Low and Moderate Income unit will be preserved each time that subsequent resales of the Low and Moderate Income unit occur. (The various requirements and restrictions regarding resale of a Low and Moderate Income Unit contained in the Deed Rider are hereinafter referred to as the "Resale Restrictions"). If upon the initial resale or any subsequent resale of a Low and Moderate Income Unit, the Municipality and DHCD are unable to find an Eligible Purchaser for the Low and Moderate Income Unit, and the Municipality and DHCD each elect not to exercise its right to purchase the Low and

Moderate Income Unit, then the then current owner of the Low and Moderate Income Unit shall have the right to sell the Low and Moderate Income Unit to any person, regardless of his income and at any price, free of any future Resale Restrictions, provided that the difference between the actual resale price and the discounted purchase price for which the Municipality, DHCD or an Eligible Purchaser could have purchased the Low and Moderate Income Unit (the "Windfall Amount") shall be paid by the then current owner of the Low and Moderate Income Unit to the municipality. The Municipality agrees that all sums constituting Windfall Amounts from the sale of Low and Moderate Income Units shall be deposited in the Municipality's Low and Moderate Income Housing Fund (as that term is hereinafter defined). The Municipality agrees that in the event that it purchases a Low and Moderate Income Unit pursuant to its right to do so contained in the Deed Rider then in effect with respect to such Low and Moderate Income Unit, that the Municipality shall within six (6) months of its acceptance of a deed of such Low and Moderate Income Unit, either (i) sell the Low and Moderate Income Unit to an Eligible Purchaser at the same price for which it purchased the Low and Moderate Income Unit plus any expenses incurred by the Municipality during its period of ownership, such expenses to be approved by DHCD, subject to a Deed Rider satisfactory in form and substance to DHCD and the recording of an Eligible Purchaser Certificate satisfactory in form and substance to DHCD, the method for selecting such Eligible Purchaser to be approved by DHCD or (ii) rent the Low and Moderate Income Unit to a person who meets the income guidelines of the LIP Program, upon terms and conditions satisfactory to DHCD and otherwise in conformity with the requirements of the LIP Program. If the Municipality fails to sell or rent the Low and Moderate income unit as provided herein within said six (6) month period, or if at any time after the initial rental of the Low and Moderate Income Unit by the Municipality as provided herein the Low and Moderate Income Unit becomes vacant and remains vacant for more than ninety (90) days, then such Low and Moderate Income Unit shall cease to be counted as a Subsidized Housing Unit, and shall no longer be included in the Subsidized Housing Inventory.

(b) Each Low and Moderate Income Unit will remain a Subsidized Housing Unit and continue to be included in the Subsidized Housing Inventory for as long as the following three conditions are met: (1) this Agreement remains in full force and effect and neither the Municipality nor the Project Sponsor are in default hereunder; (2) the Project and the Low and Moderate Income Unit each continue to comply with the Regulations and the Guidelines as the same may be amended from time to time; and (3) either (i) a Deed Rider binding the then current owner of the Low and Moderate Income Unit to comply with the Resale Restrictions is in full force and effect and the then current owner of the Low and Moderate Income Unit is either in compliance with the terms of the Deed Rider, or the Municipality is in the process of taking such steps as may be required by DHCD to enforce the then current owner's compliance with the terms of the Deed Rider or (ii) the Low and Moderate Income Unit is owned by the Municipality and the Municipality is in compliance with the terms and conditions of the last preceding paragraph, or (iii) the Low and Moderate Income Unit is owned by DHCD.

5. Project Sponsor agrees that the aggregate profit from the Project which shall be payable to Project Sponsor or to the partners, shareholders or other owners of Project Sponsor or the Project shall not exceed twenty percent (20%) of total development costs of the project, which development costs have been approved by the Municipality and by DHCD (the "Allowable Profit"). Upon issuance of a final Certificate of Occupancy for the Project or upon the issuance of final Certificates of Occupancy for all of the Units, the Project Sponsor shall deliver to the Municipality and to DHCD an itemized statement of total development costs together with a statement of gross income from the Project received by the Project Sponsor to date in form satisfactory to the Municipality and DHCD (the "Certified Cost and Income Statement") prepared and certified by a certified public accountant satisfactory to the Municipality and to DHCD. If all units at the Project have not been sold as of the date the Certified Cost and Income Statement is delivered to the Municipality and to DHCD, the Project sponsor shall at least once every ninety (90) days thereafter until such time as all of the Units are sold, deliver to the Municipality and to DHCD an updated Certified Cost and Income Statement. All profits from the Project in excess of the Allowable Profit (the "Excess Profit") shall be paid by the Project Sponsor to the Municipality. The Municipality agrees that all amounts constituting Excess profit shall be deposited in the Affordable Housing Fund (as hereinafter defined). For so long as the Project Sponsor complies with the requirements of this Section 5, the Project Sponsor shall be deemed to be a limited dividend organization within the meaning of the Act.

