

Date: December 27, 2023

Please be sure to read through the CPA Guidelines for Project Submission prior to completing this application.



TOWN OF HAMILTON

APPLICATION FOR COMMUNITY PRESERVATION FUNDING

Date: January 17, 2024

Project Title:	Hamilton Affordable Housing Trust – Asbury Commons
Name of Applicant:	Hamilton Affordable Housing Trust
Name of Organization:	Hamilton Affordable Housing Trust
Address:	Hamilton Town Hall
Telephone:	978-626-5202
Email:	Laurie Wilson, coordinator – lwilson@hamiltonma.gov

CPA Category (underline all that apply): **Open Space** **Historic Preservation**

Recreation **Community Housing**

CPA Funding Requested: \$1,000,000 Total Project Cost: \$ 28,359,575

Please attach answers to the following questions. Include supporting materials as necessary.

- 1. Project Description:** Please give a detailed project description, including specific objectives. Please see attached project narrative.
- 2. Goals:** How does this project accomplish the goals of the CPA? (See Guidelines for Project Submission for general criteria)

Asbury Common will create 45 new units of affordable housing, helping advance goals of the housing production plan and bringing the Town of Hamilton up from 4.07% to approximately 5.6% on the state Subsidized Housing Inventory (SHI).
- 3. Timeline:** What is the schedule for project implementation, including a timeline for all critical milestones? Will this be a multi-year/multi-faceted project? If so, the proposal should be submitted in two phases; phase one for the study/engineering, followed by phase two for the project completion.

Asbury Common will be built in a single phase. Anticipated timeline is as follows. Project duration reflects time required to secure all funding (local, state, Federal, grants, and conventional debt):

Please be sure to read through the CPA Guidelines for Project Submission prior to completing this application.

Timeline:

- 10/2023 Funding application submitted to North Shore HOME Consortium
 - 11/2023 Funding application submitted to Hamilton HOME and HAHT, Architecture and engineering 70% complete
 - 2/2024 Submit state funding application (OneStop)
 - 6/2024 Architecture and engineering 100%, apply for building permit
 - 12/2024 All funding awarded, start closing process
 - 3/2025 Financing closing and construction start
 - 3/2026 Construction complete
 - 4/2026 Residents begin to move in
 - 9/2026 Asbury Common fully occupied
4. **Budget:** Please provide a full budget including the following information, as applicable.
(NOTE: CPA funds may not be used for maintenance):
- a. Total amount of the project cost, with itemization of major components.
 - b. Additional funding sources. Please include those that are available, committed, or under consideration including fundraising, other grants, etc.
 - c. Describe the basis for your budget and the sources of information you used, including evidence detailing that the lowest bid has been received.

Please see attached project budget, with Sources and Uses of funds.

5. **Support:** Have the appropriate Town Boards and Commissions expressed support and/or approved the project? What is the nature and level of community support for this project? Please provide evidence that you are qualified and eligible to undertake the project.

The ZBA unanimously approved the project under a 40B Comprehensive Permit, and the Planning Board also supports the project. The Board of Health has approve the septic plan.

Please be sure to read through the CPA Guidelines for Project Submission prior to completing this application.

Harborlight Homes
Asbury Common, Hamilton
45 units - new construction
11/16/2023

1-bed	10
2-bed	25
3-bed	10

Sources

Fed LIHTC equity	\$9,100,000
MA LIHTC equity	\$2,952,000
Solar and Passive House tax credits	\$120,075
Deferred fee	\$150,000
FHLB grant	\$850,000
Passive House Incentive	\$112,500
MA DHCD soft debt	\$7,025,000
North Shore HOME Consortium	\$300,000
Hamilton HOME	\$50,000
Hamilton AHT	\$1,000,000
Perm loan (mortgage)	<u>\$6,700,000</u>
Total:	\$28,359,575

Construction loan	\$14,000,000
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Uses

Land acquisition	\$1,060,000
Construction	\$20,214,235
Construction contingency	\$1,010,712
Architecture + Engineering	\$850,000
Legal	\$120,000
Const. loan interest	\$1,060,000
Other development costs	\$1,285,575
Capitalized reserves	\$290,514
Developer OH/Fee	<u>\$2,468,539</u>
Total:	\$28,359,575



Hamilton Affordable Housing Trust
Town Hall
577 Bay Road, PO Box 429
Hamilton, MA 01936
Attn: Chair Jamie Knudsen

November 20, 2023

To Mr. Knudsen and the Hamilton Affordable Housing Trust,

Our proposed Asbury Common project, at 466 Asbury Street, will create 45 new affordable homes in Hamilton. All units will be income-restricted rentals, with a mix of 1-, 2-, and 3-bedroom units. The new building will be highly energy efficient, Passive House certified, low water usage, and all-electric heating and cooling. Harborlight Homes is both the developer and the long-term owner and manager of the property. We are thrilled to add this housing option within town, which will bring Hamilton's percentage on the State Subsidized Housing Inventory (SHI) from 4.07% to approximately 5.6%. All units will count on the SHI, and all will be affordable to households at or below 60% AMI (in 2023, \$89,040 for a family of four).

The project has been permitted with a 40B Comprehensive Permit, and the septic plan has been approved by the Hamilton Board of Health. Asbury Common will be financed by a mix of local, state and federal funds, low-income housing tax credits, private grants, and conventional debt. As we assemble this funding through various application rounds, we would like to request that the Hamilton Affordable Housing Trust commit \$1,000,000 to Asbury Common. This is 3.5% of the overall project cost (approximately \$28,400,000), and early town funding is very important in leveraging the other funding sources and demonstrating town support and participation. Neighboring Wenham awarded \$1,000,000 (in AHT and CPC) to our Maple Woods project, also 45 units. The State funding round is coming up in mid-February 2024, and having local funding in place makes our application more competitive.

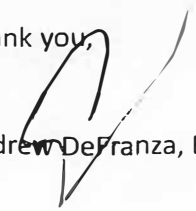
With site control and permit in place, and drawings advancing for construction readiness, we will pursue all project funding in the coming months, including:

- North Shore HOME Consortium, application submitted October 20th
- Hamilton HOME, application being submitted concurrent with this Hamilton AHT request
- State funding, pre-application Nov. 16, full application Feb. 15, 2024
- Federal Home Loan Bank of Boston grant, apply summer 2024

We anticipate having all funding in place by end of 2024, and breaking ground in late 2024/early 2025.

Attached please find a project narrative, images, and budget. We appreciate your consideration and support in bringing these high quality, affordable homes to Hamilton, and we look forward to talking further.

Thank you,


Andrew DeFranza, Executive Director

Harborlight Homes is a 501(c)(3) nonprofit organization
P. O. Box 507, Beverly, MA 01915 | 978-922-1305 | www.harborlighthomes.org



Attachments included:

- Project Narrative
- Project budget
- Site plan
- Building plans and elevations
- Comprehensive Permit
- Amendment to Comprehensive Permit
- CPC Eligibility application
- CPC Funding application



Asbury Common

466 Asbury Street, Hamilton, MA
45 units, 100% affordable, supportive services
1-, 2- and 3-bedroom family housing
New Passive House construction
15% (7 units) for homeless families

Asbury Common will bring forty-five new affordable, family housing units with supportive services to Hamilton. Seven of the units (15%) will be for homeless families, and a total of 16 units will be for ELI households, supported by project-based vouchers (there is great demand for 30% units, and we would gladly use additional project-based vouchers if they are available). Asbury Common will provide supportive services to all residents and be staffed by an on-site Resident Service Coordinator.



Asbury Common was permitted under Chapter 40B, with substantial input and participation from the town and neighbors. There was no appeal, and permitting is complete. The proposed septic system has been approved by the Hamilton Board of Health (sewer not available). Harborlight has an option Agreement on the property and has site control. Hamilton is an affluent community with strong schools, and Asbury Common will bring the town to approximately 5.6% on the SHI.

This project will be Harborlight's first Passive House certified project. Our goal is to create sustainable homes while also reducing long-term operating expenses. With a combination of Passive House enclosure, properly sized all-electric heat pumps, ERV fresh air, and solar on the roof, we will ensure comfortable, healthy homes for residents while also controlling operating expenses.

Asbury Common will be located on a 4 acre property at 466 Asbury Street, about 2 miles from the MBTA station and downtown Hamilton. The parcel is adjacent to a recently constructed 23-unit 55+ community known as “The Village at Canterbrook Farm” on one side and protected farmland to the rear and side (owned by seller). Hamilton hosts a small downtown with a commuter station and is conveniently located along Route 128.

Exterior amenities will include a playground, raised bed garden, walking paths and a furnished exterior terrace. Interior amenities include a community room, childrens’ play and activity room, and laundry on each floor. The units will be a mix of 1 bedroom (10), 2 bedroom (25) and 3 bedroom (10). This unit mix allows up to accommodate many types of households, and stay under the bedroom limit for a passive septic system.



In addition to housing, Asbury Common will provide services to all residents, and will be staffed by an on-site Resident Services Coordinator. This will allow families to more easily connect to services that will help them stay in their housing and advance their lives and goals. The project is planned with many community spaces, both indoors and out, where local partners can run programming for children and adults. This programming could include before and after school programs, health and wellness classes, adult education, ESL, financial counseling, and community gardening. All children living at Anchor Point will have the opportunity to take advantage of Hamilton/Wenham’s strong public schools.



Asbury Common is permitted and site control is in place. An application to the North Shore HOME Consortium has been submitted, and applications for Hamilton HOME and Affordable Housing Trust are going in early November, with Hamilton CPC to follow in January. We also plan to apply for an FHLB grant and interest rate subsidy in the 2024 round. This would help offset the rising interest rates we are facing. The current TDC is \$28,792,388, or \$639,831 per unit.

Project Team:

