

Commonwealth of Massachusetts
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

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

September 28, 2022

The Honorable Nicole LaChapelle
Mayor, City of Easthampton
50 Payson Avenue
Easthampton, MA 01027

Re: Easthampton Smart Growth Zoning District (SGZD) Amendment – Letter of Approval

Dear Mayor LaChapelle:

Pursuant to MGL, Chapter 40R and 760 CMR 59.05(4) and (5), the Department of Housing and Community Development (DHCD) is pleased to issue this non-expiring Letter of Approval to the City of Easthampton (City) for its amendment on May 4, 2022 of the Easthampton SGZD. The amendment primarily added a new Highway Corridor Mixed-Use Sub-district along Northampton Street between Groveland Street and Florence Road / Highland Avenue but also added Parcel 52-82 (a.k.a. 4 Park Street) to the SGZD's existing Downtown Mixed-Use Sub-district and updated the text of the City's 40R ordinance.

In its corresponding Letter of Eligibility on April 6, 2022 (attached), the Department referenced the estimated 453 additional Incentive Units associated with the amendment which, when combined with the original District's 423 Incentive Units, would bring the total Incentive Units for the amended District to 876. Nonetheless, further review of the Smart Growth Zoning has raised questions as to whether these estimates adequately account for the fact that the allowances for Multi-family Residential use on which the estimates are based, generally, with very limited exceptions, prohibit residential units on the ground floor. While Multi-family Residential is nevertheless its own permitted use apart from Mixed-use, similar to non-residential uses within a Mixed-use Development Project, these restrictions on ground-floor use can significantly reduce the portion of the zoning envelope available to accommodate the zoned units, particularly where building height is limited to 3.5 stories. For this reason, while the total Incentive Units for the amended District is still expected to exceed the 501-unit minimum necessary to qualify the City for a \$250,000 Zoning Incentive Payment increase, before any corresponding payment increase is issued, additional analysis will be needed to refine and further document that the Incentive Unit estimates reasonably reflect the net increase in as-of-right units that can feasibly be built under the 40R Zoning.

The Department also calls to the City's attention a possible conflict with respect to maximum building height between the Permitted Use table's note "d." in Section 7.451 and the restrictions that apply to "Mixed-Use Development, Downtown Scale" in Table 7-3 of Section 7.471. DHCD encourages the planning staff and Plan Approval Authority to consult Town Counsel as necessary to determine if the respective restrictions warrant clarification, and if so, how best to address. As a possible tool for resolving any

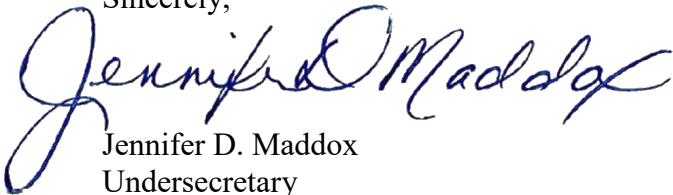
associated conflict, the Department notes that the PAA has the authority to waive dimensional and certain other requirements under Section 7.4113 of the ordinance.

This Letter of Approval is issued pursuant to 760 CMR 59.04 and 59.05 and updates, supplements, and hereby incorporates, as applicable, the above-referenced Letter of Eligibility as well as the therein referenced original Letter of Eligibility, dated July 24, 2009, and original Letter of Approval, dated June 23, 2010. This Letter of Approval is further subject to the following standard conditions:

1. If it has not already done so, the City designates a 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.
2. If it has not already done so, the City designates a municipal official responsible for filing its 40R 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.
3. Prior to the issuance of a building permit and marketing of any units within a Project, the affordable units and the distribution thereof across the Project's overall unit mix, shall be made subject to an Affirmative Fair Housing Marketing Plan approved by DHCD 40R program staff as compliant with the associated 40R requirements under 760 CMR 56.00. 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. The applicable DHCD *Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines* can be found on the Department's website.
4. In order to ensure that any otherwise eligible 40R Bonus Units qualify the City for an associated Density Bonus Payment, a corresponding Affordable Housing Restriction must receive approval from DHCD, under the 40R program specifically, as compliant with the requirements of 760 CMR 59.00 and the 40R Guidelines. Such approval is distinct from approvals associated with any applicable project-related affordable housing subsidy programs, including such subsidy programs that may be administered by DHCD.

Congratulations to the City of Easthampton on its expansion and updating of its SGZD and thank you for helping to expand housing opportunities and encourage Smart Growth in Massachusetts. Should the City have any questions regarding this Letter of Approval, please contact Bill Reyelt at (617) 564-3105 or william.reyelt@mass.gov.

Sincerely,



Jennifer D. Maddox
Undersecretary

cc: Jeffrey Bagg, City Planner, City of Easthampton