6. The Municipality agrees that upon the receipt by the Municipality of any Windfall Amount, Excess Profit, or any amount paid to the Municipality pursuant to the provisions of Section 1, Section 3, or Section 4 of the Deed Rider (the "Additional Windfall Amounts"), the Municipality shall deposit any and all such Windfall Amounts, Excess Profit, or Additional Windfall Amounts into an interest bearing account established with an institutional lender approved by DHCD (the "Affordable Housing Fund"). Sums from the Affordable Housing Fund shall be expended from time to time by the Municipality for the purpose of reducing the cost of Low and Moderate Income Units to Eligible purchasers upon resale or for the purpose of encouraging, creating, or subsidizing the construction or rehabilitation of housing for persons and families of low and moderate income elsewhere in the Municipality. The expenditure of funds from the Affordable Housing Fund shall be made only with the approval of DHCD, such approval not to be unreasonably withheld.

7. Prior to marketing or otherwise making available for sale any of the Units, the Project Sponsor must obtain DHCD's approval of a marketing plan (the "Marketing Plan") for the Low and Moderate Income Units. Such Marketing Plan must describe the buyer selection process for the Low and Moderate Income Units and must set forth a plan for affirmative marketing of Low and Moderate Income Units to minority households as more particularly described in the Regulations and Guidelines. At the option of the Municipality, the Marketing Plan may also include a preference for local residents for up to seventy percent (70%) of the Low and Moderate Income Units, subject to all provisions of the Regulations and Guidelines. When submitted to DHCD for approval, the Marketing Plan should be accompanied by a letter from the Chief Elected Official of the Municipality (as that term is defined in the Regulations) which states that the buyer selection and local preference (if any) aspects of the Marketing Plan have been approved by the Municipality and which states that the Municipality will perform any aspects of the Marketing Plan which are set forth as responsibilities of the Municipality in the Marketing Plan. The Marketing Plan must comply with the Regulations and Guidelines and with all other applicable statutes, regulations and executive orders, and DHCD directives reflecting the agreement between DHCD and the U.S. Department of Housing and Urban Development in the case of *NAACP, Boston Chapter v. Kemp*. If the Project is located in the Boston Standard Metropolitan Statistical Area, the Project Sponsor must list all Low and Moderate Income Units with the City of Boston's MetroList (Metropolitan Housing Opportunity Clearing Center), at Boston City Hall, P.O. Box 5996, Boston, MA 02114-5996 (617-635-3321). All costs of carrying out the Marketing Plan shall be paid by the Project Sponsor. A failure to comply with the Marketing Plan by the Project Sponsor or by the Municipality shall be deemed to be a default of this Agreement. The Project Sponsor agrees to maintain for at least five years following the sale of the last Low and Moderate Income Unit, a record of all newspaper ads, outreach letters, translations, leaflets, and any other outreach efforts (collectively "Marketing Documentation") as described in the Marketing Plan as approved by DHCD which may be inspected at any time by DHCD. All Marketing Documentation must be approved by DHCD prior to its use by the Project Sponsor or the Municipality. The Project Sponsor and the Municipality agree that if at any time prior to or during the process of marketing the Low and Moderate Income Units, DHCD determines that the Project Sponsor, or the Municipality with respect to aspects of the Marketing Plan that the Municipality has agreed to be responsible for, has not adequately complied with the approved Marketing Plan, that the Project Sponsor or Municipality as the case may be, shall conduct such additional outreach or marketing efforts as shall be determined by DHCD.