Sponsor: Harborlight Homes

Architect: SV Design

Civil Engineering: Hancock Associates

Mechanical Engineering, Passive House Consultant: Peterson Engineering

Envelope Consultant: RDH

GC: Windover Construction

Harborlight Homes
Asbury Common, Hamilton
45 units - new construction
11/16/2023

1-bed	10
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3-bed	10

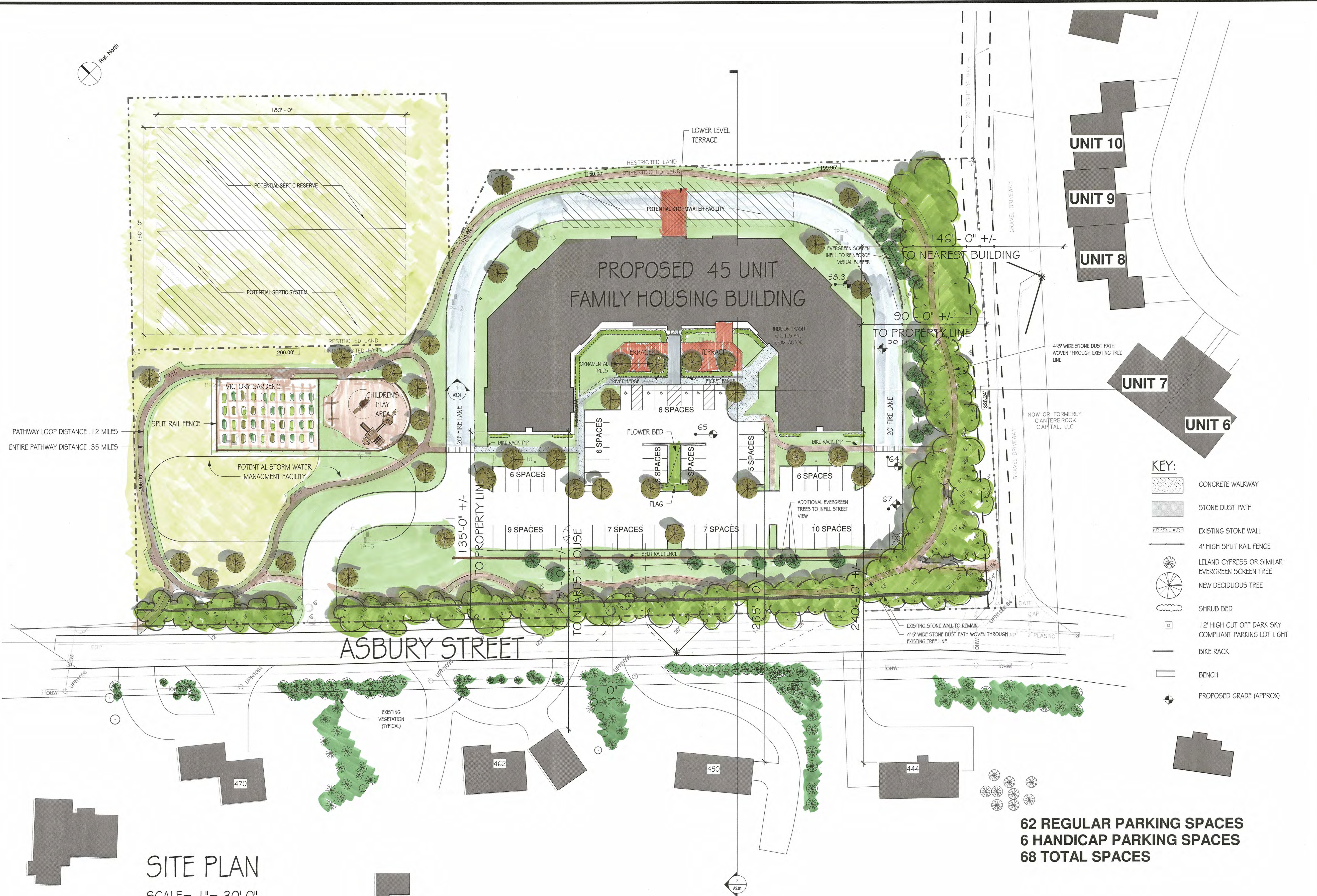
Sources

Fed LIHTC equity	\$9,100,000
MA LIHTC equity	\$2,952,000
Solar and Passive House tax credits	\$120,075
Deferred fee	\$150,000
FHLB grant	\$850,000
Passive House Incentive	\$112,500
MA DHCD soft debt	\$7,025,000
North Shore HOME Consortium	\$300,000
Hamilton HOME	\$50,000
Hamilton AHT	\$1,000,000
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Legal	\$120,000
Const. loan interest	\$1,060,000
Other development costs	\$1,285,575
Capitalized reserves	\$290,514
Developer OH/Fee	<u>\$2,468,539</u>
Total:	\$28,359,575



SITE PLAN
SCALE= 1"= 30'-0"

62 REGULAR PARKING SPACES
6 HANDICAP PARKING SPACES
68 TOTAL SPACES

PLANNING BOARD FILING

Revisions

Issue	Date	Description	Checked By
1	7/26/2021	PLANNING BOARD FILING	

SITE PLAN

Scale: As indicated

Drawn By: Author

Date: 7/26/2021

Checked By: Checker

Project #: 11.6122.007

HCP Asbury
Hamilton, MA

SV DESIGN

SITE PLAN

A0.10

126 Dodge Street

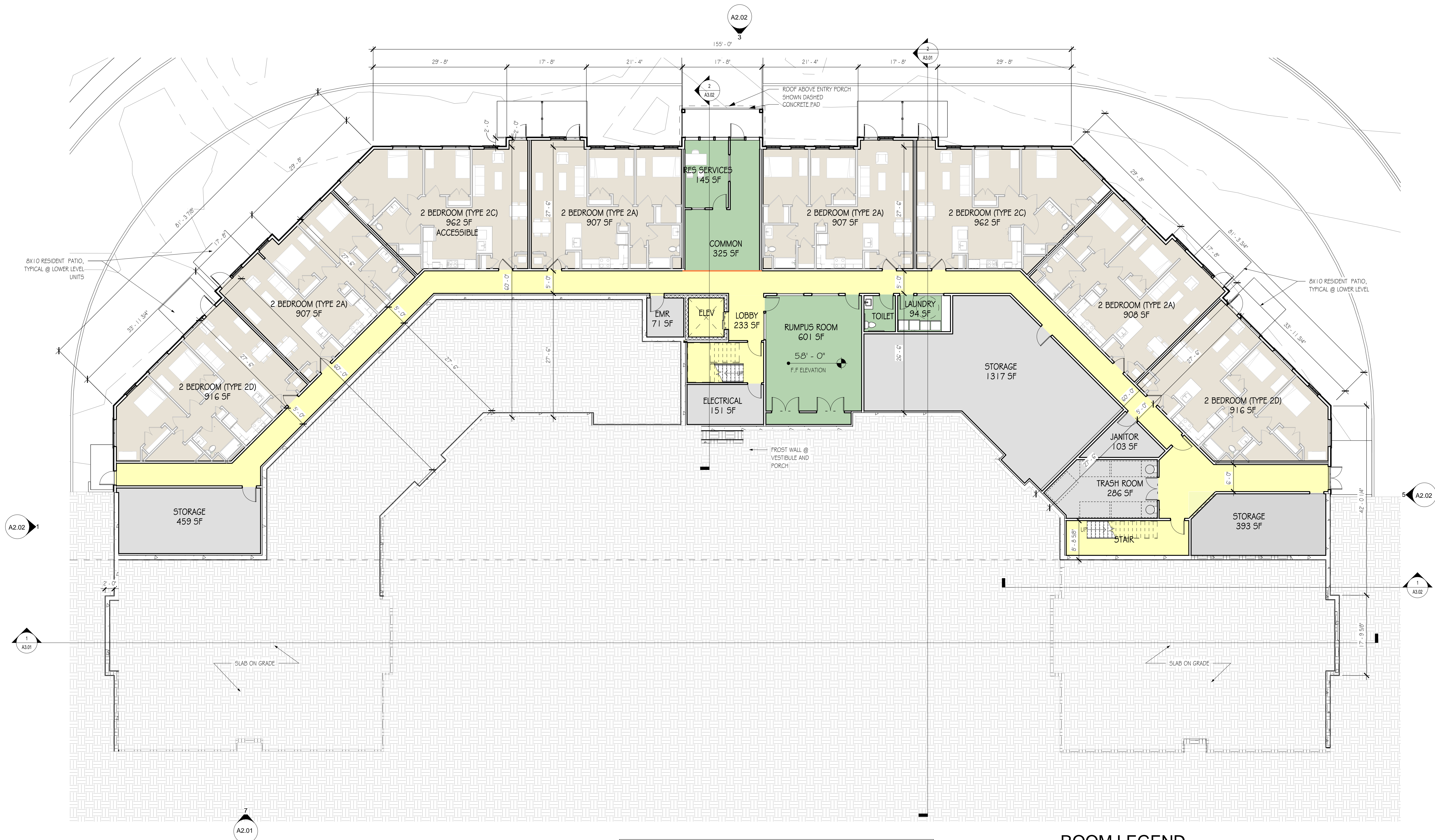
Beverly, Massachusetts 01915

www.svdesign.com

t 978.927.3745

7/26/2021 12:23:15 PM

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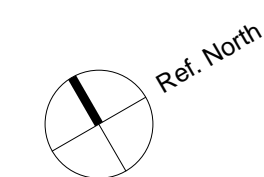


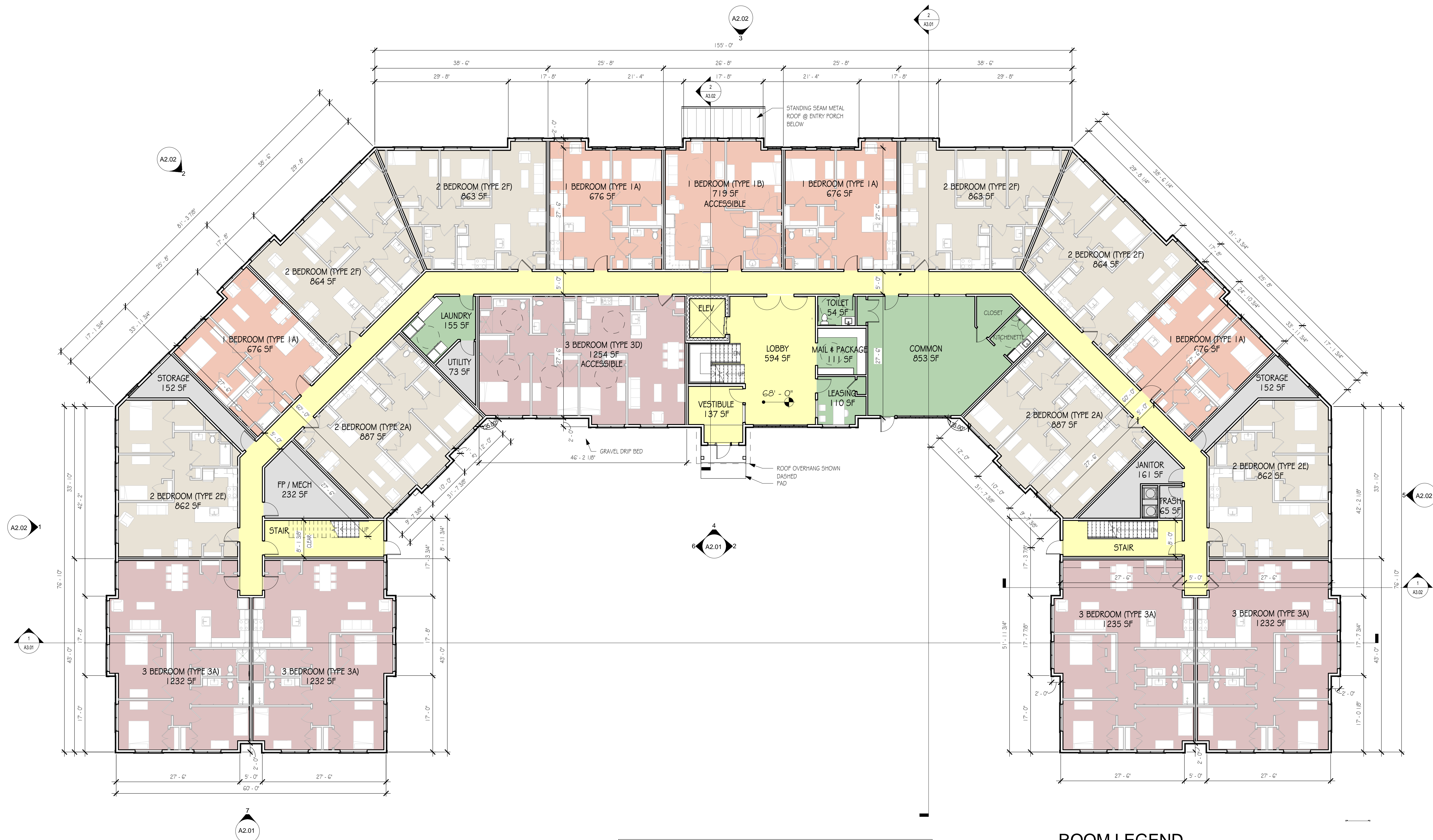
1 Proposed Lower Level
3/32" = 1'-0"

UNIT MIX				
	1 BEDROOM	2 BEDROOM	3 BEDROOM	
LOWER LEVEL	0	8	0	
FLOOR 1	5	8	5	
FLOOR 2	5	9	5	
TOTAL UNITS	10	25	10	45
TOTAL BEDROOMS	10	50	30	90

