

**TOWN OF READING ZONING BOARD OF APPEALS**  
**COMPREHENSIVE PERMIT APPLICATION**  
**pursuant to M.G.L. Ch. 40B, §§ 20-23**

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APPLICANT: READING EQUITABLE HOUSING LLC  
SUBJECT PROPERTY: 172-180 Woburn Street  
Assessor Parcel ID: 016.0-0906-182.0  
PROJECT NAME: Schoolhouse Commons

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**NARRATIVE DESCRIPTION**

**INTRODUCTION: M.G.L. Chapter 40B, §§ 20-23 (“the statute”):**

This is an application pursuant to M.G.L. Chapter 40B, Section 20-23 for a Comprehensive Permit for property located at 172-180 Woburn Street. The proposed project consists of a single 3 -story building with 20 high quality residential rental units. Twenty (20%) percent of the units – four (4 units) - will be affordable to households earning up to fifty percent (50%) of the Area Median Income, in accordance with applicable state regulations and guidelines.

Under M.G.L. Chapter 40B, when there is a substantial need for low and moderate income housing in a community, the statute essentially creates a state mandate to local cities and towns to allow the construction of low and moderate income housing that requires relief from otherwise applicable local requirements and regulations, including but not limited to zoning bylaws, subdivision rules and regulations, and local regulations that exceed state requirements under the Wetlands Protection Act and Title 5. A Zoning Board of Appeals can insist on full compliance with local requirements and regulations only if they are, in the words of the statute, “consistent with local needs.” Local requirements and regulations will be considered “consistent with local needs” if they are reasonable, taking into account the “regional need for low and moderate income housing considered with the number of low income persons in the city or town

affected and the need to protect the health or safety of the occupants of the proposed housing or of the city or town, to promote better site and building design in relation to the surroundings, or to preserve open space” and if they outweigh the regional need for affordable housing.

The statute goes on, in §20, to define certain minimal thresholds of low or moderate income housing that, if not attained in a city or town, could cause the local rules and regulations to automatically be treated as not consistent with local needs unless the Town can prove that the planning, health, and safety concerns outweigh the regional housing need. The Town of Reading falls short of the threshold minima; the percentage required in terms of number of units is 10%, the Town of Reading has 7.78% (746 units, based on the Massachusetts Department of Housing and Community Development (“DHCD”) Subsidized Housing Inventory (SHI) for the Town of Reading, December 2, 2014, (attached hereto) and to the best of the Applicant’s knowledge, none of the other regulatory Safe Harbors have been met. Therefore, the mandate created by the statute to create affordable housing does apply to Reading. In fact, when the statutory minima are not met, there is a legal presumption that there is a substantial regional housing need that outweighs local concerns. 760 CMR 56.07(3)(a).

The proposed development will bring much needed affordable rental opportunities for families in the community. It has been conceived and designed with respect to the above standards. The Applicant believes, for all the reasons hereinafter set forth, that the project meets all of the requirements for a Comprehensive Permit under the statute, that it will be a benefit to the Town of Reading, and that a Comprehensive Permit should be issued.

### **STANDING AND STATUS**

The Applicant meets the jurisdictional requirements of the regulations and has standing before the Zoning Board of Appeals, based on the following:

a) **Limited Dividend Organization**

The Applicant, Reading Equitable Housing LLC, is a Limited Liability Company which agrees and intends to enter into a Regulatory Agreement with the Massachusetts Housing Partnership Fund Board (“MHP”) under the MHP

Permanent Rental Financing Program and to abide by the requisite limitation on profits. Therefore, pursuant to the statute, and the regulations, 760 CMR 56.04(1)(a), Reading Equitable Housing LLC is an eligible Applicant for a Comprehensive Permit. A copy of the LLC Certificate of Organization filed with the Massachusetts Secretary of State Corporations Department is submitted herewith.

b) Control of the Land

The Applicant took title to the subject locus from the Roman Catholic Archbishop of Boston by deed recorded on November 7, 2016 with the Middlesex South District Registry of Deeds at Book 68360 Page 387. A copy of the Deed is provided herewith. Thus, the Applicant has control of the land, as required by the regulations, 760 CMR 56.04(1)(c).

c) Project Eligibility

The applicant has received a Project Eligibility Letter dated November 16, 2016 under MHP's Permanent Rental Financing Program that confirms the project's eligibility and suitability of the site. A copy of the Project Eligibility Letter is submitted herewith. Therefore, the Applicant fulfills the requirement of 760 CMR 56.04(1)(b), which states: "The project shall be fundable under a subsidizing agency under a low and moderate income subsidy program". See 760 CMR 54.04(1), which states that compliance with the project eligibility requirements shall be established by issuance of a written determination of Project Eligibility by the Subsidizing Agency.

### **DESCRIPTION OF THE PROPERTY**

The proposed project site is currently occupied by the former St. Agnes parochial school, a three-story brick building constructed around 1950. The 45,779 square foot site consists of paved driveways, walkways and parking areas, with the exception of a small front yard. The site is bound on the west by St. Agnes Church, on the north by Woburn Street and on the east and

south by single family homes. Most of the site is fairly level with a 2% downward slope from Woburn Street to the back of the site. The one exception is the boundary with St. Agnes Church where there is a 12 foot grade change.

