

1. Why do you consider this to be the best option for the town?

As many residents are aware, the Town has had multiple, significant fiscal struggles over the past two to three decades. It is our job as a community to enhance the town to the best of our abilities as citizens and taxpayers. We have a wonderful town with a great school system; however, we are constantly witnessing the regional school system's growth outstrip the tax revenue in town year over year. Many single-family homes have been built in town and have been received well over the years. These homes have also had an impact on the town with regards to the school system as well as the municipal government. As the town boards have discovered, mostly by discussion, even on a small scale, bringing a couple of commercial business into town or an even couple of restaurants, will not help balance the budget since all that we collect are the residential real estate taxes (as we have no commercial RE tax). Even combined with any local food or beverage tax that you bring in, this still will not support the growth of the schools, let alone help the municipal budget balance itself over the next decade.

Here is a quote from the "Dunstable What's Going On #9 on the fiscal state of the town for FY25.

(Considering these adjustments, the FY25 projected budget DEFICIT has ballooned from \$399,491 to \$1,067,093.)" This budget could have the following impact to the town based on a 1mm shortfall from FY25: Laying off 4 to 5 Full time police officers, laying off ALL call fire department per diem shifts and we would then rely on a purely volunteer fire department. In a recent interaction with the Town, Lt. Governor Kim Driscoll pointed out to the Town Board of Selectmen that our school enrollment is inverted (which is why we cannot rely on Chapter 70 contributions from the State of MA) and that the Town has ONE single asset, which is land. The Lt. Governor suggested that if the Town has an opportunity to embark on a 55 plus community, that we could greatly benefit from the added tax dollars that are not focused on the school system, as we have no other resources to monetize.

The Brattle Farms site has been extensively studied to assess the highest and best use of this land. Alternative development options have included commercial farming (Bright Farm Lettuce) and solar/PV energy generation (Borrego Solar). In addition to location, the fact that this site will be developed by 2 family members from Town, one dating back to the 1870's and the other the 1940's, we would hope that would bring a level of comfort to the community. Both Jim and Matt bring many years of experience with various successful development projects within multiple MA communities resulting in tax benefits for towns resulting and more ability to sustain their communities.

The proposed development would serve an existing need for affordable and market rate senior housing in the community and region. Most beneficial to all current taxpayers, it would result in a significant fiscal benefit for the Town and would not burden local schools. A development of this type is the least impactful and most beneficial use of land possible based on our years of research and engineering.

The proposed location is situated perfectly near town center and with convenient access to highways. Brattle Farm also has close access to upgraded municipal water and electrical grid and is greatly set back from the street, lessening the visual impacts to passersby and ensuring that it would be greatly hidden from sight. This location has been documented in both the TOD affordable housing documents as well as the TOD Master Plan as an appropriate and feasible location for affordable housing.

The benefit of this project for the Town's Water Department should not be understated. The Town has recently incurred water infrastructure improvements to the tune of around \$3-4m, yet we have one of the smallest municipal water systems in the Commonwealth, resulting in higher per capita costs to rate payers. This has led to several rate payers opting to switch to private wells, which only exacerbates the problem. This project would help support the water enterprise fund with new water connection fees and over \$400k in annual water usage, which will help service the new debt on the water infrastructure.

Other benefits of the project include the creation of recreation space, public walking trails, the preservation of wetlands and open space, and the provision of a new DPW facility, discussed below.

Additionally, this community would offer a common area for its residents and act as a senior center for the Dunstable seniors, which they have never had. This will create a new experience for those that would prefer to stay in town and currently have no housing options to downsize from often larger single-family homes and remain rooted in the community.

2. This project should be presented to the public at an open forum with advertisement, not just through a meeting of the Selectboard. Allow for comment period so that BOS can consider these comments.

Not only are we supportive of this, we will be participating in public outreach as on-site Q&A's as well as working with the Board of Selectmen to determine the best forum for that to take place. As a LIP/ "friendly 40B" proposal, this project is intended to be a joint, cooperative endeavor between Brattle Development and the Town of Dunstable. Brattle Development is committed to working

collaboratively with the Board of Selectmen to arrange for this outreach and ensure that residents of Dunstable are informed throughout the process.

3. The BOS and other town departments should be allowed to properly review the site plan and other materials. Before submitting written comments on the community's behalf, the BOS should be allowed to solicit comments from relevant local boards, staff and the public.

