

**Fenix Partners Brush Hill, LLC
177 Lake Street
Sherborn, MA 01770
August 24, 2023**

Ms. Katherine Miller
Mr. Michael Busby
Mass Housing
Fourth Floor
One Beacon Street
Boston, MA 02108

Re: 34 Brush Hill Road, Sherborn, MA

Dear Kat and Michael,

Please find attached an application to Mass Housing on behalf of Fenix Partners Brush Hill, LLC for Site Eligibility under M.G.L. Chapter 40B for 8 units of mixed income home ownership housing units. We discussed this project on August 22, 2023.

I will hand deliver a hard copy of the application and attachments to the Town of Sherborn and a copy of the cover letter to Housing and Livable Communities. In addition, I will provide the town with a full electronic set of documents.

I look forward to answering any questions you may have and to scheduling a site walk at your earliest convenience.

Many thanks,

Bob Murchison
Fenix Partners Brush Hill, LLC
(617) 308-1961



**Comprehensive Permit
Site Approval Application
Homeownership**

www.masshousing.com | www.masshousingrental.com

Comprehensive Permit Site Approval Application/Homeownership

Attached is the Massachusetts Housing Finance Agency (“MassHousing”) application form for Project Eligibility/Site Approval (“Site Approval”) under the state’s comprehensive permit statute (M.G.L. c. 40B, Sections 20-23 enacted as Chapter 774 of the Acts of 1969) known as “Chapter 40B”. Developers seeking a comprehensive permit to construct affordable housing under Chapter 40B and intending to use a MassHousing financing program or financing through the New England Fund (“NEF”) program must receive Site Approval from MassHousing. This approval (also referred to as “project eligibility approval”) is a required component of any comprehensive permit application to be submitted to the local Zoning Board of Appeals of the municipality in which the development is to be located .

As part of its review of your application, MassHousing will conduct an inspection of the site and will solicit comments from the relevant municipality. MassHousing will consider any relevant concerns that the municipality might have about the proposed project or the developer. The applicant is encouraged, therefore, to make contact with the municipality prior to submitting the Site Approval application in order to ensure that the applicant understands any concerns that the municipality may be likely to raise regarding the proposed development.

In order for a project to receive Site Approval, MassHousing must determine that (i) the applicant has sufficient legal control of the site, (ii) the applicant is a public agency, non-profit organization or limited dividend organization, and (iii) the applicant and the project are generally eligible under the requirements of the MassHousing program selected by the applicant, subject to final eligibility review and approval. Furthermore, MassHousing must determine that the site of the proposed project is generally appropriate for residential development (taking into consideration municipal actions previously taken to meet affordable housing needs) and that the conceptual project design is generally appropriate for the site. In order for MassHousing to be able to make these findings (required by 760 CMR 56.04 (4)), it is important that you answer all questions in the application and include all required attachments.

Please note that MassHousing requires that all applicants meet with a member of our Planning and Programs Department staff before submitting their application. Applications for any projects that have not been the subject of a required pre-application meeting will not be accepted or processed.

Upon completion of its analysis, MassHousing will either issue a Site Approval Letter that approves , conditionally approves or denies the application. If the application is approved, the applicant should apply to the Zoning Board of Appeals within two years from the date of the Site Approval Letter (unless MassHousing extends such term in writing).

Please note that Site Approval from MassHousing does not constitute a loan commitment by MassHousing or any other financing program. All potential MassHousing financing is subject to further review and underwriting by MassHousing’s Rental Lending Department.

Please be sure you have familiarized yourself with all of the applicable requirements set forth in the Chapter 40B regulations and guidelines, which can be found at

<https://www.mass.gov/doc/760-cmr-56-comprehensive-permit-low-or-moderate-income-housing/download>
www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf.

Instructions for completing the Site Approval Application are included in the application form which is attached . The completed application form and all additional documentation should be sent, after your pre-application meeting has been held, to:

**Manager of Planning Programs
One Beacon Street, Boston, MA 02108**

We look forward to working with you on your proposed development. Please contact Jessica Malcolm at 617-854-1201 or jmalcolm@masshousing.com to discuss scheduling your pre-application meeting or if there is any assistance that we can provide in the meantime to make your application process a smooth and efficient one .

