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Town Administrator

TOWN OF MEDFIELD

Office of
BOARD OF SELECTMEN

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November 17, 2016

Mr. Gregory P. Watson, AICP
Manager of Comprehensive Permit Programs
Massachusetts Housing Finance Agency
One Beacon Street
Boston, MA 02108-3110

Re: Application for Project Eligibility Determination/Site Approval Medfield
Meadows LLC; Municipal Comment Letter; Due November 18, 2016
MH ID No.873

Dear Mr. Watson:

In response to an application for Project Eligibility Determination/Site Approval (the "Application") submitted to the Massachusetts Housing Finance Agency (MassHousing) by Medfield Meadows, LLC for a proposed development of two hundred (200) units at the intersection of Dale Street and North Meadows Road (aka Route 27) in Medfield pursuant to Massachusetts General Laws, Chapter 40B, Sections 20-23 (Chapter 40B), the Medfield Board of Selectmen submits the enclosed material as written comment pursuant to 760 CMR 56.04 (3). The correspondence contains input and comments from Town department heads and officials. It is our understanding that some Medfield residents will be submitting their own comments.

For the reasons stated herein, the Board of Selectmen firmly recommend that MassHousing reject the Developer's PEL application. As noted herein, the Project is grossly *inconsistent with local needs* and the developer is ill equipped to construct and manage the ambitious project that is the subject of the PEL application.

I. Introduction

The proposed project (the "project") consists of two distinct sites bisected by North Meadows Road, a major north-south commuter/connector roadway; and includes two hundred (200) units on 6.24 acres, 3,576 sf of which is a certifiable vernal pool under local wetlands regulations. Fifty (50) units of the project will be affordable. Ninety (90) units are proposed in the four-story building on the west side North Meadows and one hundred and ten (110) units are proposed in

the 3-5 story building on the east side of North Meadows Road. The unit mix of the development is proposed as follows: forty-three (43) one bedroom units (with eleven (11) affordable), one hundred and twenty-six (126) two bedroom units (with thirty-one (31) affordable), and thirty-one (31) three bedroom units (with eight (8) affordable).

The existing property is adjacent to the active Medfield Department of Public Works municipal operations site, a town-sponsored 17-unit all-affordable housing development built in 1991, a historic cemetery, and several single-family dwellings. Dale Street and North Meadows Road are both well-traveled town-owned public ways.

II. Previous communication with developers

Prior to submittal to MassHousing the Applicants had a series of meetings with town staff, officials, and residents on the general concept and layout of the project.

- August 15, 2016 – Email Communication to Sarah Raposa, Town Planner, requesting a meeting to discuss a 40B rental project.
- August 17, 2016 – Sarah Raposa, Town Planner, met with Geoff Engler, Moira Cronin, Architect John Winslow and applicants John Kelly and Patrick Corrigan to view the proposed project. The plan shown is the same as the one submitted to MassHousing Site Approval Application. Feedback given to the applicant was that the plan's density was not only shocking also the bulk and height of two proposed buildings is totally out of scale with neighborhood, town and region. A more formal departmental meeting to be scheduled.
- September 8, 2016 – Meeting with key Town staff and department heads and the applicant team and consultants to give the Town an overview of the components of the application (design, engineering, etc.). The applicants said that they expect revisions based on comments, suggestions, and peer review over the coming months. The Applicants agreed to provide a fiscal impact analysis with their application.

The developers, John Kelly and Patrick Corrigan, did not stress an interest in providing family housing. Rather, they noted that the market units would contain superior finishes including nine-foot ceilings with crown moldings, granite and/or marble countertops and stainless steel appliances. They stated that because of the expected rental price points for the market units, there would be few children living in the complex, since young families would prefer to apply the rental dollars towards mortgage payments, rather than rent. They are designing their marketing plan on the assumption that the market units instead would be rented, primarily by young professionals and empty nesters looking to downsize. When asked about the massing of the two buildings, the architect, John Winslow, from the offices of Winslow Architects, Mass Avenue, Arlington, conceded that the complex was not in scale with the surrounding neighborhood or the Town of Medfield in general, but that he simply did what he was asked to do - design a complex with the maximum number of units possible. The project's landscape architect was

introduced and stated that the existing mature trees on the site, which presently provide a pleasing buffer, would all have to be removed. The project engineer was introduced but had not actually done any of the required analysis to evaluate the project's impacts, notwithstanding several significant concerns that are noted in this response letter.

