

**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.

Name of Proposed Project: The Cottages at Rolling Hills

Development Team

Developer/Applicant: Cottage Advisors MA, LLC

Development Consultant (if any): N/A

Attorney: Melissa E. Robbins

Architect: Scott Brown

Contractor: Cottage Advisors MA, LLC

Lottery Agent: Chelmsford Housing Authority

Management Agent: N/A

Other (specify): _____

Other (specify): _____

Role of Applicant in Current Proposal

Development Task	Developer/Applicant	Development Consultant (identify)
Architecture and Engineering		Landtech Consultants, Inc.
Local Permitting		Deschenes & Farrell, P.C.
Financing Package		Lowell Five
Construction Management	X	
Other	NA	N/A

Applicant’s Ownership Entity Information

Please identify for each of (i) the Applicant and, if different (ii), the Proposed Development Entity, the following (collectively with the Applicant and the Proposed Development Entity, the “Applicant Entities”): the Managing Entities, Principals, Controlling Entities and Affiliates of each.

Note: For the purposes hereof, “Managing Entities” shall include all persons and entities (e.g. natural persons, corporations, partnerships, limited liability companies, etc., including beneficiaries of nominee trusts) who are managers of limited liability companies, general partners of limited partnerships, managing general partners of limited liability partnerships, directors and officers of corporations, trustees of trusts, and other similar persons and entities which have the power to manage and control the activities of the Applicant and/or Proposed Development Entity.

"Principal or Controlling Entities" shall include all persons and entities (e.g. natural persons, corporations, partnerships, limited liability companies, etc., including beneficiaries of nominee trusts) that shall have the right to:

- (i) approve the terms and conditions of any proposed purchase, sale or mortgage;
- (ii) approve the appointment of a property manager; and/or
- (iii) approve managerial decisions other than a decision to liquidate, file for bankruptcy, or incur additional indebtedness.

Such rights may be exercisable either (i) directly as a result of such person's or entity's role within the Applicant or the Proposed Development Entity or the Managing Entities of either or (ii) indirectly through other entities that are included within the organizational structure of the Applicant and/or Proposed Development Entity and the Managing Entities of either.

In considering an application, MassHousing will presume that there is at least one Principal or Controlling Entity of the Applicant and of the Proposed Development Entity. Any person or persons who have purchased an interest for fair market value in the Applicant and/or Proposed Development Entity solely for investment purposes shall not be deemed a Principal or Controlling Entity.

"Affiliates" shall include all entities that are related to the subject organization by reason of common control, financial interdependence or other means.

1. Applicant

Name of Applicant: Cottage Advisors MA, LLC

Entity Type (limited liability company, limited partnership, limited liability partnership, corporation, trust, etc.):
Limited Liability Company

State in which registered/formed: Massachusetts

List all Managing Entities of Applicant (you must list at least one):

See attached Section 6.4

List all Principals and Controlling Entities of Applicant and (unless the Managing Entity is an individual) its Managing Entities (use additional pages as necessary):

See attached Section 6.4

List all Affiliates of Applicant and its Managing Entities (use additional pages as necessary):

See attached Section 6.4

Proposed Development Entity

Name of Proposed Development Entity: Cottage Advisors MA, LLC

Entity Type (*limited liability company, limited partnership, limited liability partnership, corporation, trust, etc.*):

Limited Liability Company

State in which registered/formed: Massachusetts

List **all** Managing Entities of Proposed Development Entity (*you must list at least one*):

Howard J. Hall, Manger

Howard Johnstone Hall, Manager

List **all** Principals and Controlling Entities of Proposed Development Entity and (*unless the Managing Entity is an individual*) its Managing Entities (*use additional pages as necessary*):

See attached Section 6.4

List **all** Affiliates of Proposed Development Entity and its Managing Entities (*use additional pages as necessary*):

See attached Section 6.4

Certification and Acknowledgment

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.)

Is there pending litigation with respect to any of the Applicant Entities? Yes No * See Attached Page

Are there any outstanding liens or judgments against any properties owned by any of the Applicant Entities? Yes 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? Yes No

Have any of the Applicant Entities ever been the subject of a felony indictment or conviction? Yes No

During the last 10 years, have any of the Applicant Entities ever been a defendant in a lawsuit involving fraud, gross negligence, misrepresentation, dishonesty, breach of fiduciary responsibility or bankruptcy? Yes 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? Yes No

Have any of the Applicant Entities ever been charged with a violation of state or federal fair housing requirements? Yes 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? Yes 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.

I further certify that we have met with a representative of the 40B Department at MassHousing and understand the requirements for a) completing this application and b) the procedures if and when Site Approval is granted, including the requirement for (i) the use of the standard MassHousing Regulatory Agreement, and (ii) submission to MassHousing, within one hundred eighty (180) days after substantial completion or, if later, within ninety (90) days of the date on which all units are sold, of a cost certification examined in accordance with AICPA attestation standards by an approved certified public accountant.

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 the MassHousing Regulatory Agreement.

Is there pending litigation with respect to any of the Applicant Entities? Yes

The two managers of Cottage Advisors MA LLC are also involved in a Canadian development and construction company. The Canadian company is in litigation with a condominium board in Ontario. The Canadian company which is controlled by the Applicants sued the condominium board on the grounds that the board has not acted in the interest of the owners and had damaged the reputation of the Canadian company. The condominium board has launched a counter claim against the Canadian company alleging that some of the infrastructure was not completed to proper town standards and because of this, misrepresentations were made. (Please note, the site plan as-builts of all construction was signed off and stamped by the project engineers and the municipality in Canada.)

No further litigation.