Our Commitment to You

MassHousing recognizes that applicants seek some measure of predictability regarding the timeframe for our processing of their applications. Our staff will endeavor to adhere to the following schedule for reviewing applications for site approval :

Within one week of receipt of your application (provided that you have attended a required pre-application meeting) a member of our staff will notify you of any of the items listed on the checklist at the end of the application form that were missing from your application package. Please note that our acknowledgement of receipt of an item does not indicate that any substantive review has yet taken place.

If your application package is missing any of the items indicated on the checklist by an asterisk, we will not be able to continue processing your application until such items are received.

If we have received the information which is crucial to the commencement of our review process, we will proceed to (i) give the municipality a period of thirty (30) days in which to submit comments relating to your proposal, (ii) schedule and conduct a site visit, and (iii) solicit bids for and commission and review an "as is" appraisal of your site.

If during our review of your application package we determine that additional information or clarification is needed, we will notify you as soon as possible. Depending on when we receive such additional information, this may affect the amount of time required for MassHousing to complete the site approval process.

Assuming that your application package was complete and that you respond in a timely manner to requests for additional information or clarification, we would expect to issue or deny your site approval within 90 days of our receipt of your application package.



Application for Chapter 40B Project Eligibility / Site Approval

for MassHousing-Financed and New England Fund ("NEF") Homeownership Projects

Section 1: GENERAL INFORMATION

Name of Proposed Project: Brush Hill Homes

Municipality: Sherborn

County: Middlesex

Address of Site: 34 Brush Hill Road

Cross Street:

Zip Code: 01770

Tax Parcel I.D. Number(s): Map 1, Lot 18

Name of Proposed Development Entity Fenix Partners Brush Hill, LLC

(typically a single purpose entity):

Entity Type: Limited Dividend Organization

** If the Proposed Development Entity is a Non-Profit, please contact MassHousing regarding additional documentation that must be submitted.*

Has this entity already been formed? Yes

State Formed: Massachusetts

Name of Applicant: Fenix Partners Brush Hill, LLC

(typically the Proposed Development Entity or its controlling entity or individual)

Applicant's Web Address:

Does the Applicant have a related party relationship with any other member of the development team? No

If yes, please explain:

Primary Contact Information:

StateDesc

Contact Name:

Relationship to Applicant:

Company Name:

Address:

Municipality:

State:

Zip:

Phone:

Cell Phone:

Email:

Secondary Contact Information:

Contact Name:

Relationship to Applicant:

Company Name:

Address:

Municipality:

State:

Zip:

Phone:

Cell Phone:

Email:

Additional Contact Information:

Contact Name:

Relationship to Applicant:

Company Name:

Address:

Municipality:

State:

Zip:

Phone:

Cell Phone:

Email:

Anticipated Financing:

Name of Lender (if not MassHousing financed):

Age Restriction: None

Brief Project Description:

Project Description – Project Eligibility Application
Brush Hill Homes
34 Brush Hill Road, Sherborn, MA

“Brush Hill Homes” will be located on five acres of land at 34 Brush Hill Road in Sherborn, MA shown on a plan of land dated August 2023, and prepared by Samiotes Consulting Inc. The Applicant, Fenix Partners Brush Hill, LLC has planned 8 homeownership condominiums including 4 three-bedroom, 2.5 bath and 4 four-bedroom 2.5 bath single family homes. All homes will have a two-car garage. Each will have an open concept kitchen/living room area, a washer/dryer with one or more of the following: patio, farmers porch or deck. Two homes will be income restricted to 80% of area median income for the Boston-Cambridge-Quincy HUD market area.

The Town of Sherborn has stated in its Housing Production Plan (2022) and again in its Master Plan (2019) that it seeks “more affordable homeownership options including small cottage style homes in cluster developments, condominiums, and townhouses”.

The applicant believes this community will further that goal.

Brush Hill Homes will be located 2.5 miles from the Framingham MBTA station and other services in Framingham.

Application for Chapter 40B Project Eligibility / Site Approval

for MassHousing-Financed and New England Fund (“NEF”) Homeownership Projects

Section 2: EXISTING CONDITIONS / SITE INFORMATION

In order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that the site is generally appropriate for residential development.

