

# ***Comprehensive Permit Application***

## ***Dracut Zoning Board of Appeals***

***Greenmont Commons  
135 Greenmont Avenue  
Dracut, MA 01826***

*Prepared for*

***Riverbank Properties, LLC  
908 Lawrence Street  
Lowell, MA 01852***

*August 19, 2022*

***REVISED***

*Submitted to Town Dracut December 1, 2022*

***REVISED***

*March 15, 2023*



25 Dean Avenue ♦ Dracut, MA 01826 ♦ (978) 835-0102



**Comprehensive Permit  
Site Approval Application  
Rental**

[www.masshousing.com](http://www.masshousing.com) | [www.masshousingrental.com](http://www.masshousingrental.com)

## **Comprehensive Permit Site Approval Application/Rental**

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](http://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](mailto: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") Rental Projects**

**Section 1: GENERAL INFORMATION**

**Name of Proposed Project:** Greenmont Commons

**Municipality:** Dracut

**County:** Middlesex

**Address of Site:** 135 Greenmont Avenue

**Cross Street:** Bridge Street

**Zip Code:** 01826

**Tax Parcel I.D. Number(s):** Map 47 Lot 126

**Name of Proposed Development Entity:** Riverbank Properties, 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:** Riverbank Properties, 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:**

**Contact Name:** Kenneth Lania

**Relationship to Applicant:**

**Company Name:** Cornerstone Land Associates, LLC

Project Manager/Civil Engineer

**Address:** 25 Dean Avenue

**Municipality:** Dracut

**State:** Massachusetts

**Zip:** 01826

**Phone:**

**Cell Phone:** (978) 835-0102

**Email:** kmconsultants@comcast.net

**Secondary Contact Information:**

**Contact Name:** Branco Perego

**Relationship to Applicant:**

**Company Name:** Riverbank Properties, LLC

**Address:** 135 Greenmont Avenue

**State:** Massachusetts

**Zip:** 01826

**Municipality:** Dracut

**Cell Phone:** (978) 771-3205

**Phone:**

**Email:** branco@nationwidetile.com

**Additional Contact Information:**

**Contact Name:**

**Relationship to Applicant:**

**Company Name:**

**Address:**

**State:**

**Zip:**

**Municipality:**

**Cell Phone:**

**Phone:**

**Email:**

**Anticipated Construction Financing:** MassHousing

**Anticipated Permanent Financing:** MassHousing

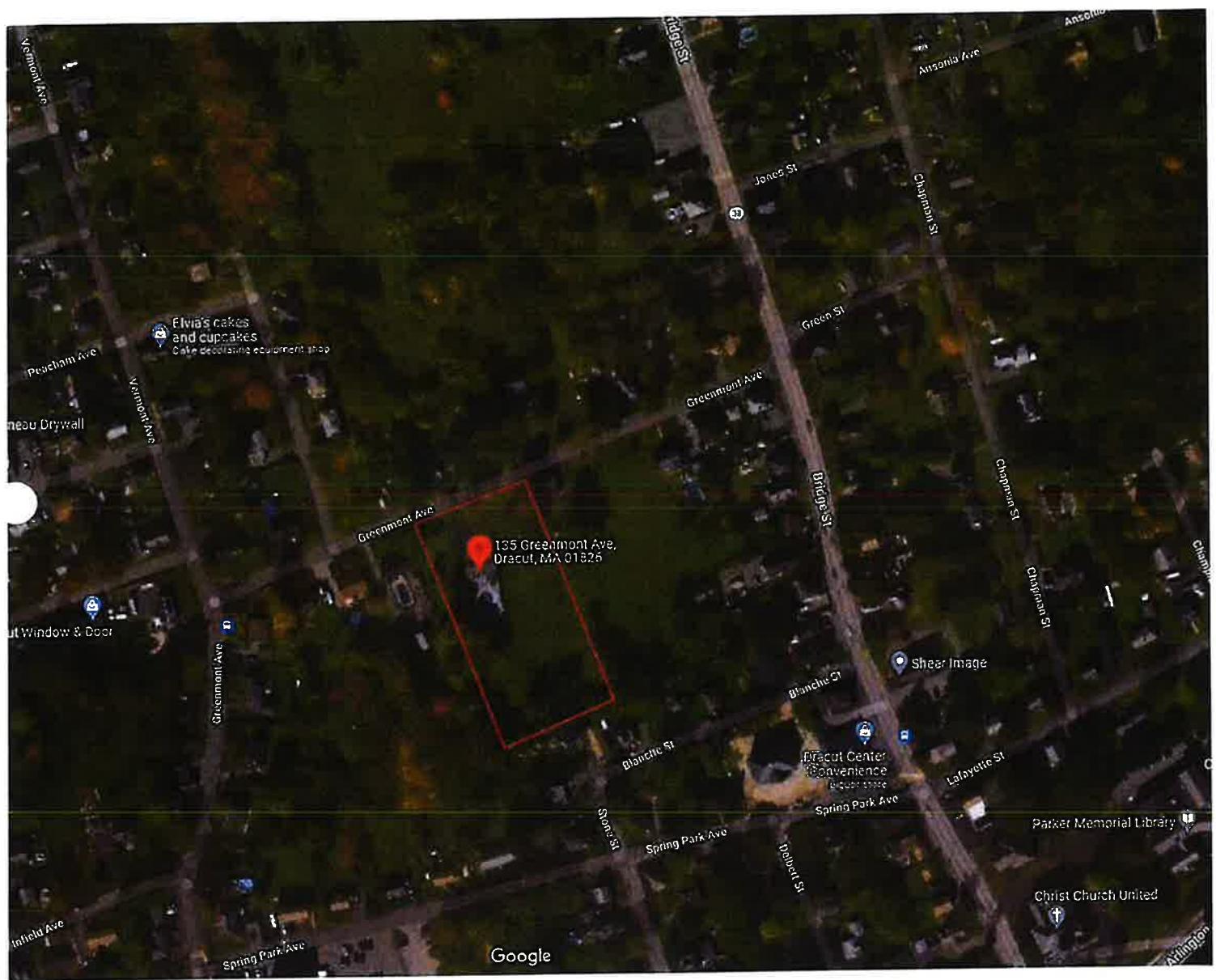
**Anticipated Permanent Financing:**

**Please note: under the NEF Program, a minimum of 25% of the Permanent financing must be obtained from an NEF Lender and remain in place for 5 years**

**Age Restriction:** None

**Brief Project Description:**

The development of a Comprehensive Permit rental project consisting of 28 units in 6 building townhouse clusters.





**Board of Assessors**  
 Kathleen M. Roark  
 Marilyn L. Provencher  
 Ann Vandal  
 REVISED: Friday, June 08, 2012

*"Note: The data on this map has been compiled from a variety of sources and is not to be considered legal locations or boundary line.  
 The purpose of this map is to depict relative positions of parcels for assessing purposes only.  
 The Town of Dracut assumes no responsibility for the accuracy of the individual parcels.  
 Anyone utilizing these maps does so at their own risk."*

**PROPERTY MAP  
 for  
 BOARD of ASSESSORS  
 TOWN OF DRACUT  
 MASSACHUSETTS**

**MAP**  
 47



**PROPERTY MAP**  
for  
**BOARD of ASSESSORS**  
**TOWN OF DRACUT**  
**MASSACHUSETTS**

Board of Assessors  
Kathleen M. Roark  
Marilyn L. Provencher  
Ann Vandal  
REVISED: Friday, June 08, 2012

**MAP**  
50

*Note: The data on this map has been compiled from a variety of sources and is not to be  
considered for surveying purposes. It is for reference only.  
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One Beacon Street to 135 Greenmont Ave, Dracut, MA 01826

Drive 33.0 miles, 43 min

Greenmont Commons - Chapter 40B Application

**One Beacon Street**

1 Beacon St, Boston, MA 02108

**Follow I-93 N to MA-110 W/MA-113 W/Lowell St in**

**Methuen. Take exit 43B from I-93 N**

30 min (26.6 mi)

- ↑ 1. Head west on Beacon St toward Tremont Pl  
138 ft
- ↗ 2. Beacon St turns right and becomes Somerset St  
335 ft
- ↖ 3. Somerset St turns left and becomes Ashburton Pl  
203 ft
- ↗ 4. Slight right toward Bowdoin St  
217 ft
- ↗ 5. Continue onto Bowdoin St  
0.1 mi
- ↗ 6. Turn right onto Cambridge St  
443 ft
- ↖ 7. Turn left onto Sudbury St  
0.3 mi
- ↗ 8. Turn left to merge onto I-93 N  
25.6 mi
- ↗ 9. Take exit 43B to merge onto MA-110 W/MA-113 W/Lowell St toward Dracut  
0.3 mi

**Continue on MA-113 W. Drive to Greenmont Ave in Dracut**

12 min (6.4 mi)

- ↗ 10. Merge onto MA-110 W/MA-113 W/Lowell St  
0.3 mi
- ↑ 11. Continue onto MA-113/N Lowell St  
 ⓘ Continue to follow MA-113  
5.1 mi
- ↗ 12. Turn right onto Fox Ave  
0.7 mi
- ↖ 13. Turn left onto MA-38 S  
0.2 mi
- ↗ 14. Turn right onto Greenmont Ave  
 ⓘ Destination will be on the left  
0.1 mi

**135 Greenmont Ave**  
**Dracut, MA 01826**

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

**Application for Chapter 40B Project Eligibility / Site Approval  
for MassHousing-Financed and New England Fund ("NEF") Rental 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)**

<b>Total Site Area:</b>	<b>2.45</b>
<b>Wetland Area (per MA DEP):</b>	<b>0.01</b>
<b>Flood Hazard Area (per FEMA):</b>	<b>0.00</b>
<b>Endangered Species Habitat (per MESA):</b>	<b>0.00</b>
<b>Conservation / Article 97 Land:</b>	<b>0.00</b>
<b>Protected Agricultural Land (i.e. EO 193):</b>	<b>0.00</b>
<b>Other Non-Buildable:</b>	<b>0.00</b>
<b>Total Non-Buildable Area:</b>	<b>0.01</b>
<b>Total Buildable Area:</b>	<b>2.44</b>

**Current use of the site and prior use if known:**

Single Family Dwelling

**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

**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:**

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

**Describe Surrounding Land Uses:**

Mix of Senior Housing and Single Family Dwellings

<b>Surrounding Land Use/Amenities</b>	<b>Distance from Site</b>	<b>Available by Public Transportation?</b>
Shopping Facilities	0.80	Yes
Schools	0.20	Yes
Government Offices	0.40	Yes
Multi-Family Housing	0.05	Yes
Public Safety Facilities	0.40	Yes

<b>Office/Industrial Uses</b>	<b>0.80</b>	<b>Yes</b>
<b>Conservation Land</b>	<b>0.25</b>	<b>Yes</b>
<b>Recreational Facilities</b>	<b>0.25</b>	<b>Yes</b>
<b>Houses of Worship</b>	<b>0.30</b>	<b>Yes</b>
<b>Other</b>	<b>0.80</b>	<b>Yes</b>