I hereby acknowledge that it 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 Cost Examination as required by 760 CMR 56.04(8) and the MassHousing Regulatory Agreement, or (ii) pay over to the Municipality any funds in excess of the limitations on profits and distributions as required by 760 CMR 56.04(8) and as set forth in the MassHousing Regulatory Agreement.

Digitally signed by Howard Hall
Reason: I am the author of this document
Date: 2020-03-26 11:46-04:00

Signature: _____

Name: **Howard Johnstone Hall** _____

Title: **Manager** _____

Date: _____

Required Attachments Relating to Section 6

6.1 Development Team Qualifications

Please attach resumes for principal team members (Applicant, consultant, attorney, architect, general contractor, management agent, lottery agent, etc.) and list of all relevant project experience for 1) the team as a whole and 2) individual team members. Particular attention should be given to demonstrating experience with (i) projects of a similar scale and complexity of site conditions, (ii) permitting an affordable housing development, (iii) design, and (iv) financing. The development team should demonstrate the ability to perform as proposed and to complete the Project in a competent and timely manner, including the ability to pursue and carry out permitting, financing, marketing, design and construction.

(If the Applicant (or, if the Applicant is a single purpose entity, its parent developer entity) has received financing from MassHousing within the past five (5) years for a development of comparable size and complexity to the Proposed Project, no resume or list of project experience need be submitted for the Applicant or, as applicable, its parent developer entity. Information regarding the other team members still will be required.)

6.2 Applicant Entity 40B Experience

Please identify every Chapter 40B project in which the Applicant or any Applicant Entity has or had an interest. For each such project, state whether the construction has been completed and whether cost examination has been submitted. Cottages in the Woods, Westford MA 01886. Project and cost examination complete.

6.3 Applicant's Certification

Please attach any additional sheets and any written explanations for questions answered with "yes" as required for Certification.

Section 6.1

Development Team Qualifications



About Cottage Advisors

Cottage Advisors joins with local partners to develop and build unique open space, pocket neighborhood communities. Our development team creates carefully planned communities that meet the demands of today's modern lifestyles. Each home is designed to reflect the local and architectural charm the word "cottage" instills. At the heart of the Cottage Advisors planning process is the connection to community that is so often lacking in today's conventional housing options.

Cottage Advisors places a priority on personal relationships and local ties. The company is a family business, with Howard J. Hall and his son, Howard "Chip" Hall, at the helm. Each Cottage Advisors' community is built by a core Cottage Advisors construction team working with local tradespeople. This commitment to using local craftsmen provides employment in the communities—which reinforces the pride that subcontractors take in doing quality work in their own area—and is a cost-effective alternative to traveling construction teams.

Over the past fifteen years, Cottage Advisors has managed over \$200 million dollars of development in the United States and Canada, delivering nearly 1,100 cottages.

Right-Sizing

Demographics for homeowners have changed over the last decade, with consumers looking to "right-size" as opposed to downsize. The trends that our founder Howard Hall embraced as a developer, more than a decade ago, have now been identified as megatrends. These trends include:

- A shift to "Traditional Neighborhoods"
- Higher Density / Cluster Development
- Integration of Natural Features
- Pedestrian Friendly, Walkability
- Shared Community Space
- Environmentally Sensitive
- Lower Total Cost of Ownership

Our communities are designed to embody these trends while paying careful attention to site selection, land planning and cottage home design. From land acquisition to permitting, to design and construction, we maintain complete control over our entire eco-friendly building process. Each Cottage Advisors' community strives to take advantage of the existing contours of the land it is built upon, taking full advantage of open green space and natural features. We also cater to the consumer desire for more manageably-sized homes, designed efficiently for energy conservation with a lower impact on the environment. Our process starts with site selection, then land planning, landscape architecture, and finally home architecture.

Own Easy

When it comes time for a client to "right-size," our educated sales team helps them select a location and an ideal cottage style and then our in-house designer assists owners in the Personalization Process to finalize the many details within their cottage. Our cottages are built to have a low energy cost and we are an Energy 5 Star builder. In addition, we utilize low maintenance products, making them truly "own-easy" homes. Our communities are managed through a Homeowners Association



(HOA) or a Condo Corporation, which provide owner services to which allows our homeowners to enjoy their surroundings, rather than be bound to property maintenance and yard work.

Cottage Advisors homes come complete with a built-in neighborhood, outdoor gathering areas, welcoming front porches, cottages nestled together, and large tracts of open space. We don't just build cottages. We build communities.....one cottage at a time.

Who We Are

Howard John Hall, Manager

Prior to his tenure heading Cottage Advisors, Mr. Hall was a noted Massachusetts real estate and land use attorney for 35 years, as well as a developer. Since the mid-1980s, Howard has served as a principal in multiple development companies throughout New England, including large scale residential and commercial developments. He has successfully permitted hundreds of projects over his career, including age-restricted residential communities and multiple affordable housing communities. He prides himself on his commitment to developing communities that offer quality homes with a unique lifestyle to residents.

Howard's dedication to preserving the natural beauty of sites—coupled with his own delight in meeting and talking to people—led him to explore a whole new kind of residential development. In 2005, he founded Cottage Advisors to combine efficient use of the land and high-quality homes with amenities designed for social interaction. He lamented the shift away from 1950s-era close-knit neighborhoods, as evidenced in the zoning trend of houses set more than 100 feet from the street. He also saw the need for affordable recreational properties that the working family could enjoy, as a large swath of North American homeowners were priced out of owning second homes. His vision for Cottage Advisors is to provide this sense of community to a new generation of homeowners.