8. Neither the Project Sponsor nor the Municipality shall discriminate on the basis of race, creed, color, sex, age, handicap, marital status, national origin, or any other basis prohibited by law in the selection of buyers for the Units; and the Project Sponsor shall not so discriminate in connection with the employment or application for employment of persons for the construction, operation or management of the Project.

9. (a) The Project Sponsor agrees to comply and to cause the Project to comply with all requirements of the Regulations and Guidelines and all other applicable laws, rules, regulations, and executive orders. DHCD and the Chief Elected official of the municipality shall have access during normal business hours to all books and records of the Project Sponsor and the Project in order to monitor the Project Sponsor's compliance with the terms of this Agreement.

ip 0211 2.06 hous

(b) (If the Comprehensive Permit is granted by the Housing Appeals Committee (as defined in the Act) the Chief Elected Official shall reconfirm his support for the Project in a manner satisfactory to DHCD at the time the Comprehensive Permit is granted.)

(c) Throughout the term of this Agreement, the Chief Elected Official shall annually certify in writing to DHCD that each of the Low and Moderate Income Units continues to be occupied by a person who was an Eligible Purchaser at the time of purchase; that any Low and Moderate Income Units which have been resold during the year have been resold in compliance with all of the terms and provisions of the Deed Rider then in effect with respect to each such Low and Moderate Income Unit, and in compliance with the Regulations and Guidelines and this Agreement; and that the Project and the Low and Moderate Income Units have otherwise been maintained in a manner consistent with the Regulations and Guidelines, this Agreement, and the Deed Rider then in effect with respect to each Low and Moderate Income Unit.

10. Upon execution, the Project Sponsor shall immediately cause this Agreement and any amendments hereto to be recorded with the Registry of Deeds for the County where the Project is located or, if the Project consists in whole or in part of registered land, file this Agreement and any amendments hereto with the Registry District of the Land Court for the County where the Project is located (collectively hereinafter the "Registry of Deeds"), and the Project Sponsor shall pay all fees and charges incurred in connection therewith. Upon recording or filing, as applicable, the Project Sponsor shall immediately transmit to DHCD and the Municipality evidence of such recording or filing including the date and instrument, book and page or registration number of the Agreement.

11. The Project Sponsor hereby represents, covenants and warrants as follows:

- (a) The Project Sponsor (i) is a \_\_\_\_\_ duly organized under the laws of the Commonwealth of Massachusetts, and is qualified to transact business under the laws of this State, (ii) has the power and authority to own its properties and assets and to carry on its business as now being conducted, and (iii) has the full legal right, power and authority to execute and deliver this Agreement.
- (b) The execution and performance of this Agreement by the Project Sponsor (i) will not violate or, as applicable, has not violated any provision of law, rule or regulation, or any order of any court or other agency or governmental body, and (ii) will not violate or, as applicable, has not violated any provision of any indenture, agreement, mortgage, mortgage note, or other instrument to which the Project Sponsor is a party or by which it or the Project is bound, and (iii) will not result in the creation or imposition of any prohibited encumbrance of any nature.
- (c) The Project Sponsor will, at the time of execution and delivery of this Agreement, have good and marketable title to the premises constituting the Project free and clear of any lien or encumbrance (subject to encumbrances created pursuant to this Agreement, any loan documents relating to the Project the terms of which are approved by DHCD, or other permitted encumbrances, including mortgages referred in paragraph 19, below).
- (d) There is no action, suit or proceeding at law or in equity or by or before any governmental instrumentality or other agency now pending, or, to the knowledge of the Project Sponsor, threatened against or affecting it, or any of its properties or rights, which, if adversely determined, would materially impair its right to carry on business substantially as now conducted (and as now contemplated by this Agreement) or would materially adversely affect its financial condition.

12. Except for sales of Units to home buyers as permitted by the terms of this Agreement, Project Sponsor will not sell, transfer, lease, exchange or mortgage the Project without the prior written consent of DHCD and the Municipality.

13. Until such time as decisions regarding repair of damage due to fire or other casualty, or restoration after taking by eminent domain, shall be made by a condominium association or trust not controlled by the Project Sponsor, (or if the Project consists of detached dwellings, by homebuyers) Project Sponsor agrees that if the Project, or any part thereof, shall be damaged or destroyed or shall be condemned or acquired for public use, the Project Sponsor will use its best efforts to repair and restore the Project to substantially the same condition as existed prior to the event causing such damage or destruction, or to relieve the condemnation, and thereafter to operate the Project in accordance with the terms of this Agreement, subject to the approval of the Project's lenders, which lenders have been approved by DHCD and the Municipality.