- On October 18, 2016, at a public presentation of the proposed Medfield Meadows 200-unit apartment complexes, held at Medfield High School, the developers presented the project to a large crowd of concerned residents. Shockingly, the project architect reiterated his earlier concession that the development was out of scale with the surrounding neighborhood and with the Town in general, but that he had been asked to design the maximum number of units that could be located at the site. It was noted by the public that the proposed buildings are architecturally inconsistent. Plainly, the project's seven-story structure, including the underground parking on one parcel and a three story structure on the other parcel are massive in comparison to the nearby modest single family homes, including homes in an adjacent c. 40B project that the Town approved in 1991. A resident of the adjoining 40B development noted that the height of the building just 50 feet from her development would loom over her house and yard. A substantial amount of discussion was advanced regarding traffic impacts. During peak hours, this area of Medfield is very busy. At this juncture however, the Applicant had not even prepared a traffic study, again highlighting its lack of preparation. The lack of realistic recreational and open space in the development was also cited as a concern that is magnified by the fact that the projects border on one of the two busiest roads in town (Rt. 27), a significant danger for any children that may reside at the project. When questioned about his background and experience, Mr. Kelly indicated that he and his family had come to America seven years ago and were living in Sherborn and that this was their first project in the United States. This raised a number of concerns in that developing a high density affordable housing complex, with all of the restrictions imposed under c. 40B, can be a daunting task for an experienced developer and a near impossible task for a developer with no relevant experience whatsoever.

III. Developer's Experience

The Town is concerned that the developers do not have the requisite experience or track record to develop such an ambitious project. As noted above and evidenced by the "Development Experience" section of their Application, the developers have no 40B experience; have not developed any projects in the Commonwealth and have never even successfully developed a project in the United States. Upon hearing that Medfield Meadows was the developer's first project in the United States, inquiries were made by members of the public into the developer's background. It was reported to the Town that several of the people involved in the Medfield Meadows proposal may have been involved in projects that had failed and had been taken over

by government agencies in Ireland under separate but similarly named LLCs controlled by family members. It also appears that the developer may have previously attempted to develop a project in Florida but that the project never materialized and legal proceedings ensued. Other concerns were raised about apparent foreclosures and insolvency proceedings. The application identifies the following individuals as principals of two development entities:

Medfield Meadows LLC:

- John Kelly, 12 Haven Street, Dover, MA (aka John P. Kelly)
- Patrick Corrigan, 12 Haven Street, Dover, MA

RQC, LLC:

- John Kelly, same as above
- Karina Corrigan, wife of Patrick, address above
 - Note: RQC, LLC is a Limited Liability Company filed on March 17, 2016. The registered agent for this company is Karina Ann Corrigan and is located at 12 Haven Street, Dover, MA 02030. The company has two principals on record: John Patrick Kelly from Dover, MA and Karina Ann Corrigan from Dover MA.

It has come to Town's attention that legal proceedings may be pending involving individuals with same or similar names and addresses as follows:

- Patrick Corrigan Bankruptcy: United States Bankruptcy Court, District of Massachusetts; Case/AP Number 15-15059 ordering sale of property in Dover, MA owned by Haven Terrace LLC (Norfolk County Registry of Deeds Book 33852 Page 582, 02-12-2016)
 - Note: Haven Terrace is a Limited Liability Company filed on May 30, 2014. The registered agent for this company is Patrick Corrigan and is located at 12 Haven Street, Dover, MA 02030. The company has one principal on record: Patrick Corrigan from Dover, MA.
- Massachusetts Foreclosure Deed from Haven Terrace LLC (Norfolk County Registry of Deeds Book 34253 Page 165, 07-11-2016)

The Town is unable to determine if there is identity between principals named in application and named litigants. However, the Town has serious concerns about financial viability of proposed project if the principals are the same. We question the certifications made in their application on Page 24 of the PEL application. Accordingly, Town strongly recommends that MassHousing conduct a thorough inquiry into this matter in order to determine whether the *financial feasibility* of the project may be affected.