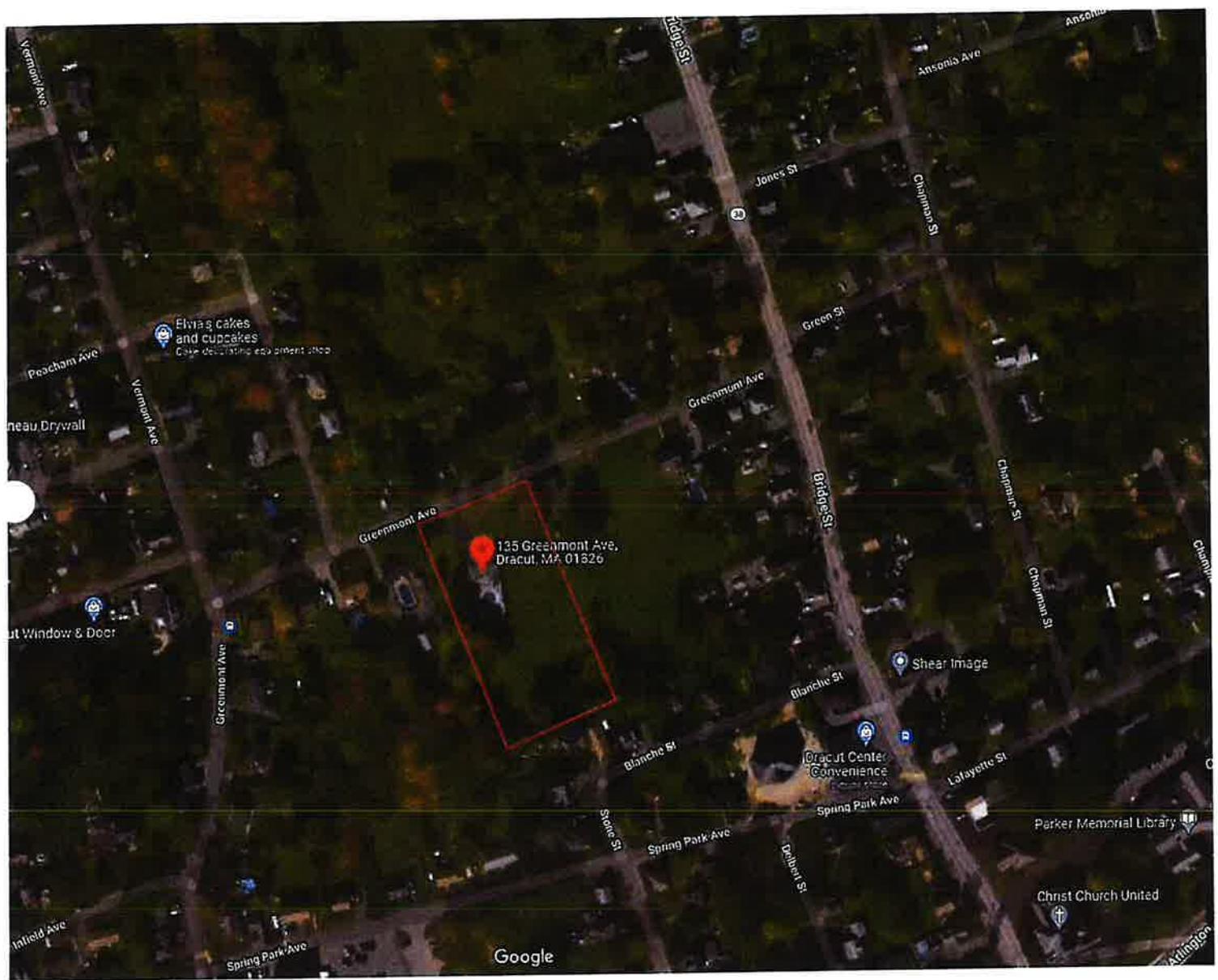
**Public transportation near the Site, including type of transportaion and distance from site:**

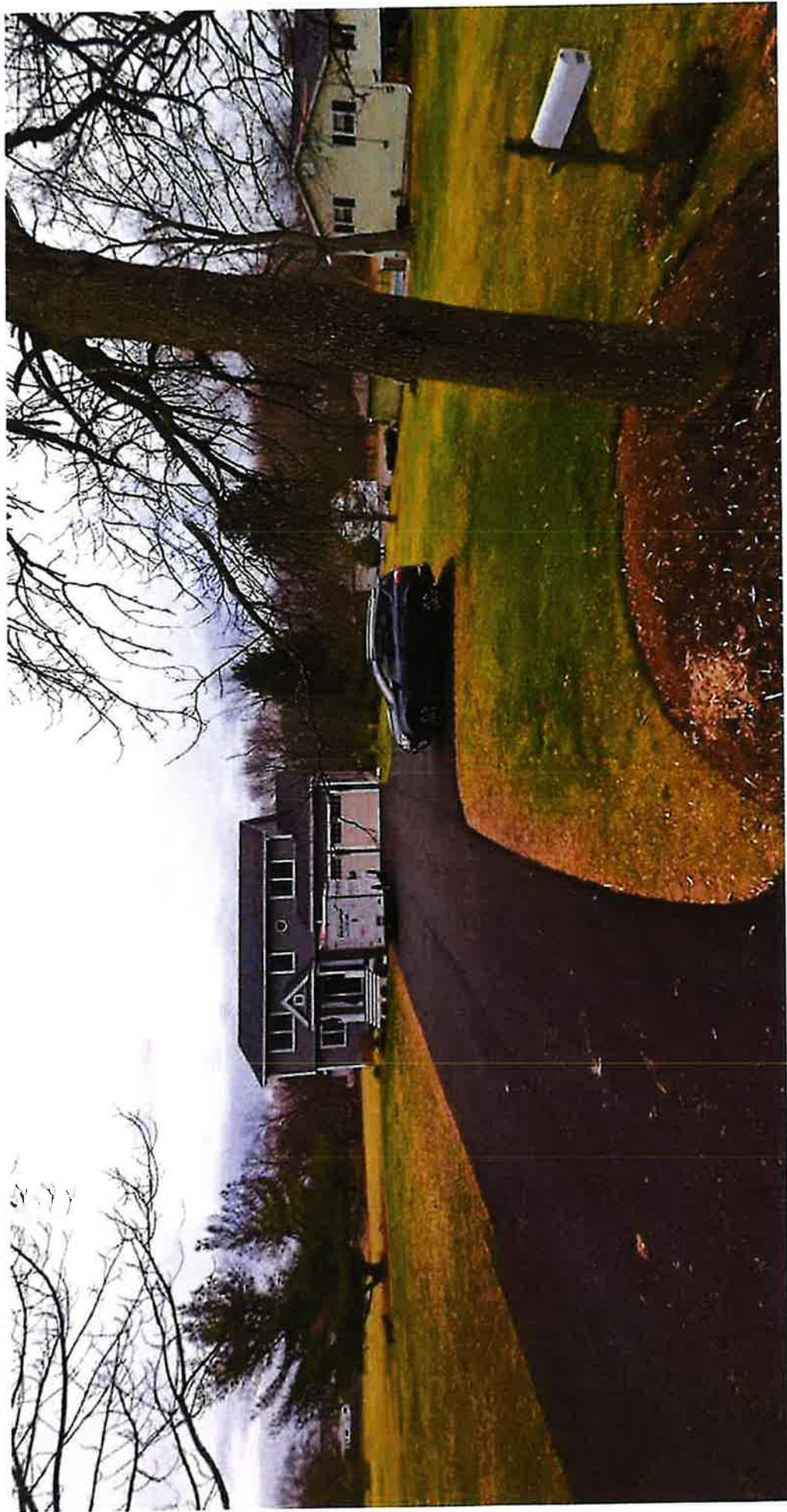
Lowell Regional Transit Authority - Public Bus Route 10

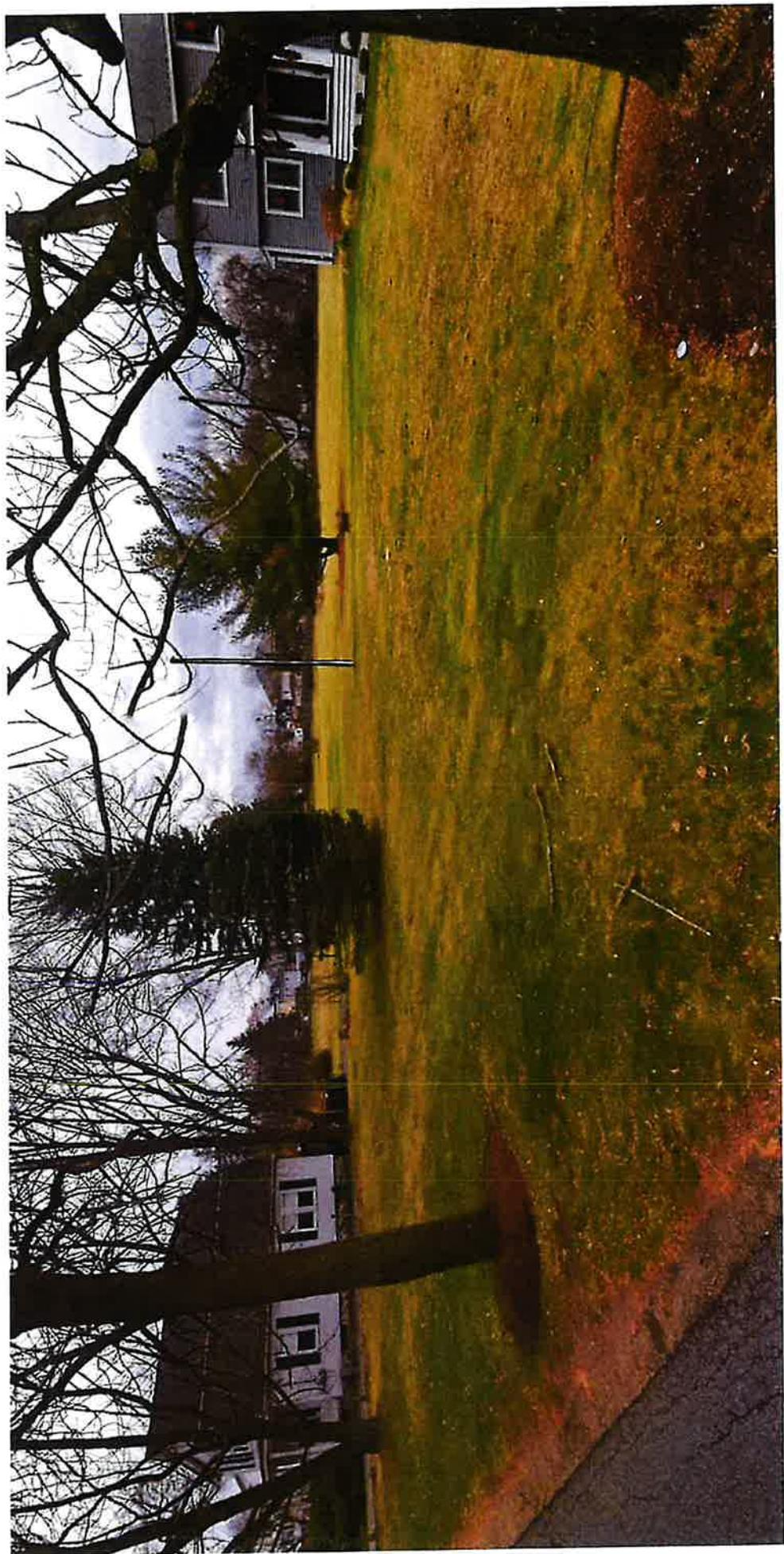
**Site Characteristics and Development Constraints**