Buildable Area Calculations (Acres)

Total Site Area:	5.11
Wetland Area (per MA DEP):	0.01
Flood Hazard Area (per FEMA):	0.00
Endangered Species Habitat (per MESA):	0.00
Conservation / Article 97 Land:	0.00
Protected Agricultural Land (i.e. EO 193):	0.00
Other Non-Buildable:	0.00
Total Non-Buildable Area:	0.01
Total Buildable Area:	5.10

Current use of the site and prior use if known:

Undeveloped land.

Is the site located entirely within one municipality? Yes

If not, in what other municipality is the site located?

How much land is in each municipality?

Additional Site Addresses:

Current zoning classification and principal permitted uses:

Residential B

Previous Development Efforts

Please list any previous applications pertaining to construction on or development of the site, including (i) type of application (comprehensive permit, subdivision, special permit, etc.); (ii) application filing date; (iii) date of denial, approval or withdrawal. Also indicate the current Applicant's role, if any, in the previous applications.

Note that, pursuant to 760 CMR 56.03 (1), a decision of a Zoning Board of Appeals to deny a Comprehensive Permit, or (if the Statutory Minima defined at 760 CMR 56.03 (3) (b or c) have been satisfied) grant a Comprehensive Permit with conditions, shall be upheld if a related application has previously been received, as set forth in 760 CMR 56.03 (7).

None.

To the best of your knowledge, has this site ever been rejected for project eligibility/site approval by another subsidizing agency or authority?

No

If Rejected, Please Explain:

Existing Utilities and Infrastructure	Yes/No	Description
Wastewater- private wastewater treatment	No	
Wastewater - public sewer	No	
Storm Sewer	No	
Water-public water	No	
Water-private well	No	
Natural Gas	No	
Electricity	No	
Roadway Access to Site	No	
Sidewalk Access to Site	No	
Other	No	

Describe Surrounding Land Uses:

Residential homes and town forest/conservation land.

Surrounding Land Use/Amenities	Distance from Site	Available by Public Transportation?
Shopping Facilities	2.50	No
Schools	2.30	No
Government Offices	2.60	No
Multi-Family Housing	2.50	No
Public Safety Facilities	2.60	No
Office/Industrial Uses	1.60	No
Conservation Land	0.01	No
Recreational Facilities	2.80	No
Houses of Worship	2.60	No
Other	0.00	N/A

Public transportation near the Site, including type of transportation and distance from site:

Framingham MBTA Station 2.5 miles.

Site Characteristics and Development Constraints

Are there any easements, rights of way or other restrictions of record affecting the development of the site ?	N/A
Is there any evidence of hazardous, flammable or explosive material on the site?	N/A
Is the site, or any portion thereof, located within a designated flood hazard area?	N/A
Does the site include areas designated by Natural Heritage as endangered species habitat?	N/A
Are there documented state-designated wetlands on the site?	N/A
Are there documented vernal pools on the site?	N/A
Is the site within a local or state Historic District or listed on the National Register or Historic Places?	N/A
Has the site or any building(s) on the site been designated as a local, state or national landmark?	N/A
Are there existing buildings and structures on site?	N/A
Does the site include documented archeological resources?	N/A
Does the site include any known significant areas of ledge or steep slopes?	N/A

Application for Chapter 40B Project Eligibility / Site Approval

for MassHousing-Financed and New England Fund ("NEF") Homeownership Projects

Section 3: PROJECT INFORMATION

In order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that the proposed project appears generally eligible under the requirements of the housing subsidy program and that the conceptual project design is generally appropriate for the site.

Construction Type: New Construction

Total Dwelling Units:	8	Total Number of Affordable Units:	2
Number of Market Units:	6	Number of AMI 50% Affordable Units:	0
		Number of AMI 80% Affordable Units:	2

Unit Information:

Unit Type	Bedrooms	Baths	# Of Units	Unit Sq. Ft.	Sales Price	Condo/HO Fee
Market	3 Bedroom	2.5 Bat	3	1,670	\$875,000	\$500
Affordable Unit - Below 80%	3 Bedroom	2.5 Bat	1	1,670	\$297,200	\$170
Affordable Unit - Below 80%	4 Bedroom	3.5 Bat	1	2,560	\$334,400	\$190
Market	4 Bedroom	3.5 Bat	3	2,560	\$1,200,000	\$685

Approach to calculating any additional fees relating to Condominium Association or Homeowners Association:

Pro-rata by purchase price.