Again, the Town has not endeavored to confirm any of these assertions nor is it equipped to do so. However, in that MassHousing must be satisfied that the developer has submitted accurate

financial information and is worthy of receiving a subsidy for the development of affordable housing, we strongly recommend that further inquiries be made.

IV. Comments from Town Staff and Officials

Based on the information and plans that were submitted with the Application, the Town offers the following comments, which are useful in evaluating the project for consistency with local needs:

A. Environmental, Historical, and Archeological:

- The Conservation Commission issued a decision dated September 1, 2016 but that decision was based on an unknown project. While the Commission found that a negative Determination of Applicability (no wetlands impacts) was required under MA Wetlands Protection Act (WPA, the Commission concluded that under the local wetland Bylaw, which is considerably more stringent than the WPA, the Determination was necessarily positive due to the presence of both a certifiable vernal pool and its 100-foot vernal pool habitat and an isolated area of inundation containing wetlands vegetation. The Order of Resource Area Delineation stated that the boundaries shown on the Plan of Record (on file with the Commission) is accurate under MA WPA and other resource areas (Isolated Vegetated Wetlands and Certifiable Vernal Pool Habitat) are accurate under the Bylaw. Both the Determination and the Order of Resources have been appealed to the MA DEP (under the WPA) and Norfolk County Superior Court (under the local Bylaw) by a group of abutters. There can be little doubt that the Project would cause adverse impacts to the interests protected by the local wetland Bylaw.
- The Medfield Historical Commission and Archeology Committee report that Vine Lake Cemetery, which is adjacent to the project site, is on the National Register as a historic landscape resource. It is an active public cemetery where burials occur regularly. The cemetery contains historical resources that are several centuries old. There is potential damage to burial sites during construction and the long-term destruction of serene atmosphere would be irreparable. The Building 2 site is shown on the 1997 Public Archeological Laboratory (PAL) map of Archeologically Sensitive Area Map of Medfield.

B. Infrastructure:

- The Board of Water and Sewerage cannot yet commit to provide water service to the project. Before the feasibility of a water connection can be determined, the following water-related questions must be answered:
 - How much water supply is required to meet the needs of these units?
 - Will there be enough water pressure?
 - Can the existing infrastructure meet the forecasted demand?

- How will landscaping water needs be supplied?
 - How will fire protection needs be met?
- Similarly, the Board of Water and Sewerage cannot not yet commit to providing a sewer connection or extension to the project. Before the feasibility of a sewer connection can be determined, the following sewer-related questions must be answered:
 - Does the Medfield Wastewater Treatment Plant have enough sewer capacity to meet the needs of these units?
 - Can the existing infrastructure meet the forecasted demand?
- The Department of Public Works is concerned about following issues:
 - Interior and exterior site lighting.
 - The ability to handle snow storage or removal.
 - How will the solid waste and recycling be handled within the proposed developments? Will they each have on-site dumpsters and private haulers for solid waste and recycling?
 - Will there be a mechanism in place to disclose information to the renters that a municipal operation exists adjacent to the northerly building; and that the operation is 24-hours per day during snow events and other town emergency situations.
 - Stormwater to meet EPA & DEP standards of the July 1, 2017 EPA standards with O&M plan.
 - The Town is planning to install solar panels on the DPW facility roof to provide electricity for operation could be negatively impacted by shading (shadow) from the proposed Building 1.

C. Fire Protection and Life Safety:

- Fire Chief: project must meet fire protection codes and he is highly concerned about fire-fighting issues with the height of the garage/clearance of the fire truck and access around the buildings. Even though the fire department has a 75' aerial ladder truck emergency access will be problematic. Given the challenging topography and the locations of the buildings, expedient access to the upper floors is a significant concern. These issues must be resolved before Project Eligibility is issued. As MassHousing is aware, several Housing Appeals Committee decisions have rejected projects due to inadequate emergency access.
- Police Chief: Concerned about impact to existing general and commuter traffic issues. He would anticipate more commuter traffic with the number of market rate units proposed. At present, the Developer has not presented a suitable traffic study. Traffic must be evaluated for both impacts to level of service and for basic safety issues relating to the project's various entrances and exits. Significant traffic conflicts appear to exist.