Howard "Chip" Hall, Manager

Since joining with his father in 2007, Mr. Hall's primary responsibilities have been site selection, property entitlement and community development oversight. With more than a decade of experience with cluster developments, he has overseen the permitting and development of more than 335 homes across four communities. Prior to joining the family business, Chip held senior management positions for multiple high technology companies, of which seven were startup companies including two that he co-founded.

Chip takes special note of what is important to buyers when considering a home: our clients prefer cluster developments that offer walkable lifestyles, that are environmentally oriented, homes that are Right Sized® with flexible and open floorplans and cottage style homes and neighborhoods that foster a sense of community.

Kathy Hall, In-House Design Consultant

Kathy joined the Cottage Advisors team in 2011. Kathy offers input into cottage designs and architecture, stages all model homes, chooses each communities selections/offerings and meets with every buyer to Personalize their home. She handles all design elements from assisting with kitchen and bath design, to plumbing, flooring, lighting, pricing, and negotiating with vendors. As the liaison between the client and the Production team, Kathy offers personal assistance to each cottage home buyer guiding them through their own Personalization Process of interior and



exterior design options, offering selection choices and personal assistance, right up until their cottage has been finalized.

She acknowledges that the design process can seem overwhelming and takes the time to understand buyers' wants and needs while assisting them in making the best choices that will result in the cottage of their dreams. From the initial walk-through to move-in day, Kathy is there to support clients' design choices every step of the way.

Creative, caring, and responsive, Kathy and the rest of the Cottage Advisors family wants buyers to be excited about the home-buying process and to participate in the creation of a property they'll be proud to show off.

Christos Kuliopulos – Finance and Market Consultant, Blue Ocean Real Estate Advisors, LLC

Christos has over 25 years of Real Estate Development Consulting experience in multiple industry segments, with a specific focus on the for-sale residential segment. In total, he has been involved in over \$7 billion in real estate assignments throughout the US, Canada and the Caribbean. Christos' assignments have included work in the following areas: valuation, feasibility, product positioning, strategic planning, sales and marketing improvement initiatives, development planning, and site selection.

Christos is the founder of Blue Ocean Real Estate Advisors and is currently engaged in six mixed use, and new urbanism for-sale residential developments. Prior to Blue Ocean, Christos was the founder and past partner of PrimeTime Communities, LLC, a full-service consulting, sales and marketing company specializing in residential and 55 + age restricted housing. Over a four-year period, Christos expanded the company from a single property to over 20 developments within 4 states and over \$6,000,000.00 in assets. Prior to PrimeTime, Christos was a Senior Manager in Ernst & Young's Real Estate Advisory Practice, which had the largest global real estate practice in the world, with over 300 consultants. Christos was a national industry leader for the senior housing industry and directed a staff of over 20 consultants on a myriad of real estate consulting services on an international basis. Christos currently holds his Massachusetts broker's license.

PROJECTS PAGE

Cottage Advisors initially focused on creating classic resort cottage communities throughout New England and Canada. Each of these communities offers multi-million-dollar amenities, ranging from luxurious clubhouses, to a rustic general store, to simple walking trails. This background has allowed Cottage Advisors to leverage their recreational development experience and bring it to the residential market.

Residential Properties:

- The Village at Stone Ridge (Westford, MA)
- Cottages in the Woods (Westford, MA)
- The Cottages at River Hill (W. Newbury, MA)
- The Cottages at Drakes Landing (W. Newbury, MA)
- The Cottages at Port Place (Newburyport, MA)
- The Porches of Kennebunk (Kennebunk, ME)
- Custom Built Homes (Drakes Island, Wells, ME)

Recreational Properties:

- Summer Village, Wells ME
- Summer Village at the Pond, Westford MA
- Seaglass Village, Wells ME
- Sandbanks Summer Village, Ontario Canada

DESCHENES & FARRELL, P.C.
Attorneys at Law

515 Groton Road, Suite 204
Westford, MA 01886
(978) 496-1177

Douglas C. Deschenes has been actively involved with the legal aspects of the development, financing, and construction of real estate and affordable housing for the last fifteen years, during that time, Mr. Deschenes has been promoting smart growth and affordable housing for developers, as well as non-profit and government agencies through the use of local zoning, M.G.L. Chapter 40B and other creative methods.

Education: Juris Doctor, Northeastern University School of Law, 1993
 Master of Business Administration, New Hampshire College, 1988
 Bachelor of Science, Biology, University of Maine at Orono, 1983

Affiliation: Former member and Chairman of Westford Conservation Commission
 Former member Master Plan Implementation Committee
 Former member Westford Affordable Housing Committee
 Co-Founder Westford Land Preservation Foundation (non-profit land
 preservation group)
 Former member Westford Water Commission

Employment: Admitted to the Massachusetts Bar Association in 1993
 Joined Hall & Finnegan, P.C. in September of 1997, practicing in the areas of
 land use, environmental law, real estate development and conveyancing,
 business law, wills and trusts
 Named partner of Hall, Finnegan, Ahern & Deschenes, P.C. in January of 2000
 Managing partner of Deschenes & Farrell, P.C.

Melissa E. Robbins has been actively involved with the legal aspects of the development, financing, and construction of real estate and affordable housing for the last nine years. During that time, Ms. Robbins has been promoting smart growth and affordable housing for developers, as well as non-profit and government agencies through the use of local zoning, M.G.L. Chapter 40B and other creative methods.