Percentage of Units with 3 or More Bedrooms: 100

* Note that the January 17, 2014 Interagency Agreement Regarding Housing Opportunities for Families with Children requires that at least 10% of the units in the Project must have three (3) or more bedrooms. Evidence of compliance with this requirement must be provided at Final Approval.

Handicapped Accessible Units - Total:	0	Market Rate:	0	Affordable:	0
Gross Density (units per acre):	1.5656	Net Density (units per buildableacre):			1.5686

Building Information

Building Type	Building Style	Construction Type	Stories	Height	GFA	Number Bldg
Residential	Single family detached	Construction	25	35	16,920	8

Will all features and amenities available to market unit residents also be available to affordable unit residents?

Yes

If not, explain the differences:

Parking

Total Parking Spaces Provided: 24 **Ratio of Parking Spaces to Housing Units:** 3.00

Lot Coverage

Buildings:	5%	Parking and Paved Areas:	11%
Usable Open Space:	85%	Unusable Open Space:	0%
Lot Coverage:	15%		

Does project fit definition of "Large Project" (as defined in 760 CMR 56.03 (6))?

No

Application for Chapter 40B Project Eligibility / Site Approval

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Section 4: SITE CONTROL

Grantor/Seller: Estate of James A. Trombi

Grantee/Buyer: Fenix Partners Brush Hill, LLC

Grantee/Buyer Type: Development Entity

If Other, Explain:

Are the Parties Related? No

For Deeds or Ground Leases:

Date(s) of Deed(s) or Ground Leases(s): 08/15/2023

Purchase Price: \$300,000

For Purchase and Sales Agreements or Option Agreements:

Date of Agreement:

Expiration Date:

Date of Extension *(if extension granted):*

New Expiration Date *(if extension granted):*

Purchase Price: \$0

Will any easements or rights of way over other properties be required in order to develop the site as proposed?: No

If Yes, Current Status of Easement: Owned by Development Entity

Date(s) of Easements(s):

For Easements:

Date of Agreement:

Purchase Price: 0.00

For Easement Purchase and Sales Agreements or Easement Option Agreements:

Expiration Date:

Date of Extension *(if extension granted):*

New Expiration Date *(if extension granted)*

Purchase Price: \$0

Application for Chapter 40B Project Eligibility / Site Approval

for MassHousing-Financed and New England Fund (“NEF”) Homeownership Projects

Section 5: FINANCIAL INFORMATION

In order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that an initial pro forma has been reviewed and that the Proposed Project appears financially feasible and consistent with the Chapter 40B Guidelines, and that the Proposed Project is fundable under the applicable program.

Initial Capital Budget

Sales / Revenue

Market: \$6,225,000

Affordable: \$631,600

Related Party: \$0

Other Income: \$0

Total Sales/Revenue: \$6,856,600

Pre-Permit Land Value

Item	Budgeted
As-Is Market Value*:	\$500,000
Reasonable Carrying Costs:	0
Subtotal - Pre-Permit Land Value:	\$500,000

* As-Is market value to be determined by a MassHousing commissioned appraisal

Uses (Costs)

Item	Budgeted
Acquisition Cost (Actual):	
Actual Acquisition Cost: Land	\$300,000
Actual Acquisition Cost: Buildings	\$0
Reasonable Carrying Costs	\$0
Total Acquisition Cost (Actual)	\$300,000
Construction Costs-Residential Construction Costs (Hard Costs):	
Building Structure Costs	\$3,553,200
Hard Cost Contingency	\$177,660
Subtotal - Residential Construction (Hard Costs)	\$3,730,860
Construction Costs-Site Work (Hard Costs):	
Earth Work	\$100,000
Utilities: On-Site	\$350,000
Utilities: Off-Site	\$0
Roads and Walks	\$100,000
Site Improvement	\$0
Lawns and Plantings	\$125,000
Geotechnical Condition	\$0
Environmental Remediation	\$0
Demolition	\$0
Unusual Site Conditions/Other Site Work	\$33,750
Subtotal - Site Work (Hard Costs)	\$708,750
Construction Costs-General Conditions, Builders Overhead and Profit (Hard Costs):	
General Conditions	\$213,192
Builder's Overhead	\$213,192
Builder's Profit	\$71,064
Subtotal - General Conditions, Builder's Overhead & Profit	\$497,448
General Development Costs (Soft Costs):	
Appraisal and Marketing Study <i>(not 40B "As Is" Appraisal)</i>	\$2,500
Lottery	\$18,948
Commissions/Advertising-Affordable	\$10,000
Commissions/Advertising-Market	\$246,000
Model Unit	\$0
Closing Costs <i>(unit sales)</i>	\$30,924
Real Estate Taxes	\$6,000
Utility Usage <i>(during construction)</i>	\$0
Insurance <i>(during construction)</i>	\$0