ROOM LEGEND

- ONE BEDROOM
- TWO BEDROOM
- THREE BEDROOM
- CIRCULATION
- COMMON AREA
- UTILITY



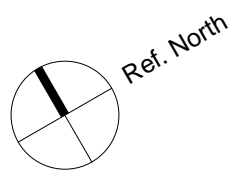


1 Proposed Level 1 Plan
3/32" = 1'-0"

UNIT MIX				
	1 BEDROOM	2 BEDROOM	3 BEDROOM	
LOWER LEVEL	0	8	0	
FLOOR 1	5	8	5	
FLOOR 2	5	9	5	
TOTAL UNITS	10	25	10	45
TOTAL BEDROOMS	10	50	30	90

ROOM LEGEND

- ONE BEDROOM
- TWO BEDROOM
- THREE BEDROOM
- CIRCULATION
- COMMON AREA
- UTILITY



Revisions

Issue	Date	Description

40B FILING

02/18/2022

Checked By

PROPOSED LEVEL 1 PLAN

Scale: As indicated

Drawn By: Author

Date: 02/18/2022

Checked By: Checker

Project #: 11.6122.007

Proposed New Construction

HCP Asbury

Hamilton, MA

SV DESIGN

126 Dodge Street

Beverly, Massachusetts 01915

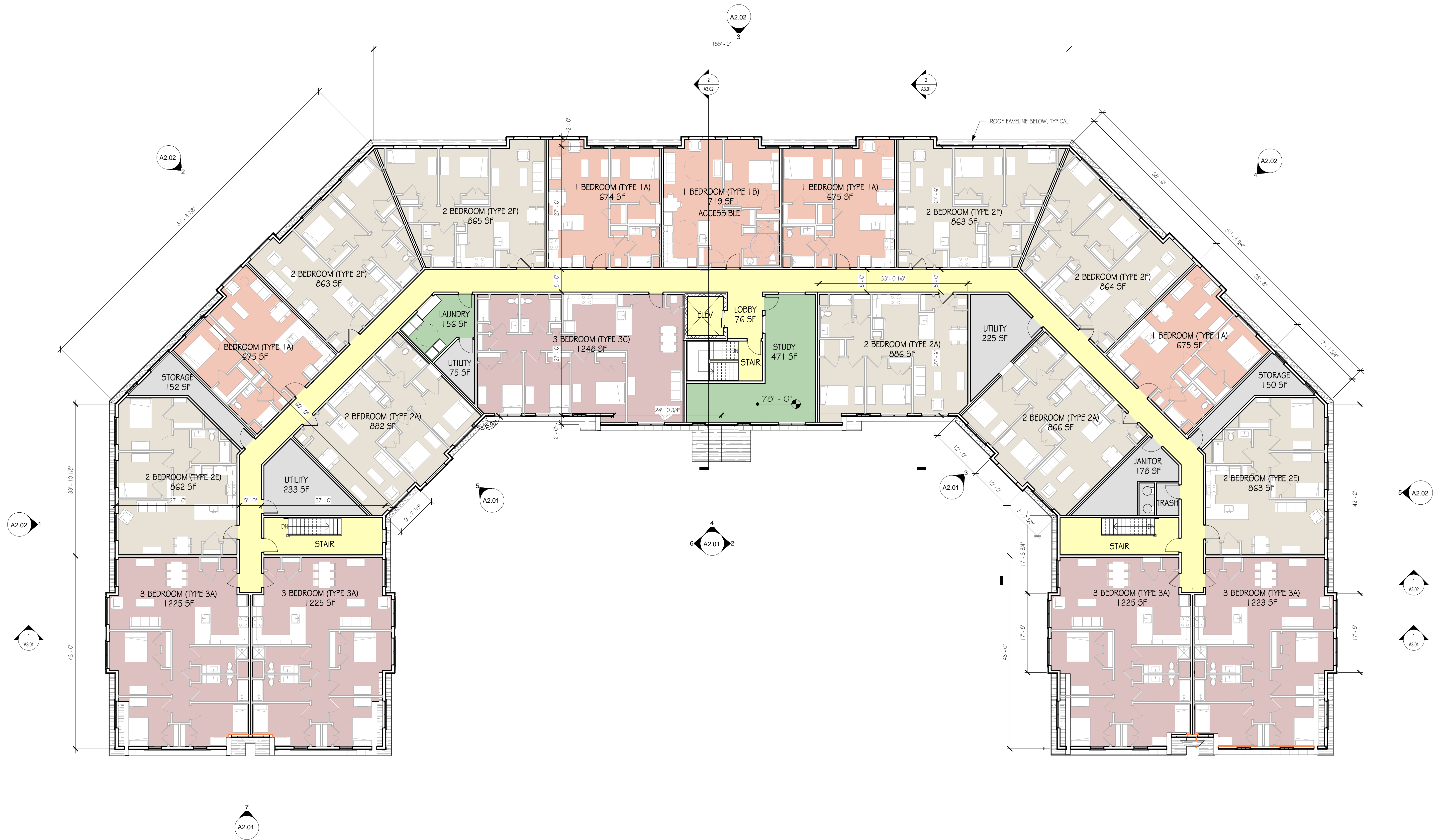
www.svdesign.com

1.978.927.3745

DESIGN

PROPOSED LEVEL 1 PLAN

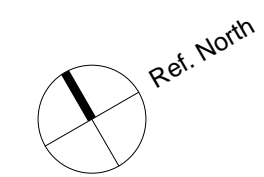
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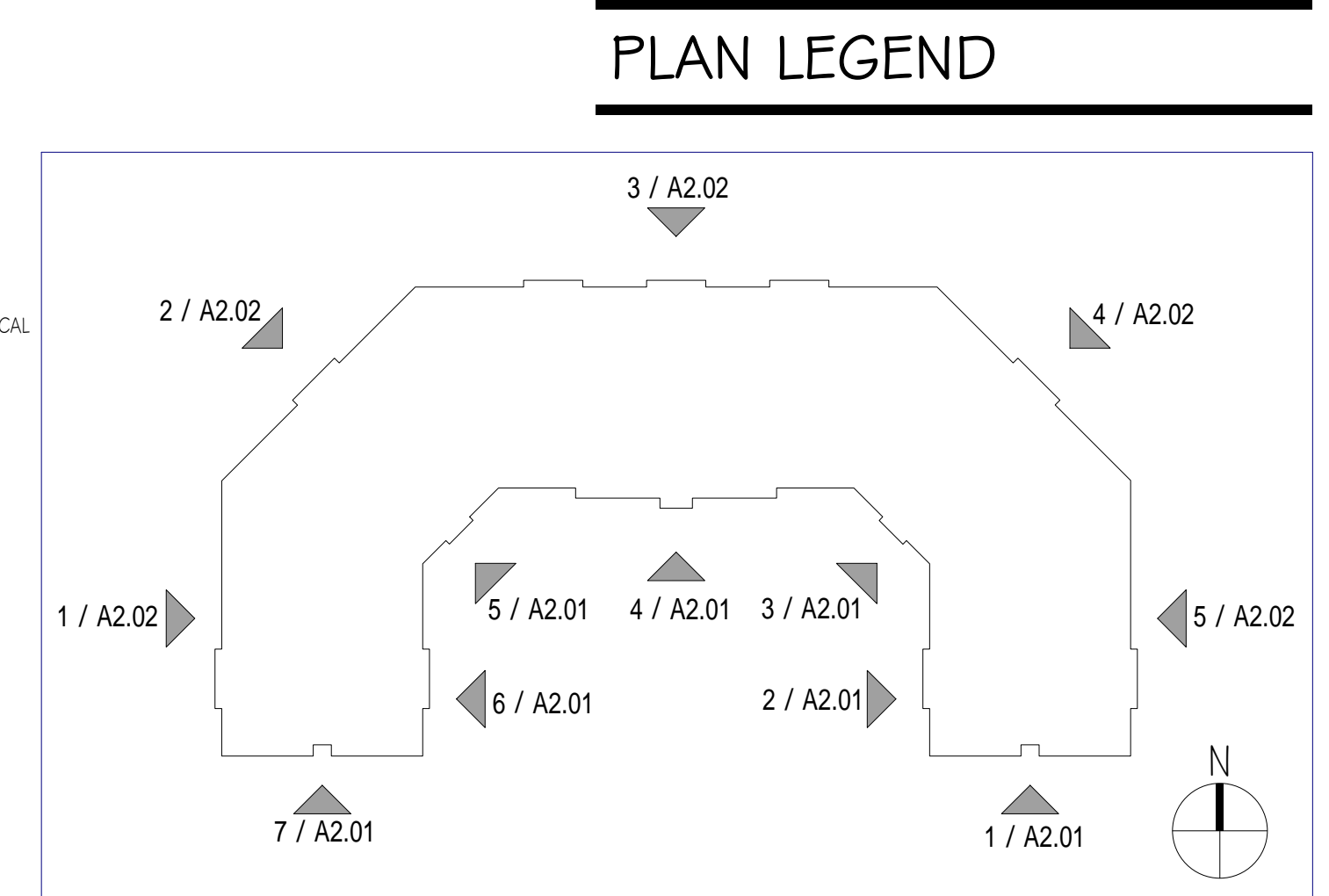
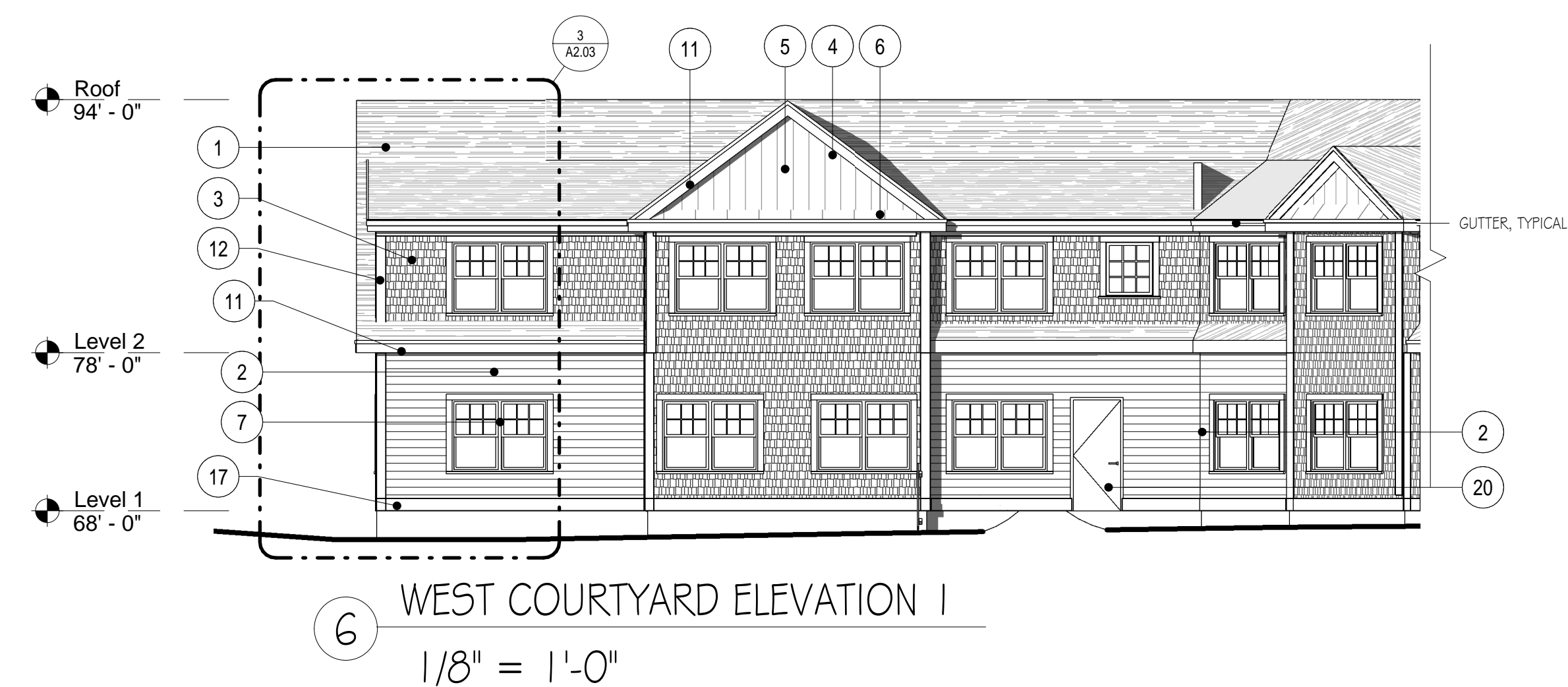


