

COMMONWEALTH OF MASSACHUSETTS  
CITY OF NEWTON  
ZONING BOARD OF APPEALS

APPLICATION FOR COMPREHENSIVE PERMIT

(Mass. Gen. Laws c. 40B, secs. 20-23).

PELHAM HOUSE  
45 Pelham Street  
Newton Centre, MA

1. **Applicant:** Cooperative Living of Newton, Inc.  
1171 Washington Street  
Newton, MA
2. **Property:** 45 Pelham Street  
Parcel ID: 64-0290-000600
3. **Summary of the Project:**

Cooperative Living of Newton, Inc. ("CLN") has an agreement to purchase a vacant 19 bed nursing home facility named Pelham House at 45 Pelham Street, Newton, located one block from the shopping area in Newton Centre. Consistent with its mission to assist elders in remaining independent, CLN plans to convert the facility into 10 units of low and moderate income housing (as defined in Mass. Gen. Laws c. 40B, sec. 20) for elders. CLN is a 501(c)(3) nonprofit charitable organization founded in 1977 by concerned citizens and the Newton Clergy Association to address the needs of low and moderate income elders by providing housing and related services. CLN has, since 1983, operated the Cooperative Living House in Newtonville (a shared living home for 11 low income elders developed in the 1980's) which is similar to the proposed project.

The Pelham House (a Home for the Aging since the 1930's) nursing home was forced to close in April 2002 for financial reasons. CLN plans to convert this existing 19 bed nursing home into 10 apartments (6 one bedroom units and 4 studio units) with ample shared living spaces, (including a common library/living room/computer & laundry on the first and second floors, a common dining area, front porch, back deck, and basement storage). The total area of the 10 units is 3,921 sq. ft. (unit sizes range from 281 sq. ft. to 500 sq. ft.) and the common area total is 2,730 sq. ft. The project will have 5 parking spaces for residents as indicated on Exhibit D.

Proposed renovation work includes, but is not limited to, the following:

A. Exterior Work

- (i) Remove all aluminum siding, fascia, trim. Replace with new wood clapboards and trim.
- (ii) Remove aluminum storefront entry doors and replace with residential style doors.
- (iii) Remove and replace existing roofing.

Townsend, Elder Housing Consultant. Macomber Construction Co. also provided its expertise and estimate.

Subject to CLN's receipt of all necessary permits and funding, CLN plans to commence construction of the proposed project on February 15, 2004 and complete construction on September 15, 2004.

**4. Preliminary Review Process:**

As recommended by the Comprehensive Permit Application Guidelines published by the Newton Zoning Board of Appeals, CLN has met with neighbors of the Property and various City departments and officials to discuss the proposed project and has conducted an historical and environmental review prior to submitting this application. Below is a summary of the outreach, meetings and review process that was undertaken.

(a) Summary of meetings:

- 3 public meetings with neighbors and Aldermen George Mansfield, Ken Parker, Susan Basham (12/19/02, 2/9/03, and 3/24/03) to discuss the neighbors' concerns about the proposed project. A list of the neighbor's concerns and CLN's response to those concerns is attached as Exhibit A.
- Review and approval of the Newton Housing Partnership and Mayor's office to proceed with the proposed project. Copies of the letters received from the Newton Housing Partnership and the Mayor's office are attached as Exhibit B.
- Meetings, presentations and conversations with the City of Newton Community Preservation Fund, Planning and Development Office, Fire Department, Public Works Department, City Engineer, and Inspectional Services Department

(b) Historical and Environmental Reviews:

- Phase 1 Environmental Site Assessment (21E) and historical reviews and approvals are attached hereto as Exhibit C. These documents include a completed and signed environmental clearance form for 45 Pelham Street from the City of Newton Department of Planning and Development and a Project Notification Form from the Massachusetts Historical Commission with determination that this project is unlikely to affect significant historic or archaeological resources.