Security <i>(during construction)</i>	\$0
Inspecting Engineer <i>(during construction)</i>	\$10,000
Construction Loan Interest	\$150,000
General Development Costs (Soft Costs) - continued	

Item	Budgeted
Fees to Construction Lender:	\$0
Fees to Other Lenders:	\$0
Architectural	\$50,000
Engineering	\$75,000
Survey, Permits, etc.	\$35,000
Clerk of the Works	\$0
Construction Manager	\$0
Bond Premiums <i>(payment/performance/lien bond)</i>	\$0
Legal	\$30,000
Title <i>(including title insurance)</i> and Recording	\$10,000
Accounting and Cost Certification <i>(incl. 40B)</i>	\$5,000
Relocation	\$0
40B Site Approval Processing Fee	\$7,600
40B Technical Assistance / Mediation Fee	\$2,600
40B Land Appraisal Cost <i>(as-is value)</i>	\$4,650
40B Final Approval Processing Fee	\$7,000
40B Subsidizing Agency Cost Certification Examination Fee	\$10,000
40B Monitoring Agent Fee	\$2,400
40B Surety Fees	\$1,000
Other Financing Fees	\$0
Development Consultant	\$10,000
Other Consultant: Peer Review	\$20,000
Other Consultant: Closing and Condo Legal	\$25,000
Soft Cost Contingency	\$24,589
Other Development Costs Utility Connection Fee	\$50,000
Subtotal - General Development Costs (Soft Costs)	\$844,211
Developer Overhead:	
Developer Overhead	\$0
Subtotal Developer Fee and Overhead	\$0

Summary of Subtotals

Item	Budgeted
Sales/Revenue	\$6,856,600
Pre-Permit Land Value	\$500,000
Residential Construction	\$3,730,860
Site Work (Hard Costs)	\$708,750
General Conditions, Builder's Overhead & Profit (Hard Costs)	\$497,448
General Development Costs (Soft Costs)	\$844,211
Developer Fee and Overhead	\$0

Summary

Total Sales/Revenue	\$6,856,600
Total Uses (TDC)	\$6,281,269
Profit (Loss) from Sales Revenue	\$575,331
Percentage of Profit (Loss) Over the Total Development Costs (TDC)	9.1595

Application for Chapter 40B Project Eligibility / Site Approval

for MassHousing-Financed and New England Fund ("NEF") Homeownership Projects

Section 6: APPLICANT QUALIFICATIONS, ENTITY INFORMATION, AND CERTIFICATION

In order to issue Site Approval MassHousing must find (as required by 760 CRM 56.04 (4)) that the applicant is either a non-profit public agency or would be eligible to apply as a Limited Dividend Organization and meets the general eligibility standards of the program.

Development Team:

Company Name	Contact Name	Contact Role	Applicant	Dev Entity	Primary
Fenix Partners Brush Hill, I	Bob Murchison	Developer	Yes	Yes	Yes

Entities Responsible for Development Tasks:

Development Task	Developer / Applicant	Contact Name / Company
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Affiliated Entities:

Company Name	Individual Name	Affiliation	Relation
Fenix Partners Brush Hill, LLC	Bob Murchison	Managing Entity	Development Entity

Previous Applications:

Project Name:

Filing Date:

Municipality:

Decision Date:

Subsidizing Agency:

Decision:

Type:

Other Reference:

Certification and Acknowledgement

I hereby certify on behalf of the Applicant, under pains and penalties of perjury, that the information provided above for each of the Applicant Entities is, to the best of my knowledge, true and complete; and that each of the following questions has been answered correctly to the best of my knowledge and belief:

(Please attach a written explanation for all of the following questions that are answered with a "Yes". Explanations should be attached to this Section 6.)