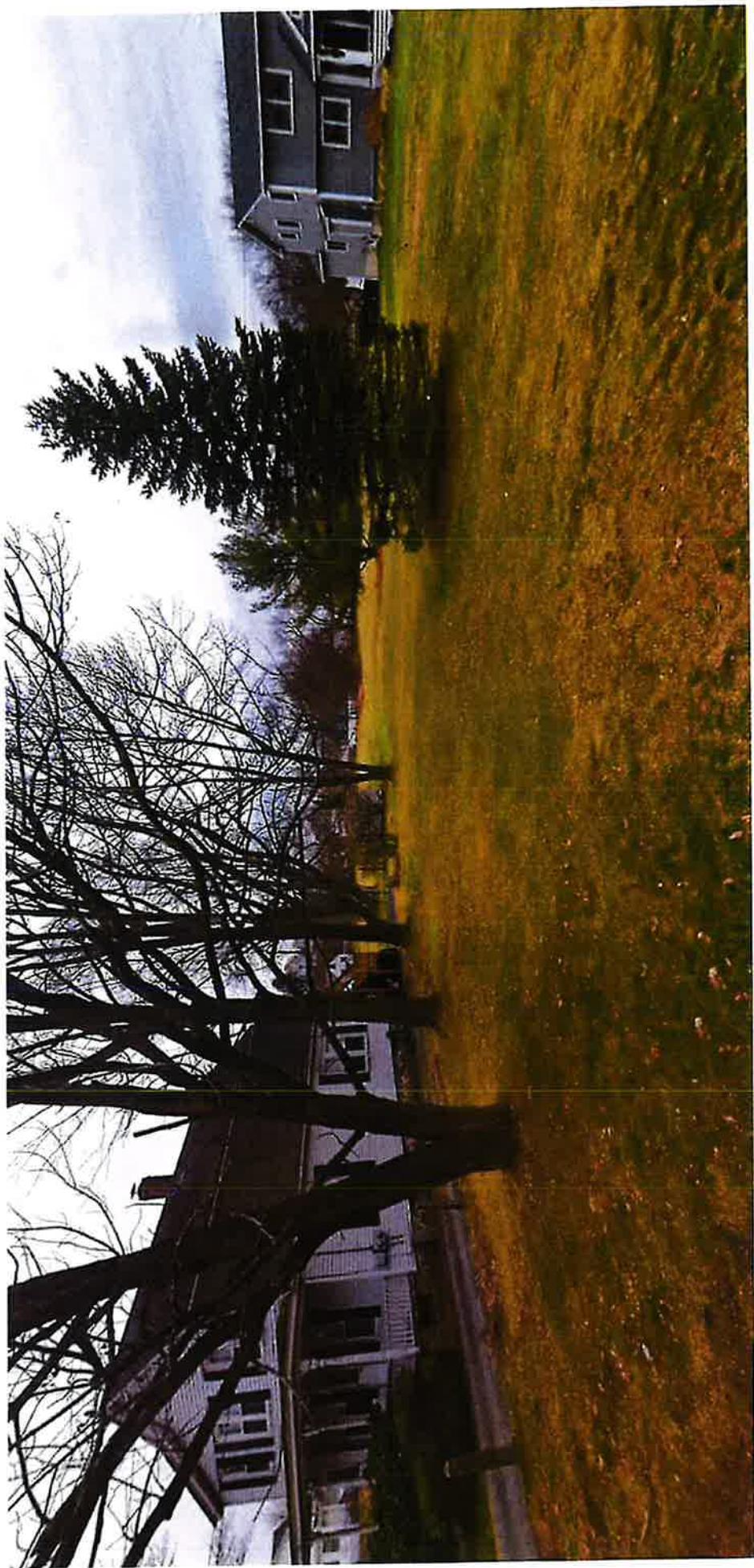
Are there any easements, rights of way or other restrictions of record affecting the development of the site ?	No
Is there any evidence of hazardous, flammable or explosive material on the site?	No
Is the site, or any portion thereof, located within a designated flood hazard area?	No
Does the site include areas designated by Natural Heritage as endangered species habitat?	No
Are there documented state-designated wetlands on the site?	Yes
Are there documented vernal pools on the site?	No
Is the site within a local or state Historic District or listed on the National Register or Historic Places?	No
Has the site or any building(s) on the site been designated as a local, state or national landmark?	No
Are there existing buildings and structures on site?	Yes
Does the site include documented archeological resources?	No
Does the site include any known significant areas of ledge or steep slopes?	No