14. This Agreement shall be governed by the laws of the Commonwealth of Massachusetts. Any amendments to this Agreement must be in writing and executed by all of the parties hereto. The invalidity of any clause, part, or provision of this Agreement shall not affect the validity of the remaining portions hereof.

15. All notices to be given pursuant to this Agreement shall be in writing and shall be deemed given when delivered by hand or when mailed by certified or registered mail, postage prepaid, return receipt requested, to the parties hereto at the addresses set forth below, or to such other place as a party may from time to time designate by written notice:

DHCD: Department of Housing and Community Development  
Attention: Local Initiative Program Director  
One Congress Street, 10<sup>th</sup> Floor  
Boston, MA 02114

Municipality:

Project Sponsor:

16. (a) This Agreement and all of the covenants, agreements and restrictions contained herein shall be deemed to be an affordable housing restriction as that term is defined in G.L. c. 184, § 31 and as that term is used in G.L. c. 184, § 26, 31, 32 and 33. This Agreement is made for the benefit of DHCD, and DHCD shall be deemed to be the holder of the affordable housing restriction created by this Agreement. DHCD has determined that the acquiring of such affordable housing restriction is in the public interest. The term of this Agreement shall be perpetual, provided however, that this Agreement shall terminate if (a) at any time hereafter there is no Low and Moderate Income Unit at the Project which is then subject to a Deed Rider containing the Resale Restrictions, and there is no Low and Moderate Income Unit at the Project which is owned by the Municipality or DHCD as provided in Section 4 hereof, or (b) the Project is acquired by foreclosure or by instrument in lieu of foreclosure, provided that the holder of the mortgage gives DHCD and the Municipality not less than sixty (60) days prior written notice of the mortgagee's intention to foreclose upon the Project or to accept an instrument in lieu of foreclosure, or (c) if a Comprehensive Permit is not granted to the Project Sponsor for the Project by either the Municipality's Board of Appeals (as that term is defined in the Regulations) or by the housing Appeals Committee (as that term is used in the Act) within a period of eighteen months from the date of execution of this Agreement, or (d) if at any time the Comprehensive Permit is revoked and all applicable appeal periods with respect to such revocation have expired). If this Agreement terminates because of a foreclosure or the acceptance of an instrument in lieu of foreclosure as set forth in clause (b) of this paragraph, the Municipality agrees

that if at the time of such termination there is one or more Low and Moderate Income Unit at the Project which is then subject to a Deed Rider containing the Resale Restrictions or there is one or more Low and Moderate Income Unit at the Project which is owned by the Municipality or DHCD as provided in Section 4 hereof, the Municipality shall enter into a new Regulatory Agreement with DHCD with respect to such Low and Moderate Income Units which shall be satisfactory in form and substance to DHCD.

(b) The Project Sponsor intends, declares and covenants on behalf of itself and its successors and assigns (i) that this Agreement and the covenants, agreements and restrictions contained herein shall be and are covenants running with the land, encumbering the Project for the term of this Agreement, and are binding upon the Project Sponsor's successors in title, (ii) are not merely personal covenants of the Project Sponsor, and (iii) shall bind the Project Sponsor, its successors and assigns and enure to the benefit of DHCD and its successors and assigns for the term of the Agreement. Project Sponsor hereby agrees that any and all requirements of the laws of the Commonwealth of Massachusetts to be satisfied in order for the provisions of this Agreement to constitute restrictions and covenants running with the land shall be deemed to be satisfied in full and that any requirements of privileges of estate are also deemed to be satisfied in full.

