



Massachusetts Housing Finance Agency
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July 1, 2025

55 West Union LLC
60 Pleasant Street, Suite 3
Ashland, MA
Attention: John Dudley

**Re: 55 West
Project Eligibility/Site Approval
MassHousing ID No. 1267**

Dear Mr. Dudley:

This letter is in response to your application as “Applicant” for a determination of Project Eligibility (“Site Approval”) pursuant to Massachusetts General Laws Chapter 40B (“Chapter 40B”), 760 CMR 56.00 (the “Regulations”) and the Comprehensive Permit Guidelines issued by the Executive Office of Housing and Livable Communities (“EOHLC”) (the “Guidelines” and, collectively with Chapter 40B and the Regulations, the “Comprehensive Permit Rules”), under the New England Fund (“NEF”) Program (“the Program”) of the Federal Home Loan Bank of Boston (“FHLBank Boston”).

55 West Union LLC (the “Applicant”) has submitted an application with MassHousing pursuant to Chapter 40B. You have proposed to build one hundred sixteen (116) units of rental housing (the “Project”) on approximately 4.86 acres of land located at 55 West Union Street (the “Site”) in Ashland (the “Municipality”).

In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility by MassHousing acting as Subsidizing Agency under the Guidelines, including Part V thereof, “Housing Programs In Which Funding Is Provided By Other Than A State Agency.”

MassHousing has performed an on-site inspection of the Site, which local boards and officials were invited to attend, and has reviewed the pertinent information for the Project submitted by the Applicant, the Municipality and others in accordance with the Comprehensive Permit Rules.

Municipal Comments

Pursuant to the Regulations, the Municipality was given a thirty (30) day period in which to review the Site Approval application and submit comments to MassHousing. At the request of the Municipality, this time was extended an additional twenty (20) days for a total of fifty (50) days. The Municipality submitted letters from various boards and departments, identifying the following comments and concerns:

- The Municipality raised concerns about traffic impacts on Route 135 and Memorial Drive relative to vehicular safety, given the proximity of the proposed Project's entrance to Route 135; and relative to pedestrian safety, given the proximity of the proposed Project to Ashland Middle School and the MBTA station.
- The Municipality is concerned that the proposed Project's parking ratio may be insufficient.
- The Municipality is concerned about the cumulative impact of 40B projects within the community on local infrastructure, including:
 - Water and sewer, noting the potential need for capital improvements to existing infrastructure.
 - Emergency services
- The Municipality raised concerns about feasibility of the proposed sewer relocation given the likelihood of ledge in the area and noted that further geotechnical investigation will be required.
- The Municipality is concerned about the location, design, and feasibility of the stormwater basin given the likelihood of ledge on the Site and its proximity to the on-site wetlands.
- The Municipality raised the following additional concerns relative to stormwater management on the Site and potential impacts to public drainage infrastructure:
 - Alteration or obstruction of pre-existing runoff patterns and associated drainage on Memorial Drive and West Union Street.
 - Runoff towards West Union Street due to steeply sloping areas adjacent to the Site's parking areas. Installation of 6-inch curbing is recommended.
 - Emergency overflow design for the proposed Project's subsurface infiltration system.
 - Proposed alteration of the existing slope within the slope easement area, and the redirection of stormwater towards the Memorial Drive sidewalk.
- The Municipality raised safety concerns relative to the proposed Project's snow storage location along West Union Street given the 8-10 feet elevation change and risk of snow being pushed or melting onto the public sidewalk.
- While the Municipality noted some positive elements within the preliminary architectural plans, the following recommendations were made:
 - Incorporating additional insets along the long edge of the building on Memorial Drive.
 - Increased architectural detailing and breaks in the roofline.
 - Increased architectural articulation across the façade.
 - Modifications to the color and material palette.
- The Municipality is concerned about ADA accessible connections between the proposed Project and the public sidewalk on Memorial Drive.
- The Municipality's Ashland Upper Trails Committee requested that the Applicant consider modifications to the proposed site plan that would allow a widening of the sidewalk to allow for safer bicycle infrastructure.