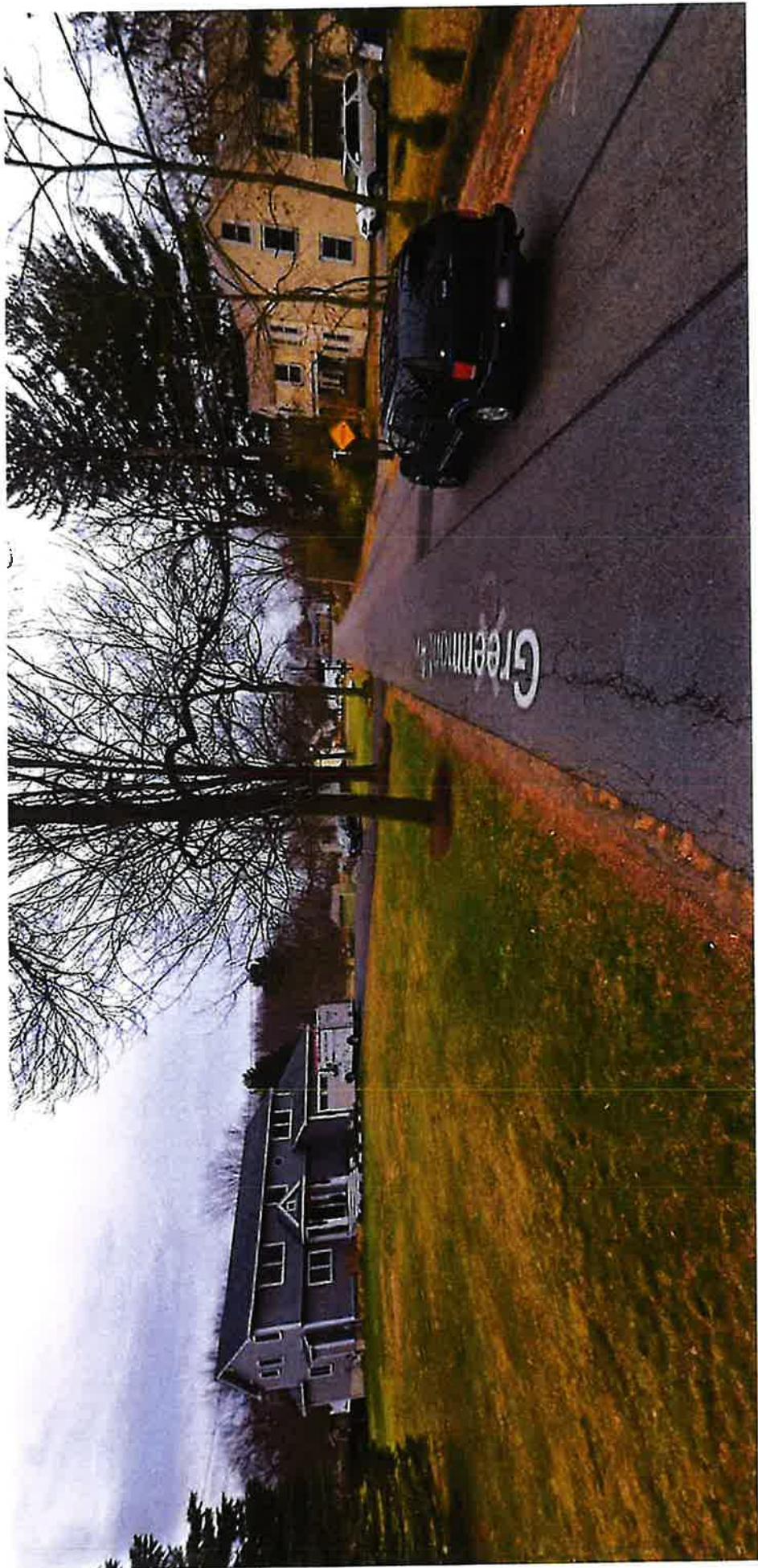




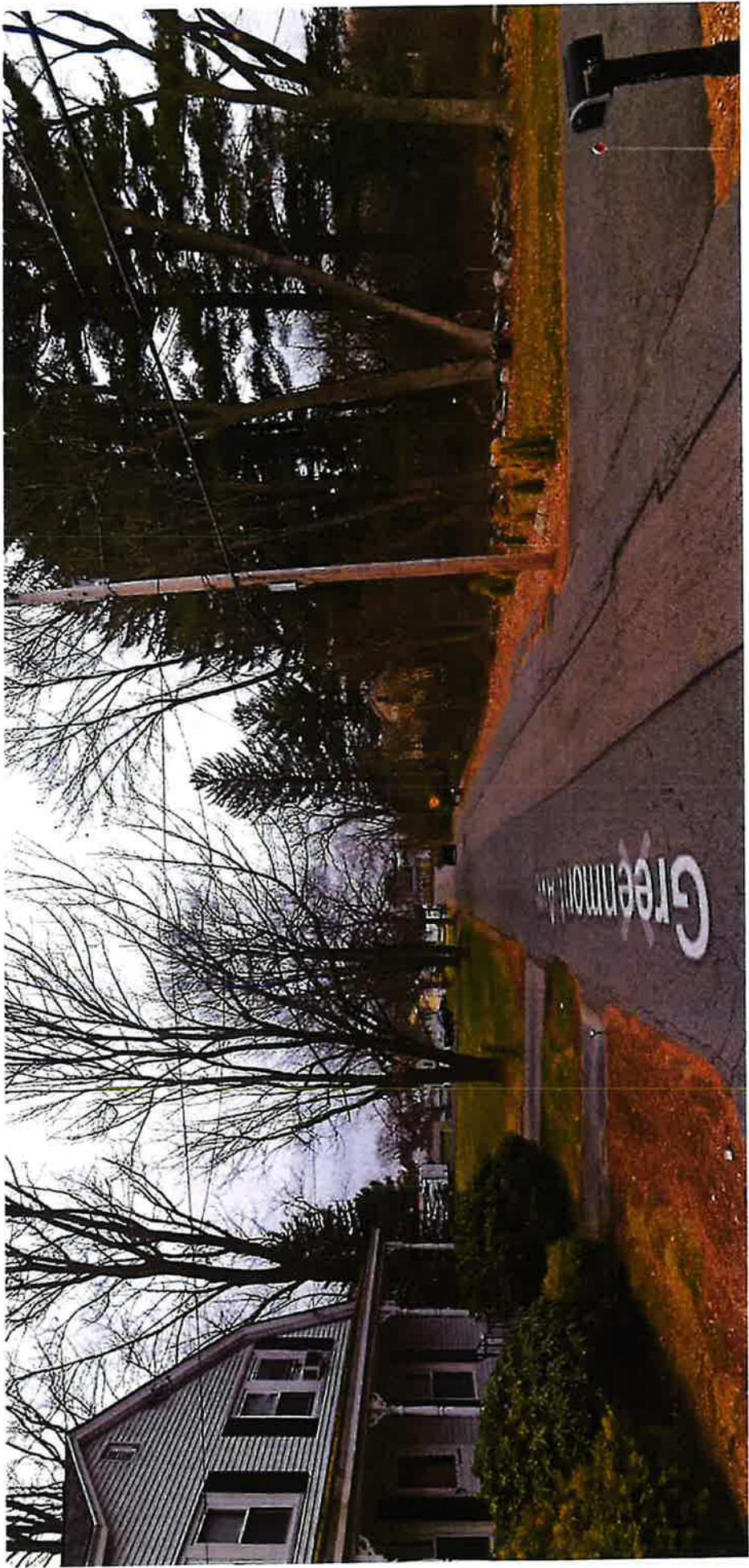












**Application for Chapter 40B Project Eligibility / Site Approval  
for MassHousing-Financed and New England Fund (“NEF”) Rental Projects**

**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

<b>Total Dwelling Units:</b>	28	<b>Total Number of Affordable Units:</b>	7
<b>Number of Market Units:</b>	21	<b>Number of AMI 50% Affordable Units:</b>	0
		<b>Number of AMI 80% Affordable Units:</b>	7

**Unit Information:**

<b>Unit Type</b>	<b>Bedrooms</b>	<b>Baths</b>	<b># Of Units</b>	<b>Unit Sq. Ft.</b>	<b>Rent</b>	<b>Utilities</b>
Market	3 Bedroom	2 Baths	21	1,800	\$2,250	\$400
Affordable Unit - Below 80%	3 Bedroom	2 Baths	7	1,850	\$1,500	\$400

**Utility Allowance Assumptions (utilities to be paid by tenants):**

Sewer, Water, Gas, Electric, Cable

**Percentage of Units with 3 or More Bedrooms:** 100.00

\* 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.

<b>Handicapped Accessible Units - Total:</b>	2	<b>Market Rate:</b>	1	<b>Affordable:</b>	1
<b>Gross Density (units per acre):</b>	11.4286	<b>Net Density (units per buildableacre):</b>	11.4754		

**Building Information:**

<b>Building Type</b>	<b>Building Style</b>	<b>Construction Type</b>	<b>Stories</b>	<b>Height</b>	<b>GFA</b>	<b>Number Bldg</b>
Residential	Townhouse	Construction	3	32	1,850	6

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:** 72 **Ratio of Parking Spaces to Housing Units:** 2.57

**Lot Coverage**

<b>Buildings:</b> 19%	<b>Parking and Paved Areas:</b> 26%
<b>Usable Open Space:</b> 42%	<b>Unusable Open Space:</b> 14%
<b>Lot Coverage:</b> 45%	

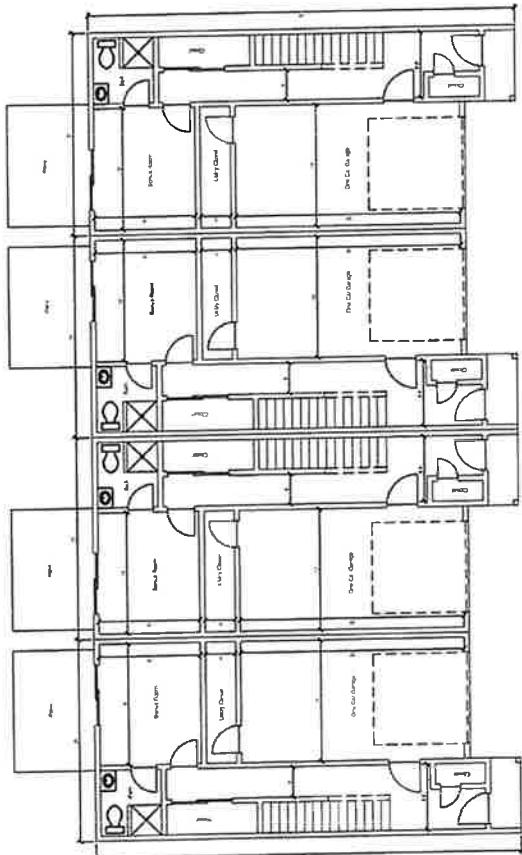
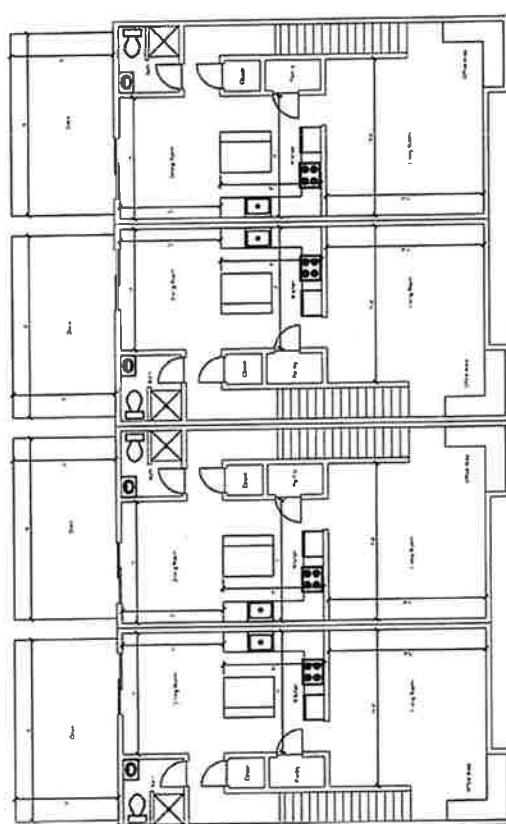
Does project fit definition of “Large Project” (as defined in 760 CMR 56.03 (6))?

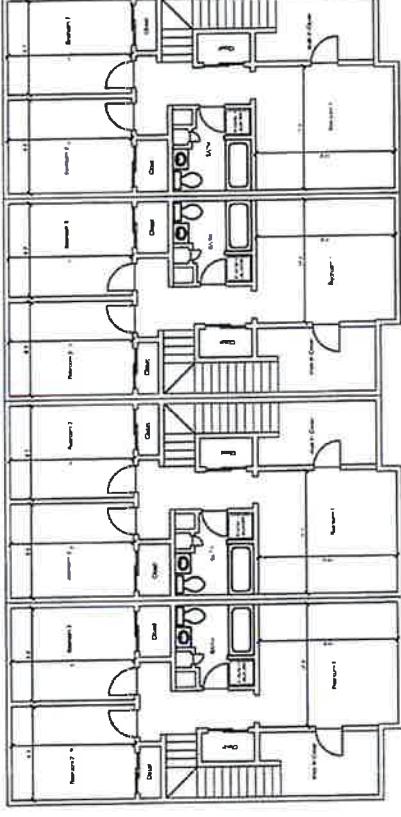
No

**MHFA Application ID:** 175

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 <p>CORNESTONE Land Associates, LLC</p>		Comprehensive Permit Application		135 GREENMONT AVENUE DRACUT, MASSACHUSETTS	
		PREPARED FOR:	906 Lawrence Street Lowell, MA 01852	DATE: May 8, 2022	SCALE: AS SHOWN
<p>Land Easements - Land Survey</p> <p>Survey by: [Signature]</p> <p>Date: [Signature]</p> <p>Owner by: [Signature]</p> <p>Address by: [Signature]</p> <p>None</p>					
<p><b>FLOOR PLANS</b></p> <p><b>Ground Floor Plan</b></p> <p>SCALE: 1/8 in. = 1 ft.</p>  <p><b>First Floor Plan</b></p> <p>SCALE: 1/8 in. = 1 ft.</p> 					

DRAWING NO: 11358-A		SHEET: 2 OF 2		JOB NO: 2021-226	
FLLOOR PLAN & RENDERING					
<p>135 GREENMENT AVENUE, DRACUT, MASSACHUSETTS</p> <p>Comprehensive Permit Application</p> <p>PREPARED FOR: Revitlink Properties, LLC, 900 Lawrence Street, Lowell, MA 01852</p> <p>DATE: 16/5/2022</p> <p>SCALE: AS Shown</p> <p>Land Associates, LLC, 25 Main Avenue, Dracut, MA 01826 - (978) 352-0102</p> <p>Land Engineering - Land Planning</p> <p>Design By: [Redacted]</p> <p>Reviewed By: [Redacted]</p> <p>Submitted By: [Redacted]</p> <p>Initials By: [Redacted]</p> <p>Date: [Redacted]</p> <p>Initials: [Redacted]</p>					
 <p><b>Second Floor Plan</b></p> <p>SCALE: 1/8 in. = 1 ft.</p>					
 <p><b>Building Rendering</b></p> <p>SCALE: Not to Scale</p>					

## A. DESCRIPTION OF APPLICANT AND PROJECT (GENERALLY)

The Applicant, Riverbank Properties, LLC (the “Applicant”), is a Massachusetts limited liability company that is qualified to undertake the planning, design, construction, ownership and operation of this proposed residential community known as Greenmont Commons. The Applicant proposes to create a townhouse rental community on a 2.45 acre parcel of land located at 135 Greenmont Avenue to be known as Greenmont Commons (the “Project”) pursuant to the Massachusetts Comprehensive Permit Law (M.G.L., c. 40B, §§20-23, or Chapter 40B), Section 31.00 of the Rules and Regulations of the Housing Appeals Committee (760 CMR § 31.00), and the Rules and Regulations of the Board of Appeals of Dracut.

Greenmont Commons will consist of a total of twenty eight (28) 3-bedroom attached townhouse style condominium rental units, contained in six (6) separate buildings, four (4) buildings containing four (4) units each and two (2) buildings containing six (6) units each. The units will average 1,850 s.f. in size, and will include two (2) parking spaces per unit (one (1) garage under and one (1) driveway space) with sixteen (16) unrestricted guest parking spaces for a total of seventy-two (72) parking spaces. Seven (7) units, being 25% of the total number of units, will be set aside for those households earning no more than 80% of area median income, as determined by MassHousing thorough its Housing Starts Program or through the Federal Home Loan Bank of Boston’s New England Fund (NEF) Program where MassHousing acts as the Project Administrator, for the Lowell MA HMFA (HUD Metro FMR Area). The Applicant shall enter into a regulatory agreement in accordance with the MassHousing Housing Starts Program Guidelines or the New England Fund (NEF) Program Guidelines, and affordability will be preserved for the maximum period permitted by law through a deed rider attached to each of the affordable units. The maximum number of Affordable Units allowed (70%) will be targeted for sale under local preference in accordance with an affirmative fair marketing plan in a form to be approved by MassHousing.