(c) The Resale Restrictions contained in each of the Deed Riders which are to encumber each of the Low and Moderate Income Units at the Project pursuant to the requirements of this Agreement shall also constitute an affordable housing restriction as that term is defined in G.L. c. 184, § 31 and as that term is used in G.L. c. 184, §§ 26, 31, 32, and 33. Such Resale Restrictions shall be for the benefit of both DHCD and the Municipality and both DHCD and the Municipality shall be deemed to be the holder of the affordable housing restriction created by the Resale Restrictions in each of the Deed Riders. DHCD has determined that the acquiring of such affordable housing restriction is in the public interest. To the extent that the Municipality is the holder of the Resale Restrictions to be contained in each of the Deed Riders, the Director of DHCD by the execution of this Agreement hereby approves such Resale Restrictions in each of the Deed Riders for the Low and Moderate Income Units of the Project as required by the provisions of G.L. c. 184, § 32.

17. The Project Sponsor and the Municipality each agree to submit any information, documents, or certifications requested by DHCD which DHCD shall deem necessary or appropriate to evidence the continuing compliance of the Project Sponsor and the Municipality with the terms of this Agreement.

18. (a) The Project Sponsor and the Municipality each covenant and agree to give DHCD written notice of any default, violation or breach of the obligations of the Project Sponsor or the Municipality hereunder, (with a copy to the other party to this Agreement) within seven (7) days of first discovering such default, violation or breach (a "Default Notice"). If DHCD becomes aware of a default, violation, or breach of obligations of the Project Sponsor or the Municipality hereunder without receiving a Default Notice from Project Sponsor or the Municipality, DHCD shall give a notice of such default, breach or violation to the offending party (with a copy to the other party to this Agreement) (the "DHCD Default Notice"). If any such default, violation, or breach is not cured to the satisfaction of DHCD within thirty (30) days after the giving of the Default notice by the Project Sponsor or the Municipality, or if no Default Notice is given, then within thirty (30) days after the giving of the DHCD Default Notice, then at DHCD's option, and without further notice, DHCD may either terminate this Agreement, or DHCD may apply to any state or federal court for specific performance of this Agreement, or DHCD may exercise any other remedy at law or in equity or take any other action as may be necessary or desirable to correct non-compliance with this Agreement.

(b) If DHCD elects to terminate this Agreement as the result of a breach, violation, or default hereof, which breach, violation, or default continues beyond the cure period set forth in this Section 18, then the Low and Moderate Income Units and any other Units at the Project which have been included in the Subsidized Housing Inventory shall from the date of such termination no longer be deemed Low and Moderate Income Housing for the purposes of the Act and shall be deleted from the Subsidized Housing Inventory.

19. The Project Sponsor represents and warrants that it has obtained the consent of all existing mortgagees of the Project to the execution and recording of this Agreement and to the terms and conditions hereof and that all such mortgagees have executed the Consent to Regulatory Agreement attached hereto and made a part hereof.

Executed as a sealed instrument as of the date first above written.

Project Sponsor

By: \_\_\_\_\_  
its \_\_\_\_\_

Department of Housing and  
Community Development

By: \_\_\_\_\_  
its Director

Municipality

By: \_\_\_\_\_  
its \_\_\_\_\_  
(Chief Elected Official)

LSNN-11

Attachments: Exhibit A - Legal Property Description  
Exhibit B - Prices & Location of Low & Moderate Income Units  
Exhibit C - Form of Deed Rider

Consent forms signed by any and all mortgagees whose mortgages are recorded prior to this Regulatory Agreement must be attached to this Regulatory Agreement.

© DHCD When used in the Local Initiative Program, this form may not be modified without the written approval of the Department of Housing and Community Development.



COMMONWEALTH OF MASSACHUSETTS

COUNTY OF \_\_\_\_\_, ss.  
200\_\_

Then personally appeared before me the above-named \_\_\_\_\_ as \_\_\_\_\_  
of the \_\_\_\_\_ [Project Sponsor] and acknowledged the foregoing instrument to be his/her free  
act and deed and the free act and deed of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF SUFFOLK, ss.  
\_\_\_\_\_, 200\_\_

Then personally appeared before me the above-named \_\_\_\_\_ as \_\_\_\_\_  
of the Department of Housing and Community Development and acknowledged the  
foregoing instrument to be his/her free act and deed and the free act and deed of the Department of Housing  
and Community Development.