Education: Juris Doctor, New England School of Law, 2004
 Bachelor Degree, Clark University, 2001

Affiliation: Member Massachusetts Real Estate Bar Association
 Member New England Builders Association

Employment: Admitted to the Massachusetts Bar Association in 2004
 Joined Deschenes & Farrell, P.C. in August 2004, practicing in the areas of land
 use, environmental law, real estate development and conveyancing, and
 business law. Named partner of Deschenes & Farrell, P.C. in (month) of (year)

As partners at Deschenes & Farrell, P.C., Mr. Deschenes and Ms. Robbins oversee a team of lawyers and administrators in land use development, representing developers, as well as affordable housing advocates, in towns including Clinton, Concord, Dracut, Dunstable, Groton, Hopedale, Lancaster, Littleton, Pepperell, Townsend, Tyngsboro and Westford.

PROJECTS

Townhouse Style Condominiums:

Tadmuck II

Developers/Permitting Attorneys for a 41 unit condominium located at 124 Main Street in Westford. The total number of bedrooms in the Development is limited to seventy-four. The sale of up to seven (7) of the Affordable Units shall be given to persons or families who are either live or work in Westford. A minimum of 25% of the units will be made affordable to families whose income is at or below 80% of the median household income for the State, as determined by DHCD.

Southgate

Developers/Permitting Attorneys for a condominium complex located at S. Chelmsford Road in Westford. It is to construct forty-two two-bedroom townhouse style homeownership units in fourteen buildings.

Single Family Homes:

Cottages in the Woods

Developers/Permitting Attorneys for a 20 unit development located off Boston Road in Westford. It will include ten three bedroom homes and ten two bedroom homes. A minimum of 25% of the units will be made affordable to families whose income is at or below 80% of the median household income for the State, as determined by DHCD.

Townhouse Style & Single Family:

Graniteville Woods

Developers/Permitting Attorneys for a 168 unit development located at N. Main Street and Cowdry Hill in Westford. It is to develop two bedroom townhouse style units in 42 buildings containing between three and six units, as well as to rehabilitate an existing duplex home located at 77-79 North Main Street which contains two three bedroom units. It is proposed that fifty-two of the units will be sold in accordance with the affordable pricing guidelines.

Matthew A. Waterman, P.E.

Senior Project Engineer

Vitae

Matthew A. Waterman, P.E.
Senior Project Engineer

Professional Registration

- ❖ Professional Civil Engineer, Massachusetts #45666

Professional Affiliations

- ❖ Board of Health
Groton, Massachusetts
Member; 2002-2005
- ❖ Board of Health
Tyngsborough, Massachusetts
Agent; 2004-current

Certifications

- ❖ Certified Soil Evaluator, Massachusetts #2552
- ❖ Certified Title 5 System Inspector, Massachusetts #3930

Professional Training

- ❖ Low Impact Development Design Strategies
- ❖ On-Site Wastewater Systems Mass-DEP
- ❖ Presby Environmental Systems
- ❖ Amphidrome Systems
- ❖ OSHA – 10-hour Construction Site Training

Education

- ❖ BSCE University of Massachusetts – Lowell, June 1997

SUMMARY OF QUALIFICATIONS AND EXPERIENCE

Mr. Waterman has 18 years of experience in Civil Engineering and project management on residential subdivisions, 40B developments, commercial, industrial and municipal projects in Massachusetts. He has an extensive background in the design and permitting of storm water management systems, roadways, parking facilities, utility layout, sewer collection systems, waste water treatment plants and on-site septic systems. He also has an extensive background of construction oversight of roadways, parking lots and general site development projects working directly with site contractors to complete projects on time.

KEY PROJECTS

Residential Projects

- Designed and permitted “Smithfield Crossing” a 33 unit condominium complex in the City of Lowell. This project included coordinating a mixed use planning approach of both detached single family units with townhouse style buildings.

Affordable Housing Projects

- Project Manager for “Charles Ridge”, a 43 unit condominium style 40B development in the Towns of Littleton and Westford. The project required extensive inter-municipal coordination for access, utilities and site approvals.
- Project Manager for “Tadmuck Meadows”, a 43 unit 40B development in the Town of Westford. The project required site specific access permits and environmental impact assessments for 2,000 foot roadway.
- Finalized the site approvals for “Merrimac Landing” a 176 unit 40B development in the Town of Tyngsborough. The development included residential housing with excess of 3,000 feet of roadway design with water, sewer and drainage.
- Project Manager “Concord Place” a 16 unit 40B development in the Town of Westford. The road infrastructure required detailed coordination of the utilities and the sewage disposal system during construction.
- Provided parking rehabilitation design for the “Acre High School Apartments”, an affordable housing project. This included low impact drainage and utility connection design for a historical building renovation in the City of Lowell.

Commercial Projects

- Designed and obtained the site approvals and environmental permitting for a 550 unit storage facility with a 23,000 square foot retail building in the Town of Chelmsford.
- Designed and permitted the approval of a 35,000 square foot mixed use retail development in the City of Lowell.

Municipal Projects

- Engineering review consultant for the Town of Tyngsborough Board of Health since 2003 advising the Board on proper permitting requirements both state and local regulations. Additional work includes construction inspections, plan reviews and engineering oversight.

PROFESSIONAL HISTORY

2004-date: *Senior Project Engineer*, LandTech Consultants, Inc.
1998-2003: *Project Engineer*, LandTech Consultants, Inc.
1996-1997: *Crew Chief*, LandTech Consultants, Inc.
1994-1995: *Instrument Operator*, LandTech Consultants, Inc.
1992-1993: *Title Abstractor*, Title Abstracting Services, Inc., Littleton, MA



Section 6.2

Applicant Entity 40B Experience

Section 6.2

“Cottages in the Woods” located in Westford, MA consists of 16 Units, all of which was 100% affordable. Project and cost examination is complete.