1 Proposed Level 2 Plan
3/32" = 1'-0"

UNIT MIX				
	1 BEDROOM	2 BEDROOM	3 BEDROOM	
LOWER LEVEL	0	8	0	
FLOOR 1	5	8	5	
FLOOR 2	5	9	5	
TOTAL UNITS	10	25	10	45
TOTAL BEDROOMS	10	50	30	90

- ROOM LEGEND
- ONE BEDROOM
 - TWO BEDROOM
 - THREE BEDROOM
 - CIRCULATION
 - COMMON AREA
 - UTILITY





EXTERIOR ELEVATION KEYNOTES	
Key Value	Keynote Text
1	Architectural Asphalt Shingles. CertainTeed Landmark, color: Timberbark.
2	Cementitious lap siding, Hardiplank, 5" exposure, smooth. Color: Cobblestone.
3	Cementitious straight edge shingle panel, Hardi Shingle, smooth, Color: Timberbark.
4	Cementitious trim. Boral, paint.
5	Cementitious Vertical board and batten siding. Color: Cobblestone.
6	Standing seam metal roof. Everlast DL-100. Color: Burnished Slate.
7	Mathews Brothers Spencer Walcott double hung windows with integral casing.
9	Natural wood entry door in metal frame with full glass lite and side lites.
11	1 x 3 PVC trim at rake
12	1 x 6 PVC trim.
15	Precast block retaining wall.
16	1 x 12 PVC wrapped columns.
17	1 x 10 PVC watertable trim board.
19	Kawneer aluminum storefront system.
20	Utility exterior door. Fiberglass flat panel door.





5 EAST BUILDING ELEVATION
1/8" = 1'-0"



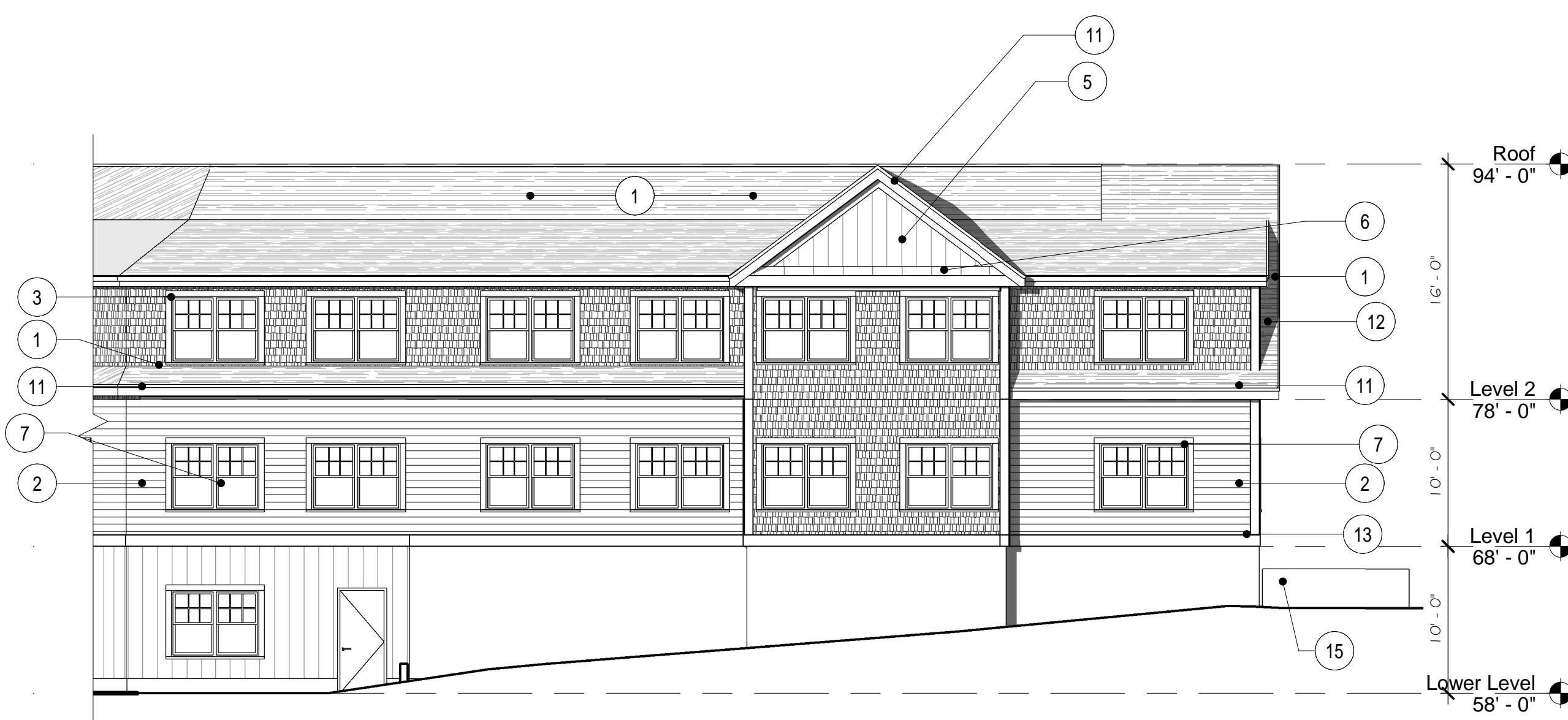
4 NORTH EAST BUILDING ELEVATION
1/8" = 1'-0"



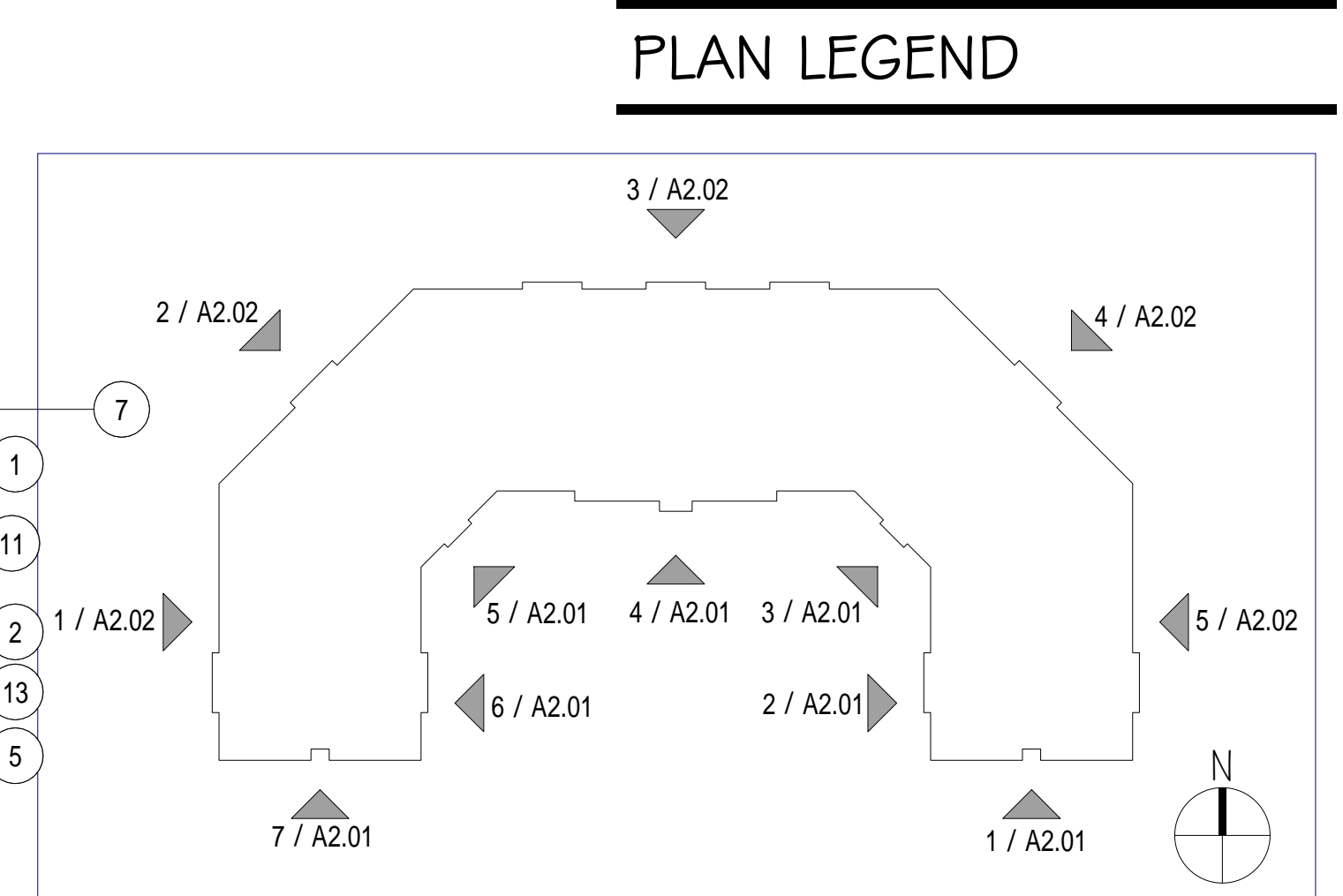
3 NORTH (REAR) BUILDING ELEVATION
1/8" = 1'-0"



2 NORTH WEST BUILDING ELEVATION
1/8" = 1'-0"



1 WEST BUILDING ELEVATION
1/8" = 1'-0"



EXTERIOR ELEVATION KEYNOTES	
Key Value	Keynote Text
1	Architectural Asphalt: Shingles, CertainTeed Landmark, color: Timberbark.
2	Cementitious lap siding, Hardiplank, 5" exposure, smooth. Color: Cobblestone.
3	Cementitious straight edge shingle panel, Hardi Shingle, smooth, Color: Timberbark.
4	Cementitious trim, Boral, paint.
5	Cementitious Vertical board and batten siding. Color: Cobblestone.
6	Standing seam metal roof, Everlast DL-100. Color: Burnished Slate.
7	Mathews Brothers Spencer Walcott double hung windows with integral casing.
11	1 x 3 PVC trim at rake
12	1 x 6 PVC trim.
13	1 x 10 PVC trim.
15	Precast block retaining wall.
16	1 x 12 PVC wrapped columns.
17	1 x 10 PVC watertable trim board.
21	Sliding glass door. Color: White

02/18/2022
40B FILING
Revisions
Issue Date:
Description
Checked By

EXTERIOR ELEVATIONS

Scale: As indicated
Drawn By: Author
Date: 02/18/2022
Checked By: Checker
Project #: 11.6122.007

HCP Asbury
Hamilton, MA

SV DESIGN
126 Dodge Street
Beverly, Massachusetts 01915
www.svdesign.com
1.978.927.3745

DESIGN

EXTERIOR ELEVATIONS

A2.02



SO. ESSEX #164 Bk:41796 Pg:499
10/06/2023 12:05 PERMIT Pg 1/19

RECEIVED
TOWN CLERK
HAMILTON, MA

2023 MAR 21 PM 1:37

TOWN OF HAMILTON
Zoning Board of Appeals
577 Bay Road
Hamilton, MA 01936

DECISION ON APPLICATION FOR COMPREHENSIVE PERMIT
G.L. c. 40B, §§ 20-23

APPLICANT: Harborlight Community Partners
283 Eliot Street
Beverly, MA 01915

A TRUE COPY ATTEST
Carmel A. Hale
TOWN CLERK

SUBJECT PROPERTY: 466 Highland Street, Hamilton, MA 01982
Assessor's Map 20, Lot 11

I. PROCEDURAL HISTORY

1. The Applicant, Harborlight Community Partners ("Applicant"), filed an application for a Comprehensive Permit on or about March 8, 2022 with the Zoning Board of Appeals ("Board"). The Application proposes construction of a 45-unit multi-family residential building with accompanying infrastructure, a 68-space parking lot, and associated landscaping ("Project").

