



Town of North Reading
Massachusetts

Town Administrator

January 15, 2019

Mr. Greg Watson
Manager of Comprehensive Permit Programs
MassHousing
1 Beacon Street
Boston, MA 02108

Dear Mr. Watson:

Please accept this comment letter from the Town of North Reading regarding NY Ventures LLC's submittal to MassHousing dated December 3, 2018 for a Project Eligibility Letter (PEL) for the property located at 20 Elm Street, North Reading. If MassHousing issues a PEL, we anticipate that the applicant will apply to the North Reading Zoning Board of Appeals for a Comprehensive Permit under Massachusetts General Law (MGL) Chapter 40B. The Town has significant concerns regarding this proposal and believes that, when evaluating this project alongside the appropriate regulations governing the issuance of a Project Eligibility Letter, the proposed site is **not appropriate for this project**.

Town Response to Site Eligibility

The Town has reviewed the developer's submittal to MassHousing alongside Section 56.04 of the Comprehensive Permit Regulations (760 CMR 56) and Section IV-A of the 40B Guidelines. This guidance notes that eligibility evaluation may depend in part on previous efforts on the part of the Town to construct affordable housing, as well as appropriateness of the overall design concept put forward. With that in mind, we offer the following comment:

Affordable Housing in North Reading:

- North Reading's Housing Production Plan (HPP) was completed and approved by DHCD in August, 2018 effective June, 2018.
- The Town is one of four founding municipalities participating in the Metro North Regional Housing Services office, created to assist the town monitoring its affordable housing inventory, help create new affordable housing opportunities, and find strategies for preserving existing affordable units.
- The Town has previous experience with five additional 40B projects and one 40R project during which the Town worked cooperatively with developers to create a project compatible with surrounding neighborhoods. The Town has also negotiated with a developer of a market-rate, high-end single-family subdivision to construct a LIP unit, which provided a three-bedroom affordable house on our SHI, sold and occupied in 2016.

- The above-mentioned 40B and 40R projects have previously brought the town above its 10% subsidized housing threshold; currently the town has only a shortage of 20 units to meet 10%.
- The Affordable Housing Overlay District (AHOD) passed by Town Meeting in 2008 designates 23 sites within single-family residential districts as available sites for small-to moderate-scale multi-family housing in exchange for providing affordable units. The Town’s Housing Production Plan projected that this collection of properties may yield 20 units in a project initiated by the Town. (However, if all the properties in this District were developed, the yield could be much higher.) The Town has the advantage of owning all of the properties in the District and so may initiate a Request for Proposals to partner with a private developer. Affordability requirements are already in place for this district, and it is not anticipated that any further zoning relief would be required. No restriction on age or number of bedrooms is included in the AHOD regulations. In the selection of these sites, the Town undertook an analysis to ensure that sufficient upland was present; the properties had access to Town water or such access could reasonably be provided; and that sufficient street frontage was present or could reasonably be constructed. Note that 20 Elm Street is not within this Overlay District.
- The Multi-Family Housing Overlay District passed by Town Meeting in 2017 allows multi-family residential development by right. The area included parcels totaling 50 acres adjacent to the Berry Smart Growth Overlay District 40R site. Of these 50 acres, a 37-acre parcel is currently being developed with 450 new units (market-rate and age-restricted). An additional 2.5 acre parcel remains available for development, for which no restrictions for age or number of bedrooms exist.

The Town believes strongly that “previous municipal action is of a character and scale to create significant opportunities as-of-right to meet the municipality’s need for affordable housing...” and so these actions should be “given weight in the eligibility findings,” and although such development has not yet occurred, the Town’s efforts are substantial. Additionally, and more recently, with the approval of the Town’s HPP the Town has begun developing a request for proposals to develop affordable housing on Town-owned land. **The Town’s position is that the proposed site is not appropriate for this project; and when taking into account the Town’s previous municipal actions and near future plans, a PEL should not be issued.**

Comment on appropriateness of conceptual design:

- If the appropriate environmental authorities determine this site is appropriate with regard to wastewater disposal and stormwater management, and such development does not negatively impact the Ipswich River, the Town would agree that the site is “generally appropriate for residential development.” The site is located in a residential zoning district (Residence A, predominantly single-family homes) and is across the street from another zoning district (Residence E, containing a Planned Unit Development consisting primarily of townhomes, a golf course and a club restaurant).
- Factors to be considered in evaluating the conceptual project design include:
 - Building massing and integration into existing development patterns. The project concept presents massing not in keeping with the surrounding neighborhood. There are both single-family homes and attached townhouses in this neighborhood. In an initial meeting with the developer, the Town suggested

that the massing, design and density of the existing townhouses would be more appropriate for this location. The “Handbook: Approach to Chapter 40B Design Reviews” also suggests that townhouses are more appropriate than large apartment buildings when new housing is located alongside existing single-family homes. To put the proposed project into the context of the existing neighborhood, consider that the developer’s by-right plan shows 10 units of single-family housing.