Question	Answer
Is there pending litigation with respect to any of the Applicant Entities ?	No
Are there any outstanding liens or judgments against any properties owned by any of the Applicant Entities ?	No
Have any of the Applicant Entities failed to comply with provisions of Massachusetts law related to taxes , reporting of employees and contractors, or withholding of child support?	No
Have any of the Applicant Entities ever been the subject of a felony indictment or conviction ?	No
During the last 10 years, have any of the Applicant Entities ever been party to a lawsuit involving fraud , gross negligence, misrepresentation, dishonesty, breach of fiduciary responsibility or bankruptcy?	No
Have any of the Applicant Entities failed to carry out obligations in connection with a Comprehensive Permit issued pursuant to M.G.L. c. 40B and any regulations or guidelines promulgated thereunder (whether or not MassHousing is or was the Subsidizing Agency/Project Administrator) including, but not limited to, completion of a cost examination and return of any excess profits or distributions?	No
Have any of the Applicant Entities ever been charged with a violation of state or federal fair housing requirements ?	No
Are any of the Applicant Entities not current on all existing obligations to the Commonwealth of Massachusetts , and any agency, authority or instrument thereof?	No

I further certify that the information set forth in this application (including attachments) is true, accurate and complete as of the date hereof to the best of my/our knowledge, information and belief. I further understand that MassHousing is relying on this information in processing the request for Site Approval in connection with the above-referenced project; and

I hereby acknowledge our commitment and obligation to comply with requirements for cost examination and limitations on profits and distributions, all as found at 760 CMR 56.04(8) and will be more particularly set forth in a Regulatory Agreement by and between the Applicant and MassHousing.

I hereby acknowledge that will be required to provide financial surety by means of bond, cash escrow and a surety escrow agreement or letter of credit with the agreement that it may be called upon or used in the event that the Developer fails either to (i) complete and submit the examined Cost Certification as required by 760 CMR 56.04(8) and the Regulatory Agreement, or (ii) pay over to the Subsidizing Agency or the Municipality any funds in excess of the limitations on profits and distributions from capital sources as required by 760 CMR 56.04(8) and as set forth in the Regulatory Agreement.

Signature: _____

Name:

Title:

Date:

Application for Chapter 40B Project Eligibility / Site Approval

for MassHousing-Financed and New England Fund (“NEF”) Homeownership Projects

Section 7: NOTIFICATION AND FEES

Notices

Event	Date
Date(s) of meetings, if any, with municipal officials prior to submission of application to MassHousing :	08/23/2023
Date of Pre-Application Meeting with MassHousing:	08/22/2023
Date copy of complete application sent to chief elected office of municipality :	08/23/2023
Date notice of application sent to DHCD:	08/23/2023

Fees

All fees that are payable to MassHousing should be sent via ACH/Wire Transfer. Please contact MassHousing for the ACH/Wire Transfer instructions.

Fees payable to the Massachusetts Housing Partnership should be sent directly to MHP with the [MHP Cover Letter](#)

Fee	Amount	Instructions
MassHousing Application Processing Fee:	\$7,959	payable to MassHousing
Chapter 40B Technical Assistance/Mediation Fee:	\$2,500	(Limited Dividend Sponsor \$2,500, Non-Profit or Public Agency Sponsor \$1,000)
Unit Fee:	\$400	(\$50 per Unit)
Total TA/Mediation and Unit Fee:	\$2,900	(Payable to Massachusetts Housing Partnership)

Land Appraisal Cost: You will be required to pay for an "as-is" market value appraisal of the Site to be commission by MassHousing. MasHousing will contact you once a quote has been received for the cost of the appraisal.

SUSTAINABLE DEVELOPMENT CRITERIA

MassHousing encourages housing development that is consistent with sustainable development designs and green building practices. Please provide information indicating that your development complies with either Method 1 or Method 2 of the Sustainable Development Principles