## B. LOCAL NEED

According to the latest Massachusetts Department of Housing and Community Development Subsidized Housing Inventory, as of December 3, 2021, the Town of Dracut's Chapter 40B housing inventory is 985 units, which constitutes 7.2 percent of Dracut's total housing stock. This percentage is below the ten percent (10%) threshold established by the Massachusetts Comprehensive Permit Law (Chapter 40B).

## C. DEVELOPMENT PROPOSAL

The proposed Greenmont Commons community consists of a 28-unit townhouse condominium rental community, along with landscape, sidewalks, parking areas and other improvements as shown on the site plans, architectural plans, and landscape plans attached hereto under **Parts V and VI** of this Application (the "Project"). The Project will be located on a 2.45-acre parcel of land located at 135 Greenmont Avenue (the "Property"). The Project units will average 1,850 s.f. in size and will be 3-bedroom units. Seven (7) of the units, or 25% of the approved units, will be set aside for those households earning no more than 80% of area median income for the Lowell PMSA, adjusted for household size, as determined by MassHousing either through the Housing Starts or NEF Program Guidelines. A tabulation of proposed units is attached hereto under **Part VIII** of this Application. The Applicant will enter into a regulatory agreement in accordance with the MassHousing Housing Starts Program, or the Federal Home Loan Bank of Boston's New England Fund (NEF) Program, Guidelines which limit profit to no more than 20% of total development costs, and affordability will be preserved for the maximum period permitted by law through a deed rider attached to each of the affordable units. A copy of a proposed forms of MassHousing and NEF Program Regulatory Agreements and Deed Riders are attached hereto under **Part IV** of this Application. The maximum number of Affordable Units allowed (70%) will be targeted for sale under local preference in accordance with an affirmative fair marketing plan in a form to be approved by MassHousing.

The Greenmont Commons community will be designed and constructed to offer residents the feeling of living in a New England-style village, which shall include amenities such as walking paths as passive recreation opportunities in the designated open space areas. In keeping with the feel of a village district, the project will, through the use of exterior building design elements, interconnected walkways, landscaping features and site lighting, create a new neighborhood village, and the residential community will blend in with the existing residential uses in the neighborhood.

The proposed site consists of portions of two (2) lots collectively consisting of a 2.45-acre parcel of land located at 135 Greenmont Avenue and is currently shown as one (1) lot on the Town of Dracut Assessors Maps as Map 47, Lot 126. The Property is currently zoned Residential (R-1). The surrounding land uses in the neighborhood are primarily residential. A proposed fifty-six (56) Unit Senior Housing Facility by the Town of Dracut is approved and to be constructed across the street. See Locus Plan attached as **Part IV** of this Application.

The proposed site development plan has been designed to accomplish a number of overall goals and objectives. Among them are:

1. To provide an essential use for, and to fulfill an important need to provide affordable housing for the residents of the Town of Dracut and surrounding areas;
2. To revitalize the site to allow for additional housing stock, and offer an architectural design that will complement the parcel's natural setting, and provide a link to the adjacent residential area;
3. To preserve, to the extent practicable, usable open space for use as passive recreation and buffer areas to adjacent uses;
4. To minimize impacts to wetland resource areas by avoiding work within wetlands, implementing stormwater management controls where no controls currently exist today, complying with D.E.P. Stormwater Management Standards, reducing impervious areas, and ensuring that the developed site will improve stormwater quality throughout the site; and,
5. To further the Town's housing goals by providing an affordable housing alternative which will complement the surrounding neighborhood.

#### **D. PROPOSED FINDINGS OF FACT**

The Applicant respectfully requests the Zoning Board of Appeals to make the following proposed findings of fact in connection with the action of the Board on this Application:

1. Riverbank Properties, LLC a limited dividend organization within the meaning of Massachusetts General Laws, Chapter 40B, is eligible to receive a subsidy under a state or federal affordable housing program after a Comprehensive Permit has been granted.
2. The Applicant has shown evidence of its site control, or interest in the proposed site, sufficient to qualify it as a recipient of a Comprehensive Permit for this site.
3. The Massachusetts Housing Finance Agency (MassHousing), through its Housing Starts Program, or in the alternative, the Federal Home Loan Bank of Boston, through the New England Fund Program where MassHousing acts as the Project Administrator, will be the subsidizing agency within the meaning of the procedural regulations of the Housing Appeals Committee (760 CMR §30.01(1)(b)).
4. The project is fundable since the subsidizing agency, the MassHousing, issued a written determination of Project Eligibility (Site Approval), dated March \_\_, 2023, and the Applicant served timely notice upon the Director of the Department of Housing and Community Development within ten (10) days of the Applicant's filing of its application with the subsidizing agency for preliminary

approval of the Project, and within ten (10) days of receipt of the subsidizing agency's written determination of Site Approval, in accordance with the regulations of the Housing Appeals Committee (760 CMR 31.01(1)(b)).

5. The number of affordable housing units in the Town of Dracut constitutes less than ten percent (10%) as reported in the latest Subsidized Housing Inventory of the Town as reported by the Department of Housing & Community Development as of December 3, 2021.
6. The development as proposed in the Application and other supporting documentation is "consistent with local needs" within the meaning of Massachusetts General Laws, Chapter 40B, Section 20.

#### **E. REQUEST FOR COMPREHENSIVE PERMIT**

The Applicant and the project are more particularly described in the plans, drawings and other exhibits included with this Application, and also submitted under separate cover with this Application, and which may be supplemented by the Applicant during the hearing process, all of which are incorporated herein by reference and constitute the documents required to be submitted by the Comprehensive Permit Law (MGL c. 40B), and Section 31.00 of the Rules and Regulations of the Housing Appeals Committee (760 CMR § 31.00).

For the reasons presented in this Application, and the additional reasons that the Applicant will present at the scheduled public hearing on the application, the Applicant respectfully requests that the Zoning Board of Appeals, after complying with the procedures as required by law, including G.L. c.40B, §§20-23, 760 CMR 31.00, vote to make the Findings of Fact set forth in Section 1.5 above, and issue a Comprehensive Permit to the Applicant for the proposed project.

Respectfully submitted,

Riverbank Properties, LLC

By: \_\_\_\_\_  
Branco Pergo, its Manager

02/28/2023

## LIST OF EXCEPTIONS

TOWN OF DRACUT GENERAL BY-LAWS (AS AMENDED THROUGH JUNE 6, 2022)		REQUIRED	PROPOSED
BY-LAW/REG.	TITLE	DESCRIPTION	
Chapter 8A, Sections 1 through 17	Streets and Sidewalks	Street opening permit issued, and related fee required, by Sewer Commissioners and/or Highway Surveyor and/or Town Engineer.	Requires street opening permit for the disturbance of the surface of any public way, and for the installation of sewer, water and other utilities under the surface of any public way.
Chapter 9, Section 6	Building Construction	Permits	Requires Building Inspector to ensure compliance of construction with Chapter 9.
Chapter 9, Sections 10, 11	Building Construction	Construction on Undeveloped Streets	Requires that No Building Permit Shall Issue on Undeveloped Streets Without Planning Board Approval.
Chapter 13, Section 2	Earth Removal	Earth Removal Permit.	Waived. To Be Governed By Earth Removal Permit.
Chapter 13, Section 15.2	Fire Lanes	Requirements for Fire Lanes.	Requires fire lanes for condominium complexes to be a minimum of 25 feet in width.
Chapter 14	Sewer Use Regulations		Waived. To Be Governed By Comprehensive Permit.
Chapter 18	Wetlands Protection Bylaw, as Wetlands Regulations (if any).	Filing and Jurisdictional Requirements.	Waived in their entirety. No building or structure shall be located within 50 feet of edge of any wetland except as shown on the Site Plans. To Be Governed By Massachusetts Wetlands Protection Act, G.L. c. 131, sec. 40 and Regulations at 310 CMR 10.00.

**RIVERBANK PROPERTIES, LLC**

Chapter 24	Stormwater and Erosion Control Bylaw	Stormwater Management Permit	Requires all New Development to File for a Stormwater Management Permit with the Stormwater Permitting Authority (SWPA).	Waived. To be Governed By Comprehensive Permit.
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TOWN OF DRACUT ZONING BYLAWS (AS AMENDED THROUGH JUNE 14, 2021 ANNUAL TOWN MEETING)			
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED PROPOSED
1.11.00	Administration	Enforcement of Zoning Bylaws.	Provides the Building Inspector with enforcement authority with respect to Zoning Bylaw violations.
1.16.20 - 1.16.23	Site Plan Special Permit	Site Plan Special Permit required for certain uses and construction.	Waived. To be governed by Comprehensive Permit.
1.17.10-1.17.20	Other Laws. Minima.	Other Laws. Minima.	Zoning By-Law controls if other regulations impose less restrictions than Zoning Bylaw.
1.17.30-1.17.50	Compliance with Zoning Bylaws	Compliance with Zoning Bylaws	Uses and buildings and structures are to be governed by applicable use and dimensional requirements within zoning district described in the Zoning Bylaw.

TOWN OF DRACUT ZONING BYLAWS (AS AMENDED THROUGH JUNE 14, 2021 ANNUAL TOWN MEETING) (cont.)			
BY-LAW/REG.	TITLE	DESCRIPTION	PROPOSED
REQUIRED			
2.11.00 - 2.11.50; 4.12.00 – 4.12.30	Use Regulations and Definitions.	Use Regulation Requirements and Schedule for uses within the Residential (R-1) Zoning District; Multifamily Development Special Permits.	Waived. Permit the use of the Property for 28 residential dwelling units, and related accessory uses, parking (including garage and surface parking), utilities, accessory utility/storage/maintenance facility serving the project, and other appurtenant uses customary to such residential uses, as well as designated open space uses. Also allow the use of one temporary construction and/or marketing trailer as Applicant's project office until all units are sold.