- Representatives from the Town participated in the site walk scheduled by MassHousing on December 18, 2018. During this site walk, Town officials noted a feature of the proposal that is a clear and significant concern: the very close proximity of Buildings 1 and 2 to the abutting residences on Lynn Street. Due to the short distance to the abutting houses, as well as the proposed height of these buildings, these residents would be very seriously and disproportionately impacted by the project. The Town respectfully requests that the developer make every attempt to reduce the height of the closest buildings to Lynn Street, and reduce the distance between those buildings and the abutting properties. The Town also respectfully requests that the developer reduce the overall density of the project to better conform to the surrounding neighborhood and reduce demands on emergency services. Further detail about this is provided in Development Team comments below.
- The project site is located in close proximity to the Lynnfield, Middleton and Peabody borders; all of these municipalities draw water from the Ipswich River. North Reading would recommend that MassHousing solicit comment on the Project Eligibility Letter from those communities as well as North Reading.
- Environmental resources:
 - The project is proposed in close proximity to the Ipswich River, a stressed river impacted by extensive development within its watershed. In part as a result of this environmental problem, North Reading has secured a water source that, in the long term, will no longer draw from the Ipswich.
 - Residents in the vicinity of the project site (and at least one direct abutter) are dependent on private well water. The Town does not know yet whether nearby residents of Lynnfield, Middleton or Peabody may also depend on well water.
 - The entire development program is dependent on wastewater disposal capabilities. The project as proposed relies on a discharge permit needed from DEP, as the Town has no municipal sewer available.
 - North Reading is limited in its ability to meet summer water demands requiring the implementation of seasonal water restrictions from May through October annually. Recent requests for new large-scale connections have been either denied or granted with strict conditions. Because the Town has not yet obtained permission to increase its draw of water from the Merrimack River basin through Town of Andover, the Town cannot commit to a new large-scale connection such as this proposed development at this time.

- While the site topography might initially appear to be flat and suitable for development, the Town is aware that it was filled for the purposes of creating the existing driving range approximately 30 years ago, and it will need to be determined whether the soils are suitable for the construction of large buildings.

The Town's position is that, when taking into account the applicable design guidelines for issuance of a Project Eligibility Letter, the proposed site is not appropriate for this project.

Development Team Feedback

While the Town's position is that the proposed site is not appropriate for this project, if MassHousing approves the site, we ask that you consider the following comments provided by Town's departments (including representatives from Engineering, Planning, Fire, Police, Assessing, Health, DPW/Water, and the School Department).

Site Location and Town Services:

- As noted above, the Town's recently completed Housing Production Plan (approved by DHCD in June 2018) includes several appropriate locations in the Town for new affordable housing, but this location was not among them. Other locations sited in the HPP include Route 28/Main Street, a corridor that provides access to numerous businesses and services; a town-owned property on Carpenter Drive, located in a residential neighborhood near the center of town; and the 23 parcels included in the Town's Affordable Housing Overlay Zoning District (an area allowing for multi-family housing in an otherwise single-family zoning district as an incentive bonus for constructing affordable units).
- Proximity to Amenities/Services: The applicant is proposing to subdivide and develop a portion of 20 Elm Street with 200 units of rental housing. The property is currently the site of Resorts North, which includes two upscale restaurants and a paid-membership pool complex. A driving range area on the property is proposed to be the development site for the apartments. The property is located on the easterly end of North Reading, near the Lynnfield and Middleton borders. With the exception of the resort, the area is residential. A golf course and townhouse-style condominiums are across the street. The area is serviced by school buses, but no fixed-route transit is available.
- There are limited employment opportunities within walking distance to the site.
- The project provides 1.6 parking spaces per unit. This number is insufficient in this location, with no transit or pedestrian access to services nearby.
- The site is located 6.5 miles from the nearest highway, 7.5 miles from a rail station, 5.3 miles from town hall, 4.3 miles from North Reading's polling place, and more than two miles from most services, except the applicant's own high-end restaurants. The nearest grocery store is approximately 2.5 miles away in Middleton on a route with no sidewalks, and another the same distance away in Peabody on a route which is partially lacking sidewalks. Sidewalks exist only on the northerly side of Route 62 heading west. Residents would need to cross this state route to walk outside the property; they would have to walk miles for a quart of milk, library book, or other services (please see the attached map illustrating the proximity to the nearest commercial areas). The sidewalks along the opposite side of Route 62 contain no barrier between the sidewalk and

roadway and are often impassable during the winter, creating potentially dangerous conditions.