The site is located within S-15 Zoning District. It abuts, but sits outside of, the Woburn Street Historic District. The site is not located in a Special Flood Hazard Area and is not located within a Priority Habitat or an Estimated Habitat as listed with the Natural Heritage Endangered Species Program.

### **PROPOSED PROJECT**

The proposed project consists of the adaptive reuse of the former St. Agnes parochial school for twenty (20) rental apartments in the existing three-story building. The property will contain nine (9) one-bedroom, nine (9) two-bedroom, and two (2) three-bedroom apartments. One of the units will be fully handicapped accessible and all of the units will be adaptable. The one bedroom units range in size from 690 to 760 square feet; the two-bedroom apartments vary between 835 and 1,070 square feet; and the three-bedroom units are both 1,200 square feet. All of the units have washer/dryers. There will be one fully accessible unit. All of the apartments will be adaptable. A bicycle storage room will be available for residents at the rear entry.

Twenty percent (20%) of the units will be reserved for households earning 50% of area median income. Subject to state approval, 70% of the units will have local preference for Reading residents.

The site will include 66 parking spaces: 35 spaces will be reserved for the exclusive use of the apartment community; 24 spaces will be dedicated for the exclusive use by the abutting St. Agnes Parish, primarily on Sundays and for special events; and the remaining 7 spaces will be for the mutual use of the apartment community and St. Agnes Parish.

To improve drainage, applicant will construct a subsurface infiltration field in the parking area that will capture all roof runoff. In addition, applicant will construct a rain garden in the southeast corner of the site to address drainage concerns on the property. Finally, 10 parking spaces at the back of the property will be constructed with pervious pavers to improve drainage.

The front area will be attractively landscaped. The plans called for a proposed six foot wooden stockade fence running along the east and south sides of the parking lot to shield

neighbors from headlights, and a split rail fence along the hill with the St. Agnes Church property.

The existing building suffers some architectural issues: the existing street (north) façade is mostly featureless, having a plain entry and few windows/large expanses of brick that give the impression that the back of the building faces the street; the wood-sheathed pediment above the street façade is imposing and non-descript in its scale; the long side elevations have a mixture of smaller windows on the lower floors, which make the building seem longer due to the large expanses of brick surrounding the windows.

The proposed work will help to rectify noted issues:

- The street façade will be modified to appear more of an entry. A new wood-framed entry portico with detailed columns will take the place of the existing, helping to emphasize the nature of the entry; it is not intended to appear to be as a secondary entry to the building. A handicap ramp and landscaped areas on each side will complement the new entry. A walkway will be constructed connecting the entry with the sidewalk.
- New windows will be installed in the existing brick, which will give the front façade a more residential image.
- The large wood pediment above the entry will be modified with vertical battens to help reduce the scale of the large expanse of wood.
- New windows will be installed on the east and west sides to give more rhythm to the lower floors, and help reduce the blank expanses of brick that surround the existing windows on the lower floors.

### **COMMUNITY AND MUNICIPAL IMPACT**

A Stormwater and Drainage Report prepared by the Sullivan Engineering Group dated December 9, 2016 is submitted herewith. The project will connect to the Town of Reading municipal water and sewer system.

A Transportation Impact Assessment prepared by Vanasse Associates dated September 2016 is submitted herewith.

## **REQUESTED RELIEF FROM LOCAL BY-LAWS, RULES AND REGULATIONS**

See Requested Waivers list submitted herewith.

### **CONCLUSION**

Based on the foregoing, Applicant believes the proposed project will be an asset to the surrounding neighborhood and to the Town of Reading. It will provide much needed affordable apartment rental housing for families, and appropriate reuse of the existing, nonconforming building. The Applicant respectfully submits that the relief requested should be granted and that a Comprehensive Permit should be issued as requested in the Application.

## REQUEST FOR FINDINGS OF FACT

Applicant respectfully requests the Board make the following findings of fact pursuant to G.L.c. 40B and 760 CMR 56.00 *et seq.*, in granting a Comprehensive Permit for the affordable housing development proposed by this application:

1. Reading Equitable Housing LLC, is a limited dividend organization within the meaning of G.L.c. 40B and 760 CMR 56.00, and is eligible to receive a subsidy under a state or federal affordable housing program after a Comprehensive Permit has been granted.
2. Reading Equitable Housing LLC has presented evidence to establish site control over the property at 172 Woburn Street, Reading, Massachusetts (the "Site") as necessary qualify as eligible for a Comprehensive Permit for the Site.
3. MassHousing, as the Program Administrator of the New England Fund (NEF) Program, will be the subsidizing agency within the meaning of G.L.c. 40B and 760 CMR 56.00, and within the meaning of the Housing Appeals Committee procedural regulations, 760 CMR 30.01(C).
4. Low or moderate income housing units in the Town of Reading constitute less than ten percent (10%) as reported in the most recent decennial census of the Town, and as reported by the Department of Housing & Community Development as of December 5, 2014.
5. The proposed development is consistent with local needs within the meaning of G.L.c. 40B, Section 20.

READING EQUITABLE HOUSING LLC  
By its Attorneys:

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