2. The Project is located at 466 Highland Street, which is a 104-acre parcel located in the R-1B zoning district. The Applicant has an option to purchase 4.89 acres of the 104-acre parcel with the owner of the parcel, Britton Family, LLC, which has consented to the filing of the Applicant's Chapter 40B application. The Applicant proposes that the 4.89 acres be subdivided from the 104-acre parcel for the Project. The Applicant has also obtained agreement for an easement on an additional 19 acres for total aggregated land area of 23 acres to meet performance standards for an on-site septic system.

3. The Board opened the public hearing on the Application on April 6, 2022, and conducted further public hearing sessions on May 4, 2022, June 1, 2022, July 6, 2022, August 3, 2022, September 7, 2022, October 5, 2022, November 2, 2022, and January 4, 2023. The Board, after opening the public hearing, voted to declare and notify the Massachusetts Department of Housing and Community Development ("DHCD") of entitlement to certification of compliance with an approved Housing Production Plan. DHCD denied this request by notice dated April 11, 2022. The Board voted not to appeal the DHCD decision and proceeded with the public hearing on the dates referenced above. The Board closed the public hearing on January 4, 2023, and

Decision on Application for Comprehensive Permit
Harborlight Community Partners
466 Highland Street, Hamilton, MA
March 13, 2023
Page 2 of 16

conducted deliberations on March 1, 2023, at which time it voted to grant the Project with conditions as set forth in this decision.

4. The Applicant was represented during the public hearing by Andrew DeFranza of Harborlight Community Partners, and Attorney Benjamin Tyman. The Applicant's development team consists of Hancock Associates, Danvers, MA, on engineering, SV Design, LLC, Beverly, MA on architecture, BSC Group, Boston, MA on landscape architecture, and Greenman-Pedersen, Inc., Wilmington, MA, on traffic.

5. The Board's peer review consultant was GM2, Inc., with offices throughout New England, which provided comments and recommendations concerning site plan review and engineering, including septic system design, groundwater protection, stormwater management, and traffic.

6. The Board also received public comment on the Project during the course of the public hearing, including comment from Attorney Dan Hill who represents abutter, Village at Center Brook Farm.

II. FINDINGS ON JURISDICTIONAL ISSUES

7. The Applicant is a qualified non-profit and eligible to apply for a Chapter 40B permit under a Project Eligibility Letter issued by DHCD dated December 1, 2021, approving the Project under the Low-Income Housing Tax Credit program.

8. In accordance with the Project Eligibility Letter, the Project shall consist of 45 units of rental housing which shall be affordable at no more than 60% of area median income, and which shall count on the DHCD's Subsidized Housing Inventory ("SHI") for the Town of Hamilton. The Project shall consist of 10 one-bedroom units, 25 two-bedroom units, and 10 three-bedroom units.

9. Approval of this Project with conditions is consistent with local needs, as defined under the Massachusetts Comprehensive Permit Law, G.L. c. 40B, §§ 20-23, and 760 CMR 56.00, et seq.

III. FINDINGS OF FACT

10. The Project is to be located on 421 Asbury Street. The building site currently consists of farmland. Access and egress are proposed via one new full-access driveway via curb cut on the northeast side of Asbury Street, approximately 1,000 feet west of Canter Brook Lane.

11. The Project consists of a new 45-unit multi-family building with appurtenant parking and utilities as shown on the Concept Site Plan, 466 Highland Street prepared by Hancock Associates dated 1/26/22. The Project provides parking for 68 vehicles, including 6 handicap accessible pursuant to Massachusetts Architectural Access Board guidelines. Site access/egress shall include a 20-foot wide fire access lane looping around the rear of the building to provide egress for emergency vehicles. A 4-foot-wide stone dust walking trail shall also be furnished around the building and parking lot.

12. The Project is bounded by Asbury Street to the southwest, a 20-foot wide right of way and residential development to the southeast and maintained agricultural land around the remainder of the Project location. Frontage for the Project is located along Asbury Street. The Project site is bounded by a 25-foot to 50-foot-wide swath of trees from the western sideline of Asbury Street up to the eastern corner of the site location at the 20-foot right of way.

13. The Project will generate 9900 gallons of sewage per day which will be treated and discharged on site, requiring Board of Health approval. The on-site septic system shall consist of a subsurface stone and pipe leaching field where effluent is discharged to groundwater. The Project site is located within a Zone II Drinking Water Supply District limiting the amount of nitrogen that can be discharged to groundwater, among other public health requirements.

14. The Applicant shall comply with any conditions or requirements imposed by the Board of Health and/or its agent.

15. The 4.89-acre Project site is located on the north side of Asbury Street currently in agricultural use as a hayfield. Stormwater flows to the northeast of the site onto abutting agricultural land which is also currently a hayfield. Stormwater management must meet MassDEP Stormwater Regulations requiring that stormwater be properly treated, and increased flows mitigated to maintain the quality and quantity of stormwater after completion of the Project.

16. Approximately one-third of the building site will become impervious area consisting of the building and parking area. Stormwater from these impervious areas will be collected in a storm drain system on the northeast border of the site. The infiltration system will maintain water quality and mitigate for increases in flow as further described in the Stormwater Management Report prepared by Hancock Associates, dated 2/18/22, as revised through 10/21/22, which has been reviewed and commented on by the Town's Health Agent and the Board's peer reviewer resulting in the final amended design referenced below which meets the requirements of Title V and the MassDEP Stormwater Management Standards, and the requirements of the Town of Hamilton Stormwater Management Permit Rules & Regulations.

17. Drinking water and water for fire suppression shall be via connection to the Hamilton Water Supply System in Asbury Street. Gas, electric, telephone and cable will be coordinated with private utility providers but shall be depicted on the Final Plans defined below.

18. Design and construction of the infrastructure needed for the water connection shall be at the Applicant's sole expense. The Applicant shall comply with all local requirements and specifications concerning municipal water supply, including connection and user fees, other local charges or local data or testing requirements.

19. The Project is located in Single Residential District (R1-B) and requires zoning waivers to allow for multi-family use, and reduced lot area per dwelling units. The Project meets all other zoning requirements including setback and height requirements.

20. The Project was amended to eliminate the need for a waiver of the special permit requirement of the Town's Groundwater Protection Overlay District, to allow impervious surfaces covering 60,525 square feet, or 28.4% of the lot. The Applicant's land aggregation plan has lessened the impervious surface area to 5.8% of the total lot area, which is less than the 15% that would require a special permit.

21. Based on review and comments from the Board's peer review consultants, as well as comments from other local boards and officials, the Project, as conditioned below, is consistent with local needs as required under the Comprehensive Permit Law.

IV. DECISION

1. Based on the foregoing findings, the Board grants the Comprehensive Permit subject to the following conditions:

V. CONDITIONS

A. REGULATORY CONDITIONS

1. The total number of dwelling units that may be constructed is 45 units with a mix of 10 one-bedroom units, 25 two-bedroom units, and 10 three-bedroom units as shown on the Approved Plans referenced in Condition V.B.1. below.

2. The 45 units shall consist of rental housing. All of the units shall be affordable at no more than 60% area median income and shall comply with all DHCD qualified subsidy requirements and shall be eligible for inclusion in the Town of Hamilton's Subsidized Housing Inventory ("SHI") with DHCD.

Decision on Application for Comprehensive Permit
Harborlight Community Partners
466 Highland Street, Hamilton, MA
March 13, 2023
Page 5 of 16

3. The 45 affordable units shall remain affordable and eligible for inclusion in the Town's SHI in perpetuity or for so long as the Project is not in compliance with the Town of Hamilton Zoning Bylaws so that the units continue to serve the public purpose for which this permit was granted under the Massachusetts Comprehensive Permit Law.

4. The Applicant shall execute a Regulatory Agreement with the subsidizing agency as required by the Comprehensive Permit Law and submit annual reports to the subsidizing agency in accordance with the Regulatory Agreement.

5. The Applicant shall comply with all requirements of the Regulatory Agreement for ensuring that the affordability requirements remain in place, and shall provide the Town with any and all information necessary to maintain and enforce affordability restrictions in accordance with paragraph V.A.3.

6. The Applicant shall develop a marketing plan for the Project for review and approval by the subsidizing agency and shall comply with all affirmative action or other requirements imposed by state or federal regulation.

7. The Applicant shall market the initial rent-up of the Project under a local preference approved by the subsidizing agency, and shall assist the Town in submitting evidence necessary to support the local preference requirement.

8. The Town, by and through the Board or its designee, shall have continuing jurisdiction to ensure compliance with the terms and conditions of this decision.

9. The Applicant shall obtain Final Approval from the subsidizing agency pursuant to 760 CMR 56.04(7) and shall provide evidence of such Final Approval to the Building Commissioner and the Board prior to receiving any building permit for the Project.

B. GENERAL CONDITIONS

1. The Project shall be constructed substantially in compliance with the following plans which shall be considered the Approved Plans ("Approved Plans") for the Project:

- a. Architectural Plans prepared by SV Design dated 2/18/22;
- b. Landscaping Plan prepared by SV Design and BSC Group dated 2/25/22;

Decision on Application for Comprehensive Permit
Harborlight Community Partners
466 Highland Street, Hamilton, MA
March 13, 2023
Page 6 of 16

- c. Septic System Design Plan prepared by Hancock Associates dated 10/26/22, and revised Septic System Design Plan dated 12/9/22;
- d. Preliminary Site and Utility Plan prepared by Hancock Associates dated 2/18/22, as revised through 10/25/22;
- d. Mounding Analysis dated 9/27/22;
- e. Conceptional Subdivision Plan by Hancock Associates dated 10/25/22.

2. Minor changes to the Approved Plans may be submitted to the Building Commissioner who shall have authority to approve such changes as immaterial to the terms and conditions of this decision. If the Building Commissioner determines the proposed changes do not comply with the terms and conditions of this decision, the Applicant may seek modification with the Board pursuant to 760 CMR 56.05(11).

3. The Applicant has requested, and the Board has granted, certain specified waivers from the Hamilton Zoning Bylaw, as reflected in Exhibit A. No other waivers are granted. If the Approved Plans or Final Plans (defined below) show the need for a waiver not set forth in Exhibit A, the Applicant must seek approval from the Board pursuant to the provisions of 760 CMR 56.05(11). No waiver of building permit or inspection fees, water connection fees, or other fees or charges of any kind have been granted.

4. But for the two waivers granted in Exhibit A, the Applicant shall comply with the Hamilton Zoning Bylaws, and any and all local bylaws, codes, rules, or regulations of the Town of Hamilton.

5. In addition to the terms and conditions of this decision, the Project shall comply with all state and federal laws, codes, regulations and standards applicable to the Project.

6. The terms and conditions of this decision shall be binding on any successors or assigns of the Applicant, and the terms and conditions shall run with the land. The non-profit and affordability requirements shall apply to any successor in interest regardless of the sale, transfer or assignment of the Project.