Section 6.3

Applicants Certification

Certification and Acknowledgment

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:

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Have any of the Applicant Entities ever been charged with a violation of state or federal fair housing requirements? Yes 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? Yes 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.

I further certify that we have met with a representative of the 40B Department at MassHousing and understand the requirements for a) completing this application and b) the procedures if and when Site Approval is granted, including the requirement for (i) the use of the standard MassHousing Regulatory Agreement, and (ii) submission to MassHousing, within one hundred eighty (180) days after substantial completion or, if later, within ninety (90) days of the date on which all units are sold, of a cost certification examined in accordance with AICPA attestation standards by an approved certified public accountant.

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No further litigation.

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Digitally signed by Howard Hall
Reason: I am the author of this document
Date: 2020-03-26 11:46-04:00

Signature: _____

Name: **Howard Johnstone Hall** _____

Title: **Manager** _____

Date: _____

**Application for Chapter 40B Project Eligibility/Site Approval
for MassHousing-Financed and New England Fund (“NEF”) Homeownership Projects**

Section 7: NOTIFICATIONS AND FEES

Name of Proposed Project: The Cottages at Rolling Hills

Notice

Date(s) of meetings, if any, with municipal officials prior to submission of application to MassHousing:	<u>3/17/2020</u>
Date copy of complete application sent to chief elected office of municipality:	<u>3/27/2020</u>
Date notice of application sent to DHCD:	<u>3/27/2020</u>

Fees *(all fees should be submitted to MassHousing)*

MassHousing Application Processing Fee (\$2500) Payable to MassHousing:	<u>2500</u>
Chapter 40B Technical Assistance/Mediation Fee Payable to Massachusetts Housing Partnership:	
a. Base Fee: <i>(Limited Dividend Sponsor \$2500, Non-Profit or Public Agency Sponsor \$1,000)</i>	<u>2500</u>
b. Unit Fee: <i>(Limited Dividend Sponsor \$50 per unit, Non-Profit or Public Agency Sponsor \$30 per unit)</i>	<u>7600</u>

Land Appraisal Cost

You will be required to pay for an “as-is” market value appraisal of the Site to be commissioned by MassHousing. MassHousing will contact you once a quote has been received for the cost of the appraisal.

Required Attachments Relating to Section 7

- 7.1 Narrative describing any prior correspondence and/or meetings with municipal officials
- 7.2 Evidence (such as a certified mail receipt) that a copy of the complete application package was sent to the Chief Elected Official of Municipality (may be submitted after the application is submitted to MassHousing)
- 7.3 Copy of notice of application sent to DHCD
- 7.4 Check made out to MassHousing for Processing Fee (\$2500)
- 7.5 Check made payable to Massachusetts Housing Partnership for Technical Assistance/Mediation Fee
- 7.6 W-9 (Taxpayer Identification Number)

Section 7.1

Narrative of Prior Conversations With Town Officials

Section 7.1

Applicant and attorney Melissa E. Robbins met with the West Newbury Town Manager, Angus Jennings, on March 17, 2020 via “GoToMeeting”, to discuss the proposed project.

Section 7.2

Evidence of Notification to Town

DESCHENES & FARRELL, P.C.

Attorneys at Law
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Westford, MA 01886
Telephone: (978) 496-1177
Facsimile: (978) 577-6462

Douglas C. Deschenes
Kathryn Lorah Farrell
*Melissa E. Robbins**

**Admitted in MA and NH*

March 27, 2020

West Newbury Board of Selectmen
West Newbury Town Hall
381 Main Street
West Newbury, MA 01985

RE: Cottage Advisors MA, LLC – 40B Housing Project
28 Coffin Street & 566 Main Street, West Newbury, MA

Dear Members of the Board:

Deschenes & Farrell, PC is representing Cottage Advisors MA, LLC for the purpose of developing a one hundred and fifty-two (152) unit development entitled “The Cottages at Rolling Hills” located at 28 Coffin Street & 566 Main Street, Newbury, MA. In accordance with Section 31.01(2)c of the Rules of the Housing Appeals Committee (760 CMR 31.01), this letter serves to formally notify the Town of West Newbury that a request for a site approval letter has been made by Cottage Advisors, LLC under MassHousing’s New England Fund Program for this development. I have enclosed for your review a copy of the same Site Eligibility Application that was submitted to MassHousing.

We look forward to discussing this project with the Town in greater detail and formally presenting this application to the Zoning Board of Appeals in the near future. We appreciate any additional comments contributed by municipal officials as we move forward in this process.

Sincerely,
Deschenes & Farrell, PC



Melissa E. Robbins

MER/tmg

Section 7.3

Evidence of Notification to DHCD

DESCHENES & FARRELL, P.C.

Attorneys at Law
515 Groton Road, Suite 204
Westford, MA 01886
Telephone: (978) 496-1177
Facsimile: (978) 577-6462

Douglas C. Deschenes
Kathryn Lorah Farrell
*Melissa E. Robbins**

**Admitted in MA and NH*

March 27, 2020

Director
Department of Housing & Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114

RE: **Howard J. Hall – 40B Housing Project**
Cottage Advisors MA, LLC
28 Coffin Street & 566 Main Street, West Newbury, MA

Dear Sir or Madam,

Our office represents Howard J. Hall, Manager of Cottage Advisors MA, LLC, and are providing you notice pursuant to 760 CMR 31.01(2)(c) that an application has been made with a subsidizing agency for approval of the above referenced project. More specifically, Mr. Hall has filed an application with MassHousing for funding of the project under the MassHousing Housing Starts Program.