Comments Outside of the Findings

While Comprehensive Permit Rules require MassHousing, acting as Subsidizing Agency under the Guidelines, to “accept written comments from Local Boards and other interested parties” and to “consider any such comments prior to issuing a determination of Project Eligibility,” they also limit MassHousing to specific findings outlined in 760 CMR 56.04(1) and (4). The following comments were submitted to MassHousing by community members, identifying issues that are not within the scope of our review:

- Possible impacts on the capacity of local schools
- Consideration for deeper levels of affordability than minimum standards set forth in the Guidelines. In particular, the Municipality suggested a need for units set at or below 50% AMI and 60% AMI.

MassHousing Determination and Recommendation

MassHousing staff has determined that the Project appears generally eligible under the requirements of the Program, subject to final review of eligibility and to Final Approval.¹ As a result of our review, we have made the findings as required pursuant to 760 CMR 56.04(1) and (4). Each such finding, with supporting reasoning, is set forth in further detail on Attachment 1 hereto. It is important to note that Comprehensive Permit Rules limit MassHousing to these specific findings in order to determine Project Eligibility. If, as here, MassHousing issues a determination of Project Eligibility, the Applicant may apply to the Zoning Board of Appeals (“ZBA”) for a comprehensive permit. At that time local boards, officials and members of the public are provided the opportunity to further review the Project to ensure compliance with applicable state and local standards and regulations.

Based on MassHousing’s site and design review, and considering feedback received from the Municipality, the following issues should be addressed in the application to the ZBA, and the Applicant should be prepared to explore them more fully during the public hearing process:

- Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, wastewater collection and treatment, and hazardous waste safety. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.
- The Applicant should be prepared to provide sufficient data to assess the proposed Project’s potential traffic impacts on area roadways and intersections and respond to reasonable requests for mitigation.
- The Applicant should work with the Municipality to address water supply and sewer capacity concerns in the area.

¹ MassHousing has relied on the Applicant to provide truthful and complete information with respect to this approval. If at any point prior to the issuance of a comprehensive permit MassHousing determines that the Applicant has failed to disclose any information pertinent to the findings set forth in 760 CMR 56.04 or information requested in the Certification and Acknowledgment of the Application, MassHousing retains the right to rescind this Site Approval letter.

- The Applicant should be prepared to provide detailed information regarding geologic and stormwater conditions at the Site, and ensure appropriate mitigation is incorporated into the design.
- The Applicant should be prepared to address any impacts or interference with existing on-site slope and utility easements.
- The Applicant should be prepared to work closely with its design team to address concerns regarding building massing and architectural details.
- The Applicant should work with the Municipality to address the following pedestrian and bicycle concerns:
 - The potential impacts of snow storage on the public sidewalk.
 - ADA accessibility to and from the Site.
 - Consideration for improvements to adjacent bicycle infrastructure.

MassHousing has also reviewed the application for compliance within the requirements of 760 CMR 56.04(2) relative to Application requirements and has determined that the material provided by the Applicant is sufficient to show compliance.

This Site Approval is expressly limited to the development of no more than one hundred sixteen (116) rental units under the terms of the Program, of which not less than twenty-nine (29) of such units shall be restricted as affordable for low- or moderate-income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a comprehensive permit, the use of any other housing subsidy program, the construction of additional units or a reduction in the size of the Site, you may be required to submit a new Site Approval application for review by MassHousing. Should you consider a change in tenure type or a change in building type or height, you may be required to submit a new Site Approval application for review by MassHousing.

For guidance on the comprehensive permit review process, you are advised to consult the Guidelines. Further, we urge you to review carefully with legal counsel the M.G.L. c.40B Comprehensive Permit Regulations at 760 CMR 56.00.

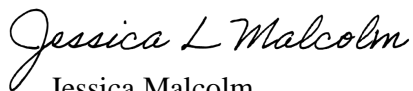
This approval will be effective for a period of two (2) years from the date of this letter. Should the Applicant not apply for a comprehensive permit within this period this letter shall be considered to be expired and no longer in effect unless MassHousing extends the effective period of this letter in writing. In addition, the Applicant is required to notify MassHousing at the following times throughout this two-year period: (1) when the Applicant applies to the local ZBA for a Comprehensive Permit, (2) when the ZBA issues a decision and (3) if applicable, when any appeals are filed.