7. The access/egress roadway, stormwater management and drainage systems, septic and water infrastructure, and any and all other Project related infrastructure or improvements shall remain private. The Town of Hamilton shall have no obligations or

legal responsibility for the maintenance of the foregoing, including but not limited to snow and trash removal and landscape maintenance.

8. The interior and exterior of all buildings and structures shall be constructed substantially as represented in the Approved Plans.

9. All utility work and roadwork within any public right of way shall be performed and conducted in conformance with the regulations of the Town and MassDOT, if applicable, including requirements for street opening permits, curb cuts, or trench permits. Contractors shall be duly licensed as required by the Town. All such work shall be performed in accordance with the Approved Plans.

10. The Applicant shall provide professional management of the Project, including 24/7 monitoring of the Project, either by on-site management or by an off-site management entity that is available by phone 24/7. The Applicant shall post the name and telephone number of the manager in a prominent place within the building and shall provide the Board and Town with details concerning property management in writing.

11. The Project shall be sprinklered in accordance with applicable state and NFPA standards, including attics and storage spaces. The Applicant shall submit final fire alarm/sprinkler plans in compliance with applicable codes to the Fire Chief for review and approval.

12. All grading shall be consistent with the Approved Plans.

13. There shall be no telecommunication equipment, cell arrays or antenna affixed to the roof or sides of the building.

14. The Board and its agents may enter the Project site during construction of the Project (subject to conformance with applicable health and safety requirements, including, but not limited to hard hat, safety glasses, reflective vests and work boot requirements), upon reasonable notice, to determine compliance with this decision.

15. The Applicant shall comply with orders issued by the Building Inspector regarding construction of the Project, subject to the Applicant's rights of appeal under applicable law.

16. Prior to starting any activity authorized under this decision ("Authorized Activity"), including but not limited to clearing, excavation, or other land disturbing activities precedent to construction of the Project, irrespective of whether the work requires a building permit, the Applicant and the general contractor shall hold a preconstruction meeting chaired by the Building Inspector, with municipal staff and officials of his choice,

Decision on Application for Comprehensive Permit
Harborlight Community Partners
466 Highland Street, Hamilton, MA
March 13, 2023
Page 8 of 16

to review this decision, the Approved Plans, and proposed implementation. In conjunction with this meeting, the Applicant shall provide the Building Inspector with the following:

a. A lighting plan which conforms with all state, federal or local regulations which shall adequately ensure against light trespass issues or nuisance conditions.

b. Final engineering drawings and plans ("Final Plans") that conform to all terms and conditions of this comprehensive permit and all conditions and requirements of other permitting agencies or officials having jurisdiction.

c. Peer review fees reasonable and necessary to assist the Building Inspector in confirming compliance with the terms and conditions of this decision in the Final Plans.

17. Prior to starting any Authorized Activity, the Applicant shall provide to the Building Inspector:

a. the company affiliation, name, address and business telephone number of the construction superintendent who shall have overall responsibility for construction activities on the Property;

b. a copy of a municipal lien certificate showing that all taxes, assessments and charges due on the Project site have been paid;

c. certification that all required federal, state and local licenses and permits have been obtained;

d. proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any site work;

e. proof that street signage is in place to ensure that emergency personnel can locate the site to provide emergency services; and

f. written notice of at least 48 hours. If activity on site ceases for longer than one month, 48 hour written notice shall be given prior to restarting work.

18. Erosion and sedimentation control measures shall include the following:

a. The contractor shall have a stockpile of materials required to control erosion on-site to supplement or repair erosion control devices, including but not limited to straw wattles, catch basin filter bags and crushed stone;

b. The contractor is responsible for erosion control on site and shall utilize erosion control measures where needed, regardless of whether the measures are specified on the Approved Plan or in this decision;

c. Materials such as gravel to be removed shall be stockpiled, separating the topsoil for future use on the site;

d. Erosion controls shall be utilized on the stockpiles if they are to remain on site for more than three weeks;

e. If intense rainfall is anticipated, the installation of supplemental straw bale dikes, silt fences, or armored dikes shall be implemented.

19. During construction, the Applicant or its agent shall conduct and document inspections of all erosion control measures no less than weekly, and prior to and following anticipated storm events, the purpose of which is to determine the overall effectiveness of the erosion and sedimentation control measures and for implementation of additional control measures as needed. Upon completion of all work on Property and prior to As-Built approval, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations, and the Board shall be notified in writing of the final disposition of the materials.

20. The Applicant shall ensure implementation of the following requirements concerning landscaping/seeding in connection with Authorized Activity:

a. Landscaping/seeding shall be performed as soon as possible to provide permanent stabilization of disturbed surfaces;

b. If the season or adverse weather conditions do not allow the establishment of vegetation, temporary mulching with straw, wood chips weighted with snow fence or branches or other methods shall be provided;

c. A minimum of 4 inches of topsoil shall be placed and its surface smoothed to the specified grades;

d. The use of herbicides is prohibited;

e. Hydroseeding is required for steep slopes;

f. Application rates on slopes greater than 3:1 shall have a minimum seeding rate of 5 lbs/1000 square feet;

Decision on Application for Comprehensive Permit
Harborlight Community Partners
466 Highland Street, Hamilton, MA
March 13, 2023
Page 10 of 16

g. A latex or fiber trackifier shall be used on these slopes at a minimum rate of 50 lbs. of trackifier per 500 gallons of water used.

21. There shall be no exterior construction activity, including running, idling or fueling of vehicles, on the Project Site before 7:00 a.m., or after 6:00 p.m., Monday through Friday and before 8:00 a.m. or after 6:00 p.m. on Saturday. There shall be no exterior construction activity on the Project site on Sundays or the following days unless special approval for such work has been issued by the Hamilton Police Department: New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving and Christmas. The hours and days of operation shall be enforceable by the Hamilton Police Department.

22. Within ninety (90) days of the issuance of the certificate of occupancy, the Applicant shall submit to the Board two sets of As-Built Plans for all infrastructure improvements and, if applicable, evidence of compliance with this Comprehensive Permit and any other permits required for the construction of the improvements contemplated by this Comprehensive Permit. The As-Built Plans shall be provided both in paper form and as AutoCAD plans, in a version approved by the Building Commissioner so as to be compatible with the Building Commissioner's software and hardware. The site engineer of record shall provide a written description of any material deviations from the Building Permit plans and shall certify that work has been completed in substantial conformance with the Approved Plans.

23. All catch basins and detention basins shall be cleaned at the end of construction. Thereafter, the Applicant shall be responsible for maintaining the site's stormwater management system in accordance with generally accepted best management practices, and in accordance with a long-term Stormwater Operation and Maintenance Plan which shall be provided in form and substance as set forth in the Stormwater Management Report of Hancock Associates dated 2/18/22, as amended through 10/21/22, pursuant to Standard 9 of the MassDEP Stormwater Management Standards.

24. The Applicant shall also execute and provide the Building Inspector with the Illicit Discharge Compliance Statement set forth in the Hancock Stormwater Management Report, as amended through 10/21/22, pursuant to Standard 10 of the MassDEP Stormwater Management Standards.

25. The Applicant shall be permanently responsible for the following aspects of the Project:

a. all plowing, sanding, and snow removal. Snow shall be piled in designated locations as shown on the Approved Plans or alternate locations acceptable to the Fire Chief. If snow impairs roadways such that the travel area is less than eighteen feet wide, and all designated snow removal locations have been

exhausted, the Applicant, at the direction of the Fire Chief, shall cause snow to be transported from the Project to an off-site location for legal disposal;

- b. maintaining the site and establishing a regular schedule for site maintenance;
- c. repairing and maintaining all on-site roadways, including drainage structures and utilities therein, and the infrastructure within the Project;
- d. maintaining all easements shown on the Plans; and
- e. site lighting.

26. Prior to commencing Authorized Activity, the Applicant's Final Plans shall provide that the construction of the Project shall be performed in accordance with all applicable laws and regulations regarding noise, vibration, dust, sedimentation control and blocking of Town roads. The Applicant shall comply with all such laws and regulations in the construction of the Project. It shall install aprons at entry points and provide for dust control in the form of sweeping and spraying of water whenever necessary.

27. No stumps or construction debris shall be buried or disposed of at the Property.

28. The Applicant shall use all reasonable means to minimize inconvenience to residents in the general area during construction.

29. No blasting is permitted.

30. This Comprehensive Permit and any permit granted hereunder is granted to the Applicant and may not be transferred or assigned to any party without the approval of the Subsidizing Agency and notice to the Board, as required by 760 CMR 56.05(12)(b).

31. Any changes to the Project after issuance of the Comprehensive Permit shall be reviewed and approved by the Board in accordance with 760 CMR 56.05 (11).

32. Building construction may begin simultaneously with the commencement of construction of the infrastructure, but no occupancy permit shall issue until compliance with the State Building Code has been achieved.

33. This Comprehensive Permit shall lapse three years from the date that it takes final effect (i.e., the date that it is filed with the Town Clerk, subject to tolling in the

Decision on Application for Comprehensive Permit
Harborlight Community Partners
466 Highland Street, Hamilton, MA
March 13, 2023
Page 12 of 16

event of any appeal and as provided in 760 CMR 56.05(12)(c)), unless both it is duly recorded and construction on the Project has commenced within such period.

C. CONDITIONS PRIOR TO ISSUANCE OF BUILDING PERMIT

1. Prior to issuance of any Building Permit, the Applicant shall:

a. Record this Comprehensive Permit decision with the Essex Registry of Deeds and provide proof of recording to the Building Inspector.

b. Submit to the Board and Building Inspector evidence of Final Approval by the Subsidizing Agency.

c. Submit to the Board and Building Inspector a certified copy of the Regulatory Agreement and Monitoring Services Agreement for the Project. Execution and recording of the Regulatory Agreement and subsidized funding commitment shall be complete before issuance of a building permit.

d. Submit all Final Plans for review and approval, including the stormwater management plan.

e. Obtain all necessary electrical, plumbing or other permits required to begin construction of the Project.

f. Provide to the Building Commissioner a final Stormwater Pollution and Prevention Plan (SWPPP) to address specific sedimentation, erosion and dust control, which illustrates, at a minimum, locations of measures such as hay socks, silt fence, sedimentation basins, and all other erosion controls on the plans, and provides detailed construction sequencing and methods to protect the infiltration capacity of each detention system.

g. Provide procedures that outline the specific operation and maintenance measures for all stormwater/drainage facilities, including any temporary facilities that shall be employed to minimize or eliminate the threat of transmission of mosquito-borne diseases to the residents of the Project and nearby residents.

2. Prior to the issuance of any building permit, the Approved Plans, finalized as provided in this decision, shall be signed and sealed by a Massachusetts Professional Engineer and a Massachusetts Registered Landscape Architect and filed with the Board and the Building Inspector, and shall include the following:

- a. Grading Drainage and Utilities, including on-site utilities and connections to utilities in adjacent public ways, which shall conform to all requirements of municipal departments or private utility companies having jurisdiction and to all applicable codes;
- b. Stormwater Pollution and Prevention Plan (SWPPP) notes that address mitigation of sedimentation and erosion, including details relating to any temporary drainage basins;
- c. A Final Landscape Plan (which shall include among other features consistent with the Approved Plans, details concerning tree plantings to enhance the buffer zone and privacy between the project and the existing neighboring residential development), and Final Lighting Plan.