Please contact me with any comments or questions you may have. Thank you for your time and consideration in this matter.

Sincerely,
Deschenes & Farrell, PC



Melissa E. Robbins

Section 7.4

Check for Processing Fee

1347

COTTAGE ADVISORS MA LLC
487 GROTON ROAD, SUITE A
WESTFORD, MA 01886

LowellFive
LOWELL, MASSACHUSETTS 01851
53-7133/2113



PAY TO THE
ORDER OF

*Mass Housing
Two thousand, five hundred
MEMO App Processing fee Rolling Hills*

\$2,500

DOLLARS

[Handwritten signature]
AUTHORIZED SIGNATURE



Security features. Details on back.

⑈001347⑈ ⑆211371337⑆ 4411557⑈

COTTAGE ADVISORS MA LLC

1347

Section 7.5

Check to MassHousing Partnership

1348

COTTAGE ADVISORS MA LLC
487 GROTON ROAD, SUITE A
WESTFORD, MA 01886

LowellFive
LOWELL, MASSACHUSETTS 01851
53-7133/2113

Signature Strip
Protection for Business

Security features. Details on back.

PAY TO THE
ORDER OF

Massachusetts Housing Partnership
Ten thousand, one hundred
Base & Unit Fee Rolling Hills

\$ 10,100 ⁰⁰/₁₀₀

DOLLARS



[Handwritten Signature]
AUTHORIZED SIGNATURE

MEMO

⑈001348⑈ ⑆211371337⑆ 4414557⑈

COTTAGE ADVISORS MA LLC

1348

Section 7.6

W-9

Request for Taxpayer Identification Number and Certification

**Give Form to the
 requester. Do not
 send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
 See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Cottage Advisors MA, LLC	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ▶ _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
5 Address (number, street, and apt. or suite no.) See instructions. 487 Groton Road	Requester's name and address (optional)
6 City, state, and ZIP code Westford, MA 0188	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number											
or											
Employer identification number											
1	8	-	6	3	7	7	9	2			

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶	Date ▶
------------------	----------------------------	--------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

Section 7.7

List of Applicant Entities

DESCHENES & FARRELL, P.C.
Attorneys at Law
515 Groton Road, Suite 204
Westford, MA 01886
Telephone: (978) 496-1177
Facsimile: (978) 577-6462

Douglas C. Deschenes
Kathryn Lorah Farrell
*Melissa E. Robbins**

**Admitted in MA and NH*

March 27, 2020

Michael Busby
Comprehensive Permit Program
Massachusetts Housing Finance Agency
1 Beacon Street, 28th Floor
Boston, MA 02108

Dear Michael:

This office represents Cottage Advisors MA, LLC (the “Applicant Entity”) regarding its application for a Comprehensive Permit Site Approval Application pursuant to M.G.L. c. 40B. MassHousing has requested, as part of its application process, that the Applicant Entity provide a list of all “Affiliates of Applicant and its Managing Entities.” MassHousing has suggested to us that this list should include any and all entities in which Brian Lussier, President of the Applicant Entity, is involved in as a shareholder, officer, director, manager and/or member.

As a preliminary matter, we do not agree that the application request should be interpreted so broadly. Each entity included within Exhibit A attached hereto is a separate and distinct entity that is neither controlled by the Applicant Entity, nor is the Applicant Entity controlled by any of the listed entities. Furthermore, none of the entities listed are a “subsidiary, parent or sibling corporation” of the Applicant Entity. See Black’s Law Dictionary 67 (9th ed. 2009). It is well established in Massachusetts that

A corporation is an ideal body, subsisting only in contemplation of law, which may be composed of members constantly changing, which **is deemed, for useful purposes, to have an existence independently of that of the members of which it is composed**, to be capable of perpetual succession, and of acquiring, holding and conveying property. (Emphasis added).

Pratt v. Bacon, 27 Mass. 123 (1830). This notion has been expanded over the years such that “the corporation is treated as a person separate and apart from its stockholders, officers and directors and second, the acts of the corporation are not attributed to the officers, directors employees and/or stockholders.” 13 Mass. Practice, *Business Corporations* § 28:1 (2014). Furthermore, Massachusetts General Laws c. 156D Section 6.22(b) states that “[u]nless otherwise provided in the articles of organization, a shareholder of a corporation shall not be

personally liable for the acts or debts of the corporation except that he may become personally liable by reason of his own acts or conduct.” Because each corporate entity is intended to be treated as a separate person, distinct from its shareholders, officers, directors and employees and further because shareholders, officers, directors and employees cannot, except in special circumstances, be held liable for acts or debts of a corporation, the fact that Brian Lussier is a shareholder, officer, director, member and/or manager of numerous corporate entities does not mean that these entities are in anyway relevant to the Applicant’s application for a Comprehensive Permit at **28 Coffin Street, West Newbury, MA**. Similarly, the actions of the listed entities may not be attributed to the Applicant Entity simply because they may share a similar officer/manager. Accordingly, while we provide the attached list per the request of MassHousing, we would at the same time suggest that the list provided should not have any relevance to the Applicant Entity’s application pending before MassHousing. Thank you in advance for your time and consideration.