The 40B Law requires us to submit to the local authorities for board reviews and they do have a significant period for these mandatory reviews.

4. Direct abutters should be given notification of this and be given the opportunity to provide input and what potential impact this will have on them, economic, quality of life etc.

Brattle Development has a transparent vision of this project and will discuss individually with each abutter regarding their feedback.

5. Provide a site plan for review.

A site plan dated February 9, 2023, prepared by Kelly Engineering Group, has been presented to the Board of Selectmen. A copy will be provided for posting on the Board's website together with other materials relevant to the project. As the project progresses, updated drawings will be made available to the town through the building department or the Town Administration.

6. Provide a draft septic/sewer treatment design. A statement was made that this project is an improvement to current conditions because the treatment system will remove the farming nutrient loading that is occurring. No farming there for decades, only hay fields that have been mowed. Please justify that statement.

Although the site is currently not being actively farmed, it remains available for this use, and there have been previous proposals to develop it with commercial farming. The development of the project would eliminate this possibility.

At this early stage in the planning process, the project site plan is a preliminary concept, and the septic/sewer treatment system has not yet been designed. Given the great cost associated with engineering and design, septic/sewer design takes place after a project is fully designed and conceptually approved because the system must be designed based on the final project specifications, including layout and approved unit/bedroom count.

The septic/sewer treatment system will be designed in accordance with all state and federal environmental regulations under MassDEP's Ground Water

Discharge Permit Program, 314 CMR 5. Further details will be made available as project plans are advanced through the permitting process. The preliminary details of the system will be available for review (and peer review) during the ZBA comprehensive permit review process.

7. Provide preliminary stormwater management design. Conventional? LID? How much impervious area is being created with this project?

The project proposes approximately 338,981sf of total impervious surfaces, including buildings, roads, parking areas, and sidewalks. This represents about 13.4% of the total land area of the site.

The project will handle stormwater primarily through a series of surface retention ponds, which will collect stormwater and allow for it to be released gradually into the ground through infiltration and controlled discharge. This system will be preliminarily designed and available for review during the ZBA comprehensive permit review process. It is important to note that although this project is proposed under Chapter 40B, it will be subject all applicable requirements of the Massachusetts Stormwater Management Standards (MSWMS), as overseen and implemented by the Dunstable Conservation Commission, as well as the Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) requirements.

8. How much fill is expected to be brought in? The soil conditions are not optimal for the number of plantings that was stated to be done.

The amount of fill required to build the project is not yet known, but excessive amounts of fill are not anticipated since the project does not contemplate the use of subsurface drainage structures (which sometimes require importing fill to create separation to groundwater) or basements.

With respect to existing soil conditions, a geotechnical engineering investigation of the site was conducted in 2019 in connection with prior site development investigations. A copy of this report can be made available. This study found that the site contains topsoil/loam 5-12 inches thick, which overlays native gravelly soil as far as 27 feet below grade. Groundwater was encountered 5-11.5 feet below grade.

All landscaping/planting will be selected based on their ability to thrive under the given soil conditions.

9. Remove the proposed house units that are near the pond.

This is not proposed at this time, as these units are expected to be among some of the most desirable units in the project, given their picturesque proximity to the pond. However, the project site plan has ample “slack space” for layout modifications.

10. Recommend the BOS has peer review done of the submitted Financial Impact Analysis and project layout.

As part of the LIP process, we will assist the town with their fiscal impact analysis as well as utilize our initial fiscal impact study as reference.

11. What are the actual costs to the town? Marginal Cost Method states limited measurable impact except on fire and police. Back those number up with a consideration of all factors including potential for children.

As explained in the Fougere Planning & Development fiscal impact study provided to the Select Board, the Marginal Cost Approach has been used because it provides a more realistic methodology than the Per Capita Multiplier Method to estimate and measure developmental impacts based the projected cost of maintaining existing “levels of service” for public services in Dunstable. As noted, we would welcome a peer review of this report to confirm its projections.