- The submittal notes that garage spaces will be available to market-rate units, while surface spaces will be assigned to the affordable units. The Town takes exception to this singling out of owners of the subsidized units and would request that spaces be assigned in a manner that does not identify to all residents who the units of the affordable units are.
- The Town would like to see a larger proportion of handicapped accessible units in the project, particularly the affordable units. As documented in the HPP, 7.4% or 1,135 residents in North Reading claim a disability. The HPP recommends that 20% of all one-bedroom units, and 10% of all other units, be handicapped accessible. The development proposal includes only 5% of units that are handicapped accessible.
- The Town's emergency services are located far from the site. Many emergency calls are made to the western edge of the Town (406 units at 100 Lowell Road, and soon another 450 at 104 Lowell Road). A proposal for 200 units at 20 Elm Street puts a strain on Town services, since this property's location is in the easternmost part of the Town.
- The Town requests the developer to provide information on the anticipated impact on the condition of Route 62; is any mitigation possible for wear and tear on this road?
- The Town requests assistance in predicting the number of new school children so as to better plan for enrollment and facilities needs. As noted in the attached letter from the Town's Superintendent of Schools, such numbers from previous projects have been erroneous or difficult to rely on.
- School bus service will need to be expanded into this area.

Site Details:

- The submitted plans will need to better define the second egress from the site. The Town requests better definition of the drive shown in the site plan, including whether it will continue all the way out to Elm St. It appears to go onto the abutting property; will an easement be put in place? This driveway also currently accommodates delivery trucks – it cannot be used for both without widening/ensuring access for emergency vehicles exists at all times. This area will need to be widened or rerouted. The fire access must be 20 feet.
- The Town requests an NFPA13 sprinkler system.
- The application notes that the emergency fire road will be “gravel”; this is not a suitable material for a fire road.
- Adequate lighting will be needed for all parking areas.
- There should be a school bus stop area with a turnaround included in the plans.
- Water service to the apartments will need to be looped.
- A plan will need to be provided showing the construction and occupancy phasing of the project, as well as what measures will be taken to protect occupants from ongoing work (considering dangers from foundations, machinery, etc.).
- Wetlands will need to be shown on the plans, including those on private abutting properties.
- With the project site being located on the Ipswich River, the Town would like to see as much infiltration as possible. Green spaces should be revegetated with trees where possible and work in wetland buffer areas minimized.

- A peer review of the plans will be needed, including stormwater, civil and traffic, as well as peer review of the construction plans, fire, etc.
- The Town requests further information on the developer's plan for future use of the pool, including the following: Whether events/parties/concerts will continue; if apartment residents will be charged membership fees; and whether paid membership will still be open to the general public.
- The Town requests more information about the handicapped parking spaces/van spaces, including their location and dimensions.
- The Town requests information about the ventilation systems that will be used in the garages.
- The Town requests that the application consider whether there is a way to work in canopies with solar panels over the outdoor parking spaces.
- The Town requests manifest numbers and information about where material will be going.
- The Town is concerned about traffic impacts. A traffic study should be conducted during the golf season and wedding season, when significantly more traffic is present, and more of the residents of the Greens return to their homes following the winter season. Ideally, traffic counts would be taken in May.
- Board of Health requests a best management practice plan explaining the work, excavation, truck routes during construction, plans for spillage, etc. Routes of construction vehicles will need to be approved by the Town (including DPW, Fire, Police). In addition, the Board of Health will recommend and require the following standard conditions for the project:
 - In accordance with the Commonwealth of Massachusetts State Sanitary Code 310 CMR 15.000 -The State Environmental Code, Title V "Sanitary Drainage System Required" & "Subsurface Disposal Of Sanitary Sewage" the Board of Health requires the applicant to develop and implement a storm water management policy to ensure storm water/surface drainage during construction does not interfere with any property abutters or public ways to create any Public Health nuisance.
 - In accordance with the Commonwealth of Massachusetts State Sanitary Code 310 CMR 15.000 -The State Environmental Code, Title V "Sanitary Drainage System Required" & "Subsurface Disposal of Sanitary Sewage" the Board of Health requires that all proposed commercial/ residential dwellings be properly connected to the Town of North Reading Municipal Water system if applicable.
 - In accordance with the Commonwealth of Massachusetts State Statues M.G.L. Chapter 111 Sections 122 to 142, "Public Nuisance" The Board of Health requires during the construction process that all Local, State and Federal environmental control measures be implemented to retain dirt, dust, runoff, and noise as feasibly practical from leaving the proposed site and interfere with any property abutters to create a public health nuisance.
 - All provisions of M.G.L Chapter 111 Section 122 must be adhered to.
 - A copy of the SWPPP report must be forwarded to the Health Department for its review and approval.