D. CONDITIONS PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

1. With respect to the work to be done by Applicant on private ways within the Property, no certificates of occupancy shall be issued by the Town until the Applicant has (i) substantially completed all site drainage and utility work appurtenant to any parts of the Project for which an occupancy permit is to be issued; (ii) installed a binder course of pavement on driveways and parking areas within those parts of the Property; and (iii) has provided a performance guarantee consistent with Condition D.4.
2. Landscaping shall be installed prior per the Approved and Final Plans. To the extent that landscaping for the Project is not completed prior to the issuance of the certificate of occupancy, the Applicant shall provide the Board a satisfactory surety instrument, that shall not expire unless and until it is satisfactorily replaced or released, in an amount to be determined by the Board based upon the Applicant's reasonable estimate of the costs to complete such landscaping work.
3. The work to be secured shall include any landscape screening and fencing along the Limit of Work boundary.
4. No Certificate of Occupancy shall be issued until the infrastructure, common facilities, and common improvements specified in this decision and set forth on the Approved and Final Plans are constructed and installed so as to adequately serve said phase, or adequate security has been provided, reasonably acceptable to the Building Inspector and approved as to form by the Board's legal counsel, to ensure the completion of such improvements. No such performance guarantee shall be requested until all drainage facilities and the base course of the pavement have been installed. The choice of performance guarantee shall be governed by G.L. c. 41, § 81U (excluding the statutory covenant which shall not apply in this matter) and shall be approved as to form by the

Board's legal counsel. The Applicant shall have all statutory choices of performance guarantees available under G.L. c. 41, § 81U (as limited above) at all stages of construction up until request for the final certificate of occupancy. The Applicant acknowledges that a letter of credit is not a suitable form of surety under G.L. c. 41, § 81U, ¶7.

5. Prior to issuance of the first certificate of occupancy, the Applicant shall obtain approval from the U.S. Postmaster of any location to be used for mail boxes and parcel delivery.

6. Prior to issuance of a certificate of occupancy, the Applicant shall:

a. Submit engineer's interim certification of compliance with utilities plan and profiles (as applicable) to the Building Inspector.

b. Provide a letter to the Board, signed by the Applicant's civil engineer, certifying that the as-built Project has been constructed in compliance with the Final Plans in all material respects, or noting where there are differences, along with an as-built plan of the stormwater management system by the Applicant's engineer showing compliance with the design intent, which, following approval, shall be appended to the "Long-Term Stormwater Operation and Maintenance Plan" for ease of reference by the property owner.

c. Obtain acceptance from the Hamilton Fire Department of testing of all fire protection systems, fire alarm systems, fire sprinkler systems, and local smoke alarms within the dwelling units and that all fire hydrants are in place at proper grade and functioning.

7. Prior to issuance of the certificate of occupancy, the Applicant shall:

a. Submit to the Building Department, in digital file format, a final as-built utilities plan including profiles, showing actual-in ground installation of all applicable utilities, rim and invert elevations, roadway, sidewalk and associated construction. The file format shall be in a form acceptable to the Building Department. AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts State Plan Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet.

Decision on Application for Comprehensive Permit
Harborlight Community Partners
466 Highland Street, Hamilton, MA
March 13, 2023
Page 15 of 16

b. Submit to the Building Inspector as-built plans for all buildings in the Project, verification that the stormwater management system has been inspected and cleaned, and Certificate of Compliance to the Board with all terms and conditions of this Permit.

E. SPECIAL CONDITIONS

1. Final Plans shall include the following:

a. All internal roadways within the site shall be verified to accommodate turning and maneuvering requirements of the largest anticipated fire/emergency vehicle, as defined by the Hamilton Fire Dept.;

b. Vehicles exiting the project site to Asbury Street shall be placed under STOP-sign control, with a marked STOP-line;

c. A sight line plan from the Applicant's traffic engineer, including required tree removal, to depict clear zones necessary to meet AASHTO's minimum and desirable Stopping Site Distance and Intersection Site Distance Standards.

d. An additional twenty (20) shade-tolerant evergreen trees, a minimum of eight (8) feet in height, based on availability, to be added to the voids along the southerly side of the Project site.

2. The dumpster for the Project shall be located at the opposite (northwest) corner of Canter Brook Lane. Dumpster pick up shall be on a once per week basis on a Monday to Friday, not before 7 a.m. and not after 6 p.m.

3. The Applicant shall pay a fair share contribution of \$172,058.00 of the cost of construction of a sidewalk along Asbury Street in front of the Project site to Highland Avenue.

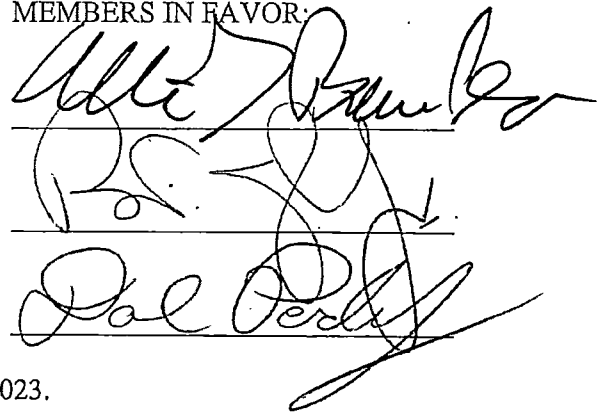
SIGNATURE PAGE FOLLOWS

Decision on Application for Comprehensive Permit
Harborlight Community Partners
466 Highland Street, Hamilton, MA
March 13, 2023
Page 16 of 16

RECORD OF VOTE

The Board voted 3-0-0 at public deliberations on March 1, 2023 to grant a Comprehensive Permit in accordance with the terms and conditions stated in this decision, as attested by the signature below.

MEMBERS IN FAVOR:



Filed with the Town Clerk on March 21, 2023.



Town Clerk

Notice: Appeals, if any, by any party other than the Applicant, shall be made pursuant to G.L. c. 40A, § 17 and shall be filed within twenty (20) days after filing notice with the Town Clerk. Any appeal by the Applicant shall be filed with the Housing Appeals Committee pursuant to G.L. c. 40B, § 22, within twenty (20) days after filing notice with the Town Clerk.

Exhibit A – Waivers

The Board has granted the waivers set forth in Exhibit A. To the extent not specifically waived as set forth in Exhibit A, all zoning bylaw provisions, and any and all local rules, regulations or requirements shall apply to the Project.

EXHIBIT

A

Table of Requested Waivers Vs. Existing Zoning Requirements

Requested Waivers	Existing Zoning Requirements
Multi-Family Use	The parcel is located in zoning district R-1B, single residence district.
Reduced Lot Area per Dwelling Unit (Sq. Ft.)	Currently requires 40,000 square feet per dwelling unit.
<u>All</u> other requirements are met including setback and height requirements.	



TOWN OF HAMILTON
TOWN HALL
P.O. Box 429
HAMILTON, MASSACHUSETTS 01936
978-468-5570 X3
Carin A. Kale, Town Clerk

October 4, 2023

To Whom It May Concern:

I, Carin A. Kale, certify that on March 21, 2023 I received and recorded from the Hamilton Zoning of Appeals a Decision on Application for Comprehensive Permit for Harborlight Community Partners for a project at 466 Highland Street, Hamilton, MA. The Town Clerk's Office received no appeals with respect to this decision during the 20 day appeal period.

Respectfully,

Carin A. Kale
Town Clerk

cc: Town of Hamilton Zoning Board of Appeals

RECEIVED
TOWN CLERK
HAMILTON, MA

TOWN OF HAMILTON
Zoning Board of Appeals
577 Bay Road
Hamilton, MA 01936

2023 JUL -5 PM 4:14

**MODIFICATION TO COMPREHENSIVE PERMIT
PURSUANT TO 760 CMR 56.05 (11)**

APPLICANT: Harborlight Community Partners
283 Eliot Street
Beverly, MA 01915

A TRUE COPY ATTEST
Carol A. Hale
TOWN CLERK

SUBJECT PROPERTY: 466 Highland Street, Hamilton, MA 01982
Assessor's Map 20, Lot 11

At a duly noticed public meeting held on June 6, 2023, the Zoning Board of Appeals ("Board") voted to accept as insubstantial changes, pursuant to 760 CMR 56.05 (11), certain proposed modifications to conditions of approval of its Comprehensive Permit ("Permit") issued on June 9, 2023. The Permit is hereby modified only as to the following revised paragraphs from the conditions of approval of the original Permit. All other terms and conditions of the original Permit remain in full force and effect. The headers below are from the original Permit and are restated for clarity as to which sections the modified numbered paragraphs pertain to. The paragraph numbers are out of order because it is only those numbered paragraphs from the original Permit which have been modified.

V. CONDITIONS

A. REGULATORY CONDITIONS

2. The 45 units shall consist of rental housing. All of the units shall be affordable at no more than 80% area median income and shall comply with all DHCD qualified subsidy requirements and shall be eligible for inclusion in the Town of Hamilton's Subsidized Housing Inventory ("SHI") with DHCD.

5. The Applicant shall comply with all requirements of the Regulatory Agreement for ensuring that the affordability requirements remain in place, and shall provide the Town with any and all information necessary to maintain and enforce affordability restrictions in accordance with paragraph A.3.

7. The Applicant shall pursue a local preference requirement to the extent allowable by the subsidizing agency and shall assist the Town in submitting evidence necessary to support the local preference requirement.

B. GENERAL CONDITIONS

6. The terms and conditions of this decision shall be binding on any successors or assigns of the Applicant, and the terms and conditions shall run with the land. The ownership entity (non-profit or for-profit limited dividend organization) requirement and affordability requirement shall apply to any successor in interest regardless of the sale, transfer or assignment of the Project.

13. There shall be no telecommunication equipment, cell arrays or antenna affixed to the roof or sides of the building, except that, upon agreement of the Property owner, the Town of Hamilton may place such equipment, arrays, or antenna in those locations.

18. To the extent consistent with the Project's Stormwater Pollution and Prevention Plan and the NPDES requirements therein ("SWPPP"), which shall control in the event of inconsistency, erosion and sedimentation control measures shall include the following:

a. The contractor shall have a stockpile of materials required to control erosion on-site to supplement or repair erosion control devices, including but not limited to straw wattles, catch basin filter bags and crushed stone;

b. The contractor is responsible for erosion control on site and shall utilize erosion control measures where needed, regardless of whether the measures are specified on the Approved Plan or in this decision;

c. Materials such as gravel to be removed shall be stockpiled, separating the topsoil for future use on the site;

d. Erosion controls shall be utilized on the stockpiles if they are to remain on site for more than three weeks;

e. If intense rainfall is anticipated, the installation of supplemental straw bale dikes, silt fences, or armored dikes shall be implemented.

19. During construction, to the extent consistent with the Project's SWPPP, which shall control in the event of inconsistency, the Applicant or its agent shall conduct and document inspections of all erosion control measures no less than weekly, and prior to and following anticipated storm events, the purpose of which is to determine the overall effectiveness of the erosion and sedimentation control measures and for implementation of additional control measures as needed. Upon completion of all work on Property and prior

to As-Built approval, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations, and the Board shall be notified in writing of the final disposition of the materials.

C. CONDITIONS PRIOR TO ISSUANCE OF BUILDING PERMIT

1. Prior to issuance of any Building Permit, the Applicant shall:

c. Submit to the Board and Building Inspector a certified copy of the Regulatory Agreement and Monitoring Services Agreement for the Project. No construction may begin under the Building Permit until the execution and recording of the Regulatory Agreement and subsidized funding commitment.

D. CONDITIONS PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

2. Landscaping adjacent to those buildings for which the Applicant seeks Certificates of Occupancy shall be substantially installed per the Approved and Final Plans prior to the issuance of such Certificates. Adjacent landscaping shall include that portion of the Approved and Final Plans at the Canter Brook Village property line. To the extent such adjacent landscaping is not substantially completed prior to the issuance of the Certificate of Occupancy, the Applicant or the General Contractor for the Project shall provide the Board a satisfactory surety instrument, that shall not expire unless and until it is satisfactorily replaced or released, in an amount to be determined by the Board based upon the Applicant's reasonable estimate of the costs to complete such landscaping work.