Sincerely,
Deschenes & Farrell, PC



Melissa E. Robbins

MER/tmg

Attachment

Corporations Division

Business Entity Summary

ID Number: 001304375

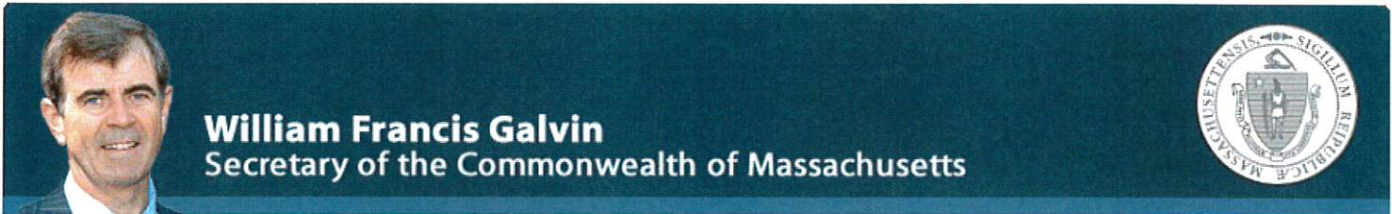
[Request certificate](#)

[New search](#)

Summary for: COTTAGE ADVISORS MA, LLC

The exact name of the Domestic Limited Liability Company (LLC): COTTAGE ADVISORS MA, LLC		
Entity type: Domestic Limited Liability Company (LLC)		
Identification Number: 001304375		
Date of Organization in Massachusetts: 12-26-2017		
Last date certain:		
The location or address where the records are maintained (A PO box is not a valid location or address): Address: 25 STOREY AVE. PMB 319 City or town, State, Zip code, NEWBURYPORT, MA 01950 USA Country:		
The name and address of the Resident Agent: Name: ELIZABETH A. AHERN Address: 9 NORTH ROAD City or town, State, Zip code, CHELMSFORD, MA 01824 USA Country:		
The name and business address of each Manager:		
Title	Individual name	Address
MANAGER	HOWARD J. HALL	487GROTON ROAD WESTFORD, MA 01886 USA
MANAGER	HOWARD JOHNSTONE HALL	25 STOREY AVE. PMB 319 NEWBURYPORT, MA 01950 USA
In addition to the manager(s), the name and business address of the person(s) authorized to execute documents to be filed with the Corporations Division:		
Title	Individual name	Address
SOC SIGNATORY	HOWARD J HALL	487GROTON ROAD WESTFORD, MA 01886 USA
SOC SIGNATORY	HOWARD JOHNSTONE HALL	25 STOREY AVE. PMB 319 NEWBURYPORT, MA 01950 USA
The name and business address of the person(s) authorized to execute, acknowledge, deliver, and record any recordable instrument purporting to affect an interest in real property:		
Title	Individual name	Address

Howard Johnston Hall
Entities



Corporations Division

Business Entity results

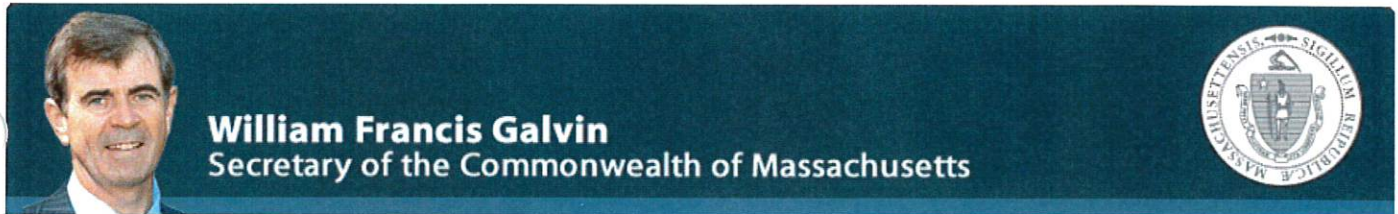
Number of records: 8

[Print results](#)

<u>Name</u>	<u>Position</u>	<u>Individual's Address</u>	<u>Entity Name</u>	<u>ID No.</u>	<u>Old ID No.</u>
HALL , HOWARD JOHNSTONE	MANAGER		COTTAGE ADVISORS MA, LLC	001304375	
HALL , HOWARD JOHNSTONE	SOC SIGNATORY		COTTAGE ADVISORS MA, LLC	001304375	
HALL , HOWARD JOHNSTONE	REAL PROPERTY		COTTAGE ADVISORS MA, LLC	001304375	
HALL , HOWARD JOHNSTONE	MANAGER		COTTAGE ADVISORS, LLC	001115188	
HALL , HOWARD JOHNSTONE	REAL PROPERTY		COTTAGE ADVISORS, LLC	001115188	
HALL , HOWARD JOHNSTONE	MANAGER		EVERGREEN COMMONS, LLC	001199986	
HALL , HOWARD JOHNSTONE	SOC SIGNATORY		EVERGREEN COMMONS, LLC	001199986	
HALL , HOWARD JOHNSTONE	REAL PROPERTY		EVERGREEN COMMONS, LLC	001199986	

[New Search](#)

Howard J. Hall
Entities



Corporations Division

Business Entity results

Number of records: 74

Number of pages: 3

[Print results](#)

