

Commonwealth of Massachusetts  
**DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer Maddox, Acting Undersecretary

March 7, 2018

The Honorable Bill Carpenter  
Mayor, City of Brockton  
City Hall, First Floor  
45 School Street  
Brockton, MA 02301

RE: Thatcher Street Smart Growth Overlay District – Letter of Approval

Dear Mayor Carpenter:

Pursuant to MGL, Chapter 40R and 760 CMR 59.05(4), the Department of Housing & Community Development (DHCD) is pleased to issue this non-expiring Letter of Approval to the City of Brockton (City) for its new Thatcher Street Smart Growth Overlay District (District/TSSGOD), adopted on December 26, 2017.

The adopted 40R District allows for up to 175 Future Zoned Units, 165 of which qualify as Incentive Units. Based on this number of Incentive Units and in accordance with 760 CMR 59.06(1), this Letter of Approval entitles the City to receive a \$200,000 Zoning Incentive Payment, a contract for which will be forwarded under separate cover.

This Letter of Approval supplements, as applicable, DHCD's corresponding Letter of Eligibility issued on March 10, 2017 and is subject to the following standard conditions:

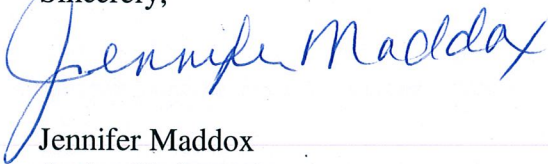
1. If a building permit has not been issued for a Bonus Unit in the District within three years of the date of the Zoning Incentive Payment, or if a building permit was issued within such three-year period, but no certificate of occupancy for such Bonus Unit was issued within two years thereafter, the City must submit satisfactory evidence, in the form of certification by the local 40R Plan Approval Authority (PAA), zoning enforcement officer or public works official, of Start of Construction (as defined under 760 CMR 59.02) within that time period of one or more eligible Projects, or be subject to revocation under 760 CMR 59.07(3) and the repayment of monies under 760 CMR 59.06(3). Start of Construction requires evidence satisfactory to DHCD that construction activity has occurred in good faith on the Project, such as the pouring of foundations or footings, or utility relocation, or the remediation of hazardous materials on the site, and provided that such construction is continued through to completion. The three-year time period is extended by the time that a Project on which construction would otherwise have started within the three-year time period is subject to legal or administrative appeal or challenge, or if the proponent is actively pursuing other required permits or there is other good cause for the failure to start construction.



2. The City maintains a designated smart growth reporting officer required by MGL, Chapter 40S. Such officer is responsible for preparing a smart growth address list, based on occupancy permits issued in the District, and transmitting such list and supporting documentation to DHCD.
3. The City maintains a designated municipal official responsible for filing an Annual Update with DHCD on or before July 31 of each year. The Annual Update shall contain the information specified in 760 CMR 59.07.
4. For units associated with a 40R Project to qualify as Bonus Units and count toward a corresponding Density Bonus Payment under 760 CMR 59.06(2), such units must be locally approved, permitted and developable as of right, as defined under 760 CMR 59.02, and pursuant to and in accordance with the Smart Growth Zoning, without recourse to a special permit, variance, zoning amendment, or other form of zoning relief.
5. To the extent it has not done so already or there have been changes to any of the following, the City submits to DHCD for approval all associated Plan Approval application forms, fee schedules, Plan Approval Authority rules & regulations, Design Standards and other requirements to which Plan Approval applicants or Projects are subject under the Smart Growth Zoning.
6. Prior to the issuance of a building permit and marketing of a unit for a Project within the District, the affordable units shall be made subject to an Affirmative Fair Housing Marketing and Resident Selection Plan approved by DHCD as compliant with the associated 40R requirements under 760 CMR 59.00. Such Plan must describe the resident selection process for the affordable units and must set forth a plan for affirmative marketing that provides maximum opportunity to low or moderate income households, including minority households. DHCD's *Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines* are available on DHCD's website.
7. Prior to execution and recording, the Affordable Housing Restriction that is required for any Project that is subject to affordability restrictions under the Smart Growth Zoning must be approved by DHCD as compliant with the associated 40R requirements.

On behalf of DHCD and the Baker-Polito administration, thank you for advancing this initiative to expand housing opportunities and Smart Growth in the City of Brockton. As the City moves forward with implementation of the TSSGOD, should you have any questions, please contact Bill Reyelt at (617) 573-1355 or [william.reyelt@state.ma.us](mailto:william.reyelt@state.ma.us).

Sincerely,



Jennifer Maddox  
Acting Undersecretary

cc: Senator Michael D. Brady  
Representative Gerard Cassidy