Should a comprehensive permit be issued, please note that prior to (i) commencement of construction of the Project or (ii) issuance of a building permit, the Applicant is required to submit to MassHousing a request for Final Approval of the Project (as it may have been amended) in accordance with the Comprehensive Permit Rules (see especially 760 CMR 56.04(07) and the Guidelines including, without limitation, Part III thereof concerning Affirmative Fair Housing Marketing and Resident Selection). Final Approval will not be issued unless MassHousing is able to make the same findings at the time of issuing Final Approval as required at Site Approval.

Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the New England Fund Program of the FHLBank Boston, for which MassHousing serves as Subsidizing Agency, as reflected in the applicable regulatory documents. In the interest of providing for an efficient review process and in order to avoid the potential lapse of certain appeal rights, the Applicant may wish to submit a “final draft” of the Comprehensive Permit to MassHousing for review. Applicants who avail themselves of this opportunity may avoid significant procedural delays that can result from the need to seek modification of the Comprehensive Permit after its initial issuance.

If you have any questions concerning this letter, please contact Kat Miller at kmiller@masshousing.com or (617) 854-1217.

Sincerely,



Jessica Malcolm
Senior Manager, Planning and Programs

cc: Ed Augustus, Secretary, EOHLA
The Honorable Karen E. Spilka
The Honorable Jack Patrick Lewis
Joseph J Magnani, Jr, Chair, Ashland Select Board
John F. Trefethen, Chair, Ashland Zoning Board of Appeals
Michael Herbert, Ashland Town Manager

Attachment 1

760 CMR 56.04 Project Eligibility: Other Responsibilities of Subsidizing Agency
Section (4) Findings and Determinations

55 West, Ashland, MA #1267

MassHousing hereby makes the following findings, based upon its review of the application, and taking into account information received during the site visit and from written comments:

(a) that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to final approval under 760 CMR 56.04(7);

The Project is eligible under the NEF housing subsidy program and at least 25% of the units will be available to households earning at or below 80% of the Area Median Income, adjusted for household size, as published by the U.S. Department of Housing and Urban Development (“HUD”). The most recent HUD income limits indicate that 80% of the current median income for a four-person household in Ashland is \$132,300.

Proposed rent levels, net utility allowances for the area, of \$2,226 for a one-bedroom affordable unit, \$2,603 for a two-bedroom affordable unit and \$2,946 for a three-bedroom affordable unit, are within current affordable rent levels for the Boston-Cambridge-Quincy HMFA under the NEF Program.

The Applicant submitted a letter of financial interest from Needham Bank, a member bank of the FHLBank Boston under the NEF Program.

(b) that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the Municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under c.40A, and overlay districts adopted under c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);

Section IV-A (3) (a) of the Guidelines provide guidance to Subsidizing Agencies for evaluating a municipality’s actions intended to meet affordable housing needs. Comments from the Municipality highlighted Ashland’s progress towards creating mixed-income multifamily housing over the past 10 years, noting a pipeline that will result in exceedance of the statutory minima requirement of 10% once built.

MassHousing commends the Municipality’s efforts and progress towards creating multifamily mixed-income housing; however, municipal actions to date have not been of a character and scale that meets the municipality’s need for affordable housing as measured by the Statutory Minima. The Town of Ashland has an EOHLC-approved Housing Production Plan. According to EOHLC’s Chapter 40B Subsidized Housing Inventory, updated through June 30, 2025, Ashland has 435 Subsidized Housing Inventory (SHI) units (5.28% of its housing inventory), which is 311 units below the statutory minima requirement of 10%.

Based on a site inspection by MassHousing staff, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development and that such use would be compatible with surrounding uses and would address the local need for housing.

(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);

Relationship to adjacent streets/Integration into existing development patterns

Ashland is located approximately halfway between Boston and Worcester with excellent roadway and public transportation connections. The primary local arteries connecting Ashland to nearby communities include routes 135 and 126. Major highway access is provided by Interstate 90, the Massachusetts Turnpike, approximately 6 miles to the north, and Interstate 495, approximately 5 miles to the west. MBTA Commuter Rail access (Framingham/Worcester line) is located down the street from the Site (an approximate 15-minute walk down Memorial Drive), providing direct rail access to both Boston and Worcester.