4. No Certificate of Occupancy shall be issued until the infrastructure, common facilities, and common improvements specified in this decision and set forth on the Approved and Final Plans are constructed and installed so as to adequately serve said phase, or adequate security has been provided, reasonably acceptable to the Building Inspector and approved as to form by the Board's legal counsel, to ensure the completion of such improvements. No such performance guarantee shall be requested until all drainage facilities and the base course of the pavement have been installed. The choice of performance guarantee shall be governed by G.L. c. 41, § 81U (excluding the statutory covenant which shall not apply in this matter) and shall be approved as to form by the Board's legal counsel. The Applicant shall have all statutory choices of performance guarantees available under G.L. c. 41, § 81U (as limited above) at all stages of construction up until request for the final certificate of occupancy. The Applicant acknowledges that a letter of credit is not a suitable form of surety under G.L. c. 41, § 81U, provided however, that a General Contractor's Bond or Applicant's Covenant pursuant to said Section 81U shall be satisfactory.

E. SPECIAL CONDITIONS

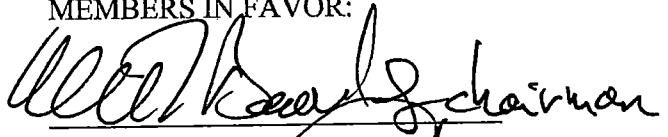
2. The dumpster for the Project shall be located at the opposite (northwest) corner of Canter Brook Lane. Except for special circumstances such as unit move-ins or move-outs, dumpster pick up shall be on a once per week basis on a Monday to Friday, not before 7 a.m. and not after 6 p.m.

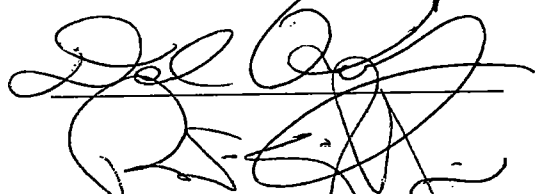
3. Contingent on the full sidewalk budget being available in advance, and the Town of Hamilton agreeing to pay its portion, the Applicant shall pay a fair share contribution of \$172,058.00 of the cost of construction of a sidewalk along Asbury Street in front of the Project site to Highland Avenue.


RECORD OF VOTE

The Board voted 3-0 at its duly noticed public meeting on June 7, 2023 to accept the foregoing modifications as insubstantial changes to the Permit pursuant to 760 CMR 56.05 (11), and to issue this modification decision accordingly, as attested by the signature below.


MEMBERS IN FAVOR:







Filed with the Town Clerk on July 5th, 2023.



Town Clerk



TOWN OF HAMILTON
TOWN HALL
P.O. Box 429
HAMILTON, MASSACHUSETTS 01936
978-468-5570 X3
Carin A. Kale, Town Clerk

October 4, 2023

To Whom It May Concern:

I, Carin A. Kale, certify that on July 5, 2023 I received and recorded from the Hamilton Zoning of Appeals a Modification to Comprehensive Permit for Harborlight Community Partners for a project at 466 Highland Street, Hamilton, MA. The Town Clerk's Office received no appeals with respect to this decision during the 20 day appeal period.

Respectfully,

Carin A. Kale
Town Clerk

cc: Town of Hamilton Zoning Board of Appeals



Project Title: Asbury Common

Name of Applicant: Kristin Carlson

Name of Organization: Harborlight Homes

Address: PO Box 507, Beverly, MA 01915

Telephone: 978-473-7156

Email: kcarlson@harborlighthomes.org

CPA Category (underline all that apply): Open Space

Historic Preservation

Recreation

Community Housing

CPA Funding Requested: \$ 1,000,000 Total Project Cost: \$ 28,359,575

Project Description: Please provide a brief project description below. Include a brief description of how your project accomplishes the goals of the CPA and include an estimated budget. Please include supporting materials as necessary.

Asbury Common is a proposed 45-unit, 100% affordable project. All units are rental units at or below 60% AMI income level, and all units will count on the State's SHI, and help the town of Hamilton meet its housing production plan goals. The project has been approved under a comprehensive (40B) permit.

NOTE: This application enables the CPC to review the request to ensure eligibility and offer guidance. If eligible, an Application for Funding must be completed.

Please be sure to read through the CPA Guidelines for Project Submission prior to completing this application.



Date: Nov. 20, 2023.....

Project Title: Asbury Common

Name of Applicant: Kristin Carlson

Name of Organization: Harborlight Homes

Address: PO Box 507, Beverly, MA 01915

Telephone: 978-473-7156

Email: kcarlson@harborlighthomes.org

CPA Category (underline all that apply): **Open Space** **Historic Preservation**

Recreation **Community Housing**

CPA Funding Requested: \$ 1,000,000 **Total Project Cost:** \$ 28,359,575

Please attach answers to the following questions. Include supporting materials as necessary.

- 1. Project Description:** Please give a detailed project description, including specific objectives.
Please see attached project narrative.

- 2. Goals:** How does this project accomplish the goals of the CPA? (See Guidelines for Project Submission for general criteria)

Asbury Common will create 45 new units of affordable housing, helping advance goals of the housing production plan and bringing the town of Hamilton up from 4.07% to approximately 5.6% on the state Subsidized Housing Inventory (SHI).

- 3. Timeline:** What is the schedule for project implementation, including a timeline for all critical milestones? Will this be a multi-year/multi-faceted project? If so, the proposal should be submitted in two phases; phase one for the study/engineering, followed by phase two for the project completion.

Asbury Common will be built in a single phase. Anticipated timeline is as follows.

Project duration reflects time required to secure all funding (local, state, Federal, grants, and conventional debt):

- **10/2023 Funding application submitted to North Shore HOME Consortium**
- **11/2023 Submit funding applications to Hamilton HOME and AHT, architecture**

and engineering 70% complete

- 2/2024 Submit state funding application (OneStop)
- 6/2024 Submit FHLB grant application
- 9/2024 Architecture and engineering 100%, apply for building permit
- 12/2024 All funding awarded, start closing process
- 3/2025 Financing closing and construction start
- 3/2026 Construction complete
- 4/2026 Residents begin to move in
- 9/2026 Asbury Common fully occupied

4. Budget: Please provide a full budget including the following information, as applicable.

(NOTE: CPA funds may not be used for maintenance):

- a. Total amount of the project cost, with itemization of major components.
- b. Additional funding sources. Please include those that are available, committed, or under consideration including fundraising, other grants, etc.
- c. Describe the basis for your budget and the sources of information you used, including evidence detailing that the lowest bid has been received.

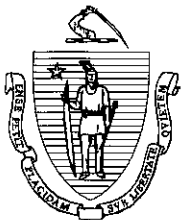
Please see attached project budget, with Sources and Uses of funds.

5. Support: Have the appropriate Town Boards and Commissions expressed support and/or approved the project? What is the nature and level of community support for this project?

The ZBA unanimously approved the project under a 40B Comprehensive Permit, and the Planning Board also supports the project. The Board of Health has approved the septic plan.

Please provide evidence that you are qualified and eligible to undertake the project.

Please be sure to read through the CPA Guidelines for Project Submission prior to completing this application.



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

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

December 1, 2021

Mr. Andrew DeFranza
Executive Director
Harborlight Community Partners
P.O. Box 507
Beverly, MA 01915

Re: Asbury Commons, Hamilton, MA – Project Eligibility Letter

Dear Mr. DeFranza:

We are pleased to inform you that your application for project eligibility determination for the proposed Asbury Commons project located in Hamilton, Massachusetts, has been approved under the Low Income Housing Tax Credit (LIHTC) program. The property is located at 421 Asbury Street, Hamilton, Massachusetts. This approval indicates that the proposed plan is for 45 units of rental housing for families, all of which will be affordable at no more than 60% of area median income. The proposed development will consist of 10 one-bedroom units, 25 two-bedroom units, and 10 three-bedroom units, and the rental structure as described in the application is generally consistent with the standards for affordable housing to be included in the community's Chapter 40B affordable housing stock. This approval does not constitute a guarantee that LIHTC funds will be allocated to the Asbury Commons project. It does create a presumption of fundability under 760 CMR 56.04 and allows Hamilton Housing Authority ("HHA") to apply to the Hamilton Zoning Board of Appeals for a comprehensive permit. The sponsor should note that a One Stop submission for funding for each phase of this project must conform to all Department of Housing and Community Development (DHCD) program limits and requirements in effect at the time of submission.

As part of the review process, DHCD has made the following findings:

1. The proposed project appears generally eligible under the requirements of the Low Income Housing Tax Credit program.
2. DHCD has performed an on-site inspection of the proposed Asbury Commons project and has determined that the proposed site is an appropriate location for the project. It is located on Asbury Street in Hamilton. It is a 4 acre parcel of land. It is part of the Hamilton-Wenham school district and 1.7 miles from the commuter rail station.
3. The proposed housing design is appropriate for the site. The 3 story building will be in the corner of the site, leaving ample outdoor space for resident use and gardening. The project will be Energy Star certified. It will incorporate solar panels on the roof and drought resistant landscaping.

4. The proposed project appears financially feasible in the context of the Hamilton housing market. The proposal includes 12 units for households earning up to 30% of area median income (AMI) and 33 units for households earning up to 60% AMI.
5. The initial proforma for the project appears financially feasible and consistent with the requirements for cost examination and limitations on profits on the basis of estimated development and operating costs. Please note again that a One Stop+ submission for funding for this project must conform to all DHCD program limits and requirements in effect at the time of submission.
6. The third-party appraisal completed for this property calculated that the acquisition value is equal to the appraised value in addition to reasonable carrying costs. The Low-Income Housing Tax Credit Program Guidelines state that the allowable acquisition value of a site with a comprehensive permit must be equal to or less than the value under pre-existing zoning, plus reasonable carrying costs. If this project applies for funding under the Low-Income Housing Tax Credit Program, the acquisition price in the proposed budget should reflect these program guidelines.
7. The ownership entity will be a single-purpose entity controlled by the applicant subject to limited dividend requirements, and meets the general eligibility standards of the Low Income Housing Tax Credit program. The applicant will need to demonstrate sufficient organizational capacity to successfully develop the project under the Low-Income Housing Tax Credit program.
8. The applicant is the designated developer of the site.
9. DHCD didn't receive comments from the Town of Hamilton regarding the project.

The proposed Asbury Commons project will have to comply with all state and local codes not specifically exempted by a comprehensive permit. In applying for a comprehensive permit, the project sponsor should identify all aspects of the proposal that will not comply with local requirements.

If a comprehensive permit is granted, construction of this project may not commence without DHCD's issuance of final approval pursuant to 760 CMR 56.04 (7) and an award of LIHTC funds. This project eligibility determination letter is not transferable to any other project sponsor or housing program without the express written consent of DHCD. When construction is complete, a Chapter 40B cost certification and an executed and recorded 40B regulatory agreement in compliance with DHCD's requirements pertaining to Chapter 40B must be submitted and approved by DHCD prior to the release of a Low-Income Housing Tax Credit form 8609.

This letter shall expire two years from this date, or on December 1, 2023, unless a comprehensive permit has been issued.

We congratulate you on your efforts to work with the town of Hamilton to increase its supply of affordable housing. If you have any questions as you proceed with the project, please feel free to call or email Rebecca Frawley Wachtel at (617) 573-1318 or at Rebecca.Frawley@mass.gov.

Sincerely,

A handwritten signature in black ink, appearing to be 'C. Raer', with a long horizontal line extending to the right.

Catherine Raer
Director

cc: Chairperson William A. Olson, Hamilton Select Board