

MOVE THAT:

1. With regard to the comprehensive permit application filed by NY Ventures for a project located at 20 Elm Street, the Board determined, under 760 CMR 56.03(8)(a), that the Board considers that a denial, or the imposition of conditions or requirements upon the requested comprehensive permit would be consistent with local needs as a matter of law.
2. The basis for the Board's position is that the Board determined that Subsidized Housing Inventory ("SHI") eligible housing exists in the Town on sites comprising 1.55%, more than one and one-half percent or more of the total land area zoned for residential, commercial, or industrial use, per General Laws chapter 40B, §20, 760 CMR 56.03(3)(b) and (8)(a).
3. There are currently 49 units from group homes with a total acreage of 13.1261. However, DHCD has determined that there are 59.14 acres comprised of group homes. Therefore, there must be additional units that are unknown to the Town. Additionally, two rent-controlled mobile home parks, consisting of 42 units were not included on the current SHI inventory from DHCD. The addition 42 units plus the likely increase in confidential group home units will demonstrate that Subsidized Housing Inventory eligible housing exists in the Town at an amount over 10.00%, per General Laws chapter 40B, §20, 760 CMR 56.03(3)(a) and (8)(a).
4. the Town and the Board expressly reserve all of their rights with regard to safe harbor, including the right to present additional evidence, testimony, argument, analysis, exhibits, calculations and any and all other information of any kind to support a finding regarding the one and one-half percent minimum land area requirement and the 10% housing unit minimum.
5. The Board will proceed with the full local hearing, with the Board having the right to deny the Application or to grant the Application with conditions, and with the Applicant having no right of appeal to the Housing Appeals Committee from the Board's decision.
6. The Board designates member James Demetri to work with Town staff to provide written notice to NY Ventures and DHCD as proscribed by 760 CMR 56.03(8).