TOWN OF DRACUT ZONING BYLAWS (AS AMENDED THROUGH JUNE 14, 2021 ANNUAL TOWN MEETING)(cont.)			
BY-LAW/REG.	TITLE	DESCRIPTION	PROPOSED
2.12.00-2.12.10	Intensity of Use (Dimensional Requirements)	Dimensional Requirements.	No land can be used or structure constructed except in accordance with 2.12.00 and Table of Dimensional Requirements.
2.12.00 -- 2.12.50 (Table of Dimensional Standards)	Dimensional Requirements	General Dimensional Requirements.	Min. Lot Area (40,000 s.f.); Frontage (200 ft.); Lot Width (50 ft); Front Yard (100 ft); Side Yard (15 ft); Rear Yard (40 ft); Max. Height (45 ft. and 2.5 stories).
2.12.80	Principal Structures	Permits More Than One Principal Structure on Lot.	Permits More Than One Principal Structure on Lot, subject to conditions.
2.13.00-2.13.70	Floodplain and Floodway Districts		
2.14.00-2.14.32	Wetland and Water Conservancy District	Wetland and Water Conservancy District	Wetland and Water Conservancy District

TOWN OF DRACUT ZONING BYLAWS (AS AMENDED THROUGH JUNE 14, 2021 ANNUAL TOWN MEETING) (cont.)			
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED PROPOSED
2.17.00 - 2.17.70	Wellhead Protection District Bylaw	Wellhead Protection District Bylaw	Waived, if applicable.
3.10.00 -3.10.24, 3.10.40-3.10.49	Parking and Loading Requirements	Parking Requirements	<p>Waived to the extent the parking shown on Site Plans is inconsistent with parking requirements. Parking to be provided shall include a total of 72 parking spaces, or an average of 2.5 spaces per unit, all as shown and located on the Site Plans, and shall comply with the rules and regulations of the Massachusetts Architectural Access Board.</p>

RIVERBANK PROPERTIES, LLC

TOWN OF DRACUT ZONING BYLAWS (AS AMENDED THROUGH JUNE 14, 2021 ANNUAL TOWN MEETING)(cont.)			
TITLE BY-LAW/REG.	DESCRIPTION	REQUIRED	PROPOSED
3.11.32, 3.11.41, and 3.11.42	Sign Regulations	Sign Regulations.	<p>Sign Permit required, along with other dimensional requirements, including the allowance in residential districts of: (a) one sign displaying the street number and/or the name of the occupant of the premises; (b) one additional sign (2 s.f.) permitted for specified accessory uses; (c) one unlighted contractor's sign not exceeding 12 s.f. during construction; and, (d) one subdivision identification sign at each entrance not in excess of 12 s.f.; (d) one identification sign not in excess of 12 s.f. at each public entrance to a multifamily development.</p>
3.12.00 – 3.12.80	Permit for Soil, Vegetation, Rock and Gravel Removal.	Permit for Soil, Vegetation, Rock and Gravel Removal.	<p>Prohibits Soil, Vegetation, Rock and Gravel Removal unless incidental to construction of ways approved by Planning Board, or in connection with site specific building.</p>
3.14.00 – 3.14.73	Buffering, Screening and Grading Requirements.	Standards for Buffering, Screening and Grading Requirements.	<p>Standards for Buffering, Screening and Grading Requirements.</p>
4.12.00-4.12.30	Special Permits- Multifamily Development.	Requires special permit for multifamily development based upon specified criteria.	<p>Requires special permit for multifamily development based upon specified criteria.</p>

<b>TOWN OF DRACUT STORMWATER MANAGEMENT RULES AND REGULATIONS, (POSTED DECEMBER 8, 2021)</b>			
REGULATION	TITLE	DESCRIPTION	PROPOSED
Stormwater Management Rules and Regulations	Stormwater Management Rules and Regulations	Stormwater Management Permit	Requires Permit for all new development projects Waived in their Entirety. To Be Governed By Comprehensive Permit.

<b>TOWN OF DRACUT CONSTRUCTION STANDARDS BY THE ENGINEERING DEPARTMENT, JULY, 1988, AS AMENDED THROUGH OCTOBER 15, 1996</b>			
REGULATION	TITLE	DESCRIPTION	PROPOSED
Construction and Engineering Standards	Construction and Engineering Standards.	Construction and Engineering Standards for Multifamily Developments.	Construction and Engineering Standards for Multifamily Developments.

<b>TOWN OF DRACUT FEE, BOND OR OTHER SECURITY REQUIREMENTS</b>			
REGULATION	TITLE	DESCRIPTION	PROPOSED
	Town Bond and Security and Related Requirements		Waive all surety requirements except as provided in the Comprehensive Permit.

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

**Section 4: SITE CONTROL**

**Grantor/Seller:** Peirce

**Grantee/Buyer:** Perego

**Grantee/Buyer Type:** Applicant

**If Other, Explain:**

**Are the Parties Related?** Yes      Property Owner is President of Riverbank Properties

**For Deeds or Ground Leases:**

**Date(s) of Deed(s) or Ground Leases(s):** 04/14/2017

**Purchase Price:** \$425,000

**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

**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



2017 00015061  
Bk: 91043 Pg: 105 Page: 1 of 2  
Recorded: 04/14/2017 01:15 PM

MASSACHUSETTS EXCISE TAX  
Middlesex North ROD #14 001  
Date: 04/14/2017 01:15 PM  
Ctrl# 071625 03485 Doc# 00015061  
Fee: \$1,938.00 cons: \$425.000.00

### QUITCLAIM DEED

James M. Peirce and Kim M. Peirce, a married couple, of Dracut, Middlesex County, Massachusetts, for consideration paid and in full consideration of **Four Hundred Twenty-Five Thousand and 00/100 Dollars (\$425,000.00)** grant to **Jose Luiz Perego**, Individually, now of 135 Greenmont Avenue, Dracut, MA 01826, with *quitclaim covenants*

The land in Dracut, Middlesex County, Massachusetts, situated on the Southerly side of Greenmont Avenue, being shown as Lot 4 on a plan of land entitled "Plan of Land in Dracut, Mass. For Alice G. Parker Estate," surveyed June 23, 1966, by Dana F. Perkins & Sons, Inc., Civil Engineers & Surveyors, which plan is recorded with the Middlesex North District Registry of Deeds, Plan Book 104, Plan 25, and bounded and described as follows:

NORTHERLY: By said Greenmont Avenue, 240.64 feet;

EASTERLY: By land of F.P.R. Realty Trust, as shown on said plan, be three courses, a distance of 429.40 feet;

SOUTHERLY: By land of Waterworth, Stone Street, land of Gallagher and land of Pilote, as shown on said plan, by three courses, a distance of 256.70 feet; and

WESTERLY: By land of Richard J. Thiboult, as shown on said plan, by three courses, a distance of 433.64 feet.

Containing 2.45 acres of land, more or less.

Meaning and intending to describe and convey, and hereby conveying, all of the same premises conveyed to the within Grantors by deed dated March 31, 2008 and recorded with the Middlesex North District Registry of Deeds at Book 22076, Page 148; see also deed of Carol A. Coughlin dated September 12, 2002 and recorded with the Middlesex North District Registry of Deeds at Book 13608, Page 164.

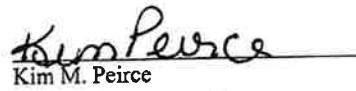
The Grantors hereby release all rights of homestead in the within-granted premises and herein warrants there are no other persons with any claim to homestead in the property.

Quitclaim Deed - Peirce to Perego  
135 Greenmont Ave, Dracut, MA  
Page 1 of 2

Witness our hands and seals this 14 day of April, 2017.



James M. Peirce



Kim M. Peirce

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 14 day of April, 2017, before me, the undersigned notary public, personally appeared **James M. Peirce**, proved to me through satisfactory evidence of identification, which was/were  driver's license or other state or federal governmental document bearing a photographic image,  oath or affirmation of a credible witness known to me who knows the above signatory, or  my own personal knowledge of the identity of the signatory, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Notary Public  
My Commission Expires: 10-19-23

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 14 day of April, 2017, before me, the undersigned notary public, personally appeared **Kim M. Peirce**, proved to me through satisfactory evidence of identification, which was/were  driver's license or other state or federal governmental document bearing a photographic image,  oath or affirmation of a credible witness known to me who knows the above signatory, or  my own personal knowledge of the identity of the signatory, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.



Notary Public  
My Commission Expires: 10-19-23

Quitclaim Deed - Peirce to Perego  
135 Greenmont Ave, Dracut, MA  
Page 2 of 2

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

**Sources**

<b>Description</b>	<b>Source</b>	<b>Budgeted</b>
Private Equity	Owner's Cash Equity	\$0
Private Equity	Tax Credit Equity	\$0
Private Equity	Developer Fee Contributed or Loaned	\$0
Private Equity	Developer Overhead Contributed or Loaned	\$0
Other Private Equity		\$0
Public/Soft Debt		\$0
Subordinate Debt		\$0
Permanent Debt		\$0
Permanent Debt		\$0
Construction Debt	<i>for informational purposes only, not included in Sources T</i>	\$0
Additional Source		\$0
Additional Source		\$0
<b>Total Sources</b>		<b>\$0</b>

**Pre-Permit Land Value**

<b>Item</b>	<b>Budgeted</b>
As-Is Market Value*:	\$0
Reasonable Carrying Costs:	\$0
<b>Total Pre-Permit Land Value:</b>	<b>\$0</b>

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

**Uses (Costs)**

Item	Budgeted
<b>Acquisition Cost (Actual):</b>	
<b>Actual Acquisition Cost: Land</b>	\$425,000
<b>Actual Acquisition Cost: Buildings</b>	\$0
<b>Reasonable Carrying Costs</b>	\$0
<b>Subtotal - Acquisition Costs</b>	<b>\$425,000</b>
<b>Construction Costs-Building Structural Costs (Hard Costs):</b>	
<b>Building Structure Costs</b>	\$9,065,000
<b>Hard Cost Contingency</b>	\$509,169
<b>Subtotal - Building Structural Costs (Hard Costs)</b>	<b>\$9,574,169</b>
<b>Construction Costs-Site Work (Hard Costs):</b>	
<b>Earth Work</b>	\$256,385
<b>Utilities: On-Site</b>	\$135,295
<b>Utilities: Off-Site</b>	\$0
<b>Roads and Walks</b>	\$0
<b>Site Improvement</b>	\$0
<b>Lawns and Plantings</b>	\$52,000
<b>Geotechnical Condition</b>	\$0
<b>Environmental Remediation</b>	\$0
<b>Demolition</b>	\$12,000
<b>Unusual Site Conditions/Other Site Work</b>	\$58,543
<b>Subtotal - Site Work (Hard Costs)</b>	<b>\$514,223</b>
<b>Construction Costs-General Conditions, Builders Overhead and Profit (Hard Costs):</b>	
<b>General Conditions</b>	\$28,543
<b>Builder's Overhead</b>	\$54,086
<b>Builder's Profit</b>	\$1,114,802
<b>Subtotal - General Conditions, Builder's Overhead &amp; Profit</b>	<b>\$1,197,431</b>
<b>General Development Costs (Soft Costs):</b>	
<b>Appraisal and Marketing Study (not 40B "As Is" Appraisal)</b>	\$1,000
<b>Marketing and Initial Rent Up (include model units if any)</b>	\$0
<b>Real Estate Taxes (during construction)</b>	\$25,000
<b>Utility Usage (during construction)</b>	\$13,000
<b>Insurance (during construction)</b>	\$48,000
<b>Security (during construction)</b>	\$10,000
<b>Inspecting Engineer (during construction)</b>	\$28,535
<b>Construction Loan Interest</b>	<b>\$376,836</b>
<b>Fees to Construction Lender:</b>	<b>\$0</b>
<b>Fees to Permanent Lender:</b>	<b>\$0</b>
<b>Fees to Other Lenders:</b>	<b>\$0</b>