Regarding school impacts, Fougere Planning & Development has extensively studied the issue of school age children in age-restricted communities and determined that although there is a nonzero chance that a very small number of children will reside in age-restricted developments, this is an exceptionally rare occurrence. Specifically, in a survey of 21 age-restricted communities with a total of over 1,200 total residential units in eastern Massachusetts and southern New Hampshire, only 5 school age children were found to be residing in these locations – an average of .004 per unit. Moreover, the very rare presence of school age children in age-restricted communities may be temporary, associated with unforeseen life events (such as a divorce that requires a child to temporarily reside with grandparents).

In sum, statistically speaking, age-restricted developments simply do not draw school age children at a rate that is statistically significant enough to result in any measurable fiscal impact to the Town. Based on Lt. Governor Kelly Driscoll’s statement to the town regarding this statement, the Lt. Governor agrees with far less impact on the school system than a BOS member has indicated.

12. This project it is stated will be done in 2-3 years. Consideration of impact on inspectional services, especially during construction?

The Comprehensive Permit process alone is expected to take up to a year, if not more, followed by other permitting needed for the project, completion of final construction documents, securing financing, etc. Once all approvals are secured, site preparation and infrastructure work will commence, followed by building construction. Based on this, it is not anticipated that the project will be complete within 2-3 years. Once building construction commences, the project will be built in stages, starting with the single-family and duplex units, with the garden-style buildings completed last. Therefore, the units in the project will come online in a staggered sequence over the course of several years, possibly 6-7.

In instances where a municipality does not have the staffing or capacity for administrative oversight (code compliance review, permit application review, inspections, etc.) Chapter 40B allows municipalities to outsource this work to third-party reviewers and for reasonable review costs to be covered by the developer if this is authorized by a specific Town regulation and available both 40B and non-40B development alike.

13. Reduce the number of units! 156 units is an outrageous number of new homes in a small town like this. With only the bare minimum of 25% (39 units) contributing the SHI, this project is adding 117 more homes in town increases the demand for more required affordable housing. If you really want to help the town, reduce the overall number of units and increase the number of affordable ones so that the town does not have to go through this again for a very long time. This proposal is certainly not the nature of this town and is certainly oversized for what the town needs for additional SHI. Ouroboros!!!

The proposed unit count was selected to help amortize the high costs associated with site development. Based on how the Department of Housing and Community Development (DHCD) maintains and calculates the Subsidized Housing Inventory (SHI), the affordable units in this project will be immediately countable on the Town's SHI upon their approval by the ZBA, whereas the market rate units will not be reflected on the SHI until after the 2030 U.S. Census. Assuming the project is fully built by 2030, 12 of the project's 39 affordable units would "keep pace" with the 117 market rate units for purposes of the Town's Subsidized Housing Inventory (SHI), while the other 27 would represent "forward progress" towards 10% affordability.

14. Increase the number of affordable units. Lower the % AMI to 60% and really assist the lower income need. The town's AMI is quite high.

Based on community feedback received to date, the project team sees the market rate units as providing a significant community benefit by creating a new housing option for seniors looking to downsize and remain in the community. Based on local AMI and demographics, it is to be expected that reducing the

affordability threshold to 60% of AMI would mean that fewer local seniors would qualify for these units. Additionally, doing this (or increasing the number of affordable units) would negatively impact the project's pro forma – potentially to the point that the project would become unfundable.

15. This project proposes a potential population increase of 788 residents using the 2+1 rule of occupancy. That is nearly a 24% increase in the town population in 3 years. Is this really something that is wanted/needed?

The so-called “2+1 standard” is an informal policy consideration pertaining to the establishment by private landlords of maximum allowed occupancy policies within low-income residential communities to avoid Fair Housing discrimination complaints. It suggests capping occupancy of units to a maximum of two persons per bedroom plus one additional person.

The occupancy of the units in this project is expected to be much lower – in most instances 1 to 2 persons per unit.

16. If federal law requires 80% of age restricted development to have 1 person 55+, then that leaves 31 units NOT age restricted, which means children. Provide analysis and projection of impact on schools for this? Which units (1, 2, 3 bedroom) would not be age restricted?

See response to Question 11.

The project will be designed and marketed as a FULLY age-restricted community and none of the units will be designated as non-age restricted. The reference to 80% represents the minimum number of units that must be occupied by seniors for the community to qualify for protection under the federal Housing for Older Persons Act (HOPA).

17. The Senior Center would be owned by the Housing or Condo Association or whatever establish. This association could change terms. What makes use of that building for our seniors perpetual and solid? The residents of this new community may decide that they don't want to share their facilities.