**5. Preliminary Site Plan:**

A copy of the Preliminary Site Plan and Area Plan for the Pelham House Project, signed by a registered professional land surveyor, James J. Abely, of VTP Associates, Inc., dated August 1, 2003, consisting of 2 sheets, a Proposed Site Plan, dated August 1, 2003 (with elevations and spot grades) and an Area Plan, dated August 1, 2003, is filed herewith and labeled as Exhibit D.

**6. Report on Existing Conditions:**

Pelham House is a vacant, existing 2 1/2 story wood frame house with full basement built in the 1860's. It is clad in aluminum siding installed over wood clapboards in the 1950's. The roof is clad with asphalt /fiberglass shingle. Windows have been replaced with new vinyl windows. Recent photographs, site location maps of the existing buildings (house and detached garage), and photos of adjoining properties, consisting of 5 sheets are attached hereto as Exhibit E.

**7. Preliminary Architectural Plans:**

Scaled architectural drawings, including floor plans, demolition plan and outline specifications stamped and signed by Janet Buck of Buck, Smith and McAvoy Architects, Inc. are attached hereto as Exhibit F.

**8. Table of Proposed Buildings:**

Floor plans of the property showing the proposed improvements are submitted as Exhibit F. In addition, the following table shows the number of units, bedrooms, and floor area.

<b>Pelham House - Table of Unit Sizes</b>		
<b>Unit No.</b>	<b>Size</b>	<b>Sq. Feet</b>
1	Studio HC	466
2	Studio	281
3	Studio	303
4	1 BR HC	375
5	1 BR	500
6	1 BR	344
7	Studio	303
8	1 BR	456
9	1 BR	433
10	1 BR	460
<b>Unit Subtotal</b>	<b>10 Units</b>	<b>3,921</b>
<b>Common Areas</b>		
	Living Room	145
	Dining/Kitchen	360
	Common Toilet	21
	Front Porch	179
	Second Floor Common	297
	Basement Storage	1096
	Circulation Space	632
	<b>Common Subtotal</b>	<b>2730</b>
	<b>Totals</b>	<b>6651</b>

**9. Preliminary Utility Plan:**

Existing utilities to the property include gas, domestic water, fire service, sanitary sewer and electrical. According to research provided by VTP Associates, the 6 inch fire service line to the building from Pelham Street was installed in 1961. Preliminary calculations show it to be adequate for the new sprinkler system, which as permitted by code, will be residential. The existing municipal domestic water supply line from Pleasant Street was installed in 1869 and the existing 5 inch clay municipal sanitary sewer line was installed in 1925. In accordance with the City of Newton's Engineering Department's policy, all renovations of 70% or more shall include replacement of existing water and sewer service. The renovation plans for Pelham House include upgrading the existing water service to a new 2 inch copper Type K line and upgrading the sanitary sewer line to a 6 inch PVC SDR 35. Electrical service will be upgraded to meet the new occupancy and all current building codes.

**10. Preliminary Subdivision Plan:**

No subdivision is proposed as part of this project

**11. Comprehensive Permit Jurisdictional Requirements:**

Under 760 CMR 31.01, an applicant must fulfill the following jurisdictional requirements to be eligible to submit an application for a comprehensive permit: (i) the applicant must be a public agency, non-profit organization or a limited dividend organization; (ii) the project must be fundable by a subsidizing agency under a low and moderate income housing subsidiary program; (iii) the applicant must control the site. CLN is a non-profit organization. Attached hereto as a part of Exhibit G is a copy of the letter CLN received from the Internal Revenue Service which evidences that CLN is exempt from Federal income tax under 501(c)(3) of the Internal Revenue Code. The proposed Project has received a project eligibility letter from the Massachusetts Department of Housing and Community Development ("DHCD"). Copies of the letters from DHCD are attached hereto as part of Exhibit G. The Applicant has control over the site through a purchase and sale agreement with Central Directory for Nurses, Inc. (the current owner) dated February 10, 2003, a copy of which is attached hereto as part of Exhibit G. A closing for the property is scheduled for September 15, 2003.