- Building Commissioner: must meet building code requirements.

D. Overall Site Plan:

- The site plan is aggressively dense and exceeds all other densities found in Medfield.
 - The Parc at Medfield has a density of 10 units per acre and its 92 units are comprised of 4 distinct three-story buildings.
 - The building style (height and massing) is not typically found in the surrounding area. In fact, the Town surveyed the following area towns for buildings with at least 40,000 gross floor area and 3+ stories:

▪ Medfield – none	▪ Millis – none
▪ Dover – none	▪ Medway – two
▪ Sherborn – none	▪ Norfolk – none
- The building setbacks are completely inappropriate for this area. Whether or not shadow studies reveal an impact, it is inequitable to have a 5-story building approximately 50' from the small Cape-style homes off of Joseph Pace and John Crowder Roads. The Applicant proposes no visual or sound mitigation. Many units would also be facing the Town's public works facility. It is the Town's position that new residential housing – especially affordable housing – should be designed in a manner that allows assimilation into neighborhoods and the environment. The proposed project has none of these attributes and, rather, is an effort to shoehorn as many units of possible into an area that is ill suited for a large-scale garden style apartment development.
- The site plan is poorly designed for open space and recreational areas. There is very little meaningful open space provided as the small areas are located adjacent to parking lots and North Meadows Road which are both noisy and unhealthy for children if they are regularly breathing in vehicle exhaust.
- The parking plan is inadequate as it does not provide for a realistic number of off-street parking spaces for renters and visitors.
- The traffic patterns in the area are already congested at peak commuter hours. The Dale Street access/egresses are too close to the intersection to function properly with additional load.
- Sidewalks, crosswalks, and other measures needed for pedestrian safety need to be addressed.
- Safe school bus stop areas have not been depicted and must be addressed.
- Noise mitigation from external mechanical equipment such as emergency generators, air conditioning units, exhaust fans, etc. must be addressed; and noise impacts to the residents posed by the DPW facility and Route 27 must also be addressed.
- Noise mitigation/controls for dumpster services should be provided.
- Pest control plan for trash storage areas must be developed.
- Bike racks should be provided.

- Ensure there is enough driveway stacking areas for vehicles exiting the site onto Dale Street. Traffic backs up further than the access points are shown during commuter times.
- Light pollution from windows, exterior egress doors, and building mounted lights must be addressed.
- A full storm water management plan must be provided and evaluated.
- A construction management plan established, especially given concerns relating to the intersecting busy roadways serving the site.
- Adequate parking area lighting that is adequate for safety and keeps light from spilling out to abutters.

E. Municipal Planning and Affordable Housing Comments:

- The Town of Medfield is currently actively engaged in an update of its master plan. Until it is prepared, we rely on the housing goals articulated in Medfield's 1997 Master Plan Goals & Policies Statement as they may remain applicable today. The Applicants should provide a narrative on how their proposed project furthers Town goals such as these:
 - Protect Medfield's environmental quality, town character and fiscal condition as growth continues. (LU-2)
 - Decisions affecting land use should be guided by an understanding of the environmental, social, and fiscal implications of development.
 - Medfield will accommodate residential development that is consistent with the Town's character and its ability to provide high quality services. (H-1)
 - Residential development should be concentrated in areas that can accommodate development without jeopardizing the environment and town character.
 - Ensure that densities reflect infrastructure and natural resource constraints.
 - New housing development will include the variety of lot sizes, unit sizes and housing costs that contribute to Medfield's diverse community. (H-2)
 - These goals formed the basis for the housing vision stated in Medfield's 2004 Community Development Plan:
 - *Medfield will accommodate residential development that is consistent with the Town's character and its ability to provide high quality services while ensuring that units that are affordable to a range of incomes are also developed.*
- The Town has a locally approved Housing Production Plan (HPP) which was submitted to DHCD on October 18, 2016. Promising strategies for dispersing different types of affordable housing in our town include utilization buildable space at the Medfield State Hospital property and working with the Medfield Housing

Authority to develop approximately 40 units at Tilden Village to serve our aging population. Upper floor apartments or small-scale infill development with modest-sized homes or townhouses in the Downtown are identified as a strategy in the HPP.