The Dunstable seniors have never been afforded the ability to utilize a facility or building that has been designed around the needs of the seniors. Fortunately for our Dunstable seniors, Brattle development will have a clause in ALL of the deeds that allows the Dunstable seniors to utilize designated areas with the proper scheduling. This means that all homeowners agree to this prior to closing. We are proud to say that we have a place where seniors can gather regularly and can enjoy a new state-of-the-art facility including a kitchen, gym equipment as well as a proposed swimming pool.

18. Is there really a market for this many units here? What if they don't sell? Then the town has 3 giant 3-story buildings sitting there. There is an explosion of building in our surrounding towns that have more services and amenities available. Prove that there is a need for a project of this size.

Our development will be started on the single and duplex units and spread out over a series of years, possibly pushing us to a 2030 project completion. The marketing studies indicate a robust residential market and a need for housing of this type. This information has been submitted to the Town Administrator and is available to anyone who would like a copy.

19. Stated that there would be walking trail access to Westford St. Tully does not own frontage on Westford St. National Grid owns that land (which is the power line) between this parcel and Westford St. The abutting property is controlled by the Cemetery Commission, permission would need to be obtained from them.

We are agreeable to working with the Dunstable Cemetery Commission and/or National Grid to obtain access to Westford Street. This idea is not a must, however, and would certainly assist people with walking to town center or exercising without having to navigate Lowell Street or Route 113. Currently, there is an unmaintained path in this area from the Brattle Farm property that runs into the cemetery today and could potentially be utilized for this purpose.

20. What is the price value associated with the garage? Has there been an appraisal of the garage done? Are you giving or selling the garage to the town? Please clarify intent.

Please see our response to Question 33, this is answered there.

21. The "conservation land" to the south, how is that to be actually preserved, will it be a CR, donated to a land trust, or the Conservation Commission, or to Mass Fish & Wildlife?

We would propose for the undeveloped land on the project site to be placed under a deeded use restriction (e.g., Dunstable Rural Land Trust or similar) after receipt of all regulatory approvals needed to construct this project. However, we would be agreeable to other noted options for preservation of the land if one is preferred.

22. Town department & community input should be provided, and conditions & agreements on the community benefits to the town, the garage, the conservation land, should be memorialized before a Land Development Agreement is signed.

Please see our response to question 2, this question is addressed there.

23. What land is proposed for "conservation" (map, acreage)? Would it be a donation? Who would hold title? How would it be restricted?

See response to question 21.

24. How many acres to be developed?

Our total acreage is approximately 75, the project will include approximately 9 acres+/- of impervious surface development, including roads, parking areas, and buildings.

25. What is the current condition of the proposed highway garage? Current appraised value? Would this be a donation to the Town? Explain "Town DPW Barn". What about other Dumont garage?

Please see response to question 33.

26. Who would own/manage apt. buildings?

The residential buildings would be owned by a condominium association or HOA to be created after construction of the project but prior to occupancy.

27. Has the site been inspected for possible past hazardous waste disposal?

Phase I and Phase II environmental site assessments were both conducted in 2019 & 2022 by Parker Environmental Corp. and SLR International. Test wells were drilled, and water tested for 12 months, neighbor's basements also neighbors well water were tested. Based on lack of findings after 12 months, it was suggested that the site audit is closed, and no further actions are necessary.

28. Will steps be taken to limit light pollution?

Absolutely, lighting will be a large part of the design in this neighborhood. Keeping with the character of the town, we will ensure that our fixtures be Dark Sky compliant and sized based on minimizing light spill outside of the areas of the site where it is needed for safety. Daylight LED lighting will not be designed into this setting unless mandated by building codes.

29. Could you please point to the law/regulation that stipulates that 80% or greater of the units must have at least one person over-55 occupy the units? Are there ways to increase the 80% minimum?

The law in question is the federal Housing for Older Persons Act (HOPA). Information about this law is available at https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_housing_older_persons.

Although HOPA allows residential communities to qualify for HOPA protection with as low as 80% age-restricted units, our intent is to design and market all units for occupancy by seniors and has no intent to make any unit's non-age-restricted.

30. Size of the project is too large. Apartment buildings are out of character with the town. Influx of 156 units x 2+ people each (or so) = 300+ new residents. 10% increase in the town population.