**12. Requested Exceptions.**

A list of requested exceptions from local requirements, regulations, codes and ordinances is attached hereto as Exhibit H. Exhibit H also includes a preliminary zoning analysis prepared by CLN's architect.

**13. Statement of Why Housing Density is Economically Necessary:**

CLN is a 501(c)(3) non-profit charitable organization. The economic feasibility of any of our projects is analyzed based on the project's ability to be financially feasible and sound in terms of having its income cover expenses, both in the development and start up phase and during on-going operations. There is no consideration of profit for the organization. Subsequently there is no profit to reduce in order to reduce the density of the project. All proceeds from the development and operating income are returned to the development and operation of the project.

The project at 45 Pelham Street is financially sound and operational only with rental income produced from 10 units. Decreasing the number of units does not significantly reduce the operating costs of the project as presented in the operating budget, so reducing the number of units would result in the project operating at a loss. Less than 10 units at the allowable affordable rents (see table below) will not produce the income necessary to support the operating costs of the building. With operating costs constant, the only way to prevent the project operating at a loss would be to increase rents. This is not feasible because: 1) rents would not meet the set limits of affordability as set by the Commonwealth of Massachusetts and HUD for affordable housing funding programs; 2) rents would not meet the primary goal of this project and CLN, which is the creation of affordable housing; and 3) funding for the project would be withdrawn if we were not providing affordable rental units.

**Rent Table**

Maximum Allowed Rents, by Income, by Unit size:	Income Limits last updated on		7/24/03	
	Maximum Income		Maximum Rent (calculated from HUD income data)	
	50%	60%	50%	60%
SRO	\$28,300	\$33,950	\$708	\$849
0 bedroom	\$28,300	\$33,950	\$708	\$849
1 bedroom	\$30,300	\$36,350	\$758	\$909
2 bedrooms	\$36,350	\$43,650	\$909	\$1,091
3 bedrooms	\$42,000	\$50,400	\$1,050	\$1,260
4 bedrooms	\$46,850	\$56,250	\$1,171	\$1,406
Area median income for a family of four:	\$80,800			
Source: DHCD, HOME application drawn from the HUD User (HUD's) Office of Policy Development and Research (PD&R) July issue "FY 2004 Fair Market Rents Released".				

**14. Local supply of affordable housing and current projects:**

A summary of the affordable housing supply for the City of Newton is attached hereto as Exhibit I. Exhibit I includes a list of the Chapter 40B subsidized housing inventory for Newton from the Massachusetts Department of Housing and Community Development. This report indicates that 4.88% of all units are available for low income residents; less than half of the 10% goal set by Massachusetts General Laws, c. 40B. A Newton housing needs assessment document reports that 20% of Newton's households are considered to be low or moderate income. The reports also indicate that 973 units are available for low -income elders; and 1,803 households are on the Newton elderly housing waiting list.

### Schedule of Exhibits

- Exhibit A: CLN's Proposed Actions to Mitigate Detrimental Impact
- Exhibit B: City of Newton Approvals  
Letter from Newton Housing Partnership  
Letter from Newton Department of Planning
- Exhibit C: Environmental and Historical Reviews Environmental Review
- Exhibit D: Preliminary Site Plan and Area Plan
- Exhibit E: Report on Existing Conditions
- Exhibit F: Preliminary Architectural Plans and Outline Specifications
- Exhibit G: Jurisdictional Requirement Documentation  
CLN's IRS Ruling as 501 (c) (3) Charitable Organization  
Letters of Eligibility from DHCD  
Purchase and Sales Agreement with Extensions
- Exhibit H: Requested Exceptions and Architect's Zoning Analysis.
- Exhibit I: Local Supply of Affordable Housing