The Town would encourage affordable housing development in appropriate locations, where there is the best potential for infrastructure, municipal services, and/or amenities to serve future residents. The Town prefers affordable housing development that is consistent with the town's suburban character and density, and that meets community housing needs identified in the HPP analysis.

- Medfield's Subsidized Housing Inventory is approximately 6.71% and an action plan to add 21 units of housing per year for the next five years to add a diversity of affordable housing options while keeping with the character of Medfield's distinct land use patterns, which is dominated by single-family homes with pockets of small-scale density.

V. D.H.C.D. Comprehensive Permit Design Guidelines

The Department of Housing and Community Development Guidelines under Section 3 - Findings, cites the regulations at 760 CMR 56.04(4), which set findings that are necessary for a determination of Project Eligibility by a Subsidizing Agency. Under the Guidelines, it states that "the Subsidizing Agency must give particular attention in reviewing the Project to the matters that relate to how the Project site plan and design relate to the existing development pattern(s) of the immediately surrounding area." It further states that these guidelines "are intended to draw attention to factors that are of particular importance when introducing a Project into existing surroundings to encourage a uniform perspective among Subsidizing Agencies and to create a more transparent review Process."

Among the factors to be considered are "(1) Relationship to Adjacent Building Typology. Generally, a Project is developed in the context of single family dwellings and introduces a different form of housing into the neighborhood. Assuming that this is the case, it is important to mitigate the height and scale of the buildings to adjacent sites. In this context, it is particularly important to consider the predominant building types, setbacks and roof lines of the existing context.

- The massing of the Project should be modulated and/or stepped in perceived height, bulk and scale to create an appropriate transition to adjoining sites.
- Where possible, the site plan should take advantage of the natural topography and site features or the addition of landscaping to help buffer massing.
- Design may use architectural details, color and materials taken from the existing context as a means of addressing the perception of mass and height."

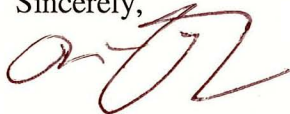
As discussed above, the architect hired by the developer admitted to the Town on two occasions that the density of the Medfield Meadows Project was not in keeping with either the density of the surrounding neighborhood or the Town of Medfield. The adjacent neighborhood is primarily composed of single family homes on lots ranging from five units per acre to one unit per acre. Medfield Meadows is 30 to 32 units per acre (depending upon which side of North Meadows Road). While factor (3) Density states that "appropriate density of residential dwellings depends upon a myriad of interconnected factors and must be determined case by case" it is logical that this level of density in this project is blatantly incompatible with the surrounding residential neighborhoods. The massing of this Project is not modulated and or stepped in perceived height, bulk and scale to create an appropriate transition to adjoining sites. In fact, it appears that several of the adjacent houses, which are, in fact, located in a 100% single family 40B development, would be dwarfed by the proposed buildings. The Project also proposes to remove hundreds of trees, many of them of a substantial size, exposing the site with its three and seven story building masses to the surrounding residential properties, which in no way "take(s) advantage of the natural topography and site features or the addition of landscaping to help buffer massing."

Furthermore the design of the project violates the guidelines as it fails to "consider the predominant building types, setbacks and roof lines of the existing context." Medfield Meadows consists of two large scale buildings with little architectural detail, considerable height and flat roofs, while the surrounding neighborhoods are overwhelmingly one or two story houses with peaked roofs.

VI. Conclusion

Based on the above, it is apparent that the proposed development is too intense for this site. There is no doubt that more affordable housing opportunities are necessary in the Town of Medfield, but such opportunities should be more respectful of existing neighborhoods and land uses, as well as the eventual residents of the development. This proposal is contrary to best practices for affordable housing. Accordingly, the Medfield Board of Selectmen respectfully request denial of the PEL Application.

Sincerely,



Mark L. Fisher, Chairman
Board of Selectmen

cc: Jessica L. Malcolm, 40B Specialist, MassHousing