\_\_\_\_\_  
Notary public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF \_\_\_\_\_, ss.  
\_\_\_\_\_, 200\_\_

Then personally appeared before me the above-named \_\_\_\_\_ as \_\_\_\_\_  
of the City/Town of \_\_\_\_\_ and acknowledged the foregoing  
instrument to be his/her free act and deed and the free act and deed of said City/Town of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

## CONSENT TO REGULATORY AGREEMENT

Re: \_\_\_\_\_  
(Project name)  
\_\_\_\_\_  
(City/Town)  
\_\_\_\_\_  
(Project Sponsor)

The Undersigned being the holder of a mortgage on the above described Project recorded with the Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_, hereby consents to the execution and recording of this Agreement and to the terms and conditions hereof.

\_\_\_\_\_  
(name of lender)  
By: \_\_\_\_\_  
its \_\_\_\_\_

## COMMONWEALTH OF MASSACHUSETTS

COUNTY OF \_\_\_\_\_, ss. \_\_\_\_\_, 200\_\_

Then personally appeared before me the above-named \_\_\_\_\_ as the  
of \_\_\_\_\_ Bank and acknowledged its consent to the foregoing instrument to  
his/her free act and deed and the free act and deed of said  
\_\_\_\_\_ Bank.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

(If the Project has more than one mortgagee, add additional consent forms. Execution of the consent form by a mortgagee is only necessary if the mortgage has been recorded prior to the Regulatory Agreement.)

## EXHIBIT A

Re: \_\_\_\_\_  
(Project Name)

City/Town:

Project Sponsor:

Property Description

EXHIBIT B

Re:

(Project Name)

(City/Town)

(Project Sponsor)

Maximum Selling Prices for Low and Moderate Income Units

One bedroom units	\$ _____
Two bedroom units	\$ _____
Three bedroom units	\$ _____
Four bedroom units	\$ _____

If the Maximum Selling Prices provided in chapter five of the Local Initiative Program Guidelines for Communities are increased, the Maximum Selling Prices provided herein may be increased proportionately, but only with the prior approval of the municipality and DHCD.

Location of Low and Moderate Income Units

The housing units which are Low and Moderate Income Units are those designated as lot/unit numbers \_\_\_\_\_ on:

- ☐ a plan of land entitled \_\_\_\_\_  
recorded with the \_\_\_\_\_ Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_.
- ☐ floor plans recorded with the Master Deed of the \_\_\_\_\_ Condominium recorded with  
the \_\_\_\_\_ Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_.

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF \_\_\_\_\_, ss.  
200\_\_

Then personally appeared before me the above-named \_\_\_\_\_ as \_\_\_\_\_  
of the \_\_\_\_\_ [Project Sponsor] and acknowledged the foregoing instrument to be his/her free  
act and deed and the free act and deed of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF SUFFOLK, ss.  
\_\_\_\_\_, 200\_\_

Then personally appeared before me the above-named \_\_\_\_\_ as \_\_\_\_\_  
of the Department of Housing and Community Development and acknowledged the  
foregoing instrument to be his/her free act and deed and the free act and deed of the Department of Housing  
and Community Development.

\_\_\_\_\_  
Notary public  
My Commission Expires: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF \_\_\_\_\_, ss.  
\_\_\_\_\_, 200\_\_

Then personally appeared before me the above-named \_\_\_\_\_ as \_\_\_\_\_  
of the City/Town of \_\_\_\_\_ and acknowledged the foregoing  
instrument to be his/her free act and deed and the free act and deed of said City/Town of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

**EXHIBIT E**

**ARCHITECTURAL PLANS**

**EXHIBIT D**

**SITE PLANS**

**EXHIBIT F**

**REQUESTED WAIVERS - ZONING RELIEF**



## REQUESTED WAIVERS

### 1. LITTLETON ZONING BYLAW

#### 1. Section 173-16 Site Plan Review

Purpose: To allow for development of proposed project without site plan review

#### 2 Section 17.25 Use Regulations

Purpose: To allow for development of proposed project including multifamily residential housing consisting of 3 existing units and 9 new housing units in 6 separate buildings within Residential Zoning District.

#### 3 Section 173-26 Use Regulations Schedule

Purpose: To allow for development of proposed project including multifamily residential housing consisting of 3 existing units and 9 new housing units in 6 separate buildings within Residential Zoning District.

#### 4 Any and all other relief from Zoning Requirements which the Zoning Board of Appeals deems to be applicable to this project and which is not satisfied by the current site plan.