The Site, currently wooded undeveloped land, is located at the intersection of Route 135, or West Union Street, and Memorial Drive, near the center of Ashland, in a predominantly suburban area characterized by a mix of uses. Given this central location, the surrounding area provides convenient access to commercial, retail, and service uses, including café/restaurant, pharmacy, and various small businesses. The immediate surroundings also include some single-family homes, local schools, and public open spaces. Notable nearby landmarks include Ashland Middle School, the Ashland Upper Charles Trail, and Ashland State Park. A planned expansion for the MetroWest YMCA is intended to be located across the street from the Site, on Memorial Drive next to the Dunkin Donuts. Overall, the Site is able to successfully integrate into existing development patterns and is well positioned to support the proposed multifamily residential use.

Relationship to Adjacent Building Typology (Including building massing, site arrangement, and architectural details):

The proposed Project consists of one new residential building containing 116 one-, two- and three-bedroom units. The proposed 4-5 story building is set back from West Union Street, stepping up the Site's topography, with one partial level containing lobby, amenity, and building support spaces built into the low portion of the Site, and 4 full stories of apartments above. The building form bends with the shape of the Site, characterized by one long wing that runs along Memorial Drive flanked by two shorter wings on either end. The building's massing is broken up by insets at the building's corners to give the impression of a series of buildings. Exterior building materials are drawn from a residential palette and include brick, fiber cement lap siding, a metal standing seam roof, and large windows and balconies.

Density

The Developer intends to build one hundred sixteen (116) rental apartments in one (1) multifamily building on 4.86 acres of land, 4.42 of which are buildable. The resulting density is 26.24 units per buildable acre. The proposed density is acceptable given the proposed housing type and its transit-oriented location near a mix of uses.

Conceptual Site Plan

The proposed site plan consists of one 4-5 story building that is set back from West Union Street and fronted along the Site's Memorial Drive frontage. Access and egress to the Site is provided via two curb cuts on Memorial Drive. The proposed Project is designed to accommodate a covered entry at the primary access. The access drive continues around the rear of the building, connecting various surface parking areas containing a total of 184 parking spaces, for a parking ratio of 1.59 spaces per unit. Subsurface drainage is identified under the surface parking area at the east of the Site and a stormwater basin is shown near the Site's western boundary, before it slopes down to the on-site wetlands. The Site is subject to several easements including a 30' wide utility easement containing a sewer line that is proposed to be relocated, and slope and drainage easements along Memorial Drive. The Applicant will need to coordinate with the Municipality to address any interference between the proposed Project's design and these easements.

Environmental Resources

The Site contains 0.44 acres of wetland in the western portion of the Site. The site plan is organized in a way that generally locates the built portion of the development away from the wetland areas. An ORAD has been issued for the wetlands delineation and the Applicant will seek an Order of Conditions from the Ashland Conservation Commission prior to construction.

Topography

The Site's topography rises steeply towards the center of the Site from the Site's frontages along West Union Street and Memorial Drive. The topography in the center of the Site plateaus momentarily before sloping back down towards the wetlands to the west. The design makes effective use of this grade change by orienting the building so that its partial ground floor and covered entry drive are situated in the lower part of the Site.

(d) that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals or sales figures);

The Applicant proposes 116 rental apartments to be financed under the NEF Program. There will be 29 market-rate units with proposed average rent levels of \$2,300 for the one-bedroom units; \$2,800 for the two-bedroom units; and \$3,300 for the three-bedroom units, which are within the range of comparable market rents.

(e) that an initial pro forma has been reviewed, including a land valuation determination consistent with the Secretariat's Guidelines, and the Project appears financially feasible and consistent with the Secretariat's Guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;

MassHousing commissioned an "As-Is" appraisal in accordance with Section IV-B (1) of the Guidelines, which indicates a current land valuation of \$1,120,000. Based on a proposed investment of \$42,876,739 in equity and permanent financing, the development pro forma appears to be financially feasible and within the limitations on profits and distributions.

(f) that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; and

MassHousing finds that the Applicant must be organized as a Limited Dividend Organization. MassHousing sees no reason this requirement could not be met given information reviewed to date.

The Applicant meets the general eligibility standards of the NEF housing subsidy program and has executed an Acknowledgment of Obligations to restrict their profits in accordance with the applicable limited dividend provisions.

(g) that the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed by the Subsidizing Agency to be sufficient to control the site.

The Applicant controls the Site by virtue of a Quitclaim Deed recorded at the Middlesex South District Registry of Deeds in Book 82146; Page 335.