



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

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Chrystal Komegay, Undersecretary

March 10, 2017

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 – Preliminary Determination of Eligibility

Dear Mayor Carpenter:

I am writing with regard to the application for a preliminary determination of eligibility pursuant to MGL, Chapter 40R and 760 CMR 59.00 that was submitted by the City of Brockton (City) to the Department of Housing and Community Development (DHCD) for the proposed Thatcher Street Smart Growth Overlay District (TSSGOD/District). I am pleased to inform you that DHCD has completed its review and determined that the proposed District satisfies the requirements of the referenced statute and regulations.

Based on our review of the revised application and supplemental information received, including planned pedestrian access to Massasoit Community College and the requested modifications to the Smart Growth Zoning, the proposed District would allow for 175 total units, including 165 Incentive Units, to be developed as of right subject to site plan approval pursuant to the corresponding Smart Growth Zoning. After DHCD receives evidence of both local adoption of the Smart Growth Zoning and submission of a certified copy to the Attorney General, the Department, upon request, can issue a Letter of Approval pursuant to 760 CMR 59.05(4). Upon issuance of such Letter of Approval, the City will be entitled to a \$200,000 Zoning Incentive Payment and can begin to approve 40R Projects pursuant to the new Smart Growth Zoning.

Pursuant to 760 CMR 59.05, DHCD issues this Letter of Eligibility subject to the following:

1. Unless otherwise approved in writing by the Department, Final Approval of the District by DHCD is only assured to the extent the City adopts the version of the Smart Growth Zoning that is enclosed and herein deemed eligible. Absent DHCD's approval of an extension of the eligibility period, adoption of the Smart Growth Zoning must occur by March 10, 2020. After adoption of the Smart Growth Zoning, the City must submit proof of adoption to DHCD and receive a subsequent Letter of Approval prior to the approval of any 40R Project under the Smart Growth Zoning. Proof of adoption requires the submission of the following information:

a) a copy of the Smart Growth Zoning adopted by the City Council and certified by the City Clerk;

- b) a copy of the amended Zoning Map adopted by the City Council and certified by the City Clerk;
  - c) evidence that the City Clerk has submitted a certified copy of the adopted Smart Growth Zoning to the office of the Attorney General;
  - d) if there were any changes to the enclosed version of Smart Growth Zoning between DHCD's approval in this preliminary determination of eligibility and adoption by the City Council, an annotated version of the Smart Growth Zoning must be submitted that clearly indicates and explains each change; and
  - e) a certification by the City Clerk that the Smart Growth Zoning has been published and posted pursuant to applicable law.
2. If there are substantial changes to the enclosed version of the Smart Growth Zoning in the course of local adoption and prior to DHCD's Final Approval, DHCD may treat such changes and corresponding submission as an amendment to the application and will notify the City of its decision to do so in writing. DHCD must confirm its Final Approval within 60 days of receipt of such submission provided the amended application satisfies all the approval criteria set forth in 760 CMR 59.04(1).
3. Beyond the rights afforded to property owners under the existing or underlying zoning, there is no local rule, regulation, ordinance or agreement that would inhibit the ability to develop a minimum of 175 Future Zoned Units in the District. There is no agreement that regulates the development of the Future Zoned Units in a manner contrary to MGL c. 40R, 760 CMR 59.00 or DHCD's corresponding guidelines, such as limiting development within the District to one type of residential occupancy or another (e.g., homeownership rather than rental).
4. DHCD must approve, prior to adoption and use by the Plan Approval Authority, any associated local rules, regulations, application forms or other requirements, or any amendments thereof to which Project applicants or applications will be subject. Such rules, regulations, application forms or other requirements, or amendments thereof, if approved by DHCD, must also be filed with the City Clerk.
5. The applicable Design Standards for the District are those herein approved and enclosed with this letter.

We commend the City in this initiative to encourage Smart Growth. If you have any questions, please do not hesitate to contact Bill Reyelt at 617.573.1355 or [william.reyelt@state.ma.us](mailto:william.reyelt@state.ma.us).

Sincerely,



Chrystal Kornegay  
Undersecretary

cc: Rob May, Director of Planning and Economic Development