Based on the lot area of the development site (over 75 acres total), the proposed unit count comes out to just 2 units per acre, which is a level of density that is significantly lower than has been approved under Chapter 40B in similarly rural communities. In fact, this density is common in many communities for by-right residential development.

The actual number of residents of this project is difficult to predict, but 2 residents per apartment is higher than the developer projects. Since the units would be age-restricted, a few of the units are likely to be occupied by single, widowed or divorced residents living alone. Regardless, the number of residents can be accommodated by local infrastructure and will result in a net fiscal benefit to the Town.

Moreover, the development of the entire site is projected to take years, with the duplex and single units built first and the garden-style buildings last, which will space out the new residents over the next 7-10 years.

31. Traffic concerns. The corner of Lowell and Main St. gets backed up already and is going to get more dangerous with the additional traffic.

Residents in age-restricted communities typically have less need to drive during peak commuter hours since many residents are retired or semi-retired. The increase in remote work has furthered this trend by enabling more people to work from their homes. The proposed development is estimated to generate approximately 56 vehicle trips (18 entering and 38 exiting) during the weekday morning peak hour and 66 vehicle trips (40 entering and 26 exiting) during the weekday evening peak hour. This is approximately one vehicle per minute during these peak traffic periods – an increase that is so small that it would not be perceptible. Please feel free to find a copy of our traffic impact study in our submittal packet.

32. Finances are misleading. For example, they stated on the slide presentation to the BoS that the cost of students from the project going to our school system would be \$0.00. It is likely that the project will have school age children, thus school costs associated with them. A check with fire/police to see if they agree with numbers is also warranted.

Please see the response to question 11.

33. They said the garage would be a gift to the town worth 4 million. Also then said might be a partial gift. But how much would it cost the town to renovate it to required standards? Need to nail down what the transaction is going to net in costs/benefits.

Our proposal is to renovate and repair the existing commercial building back to its pre fire condition and either donate the property to the Town or some other means to ultimately get the property "DPW Building" back to the town. If warranted, this may also include the construction of a new access way to enable DPW vehicles to access this site directly without needing to use the project's access road.

Considering the value of the land and estimated cost of renovations, the value of this donation is at least \$2-3 million – potentially as high as \$4 million if the property were to be renovated by the Town using prevailing wage laborers.

This offer would be contingent upon the Town's support of the project under the Local Initiative Program (LIP) (a/k/a "friendly 40B") with the proposed density of 156 units. We are agreeable to entering into a Land Development Agreement (LDA) or a long-term lease with the Town of Dunstable to memorialize this commitment.

34. Communication to townspeople needs to occur, and soon! Perhaps in the BoS periodical email 'what is going on' update? Facebook, Next-door, etc. A public forum should also occur and be well advertised.

See response to question 2.

35. Instead of building a senior center on the property, they should give funds to rehabilitate the old Swallow School for a senior (and multipurpose) facility.

We support the restoration of the Union building in town. However, one of our primary goals for this project is to provide attractive housing opportunities for local seniors interested in downsizing but who wish to remain in the community they love while also drawing new seniors from surrounding communities. In this way, the Brattle Farm residences will become the "epicenter" of senior living in the Town of Dunstable and surrounding communities. The proposed senior center makes sense in this location for all these seniors by providing a location

near their homes where they can gather and interact with their neighbors without needing to drive to a different location. In addition to residents of these homes, Brattle Farm proposes to open the doors of this senior center to all local seniors bringing together all seniors regardless of where they live in town.

36. What is the absolute minimum number of units they feel they need to move forward with their "friendly" 40B development? For example: would they be willing to eliminate one of the garden apartment buildings and make the remaining two buildings two story?

The proposed number of residential units (156) was selected based on the need to amortize site acquisition and development costs (including, notably, sewer/septic treatment) and subsidize the costs associated with the public benefits that the project will offer to the Town of Dunstable (affordable unit subsidies, DPW yard, public senior center, public trails, dedication of open space, etc.), and generate a modest, reasonable profit to justify the investment of time, effort, and capital. If the number of units were to be reduced, it would not be financially feasible to offer the public benefits that the project currently proposes.

The proposed represents the highest and best use of this property and as discussed above will result in fiscal benefits to the Town of Dunstable that far exceed the fiscal impact of the project associated with demand for public services.