**General Development Costs (Soft Costs) - continued**

<b>Item</b>	<b>Budgeted</b>
<b>Architecture / Engineering</b>	\$75,784
<b>Survey, Permits, etc.</b>	\$51,352
<b>Clerk of the Works</b>	\$15,000
<b>Construction Manager</b>	\$15,000
<b>Bond Premiums</b>	\$0
<b>Environmental Engineer</b>	\$0
<b>Legal</b>	\$73,892
<b>Title (including title insurance) and Recording</b>	\$0
<b>Accounting and Cost Certification (incl. 40B)</b>	\$35,266
<b>Relocation</b>	\$0
<b>40B Site Approval Processing Fee</b>	\$11,400
<b>40B Technical Assistance / Mediation Fee</b>	\$0
<b>40B Land Appraisal Cost (as-is value)</b>	\$1,000
<b>40B Final Approval Processing Fee</b>	\$20,720
<b>40B Subsidizing Agency Cost Certification Examination Fee</b>	\$0
<b>40B Monitoring Agent Fee</b>	\$0
<b>MIP</b>	\$0
<b>Credit Enhancement</b>	\$0
<b>Letter of Credit Fees</b>	\$0
<b>Tax Credit Allocation Fee</b>	\$0
<b>Other Financing Fees</b>	\$0
<b>Development Consultant</b>	\$12,500
<b>Other Consultant:</b>	\$0
<b>Other Consultant:</b>	\$0
<b>Syndication Costs</b>	\$0
<b>Soft Cost Contingency</b>	\$28,543
<b>Other Development Costs:</b>	\$0
<b>Subtotal - General Development Costs (Soft Costs)</b>	<b>\$842,828</b>
<b>Developer Fee and Overhead:</b>	
<b>Developer Fee</b>	\$0
<b>Developer Overhead</b>	\$0
<b>Subtotal Developer Fee and Overhead</b>	<b>\$0</b>
<b>Capitalized Reserves:</b>	
<b>Development Reserves</b>	\$0
<b>Initial Rent Up Reserves</b>	\$0
<b>Operating Reserves</b>	\$0
<b>Net Worth Account</b>	\$0
<b>Other Capitalized Reserves</b>	<b>\$0</b>

<b>Subtotal - Capitalized Reserves</b>	<b>\$0</b>
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**Summary of Subtotals**

Item	Budgeted
<b>Acquisition Costs (Actual):</b>	<b>\$425,000</b>
<b>Building Structural Costs (Hard Costs)</b>	<b>\$9,574,169</b>
<b>Site Work (Hard Costs)</b>	<b>\$514,223</b>
<b>General Conditions, Builder's Overhead &amp; Profit (Hard Costs)</b>	<b>\$1,197,431</b>
<b>Developer Fee and Overhead</b>	<b>\$0</b>
<b>General Development Costs (Soft Costs)</b>	<b>\$842,828</b>
<b>Capitalized Reserves</b>	<b>\$0</b>
<b>Total Development Costs (TDC)</b>	<b>\$12,553,651</b>

**Summary**

<b>Total Sources</b>	<b>\$0</b>
<b>Total Uses (TDC)</b>	<b>\$12,553,651</b>

**Projected Developer Fee and Overhead\*:** **\$0**

**Maximum Allowable Developer Fee and Overhead\*\*:** **\$0**

**Projected Developer Fee and Overhead Equals** **0.00% of Maximum Allowable Fee and Overhead**

\* Note in particular the provisions of Section IV.B.5.a of the Guidelines, which detail the tasks (i) for which a developer may or may not receive compensation beyond the Maximum Allowable Developer Fee and Overhead and (ii) the costs of which must, if the tasks were performed by third parties, be included within the Maximum Allowable Developer Fee and Overhead.

\*\* Please consult the most recent DHCD Qualified Allocation Plan (QAP) to determine how to calculate the maximum allowable developer fee and overhead. If you have any questions regarding this calculation, please contact MassHousing.

**Initial Rental Operating Pro-Forma (for year one of operations)**

Item	Notes	Amount
<b>Permanent Debt Assumptions</b>		
Loan Amount	Lende	\$0
Annual Rate		0.00%
Term		0 Months
Amortization		0 Months
<b>Lender Required Debt Service Coverage Ratio</b>		0.00
<b>Gross Rental Income</b>		\$0
Other Income (utilities, parking)		\$0
Less Vacancy (Market Units): 5% (vacancy rate)		\$0
Less Vacancy (Affordable Units): 5% (vacancy rate)		\$0
<b>Gross Effective Income</b>		\$0
<b>Less Operating Expenses</b>		\$0
<b>Net Operating Income</b>		\$0
Less Permanent Loan Debt Service		\$0
<b>Cash Flow</b>		\$0
<b>Debt Service Coverage</b>		0.00

**Describe Other Income:**

**Rental Operating Expense Assumption**

Item	Notes	Amount
<b>Assumed Maximum Operating Expenses</b>	Calculated based on Net Operating Income, Debt Service and required Debt Service Coverage listed above.	\$0
<b>Assumed Maximum Operating Expense/Unit*</b>	Number of Units: 0	\$0

\* MassHousing may request further detail regarding projected operating expenses if such expenses appear higher or lower than market comparables.



September 26, 2022

Re: Reference for Jose Perego  
Construction of 28 residential units to be known as Greenmont Commons, Dracut, MA 01826

To whom it may concern,

Mr. Perego has maintained a banking relationship with Enterprise Bank since 2010. During this time, Mr. Perego has maintained deposit accounts with our Bank with average collected balances in high six-figure to low seven-figure range. All deposit accounts have been handled as agreed.

In addition, Mr. Perego has successfully qualified for and received numerous commercial loans for business purposes from our Bank. Likewise, all commercial loan payments have been handled as agreed with all payments made in a timely manner. Mr. Perego has provided preliminary information on the subject Greenmont Commons project and Enterprise Bank is interested in providing the construction/permanent financing. Enterprise Bank is a member of the Federal Home Loan Bank of Boston and is familiar with the New England Fund program and the Bank's obligations under this program.

Sincerely,

A handwritten signature in black ink, appearing to read "WL C".

William Collins  
Vice President  
Commercial Loan Officer

**Application for Chapter 40B Project Eligibility / Site Approval  
for MassHousing-Financed and New England Fund ("NEF") Rental 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 For Role
Riverbank Properties, LLC	Brando Perego	Developer	Yes	Yes	Yes
Cornerstone Land Associa	Kenneth Lania	Consultant - Architect and Enginee	No	No	Yes
Enterprise Bank	Bill Collins	Consultant - Financing Package	No	No	Yes

**Entities Responsible for Development Tasks:**

Development Task	Developer / Applicant	Contact Name / Company
Architecture and Engineering	No	Comerstone Land Associates, LLC, Kenneth Lania
Construction Management	No	Comerstone Land Associates, LLC, Kenneth Lania
Finance Package	No	Enterprise Bank, Bill Collins
Local Permitting	No	Comerstone Land Associates, LLC, Kenneth Lania

**Affiliated Entities:**

Company Name	Individual Name	Affiliation	Relation
Riverbank Properties	Brando Perego	Managing Entity	Applicant

**Previous Applications:**

<b>Project Name:</b>	<b>Filing Date:</b>
<b>Municipality:</b>	<b>Decision:</b>
<b>Subsidizing Agency:</b>	<b>Other Reference:</b>
<b>Type:</b>	

**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: Kenneth M. Lania

Title: Project Manager/Engineer

Date: 05/08/2022

GREENMONT COMMONS

Project Development Team

Branco Perego – Owner & Financing

No 40B Experience – Commercial Development Experience

Douglas Deschenes – Attorney

Multiple 40B projects from a few units to over 300 units

Kenneth M. Lania – Project Manager / Civil Engineering & Survey

Multiple 40B projects from a few units to over 300 units

Christopher Ortiz – Construction Manager / Project Supervisor

No 40B Experience – Housing Developer and Construction of Rental properties

**Application for Chapter 40B Project Eligibility / Site Approval  
for MassHousing-Financed and New England Fund (“NEF”) Rental 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:	04/11/2022
Date of Pre-Application Meeting with MassHousing:	06/16/2022
Date copy of complete application sent to chief elected office of municipality:	08/19/2022
Date notice of application sent to DHCD:	08/19/2022

**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	Description
<b>MassHousing Application Processing Fee:</b>	<b>\$7,803</b>	<i>payable to MassHousing</i>
<b>Chapter 40B Technical Assistance/Mediation Fee:</b>	<b>\$2,500</b>	<i>(Limited Dividend Sponsor \$2,500, Non-Profit or Public Agency Sponsor \$1,000)</i>
<b>Unit Fee:</b>	<b>\$1,400</b>	<i>(\$50 per Unit)</i>
<b>Total TA/Mediation and Unit Fee:</b>	<b>\$3,900</b>	<i>(Payable to Massachusetts Housing Partnership)</i>

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

## SUSTAINABLE DEVELOPMENT CRITERIA SCORECARD

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

### Method 1 - Redevelop First

#### *If Rehabilitation:*

Rehabilitation/Redevelopment/Improvements to Structure	No
Rehabilitation/Redevelopment/Improvements to Infrastructure	No

#### *If New Construction:*

- Contributed to revitalization of town center or neighborhood	Yes
- Walkable to:	
(a) transit	Yes
(b) downtown or village center	Yes
(c) school	Yes
(d) library	Yes
(e) retail, services, or employment center	Yes
- Located in municipally-approved growth center	No

#### Explanation (Required):

Location of property is less than one (1) mile from transit (bus stop), school, town hall, retail and services.

## Method 2 • Consistency with Sustainable Development Principles

Development meets a minimum of five (5) of the Commonwealth's *Sustainable Development Principles* as shown in the next section below.

If the development involves strong municipal support, the development need only meet four (4) of the Sustainable Development Principles. However, one (1) of the Principles met must be Protect Land and Ecosystems. Please check the applicable boxes within the "Optional - Demonstration of Municipal Support" section below, include an explanation in the box if necessary and provide attachments where applicable.

### Optional - Demonstration of Municipal Support

- Letter of Support from the Chief Elected Official of the municipality	•	Nb
- Housing development involves municipal funding		Nb
- Housing development involves land owned or donated by the municipality		Nb

*\*Other acceptable evidence: Zoning variance issued by ZBA for project; Minutes from Board of Selectman meeting showing that project was discussed and approved, etc.*

### Explanation (Required)

Project Eligibility Application was submitted to the Town of Dracut on December 1, 2022. The applicant has responded to the comments received from the Community Development Director. Applicant invited Town Officials to a site visit with MassHousing in which the Community Development Director only attended.

Please explain at the end of each category how the development follows the relevant *Sustainable Development Principle(s)* and explain how the development demonstrates each of the checked "X" statements listed under the *Sustainable Development Principle(s)*.

#### (1) Concentrate Development and Mix Uses

Support the revitalization of city and town centers and neighborhoods by promoting development that is compact, conserves land, protects historic resources, and integrates uses. Encourage remediation and reuse of existing sites, structures, and infrastructure rather than new construction in undeveloped areas. Create pedestrian friendly districts and neighborhoods that mix commercial, civic, cultural, educational, and recreational activities with open spaces and homes.