<u>Name</u>	<u>Position</u>	<u>Individual's Address</u>	<u>Entity Name</u>	<u>ID No.</u>	<u>Old ID No.</u>
HALL , HOWARD J	SOC SIGNATORY		150 CLINTON, LLC	001328190	
HALL , HOWARD J	MANAGER		150 CLINTON, LLC	001328190	
HALL , HOWARD J	REAL PROPERTY		150 CLINTON, LLC	001328190	
HALL , HOWARD J	MANAGER		BOSTON ROAD HOMES LLC	001020170	
HALL , HOWARD J	SOC SIGNATORY		COTTAGE ADVISORS MA, LLC	001304375	
HALL , HOWARD J	MANAGER		EVERGREEN COMMONS, LLC	001199986	
HALL , HOWARD J	SOC SIGNATORY		EVERGREEN COMMONS, LLC	001199986	
HALL , HOWARD J	REAL PROPERTY		EVERGREEN COMMONS, LLC	001199986	
HALL , HOWARD J	REAL PROPERTY		H-KIDS, LLC	001331438	
HALL , HOWARD J	MANAGER		H-KIDS, LLC	001331438	
HALL , HOWARD J	SOC SIGNATORY		H-KIDS, LLC	001331438	
HALL , HOWARD J	MANAGER		LEOMINSTER ARENHALL LLC	001224146	
HALL , HOWARD J	REAL PROPERTY		LEOMINSTER ARENHALL LLC	001224146	
HALL , HOWARD J	PRESIDENT	36 SAINTS PLACE WELLS, ME 04090 USA 36 SAINTS PLACE WELLS, ME 04090 USA	NONA ROSATTI PIZZA, INC.	000803078	
	TREASURER			000803078	

HALL , HOWARD J		36 SAINTS PLACE WEKKS, ME 04090 USA 36 SAINTS PLACE WELLS, ME 04090 USA	NONA ROSATTI PIZZA, INC.		
HALL , HOWARD J	DIRECTOR	36 SAINTS PLACE WELLS, ME 04090 USA 36 SAINTS PLACE WELLS, ME 04090 USA	NONA ROSATTI PIZZA, INC.	000803078	
HALL , HOWARD J	SECRETARY	36 SAINTS PLACE WELLS, ME 04090 USA 36 SAINTS PLACE WELLS, ME 04090 USA	NONA ROSATTI PIZZA, INC.	000803078	
HALL, HOWARD J.	SECRETARY	187 LITTLETON RD., WESTFORD, MA USA 187 LITTLETON RD., WESTFORD, MA USA	BERRY'S GARAGE,INC.	000162224	
HALL, HOWARD J.	SECRETARY	187 LITTLETON RD., WESTFORD, MA USA 187 LITTLETON RD., WESTFORD, MA USA	BRUMA, INC.	042607068	000016322
HALL, HOWARD J.	SECRETARY	200 LITTLETON RD., WESTFORD, MA USA 200 LITTLETON RD., WESTFORD, MA USA	CLASSIC PROPERTIES, INC.	042771773	000169122
HALL, HOWARD J.	SECRETARY	187 LITTLETON RD., WESTFORD, MA USA 187 LITTLETON RD., WESTFORD, MA USA	COMMUNICATIONS POLY SERVICES, INC.	042735931	000173253
HALL, HOWARD J.	PRESIDENT	36 SAINTS PLACE, DRAKES ISLAND, WELLS, ME 04090 USA	HALL, BALAS, FINNEGAN & ALPHEN, P.C.	042662459	

		36 SAINTS PLACE, DRAKES ISLAND, WELLS, ME 04090 USA			
HALL, HOWARD J.	SECRETARY	45 FLAGG RD., WESTFORD, MA USA 45 FLAGG RD., WESTFORD, MA USA	JERO CONSTRUCTION, INC.	042737022	000173484
HALL, HOWARD J.	PRESIDENT	36 SAINT PLACE, WELLS, ME USA 36 SAINT PLACE, WELLS, ME USA	MAGNUS SALES & MARKETING, INC.	043510641	000699192
HALL, HOWARD J.	PRESIDENT	36 SAINTS PL., WELLS, ME USA 36 SAINTS PL., WELLS, ME USA	MOBGAS, INC.	000672169	000000000
123					

[New Search](#)

Section 8.0

Checklist

Application Checklist

The documentation listed below must, where applicable, accompany each application. For detailed descriptions of these required documents, please see the relevant sections of the application form.

* Applications missing any of the documents indicated by an asterisk will not be processed by MassHousing until MassHousing receives the missing item(s).

1. * Completed application form, and certification under pains and penalties of perjury (one (1) signed original) accompanied by one (1) electronic copy of the completed application package
 - 1.1 * Location Map
 - 1.2 Tax Map
 - 1.3 * Directions to the proposed Site
- 2.1 * Existing Conditions Plan
- 2.2 Aerial Photographs
- 2.3 Site/Context Photographs
- 2.4 * Documentation Regarding Site Characteristics/Constraints
- 2.5 * By Right Site Plan, if applicable
- 3.1 * Preliminary Site Layout Plan(s)
- 3.2 * Graphic Representations of Project/Preliminary Architectural Plans
- 3.3 * Narrative Description of Design Approach
- 3.4 * Tabular Zoning Analysis
- 3.5 Sustainable Development Principles Evaluation Assessment Form
- 4.1 * Evidence of site control (*documents and any plans referenced therein*)
 - Land Disposition Agreement, if applicable N/A
- 5.1 * NEF Lender Letter of Interest
- 5.2 Market Sales Comparables
- 5.3 Market Study, if required by MassHousing N/A
- 6.1 * Development Team Qualifications
- 6.2 Applicant's Certification (*any required additional sheets*)
- 7.1 Narrative describing prior contact (*if any*) with municipal officials
- 7.2 * Evidence that a copy of the application package has been received by the Chief Elected Official in the municipality (*may follow after initial submission of application package, but site visit will not be scheduled nor request for municipal comments made until such evidence is received by MassHousing*)
- 7.3 Copy of notification letter to DHCD
- 7.4 *\$2,500 Fee payable to MassHousing (*once an appraiser has been selected by MassHousing and an appraisal fee quoted, an additional non-refundable appraisal fee will be required*)
- 7.5 **Technical Assistance/Mediation Fee payable to Massachusetts Housing Partnership. \$10,100.00*