



STRATEGIC LAND VENTURES

Date: February 23, 2021
To: Manchester by the Sea Board of Selectmen
From: SLV School Street, LLC
Re: Development Agreement Conditions

We have had many public hearings to discuss the pending Local Initiative Program Application for the proposed SLV School Street 40B Development. During these meetings, I have received the benefit of your feedback on many different development related considerations. Likewise, the Board has had the benefit of my input, observations and technical feedback as well. The collaborative nature of those discussions I believe has enabled the Board to identify and isolate the most important considerations conditional to a potential endorsement of the LIP Application.

As I have frequently communicated, time is of the essence to me. I also understand this dialogue and review of the Application in general has required a necessary diligence by the Board of Selectmen. I humbly believe the Town has now had adequate time, and understands the key development features, to make a determination on its desired course of action. My development partners and investors are growing impatient with me; candidly, I need to know in the next few weeks if we have a deal on a LIP agreement or not as I have legal and fiduciary responsibilities to my partners.

As such, the purpose of this memo is to highlight the key conditions that SLV School Street would be willing to commit to as part of a development agreement with the Board of Selectmen. Likewise, there are commitments that we are requesting in return from the Board of Selectmen in the spirit of compromise and arriving at a mutually agreeable conclusion.

Applicant Commitments:

1. A building height featuring three residential levels (understanding the parking would still be under the building in a garage podium structure consistent with submitted plans). The Applicant has attached a representation of what a 3 story building could look like, but would welcome additional architectural input (see #4).
2. No more than 150 units constrained to three residential levels.
3. Maintain the same proportions of 3/2/1/1+BR units as in the original proposal. The table below highlights the original unit mix for the 157 unit proposal.



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Total Residential Units	157		
1 Bedroom	32	(20%)	850 SF Avg
1 Bedroom +	48	(31%)	960 SF Avg
2 Bedroom	23	(15%)	1,050 SF Avg
2 Bedroom +	38	(24%)	1,145 SF Avg
3 Bedroom	16	(10%)	1,240 SF Avg

4. A good faith commitment to work with a to-be-established Design Review Committee on the architectural vernacular, exterior materials, etc. in an effort to make the building “fit the character of the Town”. We believe the design reflected in the attachment has already begun to feature more architectural language consistent with seaside New England shingle style.

This collaboration between the Applicant and the DRC would occur in advance of the ZBA process and would be limited to three public meetings understanding the Applicant will not be able to make all of the changes requested by the DRC due to technical and financial reasons.

5. The permit/agreement will preclude any additional density or building expansions.
6. The affirmative market and lottery preference will include local preference for 70% of the affordable units.
7. The Applicant will design and construct a water main extension along School Street across the Route 128 overpass to site. This work, and all associated costs, will be exclusively the responsibility of the Applicant.
8. The building will feature individual unit water meters
9. The Applicant will to pay for all the retained professionals during the Comprehensive Permit public hearing process. Presuming the execution of a development agreement, the Applicant also agrees to pay for the fiscal peer review completed to date and traffic peer review conducted to date. The Applicant would pay for Mr. Witten’s services if that fee is capped at a reasonable total consistent with what is customarily paid to municipal 40B consultants/advisors. The Applicant would also ask for the Town to identify a cap to the fees, as a blank check book for municipal permitting fees will make pre-development financing/investment extremely challenging.
10. The Applicant, as a condition of receiving an occupancy permit, will fund \$250,000 to the Manchester-by-the-Sea Affordable Housing Trust.



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11. The Town of Manchester by the Sea and its elected officials and municipal staff will work with the Applicant's Massworks Consultant for the explicit purposes of submitting a Massworks Grant Application to the Commonwealth of Massachusetts to help fund, wholly or in part, the construction of the water main extension.

Should the Town/Applicant successfully secure a grant in excess of \$1,000,000, the Applicant would agree to fund the following:

12. \$500,000 to the Fire Department to be used at their discretion
13. \$350,000 to the Affordable Housing Trust
14. \$100,000 to the Town's Turf Field Project
15. The Board of Selectmen will encourage, through its support of the LIP application, the Zoning Board of Appeals to grant all necessary waivers from local zoning and conservation bylaws that are necessary to build the project as represented and designed.
16. The Board of Selectmen acknowledges that the Applicant will be asked to make any material or substantial changes to the proposed development unless the proposed development does not comply with any State regulations. The Applicant will consider suggestions introduced by Peer Review Consultants during the Public Hearing process, but nothing that requires a substantial redesign to the project entrance, the building footprint, or project infrastructure. Customary design tweaks and modifications would be expected and will be incorporated into the plan to the greatest extent possible.
17. The Applicant will retain, to the greatest extent possible as shown on the plans, all forest vegetation between the proposed development and MECT land.
18. The Applicant will agree to a conservation restriction for undeveloped land, provided that any land included in a conservation restriction will/would not be necessary for the Applicant to satisfy all current and future conditions enumerated in the Comprehensive Permit and Order of Conditions.
19. The Applicant will commit to a blasting process that uses only perchlorate-free blasting agents. The blasting contractor will have their own seismographs on-site during the blasting. That data will help to ensure against exceedances of the blasting parameters (by measuring the peak particle velocities during blasting and comparing those to standards). Mass. regulations require a 250-foot radius pre-blast survey. Although not required, The Applicant would be willing to consider increasing that radius another 100 feet outward as measured from the edges of the blasting area.
20. The Applicant will Provide proof of annual inspections and full permit compliance of the on-site wastewater system and stormwater management system
21. The Applicant will design the building to be fully compliant with local and state energy codes and the International Building Code including: high efficiency lighting fixtures and HVAC systems, low-flow plumbing fixtures, and energy-star appliances. The project will also feature dark-sky compliant exterior lighting. The Applicant will also commit to



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irrigation restrictions, EV charging stations, and a significant percentage of native plantings.

22. The Applicant will make a one-time capital contribution of \$25,000 to the Shuttle system on after that Shuttle System has been established.

The Applicant would ask the Town to reconsider its decision and allow the Applicant to tie-into the municipal sewer system, at the Applicant's expense, recognizing that the Town has more than adequate capacity in the system to support the development as proposed, and that the Applicant would need fewer waivers from local conservation bylaws if connected to the municipal system.