- Higher density than surrounding area	Yes
- Mixes uses or adds new uses to an existing neighborhood	Yes
- Includes multi-family housing	Yes
- Utilizes existing water/sewer infrastructure	Yes
- Compact and/or clustered so as to preserve undeveloped land	Nb
- Reuse existing sites, structures, or infrastructure	Nb
- Pedestrian friendly	Yes
- Other (discuss below)	Nb

### Explanation (Required)

The multi-family units will be energy efficient, energy star rated. The proposed development will be a cluster development resulting in less infrastructure creating more land availability for open space such as walking paths which will create a neighborhood village feel. Existing public water and sewer are available on Greenmont Avenue. The development is designed to be pedestrian friendly.

## **(2) Advance Equity & Make Efficient Decisions**

Promote equitable sharing of the benefits and burdens of development. Provide technical and strategic support for inclusive community planning and decision making to ensure social, economic, and environmental Justice. Ensure that the interests of future generations are not compromised by today's decisions .

Promote development in accordance with smart growth and environmental stewardship.

- Concerted public participation effort (beyond the minimally required public hearings)	Yes
- Streamlined permitting process, such as 40B or 40R	Yes
- Universal Design and/or visitability	No
- Creates affordable housing in middle to upper income area and/or meets regional need	Yes
- Creates affordable housing in high poverty area	No
- Promotes diversity and social equity and improves the neighborhood	Yes
- Includes environmental cleanup and/or neighborhood improvement in an Environmental Justice Community	No
- Other (discuss below)	No

### **Explanation (Required)**

We are trying to obtain approvals for this development through the 40B process. This development proposes much needed affordable rental opportunities in the Dracut Community. This will meet a much needed affordability opportunity in a middle income community.

## **(3) Protect Land and Ecosystems**

Protect and restore environmentally sensitive lands, natural resources, agricultural lands, critical habitats, wetlands and water resources, and cultural and historic landscapes. Increase the quantity, quality and accessibility of open spaces and recreational opportunities.

- Creation or preservation of open space or passive recreational facilities	No
- Protection of sensitive land, including prime agricultural land, critical habitats, and wetlands	No
- Environmental remediation or clean up	No
- Responds to state or federal mandate (e.g., clean drinking water, drainage, etc.)	No
- Eliminates or reduces neighborhood blight	No
- Addresses public health and safety risk	No
- Cultural or Historic landscape/existing neighborhood enhancement	No
- Other (discuss below)	No

### **Explanation (Required)**

The proposed development calls for clustering the 28 rental units so that a portions of the site can be used a passive recreational opportunities in designated open space areas and to minimize impacts to wetland resource areas and designing drainage using BMP's throughout to provide the most protection to wetland and resource areas.

#### **(4) Use Natural Resources Wisely**

Construct and promote developments, buildings, and infrastructure that conserve natural resources by reducing waste and pollution through efficient use of land, energy, water and materials.

- Uses alternative technologies for water and/or wastewater treatment	No
- Uses low impact development (LID) for other innovative techniques	Yes
- other (discuss below)	No

Explanation (Required)

#### **(5) Expand Housing Opportunities**

Support the construction and rehabilitation of homes to meet the needs of people of all abilities, income levels and household types. Build homes near jobs, transit, and where services are available. Foster the development of housing, particularly multifamily and single-family homes, in a way that is compatible with a community's character and vision and with providing new housing choices for people of all means.

- Includes rental units, including for low/mod households	Yes
- Includes homeownership units, including for low/mod households	No
- Includes housing options for special needs and disabled population	No
- Expands the term of affordability	Yes
- Homes are near jobs, transit and other services	Yes
- Other (discuss below)	No

Explanation (Required)

The proposed development will provide much needed rental opportunities for low and moderate income households in the Town of Dracut. The development is pedestrian friendly and is located less than 1 mile from town offices, library, schools, and other services.

#### **(8) Provide Transportation Choice**

Maintain and expand transportation options that maximize mobility, reduce congestion, conserve fuel and improve air quality. Prioritize rail, bus, boat, rapid and surface transit, shared-vehicle and shared-ride services, bicycling and walking. Invest strategically in existing and new passenger and freight transportation infrastructure that supports sound economic development consistent with smart growth objectives.

- Walkable to public transportation	Yes
- Reduces dependence on private automobiles (e.g., provides previously unavailable shared transportation, such as Zip Car or shuttle buses)	Yes
- Increased bike and pad access	Yes
- For rural areas, located in close proximity (i.e., approximately one mile) to a transportation corridor that provides access to employment centers, retail/commercial centers, civic or cultural destinations	Yes
- Other (discuss below)	No

#### **Explanation (Required)**

The proposed development is located less than one mile from public transportation which is available through the Lowell Regional Transit Authority Bus Route. Bicycle and pedestrian access is excellent with a mix of sidewalks and lightly traveled roads.

#### **(7) Increase Job and Business Opportunities**

Attract businesses and jobs to locations near housing, infrastructure, and transportation options. Promote economic development in industry clusters. Expand access to education, training and entrepreneurial opportunities. Support growth of local businesses, including sustainable natural resource-based businesses, such as agriculture, forestry, clean energy technology and fisheries.

- Permanent Jobs	No
- Permanent jobs for low- or moderate-income persons	No
- Jobs near housing, service or transit	No
- Housing near an employment center	No
- Expand access to education, training or entrepreneurial opportunities	No
• Support local business	No
- Support natural resource-based businesses (i.e., farming, forestry, or aquaculture)	No
• Re-uses or recycles materials from a local or regional industry's waste stream	No
• Support manufacture of resource-efficient materials, such as recycled or low-toxicity materials	No
- Support businesses that utilize locally produced resources such as locally harvested wood or agricultural products	No
- Other (discuss below)	No

#### **Explanation (Required)**

The construction of the infrastructure and 28 new rental units will create jobs for hundreds of individuals over the next few years. These workers will be patrons to local businesses. Once the units are occupied, the tenants will be also using local businesses.

(8) Promote Clean Energy

Maximize energy efficiency and renewable energy opportunities. Support energy conservation strategies, local clean power generation, distributed generation technologies, and innovative industries. Reduce greenhouse gas emissions and consumption of fossil fuels.

- Energy Star or Equivalent	Yes
- Uses renewable energy source, recycled and/or non-hazardous materials, exceeds the state energy code, is configured to optimize solar access, and/or otherwise results in waste reduction and conservation of resources	Yes
- Other (discuss below)	No

\*All units are required by MassHousing to be Energy Star Efficient. Please include in your explanation a description of how the development will meet Energy Star criteria.

Explanation (Required)

All materials and appliances used in the proposed development will be Energy Star Efficient maximizing energy efficiency and renewable energy opportunities.

(9) Plan Regionally

Support the development and implementation of local and regional, state and interstate plans that have broad public support and are consistent with these principles. Foster development projects, land and water conservation, transportation and housing that have a regional or multi-community benefit. Consider the long term costs and benefits to the Commonwealth.

- Consistent with a municipally supported regional plan	No
- Addresses barriers identified in a Regional Analysis of Impediments to Fair Housing	No
- Measureable public benefit beyond the applicant community	No
- Other (discuss below)	Nb

Explanation (Required)

This proposed development helps meet the area and Town's need for affordable rental opportunities.

GREENMONT COMMONS

Municipal Meeting Correspondence

Kenneth Lania, Cornerstone Land Associates, conducted a meeting with the Town of Dracut Town Manager Ann Vandal and the Town of Dracut Community Development Director Alison Manugian to discuss the project and determine if the Town of Dracut would be in support of this project on the subject parcel. Based on the discussions and opinions expressed during the meeting, it was determined that the Town of Dracut would not be in support of this project on the subject parcel.



August 19, 2022

MassHousing  
One Beacon Street  
Boston, MA 02108

Doc. Ref.: Greenmont Commons  
Comprehensive Permit Application  
135 Greenmont Avenue  
Dracut, MA 01826

**Mailing Statement**

I, Kenneth M. Lania, Owner of Cornerstone Land Associates, LLC, representative for Riverbank Properties, Applicant of the project location referenced above, do hereby certify under the pain and penalty of perjury that I mailed a Notice of Application to the Department of Housing and Community Development (DHCD).

Kenneth M. Lania, E.I.T.  
Owner/Senior Project Manager  
Cornerstone Land Associates, LLC

August 19, 2022  
Date

## View Transaction

X

Date

**07/01/2022**

Description

**Outgoing Money Transfer**

**Outgoing Wire to GENERAL LOCKBOX 226602**

Amount

**-\$7,500.00**

### 40B Technical Assistance Fee Coversheet

In accordance with a 2004 Interagency Agreement among 40B Subsidizing Agencies (MassHousing, MHP, DHCD and MassDevelopment) applicants for a Determination of Eligibility are required to contribute to the 40B Technical Assistance and Mediation Fund (40B TA program), administered by MHP. The 40B TA Program supports Zoning Boards of Appeals in their review of Comprehensive Permit Applications with the goal of helping developers and communities reach acceptable compromises relative to the development of affordable housing.

**Current standard 40B TA Fund Fee: Program Base Fee\* plus \$50 per unit**

*\*For questions about the fee structure for specific projects, please contact the Subsidizing Agency*

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Please complete the information below and submit with a check made out to Massachusetts Housing Partnership at the address below:

MHP Fund  
PO Box 845437  
Boston, MA 02284  
Attn: Emma McGurren

- Subsidizing Agency: MassHousing
- Project Applicant: RIVERBANK PROPERTIES
- Project Name: GREENMONT COMMONS
- Municipality: DRAZUT
- Number of Units: 28
- Number of acres of site: 2.44
- Rental or Homeownership: RENTAL
- 40B TA Amount (Base Fee + \$50/Unit) \$ 3900.00

# Request for Taxpayer Identification Number and Certification

► Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

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

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.						
<b>Nationwide Tile, Inc</b>						
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 <input type="checkbox"/> C Corporation <input checked="" type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ <small>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.</small> <input type="checkbox"/> Other (see instructions) ► _____						
4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): <small>Exempt payee code (if any) _____</small> <small>Exemption from FATCA reporting code (if any) _____</small> <small>(Applies to accounts maintained outside the U.S.)</small>						
5 Address (number, street, and apt. or suite no.) See instructions.				Requester's name and address (optional)		
<b>908 Lawrence St</b>						
6 City, state, and ZIP code						
<b>Lowell, MA 01852</b>						
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.

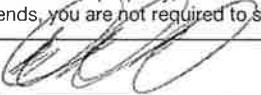
Social security number								
<input type="text"/>	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>
or								
Employer identification number								
<input type="text"/>	<input type="text"/>	<input type="text"/>	-	<input type="text"/>				

## Part II Certification

Under penalties of perjury, I certify that:

- 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
- 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
- I am a U.S. citizen or other U.S. person (defined below); and
- 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.

<b>Sign Here</b>	Signature of U.S. person ► 	Date ►
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## 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](http://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.*