### II LITTLETON BUILDING, CONNECTION, and APPLICATION FEES

The applicant, Daniel Harvey, specifically requests that all applicable Building, Connection and Application fees, and any other fees from and by the Town of Littleton, and its individual departments be waived.

**EXHIBIT G**

**OWNER'S DEED**

20  
BK 30390PG 326

QUITCLAIM DEED

We, PAULINE S. BYRNE and BARBARA J. BYRNE, of Littleton, MA

for consideration of TWO HUNDRED NINETY THOUSAND AND NO/100  
(\$290,000 00) DOLLARS

grant to DANIEL A. HARVEY and SUSAN L. HARVEY, husband and wife, as tenants  
by the entirety.

of 14 Mannion Place, Littleton, Massachusetts

WITH QUITCLAIM COVENANTS

A certain lot of land with the buildings thereon located on the westerly side of Mannion  
Place, Littleton, Middlesex County, Massachusetts, being shown as Lot 5-D on a plan  
entitled "Plan of Land in Littleton, Mass., Prepared for Pauline S. Byrne and Barbara J.  
Byrne, Scale 1" = 100', February 1999, David E. Ross Associates, Inc., Civil Engineers,  
Land Surveyors, Environmental Consultants, P.O. Box 368 - 111 Fitchburg Rd. - Ayer,  
Mass. 01432. (Tel. No. 978-772-6232) Job No. 10827, Plan No. L-5419" recorded with  
Middlesex South District Registry of Deeds on June 7, 1999 as Plan No. 601.  
to which plan reference is made for a more particular description. *BOOK 34264  
Page 336*

Said Lot 5-D contains 2.63 acres according to said plan.

S/A/s Edward T. Byrne  
Edward T. Byrne is now deceased with a date of death of June 5, 1998. See  
death certificate recorded with Middlesex South District Registry of Deeds in Book  
Page 25 in s.t. v. mcat. N.Y. to be v. 443.

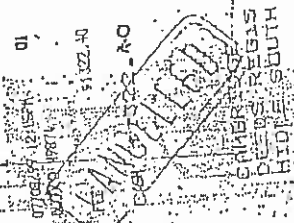
For title, see deed from F.D.D. Corporation dated December 29, 1992 and recorded with  
Middlesex South District Registry of Deeds in Book 22963, Page 309.

WITNESS our hands and seals this 1st day of May, 1999.

*Pauline S. Byrne*  
PAULINE S. BYRNE

*Barbara J. Byrne*  
BARBARA J. BYRNE

25.00  
JAC  
MSD 07/08/99 18:11:03  
1322.40  
Property Address: 14 Mannion Place, Littleton, MA  
EX-115  
1005



*CS*

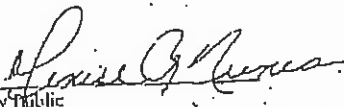
OK 30398PG327

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

July 1, 1999

Then personally appeared the above-named PAULINE S. BYRNE and  
BARBARA J. BYRNE and acknowledged the foregoing to be their free act and deed  
before me,

  
Notary Public

My commission expires:

DENISE R. NUNES  
NOTARY PUBLIC

My Commission Expires Sept. 27, 2005

(4)

**EXHIBIT H**

**LITTLETON'S CURRENT INVENTORY  
OF  
AFFORDABLE HOUSING**

**DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT**  
**Ch. 40B Subsidized Housing Inventory Through October 1, 2001**  
**Revised as of April 24, 2002**