- The Health Department may have additional control requirements to ensure proper and adequate containment of air pollution of dirt, dust and noise.
- In accordance with the provisions of the Commonwealth of Massachusetts State Sanitary 105 CMR 410.000, Code Chapter II, The Board of Health requires a preventive maintenance program/Integrated Pest Management (IPM) policy be set in place. During pre and post excavation, the area is to be properly baited and exterminated by a Massachusetts licensed exterminator and an invoice be submitted to the Health Department - if applicable.
 - The proposed Integrated Pest Management Control Plan is to be forwarded to the Health Department for review and approval. The IPM must contain not only a plan for the “Duration of Construction” but also a “Best Management Plan” that will include pre and post baiting for rodents.
 - The proposed plan for the storage of refuse and solid waste from the site must be submitted to the Health Department for review and approval.

The North Reading Board of Health reserves the right to amend any site plan at any time as it pertains to the Local, State, and Federal Regulations and to the health, safety and protection of the general public within the Commonwealth of Massachusetts.

The Town also notes the following inclusions/exclusions in the submittal, which appear to be errors and/or incomplete statements:

- The name of the project is referred to in MassHousing’s letter to the Town as “Sailmaker Place,” but everywhere else in the submittal appears to be “Elm Street Apartments.”
- On Page 3 of the Rental Application, “government agency” is checked off as a means of describing the developer, which is not accurate.
- On Page 27 of the Rental Application, official written notice to the Town was made in December 2018 (not December 2017).
- The cover letter to MassHousing also refers to the Wellesley Board of Selectmen, rather than North Reading.
- In the “Development Summary” included with the application to MassHousing, the applicant states that meetings with the Town had occurred. While this is true, the applicant does not state that they did not disclose the nature of the construction project in advance of the May, 2018 meeting with the Town Planner. Further, the applicant does not state that when the Town provided feedback to the applicant in June, 2018, the applicant indicated they would revise the project for review with the Town. After the passage of a few months, the Town inquired of the status of the revision and was told that they would review the revisions with the Town once the revisions were complete, and prior to filing with MassHousing. The next communication the Town received was notice that the Site Approval application had been filed.
- Comments were made by the developer’s team at the December 18th site walk that the Town had “left the developer no choice” but to apply for a 40B project. The Town has never indicated that, subject to the appropriate environmental approvals, housing development could not occur at the site. In fact, during the initial meeting, the Town

expressed a willingness to consider a development that was denser than otherwise permitted by zoning – citing the townhouse development known as “The Greens” across the street from 20 Elm Street as an example for the developer to consider.

- At a September 4, 2012 Alcoholic Beverage License hearing in front of the North Reading Select Board, manager of NY Ventures, LLC stated, “One of the things that, when we first announced we’re, you know, going to buy the club, everybody heard that we were going to build houses, we’re going to knock down pools. That isn’t what we’ve got planned for this property. We’re going to keep pretty much all of it green.”

To reiterate, based on the massing and potential impact of the proposed Project, along with the regulations and guidelines governing and advising the issuance of a Project Eligibility Letter, **the proposed site is not appropriate for this project.**

The Town appreciates the opportunity to comment and request further information. The Town has requested an extension of the comment period and may supplement this letter with additional information if the extension is granted.

As was suggested at the December 18th site walk, the Town has compiled comments from Town residents. These comments were compiled separately and independently from Town Hall and departmental comments, and have been attached to the Town’s comments.

Thank you for your consideration of this information.

Sincerely,



Michael P. Gilleberto
Town Administrator

cc: Select Board
Danielle McKnight, Town Planner
Town of North Reading Development Review Team