Community	2000 Census Year Round Units	Total Development Units 2001	CH. 40B Units	Percent Subsidized 2000 Base
Hopkinton	4,521	192	122	2.70%
Hubbardston	1,348	36	36	2.67%
Hudson	7,144	497	477	6.68%
Hull	4,679	151	151	3.23%
Huntington	847	60	60	7.08%
Ipswich	5,414	370	351	6.48%
Kingston	4,370	138	138	3.16%
Lakeville	3,385	8	8	0.24%
Lancaster	2,103	74	74	3.52%
Lanesborough	1,299	0	0	0.00%
Lawrence	25,540	3,832	3,821	14.96%
Lee	2,542	130	130	5.11%
Leicester	3,790	132	132	3.48%
Lenox	2,354	166	166	7.05%
Leominster*	16,937	1,374	1,374	8.11%
Leverett	642	0	0	0.00%
Lexington*	11,274	855	796	7.06%
Leyden	288	2	2	0.69%
Lincoln	2,076	247	175	8.43%
Littleton	3,018	240	240	7.95%
Longmeadow	5,832	172	172	2.95%
Lowell	39,381	5,344	5,312	13.49%
Ludlow	7,815	170	170	2.18%
Lunenburg	3,605	54	54	1.50%
Lynn	34,569	4,402	4,400	12.73%
Lynnfield	4,249	96	78	1.84%
Malden	23,561	2,970	2,875	12.20%
Manchester	2,219	84	84	3.79%
Mansfield	8,083	577	577	7.14%
Marblehead	8,746	311	311	3.56%
Marion	2,095	31	31	1.48%
Marlborough*	14,846	1,191	1,180	7.95%
Marshfield	9,117	370	361	3.96%
Mashpee	5,578	188	183	3.28%
Mattapolsett	2,634	64	64	2.43%
Maynard	4,398	332	332	7.55%
Medfield	4,038	203	185	4.58%
Medford*	22,631	1,592	1,589	7.02%
Medway	4,243	222	208	4.90%
Melrose	11,200	777	777	6.94%
Mendon	1,870	30	30	1.60%
Merrimac	2,281	76	76	3.33%
Methuen	16,848	1,203	1,064	6.32%
Middleborough	7,195	302	294	4.09%
Middlefield	229	34	34	14.85%
Middleton	2,337	77	77	3.29%

\* The count for this community has been revised as of April 24, 2002.  
The attached explanatory notes must accompany this document as part of the inventory.

**EXHIBIT I**

**LISTING OF ABUTTERS**

**Pursuant to M.G.L. Chap. 40A sec. 11**

Loc: 25 MANNION PL Parcel ID #: R01 1 0  
LUC: 101

GAZIANO VINCENT J / GAZIANO MONTANA E  
25 MANNION PL

LITTLETON MA 01460

Loc: 56 GREAT RD Parcel ID #: R01 2 1  
LUC: 031

CUPP GERALD M / CUPP LISA A  
198 SHADYSIDE LANE

CONCORD MA 01742

Loc: 12 MANNION PL Parcel ID #: R01 2 13  
LUC: 101

IVERSON SCOTT G / PASCALE ADELE M  
12 MANNION PL

LITTLETON MA 01460

Loc: 8 MANNION PL Parcel ID #: R01 2 14  
LUC: 101

SMITH WILLIAM T / MARIA D SMITH  
8 MANNION PL

LITTLETON MA 01460

Loc: 22 MANNION PL Parcel ID #: R01 2 3  
LUC: 101

KENNEDY JOHN W / CURRIE DONNA J  
22 MANNION PLACE

LITTLETON MA 01460

Loc: 10 MANNION PL Parcel ID #: R01 2 4  
LUC: 101

WHITE JOHN B / WHITE JUDITH D  
10 MANNION PL

LITTLETON MA 01460

Loc: 20 MANNION PL Parcel ID #: R01 2 A  
LUC: 104

BURG EDWARD J / BURG JEAN E  
20 MANNION PL

LITTLETON MA 01460

Loc: 15 MANNION PL Parcel ID #: R01 3 0  
LUC: 101

FEEHAN JAMES E / FEEHAN BONNIE J  
15 MANNION PL

LITTLETON MA 01460

Loc: 17 NASHOBA RD Parcel ID #: R01 8 0  
LUC: 101

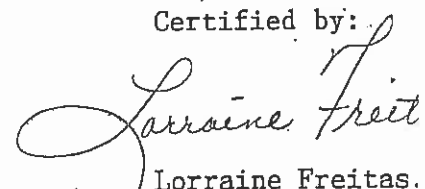
BYRNE MICHAEL F  
17 NASHOBA RD

LITTLETON MA 01460

May 21, 2004

Certified list of abutters within 300  
of property located at 14 Mannion Pla  
being shown on Assessors' Map R1 Parc  
and owned by Daniel A. Harvey and  
Susan L. Harvey, 14 Mannion Place,  
Littleton, MA 01460.

Certified by:

  
Lorraine Freitas,  
Assessment Analyst



**EXHIBIT J**

**Department of Housing and Community Development Letter**

**(To Be Added Upon Receipt)**